

# **APPLICATION AS NOTIFIED**

**J Hunt & D Robertson  
(RM210827)**

**Submissions Close  
10<sup>th</sup> June 2022**

# FORM 12

File Number RM210827

## **QUEENSTOWN LAKES DISTRICT COUNCIL**

### **PUBLIC NOTIFICATION**

**Notification of an application for a Resource Consent under Section 95A of the Resource Management Act 1991.**

**The Queenstown Lakes District Council has received an application for a resource consent from:**

J Hunt & D Robertson

**What is proposed:**

Combined subdivision and land use consent to create additional lots and identify a residential building platforms, as well as carry out associated earthworks and landscape mitigation. Option A involves the creation of three additional residential lots with associated platforms but requires a road stopping application to be approved, with Option B pertaining to the creation of two additional residential lots with associated platforms.

**The location in respect of which this application relates is situated at:**

125 Hunter Road, Whakatipu Basin, Queenstown which is legally described as Lot 1-2 Deposited Plan 20531 and Section 1-3 Survey Office Plan 20437, held in Record of Title OT12A/419.

**The application includes an assessment of environmental effects. This file can also be viewed at our public computers at these Council offices:**

- 74 Shotover Street, Queenstown;
- Gorge Road, Queenstown;
- and 47 Ardmore Street, Wanaka during normal office hours (8.30am to 5.00pm).

**Alternatively, you can view them on our website when the submission period commences:**

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#public-rc> or via our edocs website using RM210827 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Rebecca Holden, who may be contacted by phone at 021 1701496 or email at [rebecca.holden@qldc.govt.nz](mailto:rebecca.holden@qldc.govt.nz)

Any person may make a submission on the application, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that –

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

**If you wish to make a submission on this application, you may do so by sending a written submission to the consent authority no later than:**

**10<sup>th</sup> June 2022**

The submission must be dated, signed by you and must include the following information:

- a) Your name and postal address and phone number/fax number.
- b) Details of the application in respect of which you are making the submission including location.
- c) Whether you support or oppose the application.
- d) Your submission, with reasons.
- e) The decision you wish the consent authority to make.
- f) Whether you wish to be heard in support of your submission.

You may make a submission by sending a written or electronic submission to Council (details below). The submission should be in the format of Form 13. Copies of this form are available on Council's website:

[https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other\\_forms](https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other_forms)

You must serve a copy of your submission to the applicant (Jan Hunt & Duncan Robertson, [speargrassfarm@xtra.co.nz](mailto:speargrassfarm@xtra.co.nz)) as soon as reasonably practicable after serving your submission to Council:

C/- Nick Geddes  
[ngeddes@cfma.co.nz](mailto:ngeddes@cfma.co.nz)  
Clark Fortune MacDonald & Associates  
PO Box 553, Queenstown 9348

#### QUEENSTOWN LAKES DISTRICT COUNCIL



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(signed by Kenny Macdonald pursuant to a delegation given under  
Section 34A of the Resource Management Act 1991)

**Date of Notification: 12<sup>th</sup> May 2022**

#### Address for Service for Consent Authority:

Queenstown Lakes District Council  
Private Bag 50072, Queenstown 9348  
Gorge Road, Queenstown 9300

Phone  
Email  
Website

03 441 0499  
[rcsubmission@qldc.govt.nz](mailto:rcsubmission@qldc.govt.nz)  
[www.qldc.govt.nz](http://www.qldc.govt.nz)



APPLICATION FOR RESOURCE CONSENT OR  
FAST TRACK RESOURCE CONSENT

# FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 of the Resource Management Act 1991 (Form 9)

**PLEASE COMPLETE ALL MANDATORY FIELDS\* OF THIS FORM.**

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application may not be accepted for processing.



## APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

\*Applicant's Full Name / Company / Trust:

(Name Decision is to be issued in)

All trustee names (if applicable):

\*Contact name for company or trust:

\*Postal Address:

\*Post code:

\*Contact details supplied must be for the applicant and not for an agent acting on their behalf and must include a valid postal address

\*Email Address:

\*Phone Numbers: Day

Mobile:

\*The Applicant is:

☐

Owner

☐

Prospective Purchaser (of the site to which the application relates)

☐

Occupier

☐

Lessee

Other - Please Specify:



Our preferred methods of corresponding with you are by **email** and **phone**.

The **decision** will be sent to the Correspondence Details by **email** unless requested otherwise.



## CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect please fill in your details in this section.

\*Name & Company:

\*Phone Numbers: Day

Mobile:

\*Email Address:

\*Postal Address:

\*Postcode:



## INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf.

For more information regarding payment please refer to the Fees Information section of this form.

\*Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant:

☐

Agent:

☐

Other - Please specify:

Email:

☐

Post:

☐

\*Attention:

\*Postal Address:

\*Post code:

\*Please provide an email AND full postal address.

\*Email:





## OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name:

Owner Address:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



## DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf.

\*Please select a preference for who should receive any invoices.

Details are the same as for invoicing

☐

Applicant:

☐

Landowner:

☐

Other, please specify:

\*Attention:

\*Email:

[Click here for further information and our estimate request form](#)



## DETAILS OF SITE // Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

\*Address / Location to which this application relates:

\*Legal Description: Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)

District Plan Zone(s):



## SITE VISIT REQUIREMENTS // Should a Council officer need to undertake a site visit please answer the questions below

Is there a gate or security system restricting access by council?

YES ☐ NO ☐

Is there a dog on the property?

YES ☐ NO ☐

Are there any other hazards or entry restrictions that council staff need to be aware of?

YES ☐ NO ☐

If 'yes' please provide information below



## PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☐

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



## CONSENT(S) APPLIED FOR // \* Identify all consents sought

☐

Land use consent

☐

Subdivision consent

☐

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate



## QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

If your consent qualifies as a fast-track application under section 87AAC, tick here to opt out of the fast track process

☐

## BRIEF DESCRIPTION OF THE PROPOSAL //

\* Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

\*Consent is sought to:



## APPLICATION NOTIFICATION

Are you requesting public notification for the application?

☐

Yes

☐

No

Please note there is an additional fee payable for notification. Please refer to Fees schedule



## OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

<https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>

You can address the NES in your application AEE OR by selecting ONE of the following:

☐

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m<sup>3</sup> per 500m<sup>2</sup>). Therefore the NES does not apply.

☐

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



## OTHER CONSENTS // CONTINUED

☐

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

☐

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

☒ Any other National Environmental Standard

☐

Yes

☐

N/A

Are any additional consent(s) required that have been applied for separately?

☒ Otago Regional Council

Consents required from the Regional Council (note if have/have not been applied for):

☐

Yes

☐

N/A



## INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

To be accepted for processing, your application should include the following:

☐

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants  
(Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).

☐

A plan or map showing the locality of the site, topographical features, buildings etc.

☐

A site plan at a convenient scale.

☐

Written approval of every person who may be adversely affected by the granting of consent (s95E).

☐

An Assessment of Effects (AEE).

An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.



We prefer to receive applications electronically – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



## PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.



## FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable prior to issuing of the decision. Payment is due on the 20th of the month or prior to the issue date – whichever is earlier.



## FEES INFORMATION // CONTINUED

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

**LIABILITY FOR PAYMENT** – Please note that by signing and lodging this application form you are acknowledging that the details in the invoicing section are responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by QLDC related to the enforcement of any debt.

**MONITORING FEES** – Please also note that if this application is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991.

**DEVELOPMENT CONTRIBUTIONS** – Your development, if granted, may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](#) and ask to speak to our duty planner.

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.



## PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g RMJONES

Applications already submitted: Please use the RM# reference that has been assigned to your application, this will have been emailed to yourself or your agent.

Please note processing will not begin until payment is received (or identified if incorrectly referenced).

I confirm payment by:

☐

Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZNZ22)

☐

Manual Payment (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

\*Reference

\*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

(For required initial fees refer to website for Resource Consent Charges or spoke to the Duty Planner by phoning 03 441 0499)

\*Date of Payment

Invoices are available on request

## APPLICATION & DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.

☐

If lodging this application as **the Applicant:**

I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

OR:

☐

If lodging this application as **agent of the Applicant:**

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

☐

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

PLEASE TICK

Signed (by or as authorised agent of the Applicant) \*\*

Full name of person lodging this form

Firm/Company

Dated

\*\*If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.

Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;

- (f) an assessment of the activity against the matters set out in Part 2:
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

(2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

(3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Information provided within the Form above

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
  - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
  - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));

## ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
  - (b) an assessment of the actual or potential effect on the environment of the activity;
  - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
  - (d) if the activity includes the discharge of any contaminant, a description of—
    - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
    - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
  - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
  - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
  - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
  - (a) oblige the applicant to consult any person; or
  - (b) create any ground for expecting that the applicant will consult any person.

## CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
  - (b) any physical effect on the locality, including any landscape and visual effects;
  - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
  - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
  - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
  - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

## UNDER THE FOURTH SCHEDULE TO THE ACT:

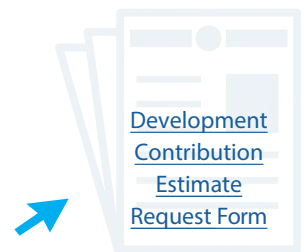
- An application for a subdivision consent must also include information that adequately defines the following:
  - (a) the position of all new boundaries:
  - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
  - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
  - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
  - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
  - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
  - (g) the locations and areas of land to be set aside as new roads.

## Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
  - Water supply
  - Wastewater supply
  - Stormwater supply
  - Reserves, Reserve Improvements and Community Facilities
  - Transportation (also known as Roding)

[Click here for more information on development contributions and their charges](#)

OR Submit an Estimate request \*please note administration charges will apply



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

While it is not essential that your documents are named the following, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants &amp; Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report





Shotover Design Limited trading as

# Clark Fortune McDonald & Associates

Licensed Cadastral Surveyors - Land Development - Planning Consultants

13<sup>th</sup> September 2021

Alana Standish  
Team Leader: Planning & Development  
Queenstown Lakes District Council  
Private Bag 50077  
QUEENSTOWN

**SUBDIVISION & DEVELOPMENT**  
**LOTS 1 & 2 DP 20531 and SO PLAN 20437**

J & D Robertson apply for subdivision consent to identify three residential building platforms and subdivide to provide these platforms on individual fee simple allotments with associated earthworks. The Robertson's have engaged in consultation with the Arrow Irrigation Company Ltd (AIC) in relation to the irrigation pipeline which traverses the subject site yet an Affected Party Approval from AIC has been delayed due to Covid lockdowns and is expected to be available by 17<sup>th</sup> September 2021.

The Robertson's kindly request that QLDC proceed with vetting the remainder of the information supplied with the application whilst the Affected Party Approval from Arrow Irrigation Company Ltd is pursued. The subdivision application requests public notification. It may also assist in reviewing the application to understand the applicant has also lodged an application pursuant to s.342/345 of the Local Government Act 1974 to close a paper road which traverses the site.

Should you have any questions on the above and/or the information submitted please do not hesitate to contact me.

Regards,

**Nick Geddes**

Planning Manager

CLARK FORTUNE MCDONALD & ASSOCIATES

e. [ngeddes@cfma.co.nz](mailto:ngeddes@cfma.co.nz)

p. 03 441 6071

m. 0210527311



**309 Lower Shotover Road - P.O Box 553 - Queenstown**  
**T: (03) 441 6044 F: (03) 442 1066**

**CSNZ** | THE CONSULTING  
SURVEYORS  
OF NEW ZEALAND  
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

## ATTACHMENT [A]

### Information and Assessment of Effects on the Environment

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***J & D Robertson***

***Subdivision & Landuse***



**April 2022**

**Prepared by:** Nick Geddes



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- 1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:
  - 1.1 Site Description
  - 1.2 Site History
  - 1.3 The Proposal
  - 1.4 Statutory Provision, NES & Computer Freehold Register
- 2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT
- 3.0 REGIONAL POLICY STATEMENTS
- 4.0 OPERATIVE & PROPOSED DISTRICT PLANS
- 5.0 DISTRICT PLAN ASSESSMENT MATTERS
- 6.0 RESOURCE MANAGEMENT ACT 1991: PART 2

## ATTACHMENTS

- [B] Certificates of Title
- [C] Site Location Plan & Planning Maps
- [D1] Consent History
- [D2] Case Law References
- [E1A] Option A - Proposed Scheme & Landscape Plans
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- [E3] Clark Fortune McDonald & Associates Services Report
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- [FA] Option A - Volunteered Condition Set
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- [G1] ODP – Objectives & Policies – District Wide – Part 4
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## **1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:**

### **1.1 Site Description & Background**

The site is located at 125 Hunter Road and includes land which extends to the intersection between Speargrass and Hunter Roads. The site is legally described as Lots 1 - 2 DP 20531 and Section 1-3 SO Plan 20437. A copy of the title is contained within Attachment [B] to this application.

A location plan is contained in Attachment [C].

The north west corner of the site has been occupied by rural living land uses for some time while the of the site has been retained in open pasture. This pastoral area has previously been used for pastoral grazing and equestrian activities. A number of existing farm sheds appear on the property to facilitate the agricultural use of this land.

The site contains large level paddocks which extend from Speargrass Flat Road northward to the toe of the escarpment which rises to the northern boundary of the property. Except for equestrian use, a limited area in these paddocks has been used for traditional pastoral grazing of sheep and cattle as well as seasonal hay baling. Two existing farm sheds appear on the property to facilitate the agricultural use of this land.

The applicant has a long-standing affiliation with equestrian activities in the Wakatipu and, on the subject site. The applicant has resided in the north western corner of the site since 1986. Horses have been bred within the home paddock<sup>1</sup> but more recently this area has only been used for rearing young horses before these are shifted to occupy the larger equestrian paddock.

Historically horses have been sold to other equestrians but primarily the subject site has been used for keeping horses and equestrian activities since the size of the subject site confines traditional agricultural productivity towards a hobby style farm as the economic return of traditional pastoral grazing is not sufficient to confirm it as a standalone economic unit. For this reason, coupled with the applicant's long-standing affiliation with equestrian activities, the predominate use of the paddock spaces is associated with equestrian activities.

The Wakatipu Pony Club meets for riding clinics and training sessions on the property. The Club has 50 members where it can be expected that 25 of these members would attend each meeting held on weekends during the summer and during the school holiday period over the winter months. The applicant has enabled the use of this land for equestrian purposes and has arrangements with other equestrians to kept their horses on the subject site as currently there is an extremely limited amount of land in the Wakatipu Basin for horse grazing and equestrian activities.

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<sup>1</sup> RM050310 – Attachment D1.



In addition to the above, the landscape setting of the site and surrounding area is described in the Patch Landscape Assessment and contained in Attachment [E2].

## 1.2 Planning History

**RM050310** Consent approved to undertake extensions to an existing farm building at 125 Hunter Road, Wakatipu basin. The proposal approved the construction of a barn consisting of stabling/breeding facilities for sport horses, a truck storage area and a fawn-rearing unit.

**RM050310** Consent approved to erect a cottage and extend the existing carport at Hunter Road, Queenstown (Part A) as well as the construction of a Stable / Barn (Part B).

**RM970117** Consent approved to construct a storage shed for riding equipment.

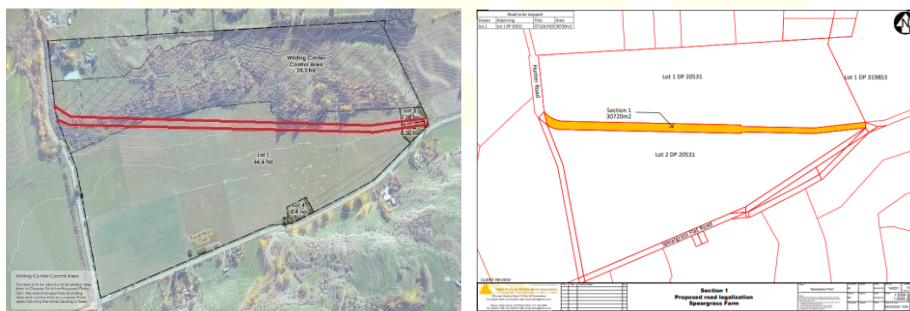
**RC940520** Consent approved to erect a dwelling house on Hunter Road, Queenstown.

**RM200892** Consent approved to construct a farm building that breaches height, road setback and floor area, with associated services and access.

All of the above consents are contained in Attachment [D].

## 1.3 The Proposal

The applicant lodged resource consent to subdivide the existing site to create three additional rural living allotments September 2021 that relied upon the stopping or relocation of the paper road which traverses the subject site (Fig 1 below). An application was made to Queenstown Lakes District Council (QLDC) to stop the paper road alongside the resource consent application.



**Figures 1 & 2: Paper Road & Roding Stopping Plan – Attachment [E6].**

Correspondence<sup>2</sup> from QLDC's Property Team was received November 2021 confirming that the Council wish to retain the road for future use. Based upon this advice, to enable the resource consent application to proceed with "scope" to provide a subdivision application for notification and

<sup>2</sup> Attachment E6.



determination irrespective of the future use of the paper road the applicant has amended the September application to include a subdivision that does not rely upon the stopping or relocation of the paper road while further discussions are held with QLDC's Property Team. To accommodate provision of the road, the amended Option B seeks to create two additional rural living allotments while Option A remains the applicant's preference creating three additional rural living allotments:



**Figure 3: Option A Scheme Plan – Attach [E1A].**



**Figure 4: Option B Scheme Plan – Attach [E1B].**

Option B only seeks one allotment and residential building platform within the eastern portion of the site where the proposed platform is some 24m west of the Lot 3 Option A location. Given the limited difference in location, Option B is addressed throughout the body of this assessment only where it is considered to depart from the assessment of Option A.

#### 1.3.1 Subdivision & Building

The existing *landform pattern* has been described within the Landscape Assessment of Mr Skelton and there is limited (if any) topographical features to align boundaries with. However, the boundaries have been aligned with existing and demarcated fences where possible. The lots<sup>3</sup> have been arranged to provide sufficient internal size, shape and dimension to facilitate rural living taking advantage of solar gain whilst maintaining landscape and existing rural living amenity values.

As stated in part 1.1 above, the subject site is primarily used for the keeping of horses and livestock breeding. Given the size of the subject site, the existing farm activities are considered to be on a scale that tends towards a hobby farm and not an economic unit by the productive standards of traditional agriculture. Given the applicant's appetite for equestrian activities, an extremely limited area of land for future grazing of horses in the Wakatipu Basin and a desire to preserve landscape values, proposed Lot 1<sup>4</sup> is intended to provide for equestrian activities and existing horse and livestock breeding.

To ensure the longevity of these agricultural related activities a number of consent notice conditions<sup>5</sup> are volunteered so that any future purchasers of proposed rural living allotments are

<sup>3</sup> Under both Option A & B.

<sup>4</sup> And Lot 100 under Option B.

<sup>5</sup> Conditions 17 ii - Attachment F.





cognisant of the existing agricultural activities as discussed further in part 3 of application documents.

In order to preserve openness and other associated landscape values across all proposed allotments and the surrounding area, proposed Lots 1-3 confine rural living activities by allotment size and contain all residential activities to curtilage areas. The subdivision characteristics are set out in the Table below:

Lot	Area (ha)	Building Platform (m <sup>2</sup> )	Max. Building (m <sup>2</sup> )	Max. Building Height & RL. (m)
<b>Option A</b>				
1	62.89	-	-	-
2	0.3068	1000	500	5.5m above RL 369.5masl
3	0.3848	1000	500	5.5m above RL 372.5masl
4	0.4015	1000	500	5.5m above original ground
<b>Option B</b>				
1	34.97	-	-	-
100	28.02	-	-	-
2	0.4000	1000	500	5.5m above RL 368.5masl
4	0.4015	1000	500	5.5m above original ground

**Table 1: Allotment Characteristics**

Based upon the allotment sizes set out above it is considered that these are sufficient in size to accommodate their intended use. In terms of s.106, geotechnical constraints have been considered in the report from Geosolve Ltd<sup>6</sup> and discussed in part 2.2.7 of this application document.

The existing *landform pattern* alongside other landscape characteristics of the existing site are described within the Landscape Assessment<sup>7</sup> of Mr Skelton as well as the relationship between landscape features in the area and the proposal(s). These features (interalia) have informed the location of proposed residential building platforms and the land use arrangements within the proposed allotments:



**Figures 5 & 6: Proposed Landscape Plans – Attachment [E1].**

<sup>6</sup> Attachment E2.

<sup>7</sup> Attachment E2.



To confine the bulk and location of any future residential buildings and confirm the material appearance of future buildings ensures existing landscape and rural amenity values, a suite of consent notice conditions<sup>8</sup> are volunteered to ensure the same and relate to: Building Coverage, Building Height, Exterior Cladding, Roofing, Glazing, Gates, Fencing, Exterior Lighting, Curtilage Area and Services.

### 1.3.2 Landscaping

Proposed landscaping within the subdivisions is depicted on the Patch landscape plans along with a species list and boundary treatments. The proposed landscaping is considered to visually contain the proposed development and provide a high degree of screening such that the visual effects of development will be no more than low<sup>9</sup>. A number of the consent notice controls listed above relate to landscaping and will be secured at the time of subdivision by way of a consent notice requirement.

### 1.3.3 Access

The existing dwelling house on the property currently affords a crossing onto Hunter Road and remains on the balance allotment unfettered by the current application. Also located on the balance allotment is the farm building<sup>10</sup> used by the Wakatipu Pony Club served by existing and separate vehicle access onto Hunter Road. RM200892<sup>11</sup> approved a farm building to be used by the applicant for livestock breeding and raring which accesses onto Speargrass Flat Road. The current application does not have any bearing on the continued use of these existing crossings or the intended use of these buildings.

Proposed Lots 2 and 3 share a common vehicle crossing onto Speargrass Flat Road as well as driveway access. A reciprocal right-of-way facilitates this access arrangement as depicted in the easement schedule on the proposed scheme plan. Due to the flat topography across this area of the site and road corridor, this shared crossing can be constructed at the same level as Speargrass Flat Road. At this crossing point, an uninterrupted sight line can be achieved to the east of 591m and 267m to the west. The proposed crossing is intended to be constructed in accordance with the QLDC Subdivision Code of Practice standard drawing B5-20 with a six-metre width.

The proposed crossing point for Lot 4 can be constructed at the same level as Speargrass Flat Road due to flat topography. At this crossing point, an uninterrupted sight line can be achieved to the east of 203m and 284m to the west. This proposed crossing is intended to be constructed in accordance with the QLDC Subdivision Code of Practice standard drawing B5-20 with a six-metre width.

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<sup>8</sup> Conditions 17 j - gg - Attachment F.

<sup>9</sup> Patch Landscape Assessment at paragraph 6.1.

<sup>10</sup> RM970117 – Attachment D1.

<sup>11</sup> RM200892 – Attachment D1.





All driveway access and respective crossing points can be designed in detail to be in accordance with the QLDC Subdivision Code of Practice and satisfy an Engineering Acceptance process. Conditions appear in Attachment [FA] in this regard.

Driveway access, parking and manoeuvring within immediate proximity of the building platform will be specific to the future design of the residential dwelling house. This design will be subject to a further resource consent and is not part of the current application.

**Option B**, the proposed crossing point for Lot 2 under Option B can be constructed at the same level as Speargrass Flat Road due to flat topography. At this crossing point, an uninterrupted sight line can be achieved to the east of 573m and 285m to the west. This proposed crossing is intended to be constructed in accordance with the QLDC Subdivision Code of Practice standard drawing B5-20 with a six-metre width. The Option A conditions are imposed under Option B and contained within Attachment [FB].

#### 1.3.4 Earthworks

All proposed areas of earthworks are set out in the plan set contained in Attachment [E1].

It is anticipated that 90m<sup>3</sup> of cut is required to scrap the driveways, grass swales and associated berms while to level the Lot 3 platform requires 206m<sup>3</sup> of cut. 11m<sup>3</sup> of fill is required to provide driveway gradients in accordance with requisite standards and 8060m<sup>3</sup> of fill is required to construct landscape mounding. The total **Option A** earthworks is 8356m<sup>3</sup>.

There is a 79m<sup>3</sup> surplus of material from driveway formation while the foundation of the farm building approved under RM200892<sup>12</sup> creates a 95m<sup>3</sup> surplus which reduces the required volume for the proposed mounds to 7965m<sup>3</sup>. Given the mounds will require the importation of material from off site, a number of conditions are volunteered, and this is discussed in part 2 and in detail within part 4 of this application document.

Due to the existing topography, there are no areas of cut which exceed 2m in height and the proposed mounds do not stand above 2m. All proposed earthworks will be in accordance with requisite QLDC standards and conditions appear in Attachment [FA] in this regard.

The proposed earthworks facilitate subdivision where the earthworks identified are exempt from maximum volumes, cut and fill standards in accordance with Part 25.3.2.5 of PDP Chapter 25. Notwithstanding, an assessment against matters contained in parts 25.7 and 25.8 of the Earthworks Chapter. This assessment is contained in part 4 of the current application.

**Option B**, no longer requires earthworks associated with establishing access and landscaping mounds to proposed Lot 3. 90m<sup>3</sup> of cut is required to scrap the driveways, grass swales and

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<sup>12</sup> RM200892 – Attachment D1.



associated berms. 28m<sup>3</sup> of fill is required to provide driveway gradients in accordance with requisite standards while 3165m<sup>3</sup> of fill is required to construct landscape mounding. The total **Option B** earthworks is 3283m<sup>3</sup>.

There are no areas of cut which exceed 2m in height and the proposed mounds do not stand above 2m. All proposed earthworks will be in accordance with requisite QLDC standards and conditions appear in Attachment [FB] in this regard.

#### 1.3.5 Services

A services report is contained in Attachment [E3] which confirms the existing servicing to the subject site and proposed servicing to ensure each proposed allotment is adequately serviced in accordance with requisite standards. In summary:

*Water Supply* A new 150mm diameter bore was constructed within the subject site which can supply the proposed subdivision in both quality and quantity. For security in potable supply, a 10,000 litre domestic buffer and emergency storage tank is recommended at the time any dwelling is constructed within any approved residential building platform.

A minimum static reserve of 45,000 litres is to be kept at all times and this reserve can be held in the same tanks as the domestic storage discussed above.

*Wastewater* Based upon geotechnical and soil category assessments, it is concluded that onsite wastewater disposal is the most feasible method of disposing of wastewater generated from the proposed subdivision.

*Stormwater* Based upon geotechnical and soil category assessments, it is concluded that all stormwater can be disposed of onsite via a soakage pit. Based upon this, it is considered that at the time a resource consent is required for the construction of a residential building in the platform an appropriately designed, sized and located soakage pit can be submitted to QLDC for approval.

*Power & Telecoms* Letters have been obtained from Aurora and Chorus in relation to the supply of power and telecoms to the proposed allotment. Both letters are appended to the Services Report.

It is anticipated that all of the above services can be conditioned for the correct design. A majority of these will form part of Engineering Acceptance and be installed as part of 224c conditions of consent.



**Option B**, subject to conditions contained in Attachment [FB], Option B can be adequately serviced in accordance with requisite standards.

#### 1.3.6 Arrow Irrigation Company

Arrow Irrigation Company Ltd (AIC) has a piped race which traverses the subject site in proximity to proposed Lot 4. At the time of lodging (September 2021) this consent, the Affected Party Approval from AIC has been sought yet not yet received.

### **1.4 Statutory Provisions**

The subject site was re-zoned as part of the District Plan Review from Rural General to Wakatipu Basin Rural Amenity:



**Figures 7 & 8: Operative and Proposed District Plans – Attachment [C].**

#### 1.4.1 Queenstown Lakes District Operative Plan

The subject site is located within the Rural General Zone of the Operative District Plan (ODP) and does not contain any known protected items or areas of significant vegetation. Resource consent is required under the ODP for the following reasons:

- Pursuant to Rule 5.3.3.3(i)(b) a **discretionary** activity consent is required as the proposal includes the identification of a building platforms of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area.
- Pursuant to Rule 15.2.3.3(vi) a **discretionary** activity consent is required as the proposal includes subdivision and the location of a residential building platforms.
- A **controlled** activity resource consent pursuant to Rule 15.2.21.1 for earthworks associated with the subdivision of land. Council's control is with respect to the matters listed in Rule 22.3.2.2 (a)(i)-(ix) in Section 22 (Earthworks).
- Pursuant to Rule 5.3.3.4 (a)(vi) a **non-complying** activity consent is required as the proposal includes the identification of building platforms on proposed Lots 2 & 4 (both Options) that appear less than the 20m set back specified in Standard 5.3.5.2 (ii).



- Pursuant to Rule 5.3.3.3 (xi) a **discretionary** activity consent is required as the proposal includes the identification of building platforms that appear less than the 10m internal set back specified in Standard 5.3.5.1 (vi) in relation to the proposed internal boundary between Lots 2 and 3 (Option A) and northern boundary of proposed Lot 4 (both Options).

Overall, the proposal is a **non-complying** activity under the relevant provisions of the ODP.

#### 1.4.2 Queenstown Lakes District Proposed Plan

The subject site is zoned WBRA and does not contain any known protected items or areas of significant vegetation. The site is less than 80ha and located wholly outside the Precinct with a Computer Freehold Register issued before 21 March 2019. Pursuant to Rule 24.5.1.4, one residential unit is contemplated on the subject site. Resource consent is required under the PDP for the following reasons:

- A **non-complying** activity resource consent pursuant to Rule 24.5.1.5 for the identification of a residential building platform intended to contain a residential unit at a density greater than one unit per 80ha net site area.
- A **non-complying** activity resource consent pursuant to Rule 27.5.19 for subdivision in the Wakatipu Basin Rural Amenity Zone which does not comply with the minimum lot areas specified in Part 27.6 (80ha).
- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.6 for the building platform on proposed Lot 2 (Option A) that appears 9m from its western boundary and 6m from its northern boundary, Lot 3 (Option A) appears 6m from its northern and southern boundaries and Lot 4 (both Options) appears 9m from its northern boundary. Rule 24.5.6 specifies the minimum setback shall be 10m. The matters of discretion listed (a) to (c) within the Rule are discussed in part 4 of this application.
- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.8 for the building platform on proposed Lot 2 (Option A) that appears 15m from Speargrass Flat Road and 10m from the Legal Road to the north while the building platform on proposed Lot 4 (both Options) appears 15m from Speargrass Flat Road boundary. Rule 24.5.8 specifies the minimum setback shall be 20m. The matters of discretion listed (a) to (c) within the Rule are discussed in part 4 of this application.

Overall, the proposal is a **non-complying** activity under the relevant provisions of the PDP.



#### 1.4.3 Queenstown Lakes District Plan(s) Weighting

The Court<sup>13</sup> stated that the importance ascribed to the proposed plan will depend on the extent to which it has proceeded through the objection and appeal process, which should be considered on a case-by-case basis cognisant with specific matters known as the *Keystone principles*. Further, the Court<sup>14</sup> expanded on these principles to confirm when there is a significant shift in Council policy and the new provisions are in accordance with Part 2 of the RMA 91, the Court may give more weight to the proposed plan.

In addition to the above, and recently, *Todd v Queenstown Lakes District Council*<sup>15</sup> considered a discretionary<sup>16</sup> resource consent application made in LCU 11 (low capacity to absorb development) and determined that the assignment of non-complying activity status to subdivisions that would result in lots within the area less than 80 ha does not make such subdivision inherently unconsentable but necessitates added scrutiny as to whether on its own and in a cumulative effects sense, will the consent proposal at least, protect the landscape values of any adjoining ONL/ONF, maintain (if not enhance) the landscape character and amenity values of the LCU and maintain the integrity of the zone purpose.

#### ***Strategic Directions - Chapters 3-6***

Due to the subject site's location within the Wakatipu Basin Rural Amenity Zone no reference is required to Chapter 6. The proposal is not considered to be *Urban Development* and the site is not located in an Urban Zone. Therefore, no reference is required to Chapter 4.

In terms of Chapter 5, the subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu while the proposal does not include any buildings.

PDP Strategic Chapter 3 is considered to be a significant shift in Council policy. A consolidated version of this Chapter was issued 16<sup>th</sup> June 2021. As such, the objectives and policies of Chapter 3 have been assessed in Attachment [G4] and discussed in part 4 of this application document.

#### ***Chapter 24 (Wakatipu Basin) & Chapter 27 (Subdivision & Development)***

PDP Chapter 24 remains the subject of a number of appeals before the Environment Court. While most appeal points on the provisions of this Chapter have been resolved, the activity status and minimum lot size (Chapter 27) is not resolved and remains subject to the Court hearing process.

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<sup>13</sup> EnvC Auckland A007/01, 11<sup>th</sup> January 2001 – Attachment D2.

<sup>14</sup> EnvC Auckland A083/07, 1<sup>st</sup> October 2007 – Attachment D2.

<sup>15</sup> [2020] NZEnvC 205 – Attachment D2.

<sup>16</sup> Discretionary rather than non-complying due to the timing of the application made and section 88 of the RMA 91.



PDP Strategic Chapter 24 is considered to be a significant shift in Council policy. The decisions version of Chapter 24 provisions have been assessed in Attachment [G5] alongside the ambit of appeal points before the Court. The assessment of these provisions is discussed further in part 4 of this application document.

#### *Chapter 27 - District Wide objectives and policies*

The District Wide objectives and policies are subject to one appeal from Transpower New Zealand Ltd in relation to policy 27.2.2.8 which seeks to manage activities within the National Grid Corridor and near to electricity distribution lines. However, the subject site is not located within the National Grid Corridor and no power lines extend over the site. As such, it is considered that policy 27.2.2.8 is not a relevant consideration for the current application and the appeal filed by Transpower (ENV-2018-CHC-114) does not have any bearing on the current application.

#### *Wakatipu Basin Rural Amenity*

As discussed above, the activity status and minimum lot size for the Wakatipu Basin Rural Amenity Zone as set out in PDP Subdivision and Development Chapter 27 is not resolved and remains subject to the Court hearing process.

PDP Subdivision and Development Chapter 27 is considered to be a significant shift in Council policy. The decisions version of Chapter 27 provisions have been assessed in Attachment [G6] and the assessment of these provisions is discussed further in part 4 of this application document.

#### 1.4.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

In order to meet the requirements of the NES and determine if the site is fit for residential activity, the applicant commissioned Opus Limited to undertake a Preliminary Site Investigation of the site and reporting from this investigation is contained in Attachment [E4] while the conclusions<sup>17</sup> and recommendations of this investigation are summarised below:

*"The site identified in this investigation has been triggered under the NESCS as a result of a proposed subdivision, change in land use and rural residential development. The site history, anecdotal evidence, historical aerial photography and site inspections have confirmed that the site has only been used as farmland/pasture.*

*No HAIL activities were noted to have taken place on the site. The Regulations within the NESCS are therefore NOT considered applicable to the proposed subdivisions where a land use change is proposed.*

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<sup>17</sup> Part 6, page 10 of Opus PSI Report – Attachment E4.



*Based on the findings of this Preliminary Site Assessment, taking into consideration the proposed location of the subdivisions where a change of land use will occur, the site condition and site history, it is highly unlikely that there will be a risk to human health if rural residential development is undertaken within these proposed subdivision areas on this site."*

#### 1.4.6 Computer Freehold Register

Title for the subject site is contained in Attachment [B] along with registered instruments. There are no instruments listed on the computer freehold register for the subject site that are relevant considerations for the current application.

### **2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT:**

#### **2.1 It is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

#### **2.2 An assessment of actual or potential effects on the environment of the proposed activity:**

##### 2.2.1 Existing Environment

**Residential use** The residential use of land in this zone is a permitted activity pursuant to Rule 24.4.3 yet subject to requirements as set out within this Rule which is not subject to any appeals.

**Earthworks** The permitted volume of earthworks in the ODP Rural General Zone is 1000m<sup>3</sup> while the PDP WBRAZ anticipates 400m<sup>3</sup>. ODP Chapter 22 does not include WBRAZ and Chapter 25 remains appealed as discussed in part 1.4 above. Therefore, the permitted volume for consideration of the permitted baseline is 1000m<sup>3</sup>.

**Planting** The planting of trees which are not listed as a *wilding species* and landscaping is a permitted activity by association with either residential or farming activities<sup>18</sup>.

Collectively, the installation of the 1.5m mounds and planting between the proposed platforms and respective roadside boundaries is a permitted activity. Should any domestic elements or structures (not buildings) be visible from a public road these elements or structures are permitted activities.

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<sup>18</sup> Although appealed: [2021] NZEnvC 18 – Attachment D2.





Therefore, any effects-based assessment associated with the roadside treatment of Lots 2-4 must account for these permitted activities<sup>19</sup>.

#### 2.2.2 Any physical effect on the locality, including any landscape and visual effects

The Patch Landscape Assessment provides a detailed assessment of landscape character and visual amenity values identified within provisions of the ODP and the PDP's LCU8, landscape features and vegetation. This assessment has been undertaken for both Option A and B.

Collectively, it confirms:

- The site is not part of an ONL<sup>20</sup> and open, long-range views to ONL and ONFs will be maintained<sup>21</sup>.
- The proposal will adversely effect the existing landscape character and visual amenity to a low degree<sup>22</sup>.
- Subdivision and development has been design cognisant with minimising inappropriate modification to the natural landform and any future excavation to facilitate buildings will not compromise any recognised qualities attributed to the natural landform.
  - Determines the proposal will adversely effect the existing landscape character and visual amenity to a low degree<sup>23</sup>.
  - The proposal is considered to be subservient and complement natural landscape elements and maintain the openness and spaciousness<sup>24</sup>.

Design controls have been discussed in part 1 above, these relate to the future management of colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements. Any boundary fencing to be standard post and wire in order to retain a traditional rural appearance and open character of the site.

The proposal includes earthworks in association with landscaping and the installation of services / access in accordance with QLDC standards for the proposed rural living allotments. Earthworks associated with the installation of services / access are considered to be temporary in nature and have no lasting effect on the landscape. Landscaping earthworks are considered to enable effective structural planting and landscape elements to contain any future building on the platforms while a suite of offered conditions of consent and ongoing design controls is contained in Attachment [F] for both Options.

Based upon the above, and reliant on the Patch Landscape Assessments, coupled with conditions contained in Attachment [F], any adverse effects from the proposal in terms of any physical effect on the locality, including any landscape and visual effects will be less than minor.

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<sup>19</sup> *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] NZRMA 424 (CA), at [57] & [84] – Attachment D2.

<sup>20</sup> Patch Landscape Assessment at paragraph 2.6 (interalia).

<sup>21</sup> Patch Landscape Assessment at paragraph 5.34 (interalia).

<sup>22</sup> Patch Landscape Assessment at paragraph 5.35 (interalia).

<sup>23</sup> Patch Landscape Assessment at paragraph 5.35 (interalia).

<sup>24</sup> Patch Landscape Assessment at paragraphs 5.34 & 5.38 (interalia).





2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

*Privacy, Outlook, Views & Rural Amenity*

Existing rural living properties are located on the southern side of Speargrass Flat Road<sup>25</sup>. The dwelling house on 285 Speargrass Flat Road is located some 76m to the south east of proposed Lot 2 on a similar elevation to the proposed platform and oriented to afford views to the north west. Currently, this view is partially obscured by a stand of mature exotic trees located on the subject site. A maturing hedge occupies the roadside boundary of 285 Speargrass Flat Road while the remainder of the site has been fully landscaped to provide expansive lawn and garden areas.

As discussed in part 1.3.5 and 1.3.6, the built form of proposed Lot 2 is confined to a location which is not directly in the view shaft afforded from the existing residence at 285 Speargrass Flat Road but located eastward. The proposed height of any building is limited to 5.5m. Based upon this bulk and location, it is considered that any adverse effects from the proposal upon the *outlook* and *views* currently enjoyed from this property will be de minimis.

The proposed controls relating to material appearance will ensure that visually, any structure will appear appropriately recessive. The proposed landscape plan confirms the retention of the exotic trees which stand on the southern boundary of proposed Lot 2 as well as depicting a 1.5m roadside mound that is intended to be planted in native grasses to supplement the proposed clusters of specimen trees located within the site. Based upon the bulk and location of any future building on Lot 2 coupled with the proposed planting any adverse effects from the proposal upon the level of *privacy* currently enjoyed at 285 Speargrass Flat Road will be de minimis.

Based upon the above, any adverse effects from the proposal upon the level of *rural amenity* currently enjoyed at 285 Speargrass Flat Road will be de minimis.

Lot 3 includes a proposed platform with the same controls as Lot 2 with the same level of proposed landscaping. Any future building on Lot 3 is considered to be effectively screened from the existing residence at 285 Speargrass Flat Road. For these reasons any adverse effects upon *outlook, views, privacy or rural amenity* upon this property will be de minimis.

Proposed Lot 4 is located approximately 162m to the north east of the existing residence on 196 Speargrass Flat Road. The residential dwelling house on this property is at a similar elevation to the proposed platform and oriented to afford views to the north. This properties roadside and internal boundaries are currently occupied by mature trees while the remainder of the site has been fully landscaped to provide expansive lawn and garden areas.

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<sup>25</sup> 174, 192, 196 and 258 Speargrass Flat Road.



The proposed height of any building on Lot 4 is limited to 5.5m and a platform which is located 162m to the north east. Based upon this bulk and location it is considered that any adverse effects from the proposal upon the *outlook* and *views* currently enjoyed from this property will be de minimis.

The proposed controls relating to material appearance and landscaping are similar to those on Lots 2 and 3 discussed above. Based upon the bulk and location of any future building on Lot 4 any adverse effects from the proposal upon the level of *outlook, views or privacy* currently enjoyed at 196 Speargrass Flat Road will be de minimis.

Based upon the bulk and location of any future building on Lot 4 coupled with the proposed landscaping and setback of 196 Speargrass Flat Road from the Lot 4 building platform, any adverse effects upon the level of *rural amenity* currently enjoyed at 196 Speargrass Flat Road will be de minimis.

192 Speargrass Flat Road adjoins the western boundary of 196 Speargrass Flat Road. In this location the residential dwelling house is effectively screened from the proposed Lot 4 building platform some 190m away. Based upon the nature of this location coupled with the proposed controls and landscaping any adverse effects upon *outlook, views, privacy or rural amenity* upon this property will be nil to negligible.

174 Speargrass Flat Road is located approximately 346m to the south west of the proposed building platform on Lot 4. This properties roadside and internal boundaries are currently occupied by mature trees. Based upon the bulk and location of any future building on Lot 4 coupled with the proposed landscaping and setback of 174 Speargrass Flat Road from the Lot 4 building platform, any adverse effects upon *outlook, views, privacy or rural amenity* currently enjoyed at 196 Speargrass Flat Road will be nil to negligible.

The landscape assessment of Mr Skelton contains robust consideration of landscape and visual amenity values obtained from public roads and the related effects of the proposal upon these values. Based upon Mr Skelton's assessment and subject to conditions, any adverse effects from the proposal upon the landscape and visual amenity values afforded from public roads is considered to be less than minor.

Based upon the above, coupled with the reasons set out in the landscape assessment of Mr Skelton and subject to conditions, any adverse effects on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects is considered to be less than minor.

**Option B**, proposed Lot 2 building platform is located some 24m further to the west yet is not located any closer to Speargrass Flat Road than its Option A location. Proposed Lot 3 under Option B has the same bulk and location controls<sup>26</sup> while the roadside mound is 1m higher than Option A,

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<sup>26</sup> Conditions – Attachment FB.



the remaining Lot 2 landscape treatment is the same as Option A. Given the similarity between Options, any adverse effects associated with Option B upon the *outlook, views, privacy and rural amenity* currently enjoyed from any surrounding properties will be de minimis.

*Traffic Generation, Access and Safety*

The proposal includes the identification of three residential building platforms under Option A and two under Option B. It is a permitted activity<sup>27</sup> to construct a residential flat so the proposed demand placed upon Speargrass Flat Road must account for a maximum of three residential units and potentially three residential flats. Irrespective, PDP Chapter 29 Transport does not identify the current volume of traffic on Speargrass Flat Road as high or the capacity of the road as limited. It is anticipated that the proposed demand can be adequately subsumed within the existing capacity of Speargrass Flat Road and surrounding road network without compromising the level of service any of these roads currently provide. Therefore, any adverse effects in terms this regard are considered to be de minimis.

The proposed crossing points onto Speargrass Flat Road have been discussed in part 1.3.2 above. It is noted that the crossing for proposed Lot 4 is offset by a private road entrance on the southern side of Speargrass Flat Road which currently serves one residential unit. Based upon the nature of this crossing coupled with the uninterrupted sightlines which are achieved from each proposed crossing and subject to conditions, the safety of all road users will not be compromised by the proposed access arrangements. Any adverse effects in this regard are considered to be de minimis.

Based upon the above, and subject to conditions, any adverse effects associated with the in terms of *Traffic Generation, Access or Safety* is considered to be de minimis.

**2.2.4 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity**

The subject site is not recognised as containing any notable conservation or natural vegetation value and it does not contain any scheduled trees.

The proposed landscape plans are contained in Attachment [E1] and set out the structural planting associated with both Option A and B. Each Option includes some indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that is considered to make a modest contribution to native habitat restoration.

The southern flanks of the land formation which rises across the northern portion of the site contains wilding conifers which have been identified by the Patch Landscape Assessment. In response, the applicant seeks to establish a consent notice area across this portion of proposed Lot 1<sup>28</sup> in order to

<sup>27</sup> Pursuant to Rule 24.4.5 for a residential flat less than 150m<sup>2</sup>. This Rule is not subject to any appeals.

<sup>28</sup> And Lot 100 under Option B.



facilitate the removal of the conifers and ongoing management of this land to ensure the conifers do not re-establish.

2.2.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:

There are no natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations which have been identified on the subject site.

2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants into the environment.

2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

The subject site is recognised by the QLDC Hazard Register as being within an area “possibly susceptible” to liquefaction:



**Figure 9 – QLDC Hazards Register**

Given the potential liquefaction risk, the applicant engaged Gesolve Ltd to complete an assessment of this risk with reference to the proposed residential building construction within the platforms identified on the proposed scheme plan. The Gesolve report is contained in Attachment [E5] and concludes:

- *Investigation and assessment indicates the proposed residential lot locations are suitable from a geotechnical perspective. Standard engineering assessment and construction methodologies are available to enable development of the sites.*
- *The stratigraphy across the site typically comprises alluvial deposits (silt, sand and gravel), overlying glacial deposits at depth;*
- *Groundwater measured in the DPH tests is at depths of 4.3 to 6 m depth;*



- *A liquefaction risk has been identified for the proposed lot 4, which is assessed to be Technical Category 2 (TC2) in accordance with MBIE guidelines. No liquefaction risk was identified for proposed lots 2 and 3;*
- *The upper 1 m of the soil profile is not “Good Ground” as defined in NZS 3604.*
- *Recommendations for shallow foundations are provided in Section 5.7. Specific engineering design (SED) will be required for building foundations;*
- *For detailed design purposes, it is recommended the magnitude of seismic acceleration be estimated in accordance with recommendations of NZS 1170.5:2004 using Class C subsoil conditions;*
- *Pavement and access road subgrades are expected to comprise silty sand and sandy silt. Design CBR value (10th percentile) of 3.5% are recommended for pavement design. With rain saturation, ponding and machinery trafficking the CBR can reduce to 2 or lower.*
- *Geotechnical completion reporting should comply with QLDC requirements as per Section 5.9.*

Within the Gesolve report a number of recommendations are made in relation to proposed Lot 4 and in relation to further site specific investigations to be undertaken prior to completion certificates. These recommendations are accepted by the applicant and conditioned<sup>29</sup> accordingly.

Based upon the findings of the Gesolve report and subject to conditions of consent, the proposal is not considered to exacerbate any existing natural hazard risk.

**2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Please see section 2.2.7 above.

**2.4 If the activity includes the discharge of any contaminant, a description of...**

- (a) **the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and**
- (b) **any possible alternative methods of discharge, including into any other receiving environment**

Please refer to section 2.2.6

**2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Actual and potential adverse effects of the proposal have been considered in Part 2.2. Aside of the conditions contained in Attachment [F], no mitigation measures are considered necessary.

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<sup>29</sup> Conditions 15 g, 17 b & 17 c – Attachment FA & FB.



**2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

No persons are considered affected by the activity.

**2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

It is not expected that any monitoring will be required as part of this application.

**2.8 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

There are no known customary rights that the site is subject to therefore this is not applicable to this application.

**3.0 OTAGO REGIONAL POLICY STATEMENT**

The Proposed Otago Regional Policy Statement was partially operative as of 14 January 2019. There are a number of provisions which remain subject to appeal, but it is considered that these relate to matters which are not applicable to the assessment of the current application (port activities, mineral and petroleum exploration and biodiversity), consequently, the provisions of relevance to the proposal are considered to be fully operative.

In June 2021, Otago Regional Council notified the Otago Regional Policy Statement (2021) and the submission period closes 3<sup>rd</sup> September 2021. Given this Policy Statement has only been recently notified, limited (if any) weighting should be applied to the provisions within this Policy Statement and the partially operative version remains the dominant set of provisions (in a regional sense) for assessment of the current application.

The partially operative Otago Regional Policy Statement (2019) is not attached to this application document but can be provided should this be required. The 2019 Policy Statement has been reviewed and provisions of relevance to the proposal are discussed below:

***Objective 1.1 – Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.***

The proposed development will provide for the Applicant's economic and social wellbeing. As such, the proposal is considered to be consistent with objective 1.1.



***Objective 1.2 – Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago***

The current application has been assessed against the objectives and policies of PDP Chapter 3 (Strategic Direction) *that sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities*<sup>30</sup> and the proposal has been determined as being consistent with the relevant objectives and policies of PDP Chapter 3 as set out in Attachment [G4]. In addition, the proposal has been determined as being consistent with the relevant objectives and policies of PDP Chapters 24 (Wakatipu Basin) and Chapter 27 (Subdivision and Development) as set out in Attachments [G5] / [G6] respectively.

PDP Chapters 3, 24 and 27 are considered to represent the management of natural and physical resources at a District level where the PDP has been deemed as giving effect to the Otago Regional Policy Statement (2019). As such, any assessment made under PDP Chapters 3, 24 and 27 is considered to represent *integration* and the proposal is considered to be consistent with objective 1.2 on the basis the current application remains consistent with the relevant objectives and policies of PDP Chapters 3, 24 and 27.

***Objective 3.2 – Otago's significant and highly-valued natural resources are identified, and protected, or enhanced where degraded.***

Policy 3.2.5 seeks to identify landscapes which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding.

Policy 3.2.6 seeks to maintain or enhance these landscapes through:

- (a) *"Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape;*
- (b) *Avoiding, remedying or mitigating other adverse effects;*
- (c) *Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape."*

PDP Chapters 3, 24 and 27 contain provisions which seek to give effect to the Otago Regional Policy Statement (2019) and relate to the maintenance and/or protection of natural features and landscape / visual amenity values. The proposal is considered to be consistent with objective 3.2 and policies 3.2.5 and 3.2.6 on the basis the current application remains consistent with the relevant objectives and policies of PDP Chapters 3, 24 and 27.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies of the Otago Regional Policy Statement (2019).

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<sup>30</sup> PDP Strategic Direction, Chapter 3, Purpose – Attachment G4.





#### **4.0 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT**

The weighting of District Plans is discussed in part 1.4.3 where Chapter 25 is considered to be the only PDP Chapter which has reached a stage in the objection and appeal process where no further reference is required to ODP Chapter 22. Otherwise, all relevant PDP Chapters are considered to be significant shifts in Council policy and relevant case law is considered to provide a requisite test for consent applications made in the Wakatipu Basin Rural Amenity Zone which cannot meet the minimum 80ha allotment size.

Based upon the significant shift in Council policies authored by relevant PDP Chapters coupled with the current<sup>31</sup> position relevant PDP appeal points are at in the objection and appeal process, the exercise of District Plan weighting is considered to be finely balanced. In addition, whether through the timing of decision making and/or alternative weighting analysis, it is noted that any weighting exercise undertaken in the current application may not be agreed by the local authority and/or decision makers determining this application. Therefore, in order for any decision maker to undertake the most informed response it is considered prudent for the current application to contain assessments under the relevant provisions of both the ODP and PDP.

##### 4.1 Operative District Plan - District Wide – Part 4

Each relevant objective and policy from the *District Wide* part of the ODP has been listed and assessed in Attachment [G1]. Due to the nature and scale of the proposal and location of the subject site a number of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- The site does not contain any significant indigenous ecosystems, plants, animals or extensive areas of natural character.
- The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air.
- The landscape and visual amenity values associated with the subject site, the surrounding area (including ONL) and the effect of the proposal upon these values has been considered in detail within the Patch Landscape Assessment. Based upon this assessment and subject to conditions, the proposal is considered to be consistent with those policies that pertain to landscape and visual amenity values.

##### 4.2 Operative District Plan – Rural General – Part 5

Each relevant objective and policy from the *Rural General* Part 5 of the ODP has been listed and assessed in Attachment [G2]. Due to the nature and scale of the proposal and location of the subject site a number of the objectives and policies are not relevant for the reasons listed. In

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<sup>31</sup> As of 28<sup>th</sup> July 2021.





summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- Consent notice conditions limit the proposal's potential maximum building coverage to 1500m<sup>2</sup>. Associated driveways and potential manoeuvring areas are estimated to be a potential maximum of 682.5m<sup>2</sup>. Given the total site area, 3.2% of the soils life supporting capacity will be lost. On balance, the remaining 96.8% of the subject site continues to provide life supporting capacity for soil.
- A volunteered consent notice condition relates to protecting the existing rural productive uses on proposed Lot 1<sup>32</sup> in terms of reverse sensitivity issues which may arise from rural living occupation of proposed Lots 2-4.
- The rural character and rural amenity values associated with the subject site, the surrounding area and the effect of the proposal upon these values has been considered in detail within the Patch Landscape Assessment. Based upon this assessment and subject to conditions, the proposal is considered to be consistent with those policies that pertain to rural character and rural amenity values.

#### 4.3 Operative District Plan – Subdivision and Development – Part 15

Each relevant objective and policy from the *Subdivision and Development* Part 15 of the ODP has been listed and assessed in Attachment [G3]. Due to the nature and scale of the proposal and location of the subject site a number of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- Infrastructure and access is discussed in parts 1.3 and 2 and in particular, the services report. For the reasons set out, subject to conditions, the proposal can be adequately serviced and accessed.
- The Rural General Zone has no minimum allotment size and it is a discretionary activity for residential buildings in this Zone where there is no recognised / anticipated level, or ratio, of open space / density of built form. The proposed rural living allotment sizes are considered sufficient in size and dimension to confirm efficient and pleasant functioning rural living land uses.
- The landscape and visual amenity values associated with the subject site, the surrounding area (including ONL) has been considered in detail within the Patch Landscape Assessment which confirms that the site has the capability of absorbing the proposal without resulting in unacceptable adverse effects upon landscape and visual amenity values.

#### 4.4 Proposed District Plan – Strategic Direction - Chapter 3

Each relevant objective and policy from the *Strategic Direction* Chapter 3 of the PDP has been listed and assessed in Attachment [G4]. Due to the nature and scale of the proposal and location of the subject site a majority of the objectives and policies are not relevant for the reasons listed. In

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<sup>32</sup> And Lot 100 under Option B.



summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- The subject site is not within an area identified on the District Plan web mapping application as appropriate for rural living developments. Policy 3.3.22 is an enabling provision where the wording does not seek to preclude any activities which are not in direct accordance with it. The Patch Landscape Assessment identifies the subject site can accommodate the proposed rural living development confirming that it is “appropriate”. The proposal is not considered to be directly aligned with policy 3.3.22 yet it is not considered to be inconsistent or contrary to this policy.
- The amenity value and natural character of the ONL adjacent to that part of the site zoned WBLP has been considered in detail within the in the Patch Landscape Assessment. For the reasons discussed in the Landscape Assessment and subject to conditions, the proposal considered to protect the amenity value and natural character of the ONL.
- Chapter 24 Objective 24.2.4 seeks to maintain water quality and ecological quality where the proposal has been determined in Attachment [G4] as consistent with this objective and its related policies. For the reasons set out in Attachment [G4] and listed under objective 24.2.4, the proposal is considered to maintain water quality and ecological quality.

#### 4.5 Proposed District Plan – Wakatipu Basin – Chapter 24

Each relevant objective and policy from the *Wakatipu Basin* Chapter 24 of the PDP has been listed and assessed in Attachment [G5]. Due to the nature and scale of the proposal and location of the subject site a number of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- The site is not part of an ONL.
- Open, long-range views to ONL and ONFs will be maintained.
- The landscape and visual amenity values associated with the site and surrounding area, the proposal, has been considered in detail within the Patch Landscape Assessment and determines the proposal will adversely effect the existing landscape character and visual amenity to a low degree.
- The site does not contain any significant indigenous ecosystems, plants, animals or extensive areas of natural character.
- Adverse effects upon *ecosystems* has been considered in part 2.2.4 where any adverse effects are considered acceptable.
- The subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu and a volunteered condition of consent relates to accidental discovery protocol.



- A volunteered consent notice condition relates to protecting the existing rural productive uses on proposed Lot 1<sup>33</sup> in terms of reverse sensitivity issues which may arise from rural living occupation of proposed Lots 2-4.

#### 4.6 Proposed District Plan - Subdivision and Development – Chapter 27

Each relevant objective and policy from the *Subdivision and Development* Chapter 27 of the PDP has been listed and assessed in Attachment [G6]. Due to the nature and scale of the proposal and location of the subject site a number of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with relevant provisions for the following reasons (interalia):

- Infrastructural requirements have been introduced in part 1 of this application and discussed in detail within the Services Report. All proposed infrastructure has been designed to be constructed so that it is fit for purpose.
- All proposed infrastructure will be subject to confirmation through standard conditions that require Engineering Acceptance. Completion certification requirements are set out in the suite of volunteered conditions contained in Attachment [F]. Subject to these conditions, the proposed subdivision is considered to be adequately serviced with the required infrastructure.
- Subject to conditions, the proposed subdivision will be consistent with the *QLDC Subdivision Design Guidelines 2020*.
- The use of land for residential purposes is permitted.
- The proposed allotment size and shape are considered appropriate for the purpose of rural living.
- *Traffic generation, Access and Safety* have been discussed in part 2 of the application document where it has been determined that any adverse effects in this regard are de minimis and acceptable.

## **5.0 DISTRICT PLAN ASSESSMENT MATTERS**

### **5.1 Proposed District Plan – Earthworks - Chapter 25**

**25.8.1 In considering whether or not to grant consent or impose conditions on a resource consent, regard shall be had, but not be limited by the following assessment matters which are listed in the order of the matters of discretion.**

#### **25.8.2 Soil erosion and generation of sediments**

*25.8.2.1 The extent to which the proposal achieves effective erosion and sediment management.*

*25.8.2.2 Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.*

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<sup>33</sup> And Lot 100 under Option B.



- 25.8.2.3 *Whether the extent or impacts of adverse effects from the earthworks can be mitigated by managing the season or staging of when such works occur.*
- 25.8.2.4 *Whether the proposal is supported with erosion and sediment management design that corresponds to the scale, area, duration of the works and the sensitivity of receiving environment. In particular where resource consent is required for non-compliance with Rule 25.5.11, this design is prepared by a suitably qualified person.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- During earthworks a temporary fence structure will be erected around the downslope / lower edges of the worksite(s) which will ensure all sediment and material remains on the subject site.
- The proposed earthworks will be completed within a five week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission, noise and vibration are considered to be adequately mitigated by conditions of consent<sup>34</sup>.

### **25.8.3 Landscape and visual amenity values**

- 25.8.3.1 *Whether the design of the earthworks is sympathetic to natural topography.*
- 25.8.3.2 *Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.*
- 25.8.3.3 *The duration of earthworks and any timeframes proposed for remedial works and revegetation.*
- 25.8.3.4 *Within Outstanding Natural Features and Landscapes and the Rural Character Landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:*
- physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;*
  - visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and*
  - cultural attributes including Tangata whenua values, historic and heritage associations.*
- 25.8.3.5 *The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.*
- 25.8.3.6 *The potential for cumulative effects on the natural form of the landscape.*
- 25.8.3.7 *Whether the design or location of any new tracks or roads can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.*
- 25.8.3.8 *The extent earthworks will affect visual amenity values including public or private views and whether the earthworks will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.*

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<sup>34</sup> Attachment F.



The proposal is considered to satisfy the matters listed above for the following reasons:

- Effects on landscape and visual amenity values have been considered in Part 2.2.1 and the Patch Landscape Assessment.
- A landscape plan is discussed in part 1.3 and contained in Attachment [E]. This plan seeks to revegetate the proposed allotments while the area of earthworks will either be built upon or surfaced.
- The proposal does not include any *tracks* or *roads*.

#### **25.8.4 Effects on infrastructure, adjacent sites and public roads**

*25.8.4.1 Whether the earthworks will affect stormwater and overland flows, and the extent to which this creates adverse effects off-site and increases stormwater flows onto other properties, including whether this will exceed existing stormwater design or stormwater management of those properties.*

*25.8.4.2 Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.*

*25.8.4.1 Where there will need to be off-site disposal of excess material or cleanfill, traffic generation effects limited to access, road network performance and safety, damage to the carriageway and amenity effects.*

*25.8.4.1 Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the earthworks area is rehabilitated, or for damage to roads.*

*25.8.4.1 Any other measures employed to reduce the impact on other sensitive receivers such as aircraft operating in the Airport Protection Inner and Conical Surfaces for Queenstown and Wanaka Airports.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- That part of the subject site where earthworks are proposed, does not contain any surface drainage patterns or overland flow paths.
- Stormwater disposal associated with the proposal will be constructed following earthworks avoiding.
- The proposed mounding requires the importation of earth to the site. As such, the applicant will 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 applicant shall take immediate action to clean the roads and conditions<sup>35</sup> are volunteered to ensure the same.
- A condition<sup>36</sup> requires a Traffic Management Plan to be in place prior to subdivision works occurring.

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<sup>35</sup> Attachment F.

<sup>36</sup> Condition 6 - Attachment F.



- The proposal recycles excavated earth to complete proposed mounding that avoids transporting any earth to or from the site. However, the applicant will 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 applicant shall take immediate action to clean the roads and conditions appear in Attachment [F] to ensure the same.
- Due to the location of the subject site. The proposal is not considered to have any impact upon *other sensitive receivers such as aircraft*.
- The proposed earthworks will be completed within a five week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission, noise and vibration are considered to be adequately mitigated by conditions of consent as set out in Attachment [F].

#### **25.8.5 Land stability**

- 25.8.5.1 *The extent to which any proposal demonstrates that fill associated with buildings, retaining, accesses and parking areas comply with the QLDC Land Development and Subdivision Code of Practice, where these matters have not already been addressed through a subdivision consent or building consent pursuant to Building Act 2004.*
- 25.8.5.2 *Where earthworks are proposed on a site gradient greater than 18.5 degrees (1 in 3), whether advice from a suitably qualified person has been provided to address the stability of the earthworks.*
- 25.8.5.2 *Whether cut, fill and retaining are designed and undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice.*
- 25.8.5.2 *Whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- Stability has been discussed in Part 2.2.7 where subject to conditions the proposal is not considered to exacerbate any existing natural hazards.
- Exposed excavation faces will be retained or battered at suitable gradient to ensure that the proposal will not compromise the stability of any neighbouring sites.
- The proposed excavation works will require permanent retention measures which will be subject to engineering approval. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards. A condition appears in the suite of conditions contained in Attachment [F] to this application requiring engineering approval.

#### **25.8.6 Effects on water bodies, ecosystem services and biodiversity**

- 25.8.6.1 *The effectiveness of sediment control techniques to ensure sediment run-off does not leave the development site or enter water bodies.*



- 25.8.6.1 *Whether and to what extent any groundwater is likely to be affected, and mitigation measures are proposed to address likely effects.*
- 25.8.6.1 *The effects of earthworks on the natural character, ecosystem services and biodiversity values of wetlands, lakes and rivers and their margins.*
- 25.8.6.1 *The effects on significant natural areas.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- There is no water body within the vicinity of the subject site.
- During earthworks a temporary fence structure will be erected around the downslope / lower edges of the worksite which will ensure all sediment and material remains on the subject site;
- The proposed earthworks will be completed within a five week period which reduces noise, dust and vibration effects.
- The subject site is not located within the vicinity of a *significant natural area*.

#### **25.8.7 Cultural, heritage and archaeological values**

- 25.8.7.1 *The extent to which the activity modifies or damages wāhi tapu or wāhi taonga, whether tangata whenua have been notified and the outcomes of any consultation.*
- 25.8.7.1 *The extent to which the activity affects Ngāi Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the iwi management plans identified in Advice Note 25.3.4.3.*
- 25.8.7.1 *The extent to which a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin or other archaeological items has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made. Using the Accidental Discovery Protocol in Schedule 25.10 as a guide.*
- 25.8.7.1 *Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.*
- 25.8.7.1 *Whether the area subject to earthworks contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga.*
- 25.8.7.1 *The extent to which earthworks and vibration adversely affect heritage items.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- The subject site is not recognised as a site of any cultural heritage value. However, should any sub-surface archaeological evidence be unearthed during works, work will cease in the immediate area of remains and the Historic Places Trust will be contacted. A condition has been offered in Attachment [F] which relates to accidental discovery protocol.





#### **25.8.8 Nuisance effects**

- 25.8.8.1 *The extent to which earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures, including whether a management plan has been submitted as part of the application.*
- 25.8.8.1 *Duration and hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area to an extent greater than anticipated to accommodate development otherwise provided for by the District Plan.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- The proposed earthworks will be completed within a five week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission, noise, vibration, lighting and traffic effects are considered to be adequately mitigated by conditions of consent as set out in Attachment [F].
- Conditions of consent offered in Attachment [F] include the requirement for an Traffic Management Plan (TMP).
- A condition of consent appears in Attachment [F] restricting the hours of operation.

#### **25.8.9 Natural Hazards**

- 25.8.9.1 *Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.*
- 25.8.9.2 *Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall be had to the Natural Hazards Chapter 28, in particular Policies 28.3.2.1, 28.3.2.2, 28.3.2.3.*
- 25.8.9.3 *Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.*
- 25.8.9.4 *The extent earthworks affect the risk of natural hazards and whether the risk is reduced or not increased.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- Natural Hazards have been discussed in Part 2.2.7 where subject to conditions the proposal is not considered to exacerbate any existing natural hazards.
- The proposed excavation works may require permanent retention measures which will be subject to engineering approval. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards. A condition appears in the suite of conditions contained in Attachment [F] to this application requiring engineering approval.
- There is no water body within the vicinity of the subject site.





- The subject site does not contain any surface drainage patterns and no *overland flow path* has been identified.

#### **25.8.10 Functional aspects and positive effects**

25.8.10.1 *Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.*

25.8.10.2 *The extent to which the earthworks facilitate future development otherwise provided for by the District Plan.*

25.8.10.3 *Whether the earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access, safety and fencing.*

25.8.10.4 *Whether the earthworks are for the purposes of a fire break and the extent of the fire break is necessary.*

25.8.10.5 *Whether the earthworks are for the purposes of public recreation trails that enhance recreational opportunities and access.*

25.8.10.6 *Whether the earthworks are necessary for the remediation of contaminated land and facilitate the efficient use of the land resource.*

The proposal is considered to satisfy the matters listed above for the following reasons:

- The proposed earthworks are required to install infrastructure to service the proposed development only which includes the extension of existing network utilities such as power, telecoms, water supply, wastewater and stormwater disposal.
- The proposal does enable the continued use of proposed Lot 1<sup>37</sup> for *farming activities* yet there are no earthworks proposed in association with *farming activities, tracks or fencing* as set out above.
- The proposed earthworks are not required for the purposes of a *fire break*.

## **5.2 Proposed District Plan – Chapter 24**

### **5.2.1 Rule 24.5.6**

- Building location, character, scale and form;*
- External appearance including materials and colours;*
- Landscape modification / planting (existing and proposed).*

For the reasons discussed in part 2 and 3 the proposal, subject to conditions, is considered to satisfy matters listed (a) to (c) above.

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<sup>37</sup> And Lot 100 under Option B.



#### 5.2.2 Rule 24.5.8

- b. Building location, character, scale and form;*
- b. External appearance including materials and colours;*
- c. Landscaping / planting (existing and proposed).*

For the reasons discussed in part 2 and 3 the proposal, subject to conditions, is considered to satisfy matters listed (a) to (c) above.

### **5.3 Proposed District Plan – Subdivision & Development - Chapter 27**

#### 5.3.1 Rule 27.5.9

All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct. Discretion is restricted to:

- a. Location of building platforms and accessways;*
- b. Subdivision design and lot layout including the location of boundaries, lot shape and dimensions (but excluding lot area);*

The subdivision designs are set out on the proposed scheme plans<sup>38</sup>. The Option A and B designs have both been directed by the existing landscape and visual amenity values of the subject site and surrounding area. The proposed subdivisions have been designed cognisant with minimising inappropriate modification to the natural landform and any future excavation to facilitate buildings will not compromise any recognised qualities attributed to the natural landform.

The subdivision designs and layouts ensure a high level of rural amenity within each lot arrangement, and each maximises access to sunlight. The response of these subdivision designs to the local context is discussed in the Patch Landscape Assessment<sup>39</sup>.

The location of the proposed platforms has been discussed in parts 2.2.2 and 2.2.3 in relation to landscape / visual amenity and neighbouring rural living allotments as well as the Patch Landscape Assessment. The proposed locations are not considered to result in any unacceptable adverse effects.

Based upon the above, the proposal is considered to satisfy assessment matters listed a. and b. above.

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<sup>38</sup> Contained in Attachment E1.

<sup>39</sup> Patch Landscape Assessment at paragraph 5.14 (interalia).



c. *Location, scale and extent of landform modification, and retaining structures;*

The proposal does not require any retaining structures.

The proposed earthworks plan<sup>40</sup> identifies the extent of the excavation and fill required to provide adequate access to the proposed allotments. The landform of the site is described in part 1 and the Patch Landscape Assessment. Due to the scale and location of earthworks it is not considered to represent works that significantly modify the 'landform' of the site. As such, the proposal is considered to satisfy assessment matter c. above.

d. *Property access and roading;*

Existing and proposed access has been discussed in part 1.3 and 2.2.3. Subject to conditions, the proposal is considered to be adequately serviced with roading infrastructure and is considered to satisfy assessment matter d. above.

e. *Esplanade provision;*

The subject site does not contain and is not located in close proximity to any *waterbody*. As such, the provision of esplanade strips or similar is not a relevant consideration for the current application.

f. *Natural and other hazards;*

Natural and other hazards have been considered in part 2.2.7 where subject to conditions, the proposal will not exacerbate any existing natural hazard. As such, the proposal is considered to satisfy assessment matter f. above.

g. *Firefighting water supply and access;*

h. *Water supply;*

Water supply for domestic and fire-fighting purposes has been discussed in the services report.<sup>41</sup> Subject to conditions, the proposal is considered to satisfy assessment matters g. and h. above.

i. *Network utility services, energy supply and telecommunications;*

Letters confirming the provision of *energy supply* and *telecommunications* are appended to the services report. Subject to conditions, the proposal is considered to satisfy assessment matter i. above.

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<sup>40</sup> Contained in Attachment E1.

<sup>41</sup> Contained in Attachment E3.



*j. Open space and recreation provision;*

Due to the *scale* of the proposed subdivisions and the *location* of the subject site, any contribution of an open space or recreation area would benefit residents of the proposed subdivision only which is not desirable given the site is within a rural environment and proposed allotment sizes are considered sufficient for their proposed rural living land uses. As such, assessment matter j. above is not a relevant consideration for the current application.

*k. Opportunities for nature conservation values and natural landscape enhancement;*

The subject site is not recognised as containing any notable conservation or natural vegetation value and it does not contain any scheduled trees. The Patch Landscape Assessment<sup>42</sup> considers existing landscape features / vegetation and aside of the endorsement of the removal of wilding conifers within proposed Lot 1, it does not identify any landscape features necessitating protection through any conditions of consent.

Based upon the above, the proposal is considered to satisfy assessment matter k. above.

*l. Easements;*

A number of easements are required in order to service the proposed allotment arrangement and identified on the scheme plan<sup>43</sup>. Pursuant to s.223 of the RMA, other easements maybe added should they be required. Irrespective, the proposal is considered to satisfy assessment matter l. above.

*m. Vegetation and proposed planting;*

Aside of removing the wilding conifers within proposed Lot 1<sup>44</sup>, the proposal does not include any other vegetation clearance.

The proposed landscape plan retains existing trees where possible and includes indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that is considered to make a modest contribution to native habitat restoration.

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

Based upon the above, the proposal is considered to satisfy assessment matter m. above.

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<sup>42</sup> Patch Landscape Assessment at paragraphs 3.7 & 5.42 (interalia).

<sup>43</sup> Contained in Attachment E1.

<sup>44</sup> And Lot 100 under Option B.



*n. Fencing and gates;*

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements. These controls include requirements that relate to *fencing and gates*. Subject to these conditions, the proposal is considered to satisfy assessment matter n. above.

*o. Wastewater and stormwater management;*

Proposed wastewater and stormwater disposal has been discussed in the services report.<sup>45</sup> Subject to conditions, the proposal is considered to satisfy assessment matter o. above.

*p. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;*

Due to the *scale* of the proposed subdivisions and the *location* of the subject site, there is no potential connectivity across the site. As such, assessment matter p. above is not a relevant consideration for the current application.

**5.3.2 Assessment Matters in relation to Rule 27.5.9 – 27.9.3.3**

**Subdivision Design and Landscape**

*a. The extent to which the location of future buildings, ancillary elements and landscaping responds to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape unit, and the following assessment matters:*

*i. the retention of existing vegetation and landform patterns;*

The proposed subdivisions have been designed cognisant with minimising inappropriate modification to the natural landform and any future excavation to facilitate buildings will not compromise any recognised qualities attributed to the natural landform. Therefore, the current application is considered to retain the existing landform pattern.

Aside of removing the wilding conifers within proposed Lot 1<sup>46</sup>, the proposal does not include any other vegetation clearance.

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<sup>45</sup> Contained in Attachment E3.

<sup>46</sup> And Lot 100 under Option B.



The proposed landscape plan retains existing trees where possible and includes indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that is considered to make a modest contribution to native habitat restoration.

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

Based upon the above, the proposal is considered to satisfy assessment matter (i) listed above.

*ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;*

The subdivision designs are set out on the proposed scheme plans<sup>47</sup>. These designs have been directed by the existing landscape and visual amenity values of the subject site and surrounding area. The proposed subdivisions have been designed cognisant with minimising inappropriate modification to the natural landform and any future excavation to facilitate buildings will not compromise any recognised qualities attributed to the natural landform.

The subdivision designs and their layout ensure a high level of rural amenity within the proposal lot arrangement, and they maximise access to sunlight. The response of the subdivision designs to the local context is discussed in the Patch Landscape Assessment<sup>48</sup>.

The location of the proposed platforms has been discussed in parts 2.2.2 and 2.2.3 in relation to landscape / visual amenity and neighbouring rural living allotments as well as the Patch Landscape Assessment. The proposed locations are not considered to result in any unacceptable adverse effects.

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

Based upon the above, the proposal is considered to satisfy assessment matter (ii) listed above.

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<sup>47</sup> Contained in Attachment E1A & E1B.

<sup>48</sup> Patch Landscape Assessment at paragraph 5.14 (interalia).



- iii. *earth mounding, and framework planting to integrate buildings and accessways;*

*Earth mounding and framework planting* has been discussed in the Patch Landscape Assessment<sup>49</sup> where these activities are viewed as integrating any future building within the proposed platforms and accessways. As such, the proposal is considered to satisfy assessment matter (iii) listed above.

- iv. *planting of appropriate species that are suited to the general area including riparian restoration planting;*

The proposed landscape plans retain existing trees where possible and includes indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that is considered to make a modest contribution to native habitat restoration. As such, the proposal is considered to satisfy assessment matter (iv) listed above.

- v. *the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement;*

The subject site has been geotechnically assessed and discussed in part 2.2.7 above where no slopes have been identified as requiring *slope stabilisation*. Notwithstanding, the Patch Landscape Assessment<sup>50</sup> considers existing landscape features / vegetation and endorses the removal of wilding conifers within proposed Lot 1.

The proposed landscape plans retain existing trees where possible and includes indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that is considered to make a modest contribution to native habitat restoration.

Given the above, the proposal is considered to satisfy assessment matter (v) listed above.

- vi. *the integration of controls for future development that address building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, vehicle accessways (including paving materials), external lighting and domestic infrastructure (including water tanks);*

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of

<sup>49</sup> Patch Landscape Assessment at paragraphs 3.4, 3.5, 5.16, 5.18, 5.19 & 6.1(interalia).

<sup>50</sup> Patch Landscape Assessment at paragraphs 3.7 & 5.42 (interalia).



buildings and associated infrastructure, vegetation and landscape elements. Subject to these conditions, the proposal is considered to satisfy assessment matter (vi) above.

- vii. *the integration of existing and provision for new public walkways and cycleways/bridlepaths.*

Potential connectivity (integration) with public walkways / cycleways has been discussed in part 5.2.1 (p) above. For the reasons already set out, this assessment matter is not considered to be a relevant consideration for the current application.

- viii. *whether the use of varied allotment sizes maintains a sense of spaciousness, or successfully integrates development with existing landform, vegetation and settlement patterns.*

The proposed allotment size and location enables the maintenance of spaciousness and openness within the subject site and surrounding area<sup>51</sup>.

proposal meets the minimum allotment expectations set out for the Lifestyle Precinct subzone and uses varied allotment sizes. Any sense of openness or spaciousness within the site is confined by existing landform and vegetation which the proposal utilises to integrate the proposed subdivision without compromising any sense of openness or spaciousness. As such, the proposal is considered to satisfy assessment matter (viii) listed above.

- b. *The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development.*

There are no existing covenants or consent notice conditions to retain. Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements. As such, the proposal is considered to satisfy assessment matter (b) above.

- c. *Where the site adjoins an ONF or ONL, the extent to which the development affects the values of that ONF or ONL.*

The landscape and visual amenity values associated with the site and surrounding area, the proposal, has been considered in detail within the Patch Landscape

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<sup>51</sup> Patch Landscape Assessment at paragraphs 5.34 & 5.38.





Assessment and determines the site is not part of an ONL<sup>52</sup>, open, long-range views to ONL and ONFs will be maintained<sup>53</sup> and the proposal will adversely effect the existing landscape character and visual amenity to a low degree<sup>54</sup>. As such, the proposal is considered to satisfy assessment matter (c) above.

- d. *The extent to which development affects Escarpment, Ridgeline and River Cliff Features shown on the planning maps, and in particular whether a building platform, access or associated earthworks would be visually prominent on escarpments, river cliff features and ridgelines, as viewed from any public place, including roads.*

The minimum allotment size in the Wakatipu Basin Rural Amenity Zone is 80ha. The subject site is 67.18ha. Whilst it is not possible to subdivide to create 80ha allotments, if it was possible, it is considered this size would appear incongruous with the existing cadastral pattern and settlement pattern of the area and likely preclude clustering of future buildings in each allotment.

The landscape and visual amenity values associated with the site and surrounding area, the proposal, has been considered in detail within the Patch Landscape Assessment<sup>55</sup> and determines the proposal will maintain the sense of *openness* and *spaciousness* currently associated with the site and surrounding area.

Based upon the above, the proposal is considered to satisfy assessment matter (d) listed above.

- e. *Where building platforms are proposed to be located within the road setback, the extent to which future development (including landscaping and mounding) will maintain views to Outstanding Natural Features and the surrounding Outstanding Natural Landscape mountain context when viewed from the road.*

The landscape and visual amenity values associated with the site and surrounding area, the proposal, has been considered in detail within the Patch Landscape Assessment and determines the site is not part of an ONL<sup>56</sup>, open, long-range views to ONL and ONFs will be maintained<sup>57</sup> and the proposal will adversely effect the existing landscape character and visual amenity to a low degree<sup>58</sup>.

Given the above, the proposal is considered to satisfy assessment matter (e) listed above.

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<sup>52</sup> Patch Landscape Assessment at paragraph 2.6 (interalia).

<sup>53</sup> Patch Landscape Assessment at paragraph 5.34 (interalia).

<sup>54</sup> Patch Landscape Assessment at paragraph 5.35 (interalia).

<sup>55</sup> Patch Landscape Assessment at paragraphs 5.34 & 5.38 (interalia).

<sup>56</sup> Patch Landscape Assessment at paragraph 2.6 (interalia).

<sup>57</sup> Patch Landscape Assessment at paragraph 5.34 (interalia).

<sup>58</sup> Patch Landscape Assessment at paragraph 5.35 (interalia).



- f. *Where the site size and dimensions are such that compliance with the setback from roads, or the setback from any Escarpment Ridgeline or River Cliff Feature is not practicable, the extent to which any adverse effects arising from the visibility of future buildings or access is mitigated or remedied, acknowledging the constraints of the site.*

There are no *Escarpment, Ridgeline or River Cliff Features* shown on the planning maps within any proximity to the subject site where they would be visible in the context of the proposed subdivision. As such, this assessment matter is not considered to be a relevant consideration for the current application.

- g. *Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.*

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements. As such, the proposal is considered to satisfy assessment matter (g) above.

- h. *Whether the layout of reserves and accessways provides for adequate public access and use.*

Due to the scale, nature and location of the proposal, a physical reserve contribution or accessways for the provision of public access are not considered to be appropriate. As such, this assessment matter is not considered to be a relevant consideration for the current application.

- i. *Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.*

The landscape and visual amenity values associated with the site and surrounding area, the proposal, has been considered in detail within the Patch Landscape Assessment and determines the proposal will adversely effect the existing landscape character and visual amenity to a low degree<sup>59</sup>.

Design controls have been discussed in part 1 which control the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

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<sup>59</sup> Patch Landscape Assessment at paragraph 5.35 (interalia).



Given the above, the proposal is considered to satisfy assessment matter (i) listed above.

#### **Access and Connectivity**

- j. Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.*

*Traffic generation, Access and Safety* have been discussed in part 2 of the application document where it has been determined that any adverse effects in this regard are de minimis and acceptable. As such, the proposal is considered to satisfy assessment matter (j) listed above.

- k. Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.*

Potential connectivity (integration) with public walkways / cycleways has been discussed in part 5.2.1 (p) above. For the reasons already set out, this aspect of the assessment matter above is not considered to be a relevant consideration for the current application.

Based upon the geotechnical assessment and the proposed earthworks in relation to vehicle accessways, the proposal avoids any adverse effects on soil stability.

The proposed subdivisions have been designed cognisant with minimising inappropriate modification to the natural landform and any future excavation to facilitate buildings will not compromise any recognised qualities attributed to the natural landform.

Vegetation removal and proposed planting has been discussed in part 5.2.1 (m) above. For the reasons already set out, the proposed vegetation removal and planting is considered acceptable.

Given the above, the proposal is considered to satisfy assessment matter (k) listed above.



- l. Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect, to reserves (existing or proposed), roads, existing rural walkways and cycle ways.*

Provision of pedestrian paths, cycle ways, bridle paths, reserves and walk ways have been considered in assessment matter 5.2.1 (p) above. For the reasons already set out, this aspect of the assessment matter above is not considered to be a relevant consideration for the current application.

- m. Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.*

The proposed access design is considered to avoid any adverse effects upon waterbodies, ecosystems, drainage patterns and ecological values. As such, the proposal is considered to satisfy assessment matter (m) listed above.

- n. Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.*

Option A of the current application does not include any *public roads*. As such, this assessment matter is not considered to be a relevant consideration for Option A of the current application.

Option B provides for a future road link that QLDC intends on forming through the subdivision and is considered to satisfy assessment matter (n) listed above.

#### **Infrastructure and Services**

- o. Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.*
- p. Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.*

*Natural water system* is not defined in the District Plan. Proposed disposal of stormwater and wastewater is detailed in the services report<sup>60</sup> and described in part 1.3. Subject to conditions, the proposed methods of disposal are considered to avoid any adverse effects upon ground water and ecological values. Subject to these

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<sup>60</sup> Contained in Attachment E3.



conditions, the proposal is considered to satisfy assessment matters (o) and (p) listed above.

- q. Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.*

*Natural water system* is not defined in the District Plan. The subject site does not contain any water courses or water bodies. As such, this assessment matter is not considered to be a relevant consideration for the current application.

- r. Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.*

Proposed potable water supply is detailed in the services report<sup>61</sup> and described in part 1.3. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing potable water for each proposed allotment and assessment matter (r) is considered satisfied.

- s. Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.*

Proposed firefighting water supply is detailed in the services report<sup>62</sup> and described in part 1.3. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing emergency water supplies to each site in the event of fire and assessment matter (s) is considered satisfied.

- t. Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.*

- u. Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.*

Proposed disposal of wastewater is detailed in the services report<sup>63</sup> and described in part 1.3. The subject site does not have any known physical constraints that would suggest a shared wastewater system would be a preferred alternative to individual systems. The proposed allotments are sufficient in size to accommodate individual treatment and disposal methods within each site created regardless of seasonal variations and loading. As such, the proposal is considered to satisfy assessment matters (t) and (u) listed above.

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<sup>61</sup> Contained in Attachment E3.

<sup>62</sup> Contained in Attachment E3.

<sup>63</sup> Contained in Attachment E3.



- v. *Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.*

The integrity of stormwater and/or wastewater treatment and disposal systems is not understood. However, easements are required for the delivery of water to each site as set out on the proposed scheme plan. Consent notices are offered<sup>64</sup> in relation to wastewater treatment and disposal systems. As such, the proposal is considered to satisfy assessment matter (v) listed above.

- w. *Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.*

There are no existing easements in place over the subject site in relation to supplying neighbouring sites with electricity or telecoms lines. As such, this assessment matter is not considered a relevant consideration for the current application.

- x. *Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.*

Proposed telecommunications and electricity supply is detailed in the services report<sup>65</sup> and described in part 1.3. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing telecommunications and electricity to each allotment created. All proposed services are intended to be buried. As such, the proposal is considered to satisfy assessment matter (x) listed above.

#### **Nature Conservation and Cultural values**

- y. *Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.*

Vegetation removal and proposed planting has been discussed in part 5.2.1 (m) above. For the reasons already set out, the proposal is considered acceptable in this regard and will provide for a level of ecological enhancement. When the proposed planting is considered in the context of the existing level of vegetation, the proposal is considered to satisfy assessment matter (y) listed above.

- z. *Assessing the extent to which the subdivision design and layout preserves or enhances areas of archaeological, cultural or spiritual significance.*

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<sup>64</sup> Condition 17 (a) – Attachment F.

<sup>65</sup> Contained in Attachment E3.



The subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu. Notwithstanding, accidental discovery protocol is part of the suite of volunteered conditions. As such, the proposal is considered to satisfy assessment matter (z) listed above.

*aa. Considering the benefits of the removal of identified wilding exotic trees.*

As discussed in part 1.3.5 and 2.2.4, the proposal seeks to control the wilding species located on the escarpment contained in proposed Lot 1. As such, the proposal is considered to satisfy assessment matter (aa) listed above.

#### **Hazards**

*bb. The extent to which natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28.*

The proposed earthworks have been considered in detail in part 5.1 above along side natural hazards while natural hazards are discussed specifically within part 2.2.7. For the reasons set out in parts 5.1 and 2.2.7, subject to conditions, the proposal is considered to satisfy assessment matter (bb) above.

## **6.0 RESOURCE MANAGEMENT ACT 1991: PART 2**

### **6.1 Section 5**

The purpose of the Act as stated in s5(1) of the RMA is, “to promote the sustainable management of natural and physical resources”. Section 5(2) of the Act defines “sustainable management” as:  
*... managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –*

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

As detailed throughout the current application, including the Patch Landscape Assessment and Services Report, it is considered that the proposal is an appropriate use of the subject land that enables the creation of three rural living allotments under Option A or two under Option B. Both Options undertake these subdivisions in a manner that maintains the landscape character and visual amenity values of the area.



As discussed in part 2 of the current application, any adverse effects on the environment associated with the proposal are considered to be appropriately mitigated.

The proposal is considered to represent sustainable management where adverse effects on the environment have been appropriately mitigated whilst providing for the social, cultural and economic wellbeing of the community.

## 6.2 Section 6

Section 6 relates to matters of national importance. Of specific relevance to the subject application are (a) relating to the preservation of the natural character of lakes and (h) pertaining to the management of risks from significant natural hazards.

Section 6 matters have been discussed within the assessments of the current application where the proposal is not considered to be contrary to Section 6 matters. It is considered that this is an important consideration given PDP provisions and the application of the proposed policy framework within the context of the effects of the current proposal on Part 2 of the RMA.

## 6.3 Section 7

Section 7 relates to 'other matters'. The matters of relevance are considered to be as follows:

- (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*

In a similar vein to section 6 above, these matters have been discussed within the assessments of the current application where the proposal is considered to be consistent with Section 7 matters.

## 6.4 Section 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi. The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

In a similar vein to sections 6 and 7 above, these matters have been discussed within the assessments of the current application where the proposal is considered to be consistent with Section 8 matters and is considered to achieve Part 2 of the Act.

Overall, the proposal is in keeping with the purpose and principles of the RMA.





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

AEE prepared by **Nick Geddes**

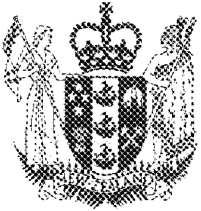
CLARK FORTUNE MCDONALD & ASSOCIATES

13<sup>th</sup> September 2021

Amended 04/04/22.







**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** OT12A/419  
**Land Registration District** Otago  
**Date Issued** 21 April 1988

**Prior References**

OT11A/1168

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<b>Estate</b>	Fee Simple
<b>Area</b>	63.9873 hectares more or less
<b>Legal Description</b>	Lot 1-2 Deposited Plan 20531 and Section 1-3 Survey Office Plan 20437

**Registered Owners**

Duncan John Robertson as to a 1/2 share  
Jan Nicola Hunt as to a 1/2 share

---

**Interests**

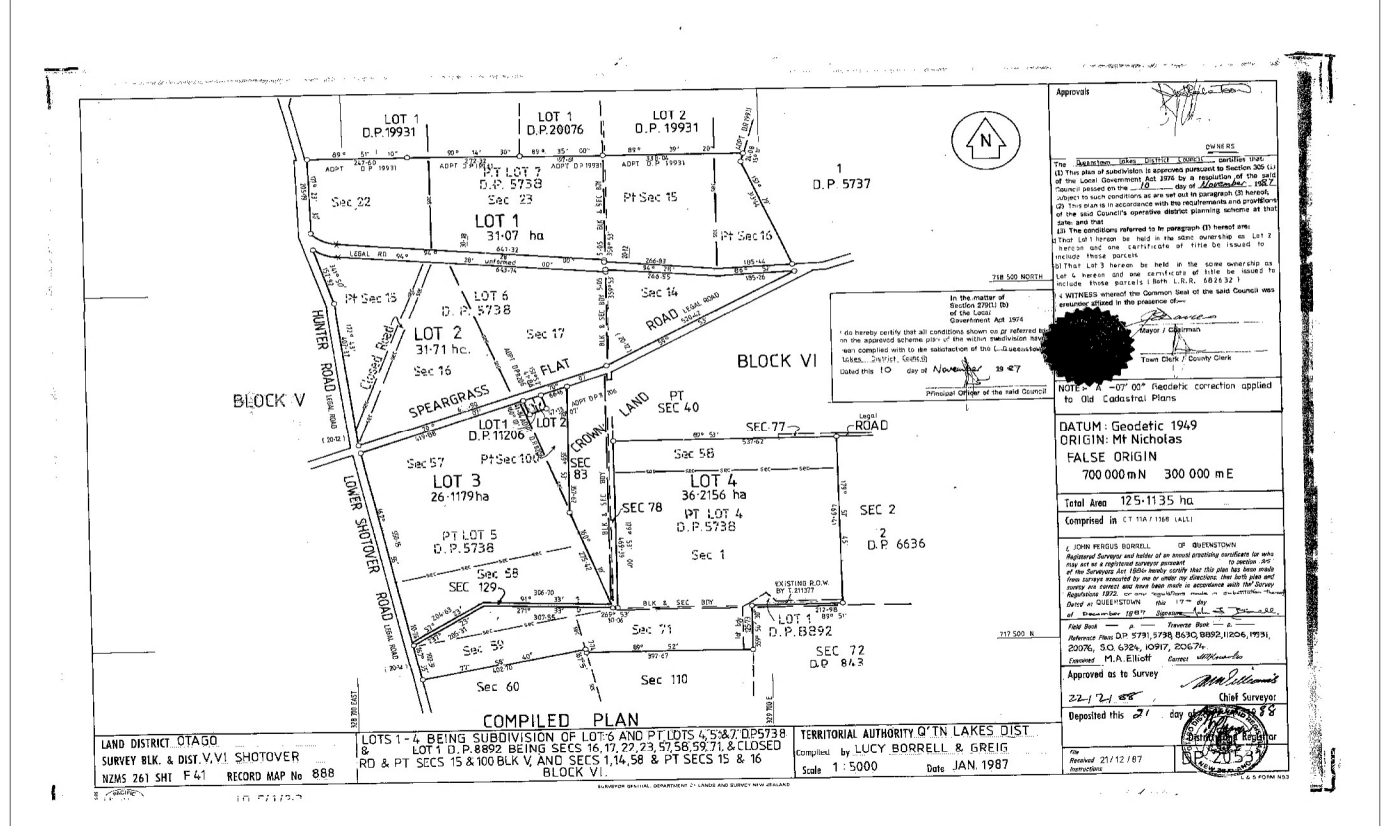
Subject to Section 308 (4) Local Government Act 1974 - See DP 20531

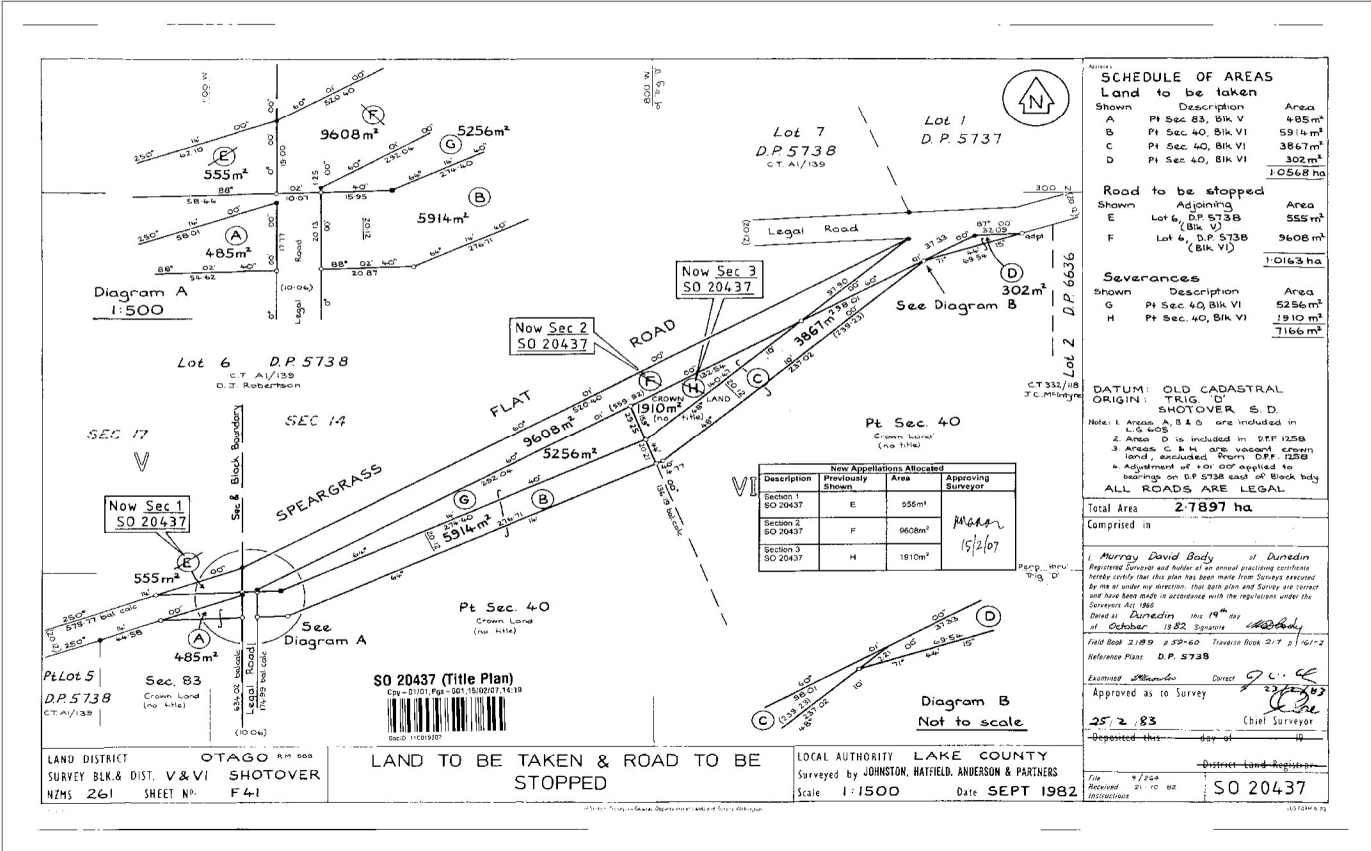
885724 Transfer creating the following easements in gross - 30.6.1995 at 12.14 pm

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey water	Lot 1-2 Deposited Plan 20531 - herein	AV Transfer 885724	Arrow Irrigation Company Limited	
Convey water	Lot 1-2 Deposited Plan 20531 - herein	AW Transfer 885724	Arrow Irrigation Company Limited	

Subject to Section 120(9) of the Public Works Act 1981

11476877.3 Mortgage to Southland Building Society - 6.5.2021 at 12:01 pm

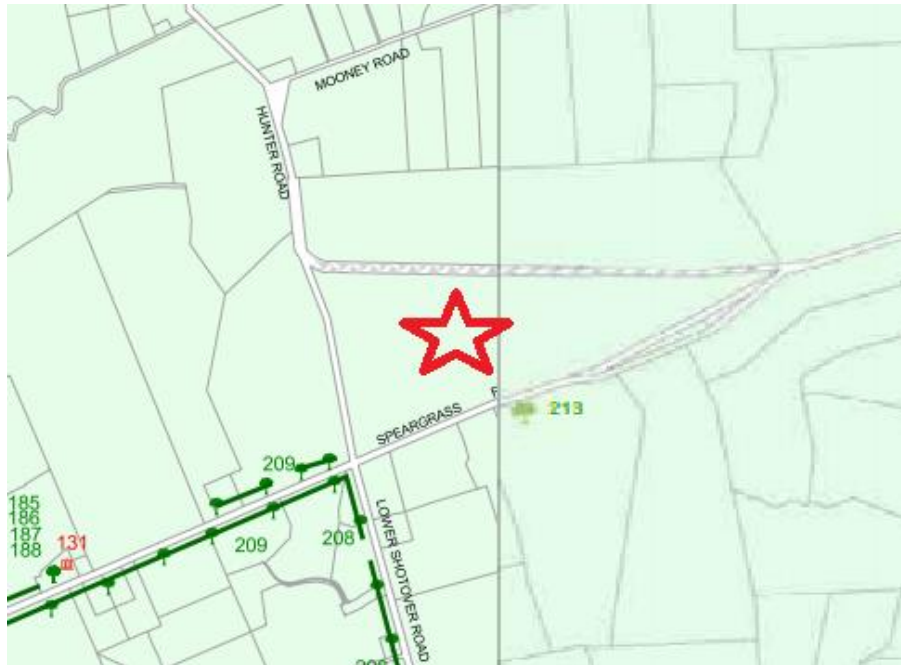




## Attachment C

### Location Plan, ODP & PDP Zoning







File: RM021141  
Valuation Number: 2907117400  
Compliance

27 May 2003

D Robertson  
C/- David Stringer Architects  
P O Box 1181  
QUEENSTOWN

Dear Sir

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

**D ROBERTSON – RM021141(a)**

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to erect a cottage and extend the existing carport at Hunter Road, Queenstown. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 26 May 2003 by the Queenstown Lakes District Council Hearings Panel on 28 April 2003.

The subject site is located at 125 Hunter Road, Queenstown and is legally described as Lots 1-2 Deposited Plan 20531, Block V, Shotover survey District.

The site is zoned Rural A in the Transitional District Plan and the proposal requires consent for the following reason:

1. A non-complying activity consent pursuant to Section 374(4) of the Resource Management Act 1991 as the proposed cottage and extensions to the carport are not specifically provided for in the plan.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under these decisions the site is zoned Rural General and the proposed activity requires resource consent for the following reasons:



1. A discretionary activity consent pursuant to Rule 5.3.3.3(i) with regard to the erection of buildings/ and the alteration to an existing building.

The application was considered on a non-notified basis by the Queenstown Lakes District Council in terms of Section 94 of the Act because the written approval of all those persons who may be adversely affected by the granting of the resource consent was obtained, and because the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

### **Decision**

Consent is granted pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

#### General Conditions

- 1 That the development be carried out in accordance with the plans (plan description: Site Plan, Ground Floor Plan Cottage, First Floor Plan Cottage, East and north elevation and south and west elevation and dated 21 May 2003 – stamped as approved) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement is imposed by this consent shall be at the consent holder's own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administration charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - a) the administration, monitoring and supervision of this consent; and
  - b) charges authorised by regulations.
- 4 The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
- 5 That upon completion of the proposed activity, the consent holder shall contact the Monitoring Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

#### Landscaping

- 6 A landscaping plan shall be submitted to and approved by the Principal: Resource Management (Civic Corporation Limited) within three months of granting consent. The approved landscaping plan shall be implemented within the first planting season of approval, and shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.

In this instance the landscape plan should be designed to meet the following objectives:

- Provide screen planting between the proposed cottage and the boundary that separates the Nelson and Robertson property.
- Provide screen planting to infill existing planting in between the accessway and the cottage as indicated on the approved site plan.

## **Reasons for the Decision**

### *Proposal*

Consent is sought to construct a cottage on the northwestern part of the site. The cottage will be constructed in stone with a gable roof form and dormer roof additions to be clad in solid plaster. Roofing will comprise of corrugated coloursteel to match the existing homestead.

Consents is also sought to extend the existing carport located on the eastern side of the existing dwelling on the site. The materials will match those of the dwelling.

By way of background the applicants also sought consent to erect a stable/barn on the site as well and a result of the Section 94 notification determination hearing which was held on the 28 April it was determined that the stable/barn in its current location would be processed on a notified basis. The application has been split in to Part (a) – Cottage and carport and Part (b) Stable/barn.

### *Effects on the Environment*

It is considered that the effects of the proposal are no more than minor for the following reasons outlined below.

With regard to the carport this proposed structure is located on the eastern side of the existing dwelling and is not visible outside of the site therefore is not considered to result in any adverse effects on the landscape.

With regard to the cottage this has been placed where it will not be visible from public places due to existing topography and existing landscaping. Further landscaping to infill the existing vegetation will be undertaken by the applicants.

Overall it is considered that the effects of the cottage and carport extension will be no more than minor.

The adjoining owners of the property to the north have given written approval for the proposal being:

1. L & J Nelson, 16 Mooney Road, Queenstown.

Therefore pursuant to Section 104(6) of the Resource Management Act 1991 the affects on these persons are not grounds for refusing consent.

### *District Plan Provisions*

The assessment matters relating to the proposed activity are contained in Section 5.4 and are discussed in turn below.

The areas of the proposed development are within landscape that has been classified by the Environment Court (Decision C180/99) as visual amenity landscape (VAL).

In C180/99 (paragraph 93), the Environment Court decision made the following statement with regard to visual amenity landscapes:

Each landscape in the second category of visual amenity landscapes wears a cloak of human activity much more obviously – these are pastoral or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the district's downlands, flats and terraces. The extra quality that they possess brings them into the category of 'visual amenity landscape' is their prominence because they are:

- *Adjacent to outstanding natural features or landscapes; or*
- *On ridges or hills; or*
- *Because they are adjacent to important scenic roads; or*
- *A combination of the above.*

In the C180/99 decision the Environment Court stated the policy with regard to Visual Amenity Landscapes as:

- (a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes, which are:
  - highly visible from public places and other places which are frequented by members of the public generally; and
  - visible from scenic rural roads.
- (b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.

In the C75/2001 decision the Environment Court stated the assessment criteria with regard to Visual Amenity Landscapes as:

- (a) Effects on natural and pastoral character.
- (b) Visibility of development.
- (c) Form and density of development.
- (d) Cumulative effects of development on the landscape.
- (e) Rural amenities.

The site is not adjacent to an outstanding natural landscape (ONL) or feature given the cottage will not be visible in conjunction with the ONL of Coronet Peak in the distance to the north of the site.

The proposed development is not considered to affect the pastoral character of the site given it will not be visible from public places or outside the site. Given the site is not visible it will not result in over domestication of the landscape. The applicants will provide a landscaping plan which will infill existing trees which will mitigate any effects associated with the proposed cottage with regard to visibility from outside the site.

The proposed development is not considered to be highly visible from any public places or from any public road. There is existing landscaping that screens the site of the cottage of which the applicants proposed to infill with additional planting.

The proposed cottage and carport are not located in a position where they will break the line and form of the landscape and is not located on a prominent slope, ridge or hill nor will break any skyline.

There will be a small volume of earthworks in order to create the building platform for the cottage however these are not considered to change the line of the landscape or affect the naturalness of the landscape, given any visible earthworks will be remedied.

With regard to the form and density of development opportunity has been taken to aggregate built development so as they utilise the existing accessway and services. The proposed cottage has been located in an area able to absorb development given the site is not visible outside the site and the adjoining neighbours have given written approval.

The proposed development is not considered to compromise the existing Arcadian pastoral character given the site is completely screened from public places and roads.

The proposed development is not considered to effect rural amenities given the cottage and carport are not visible therefore will not interrupt view across the pastoral Arcadian landscape. The proposed development will not compromise the ability to undertake agricultural activities on surrounding land.

### *Policies and Objectives*

The proposed development satisfies all other relevant assessment matters contained within the Proposed District Plan therefore is considered to be consistent with the Objectives and Policies contained within the Proposed District Plan.

Objective 1 – Character and Landscape Values relates to protecting the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused by inappropriate activities.

Objective 1- Servicing relates to the provision of necessary services to the subdivided lots and development in anticipation of the likely effects of land use activities and those lots ad within the development.

Objective 4- Natural Features, Landscape and Conservation Values relates to the recognition of the protection of outstanding natural features, landscapes and nature conservation values.

### **Other Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

*The conditions of this consent include the payment of an initial fee of \$80 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$80 is for the first hour of monitoring. Should your consent require more monitoring you will be charged for the additional time.*

*To minimise your monitoring costs it is strongly recommended that you contact the Monitoring Section of CivicCorp when the conditions have been met or with any changes you have to the programmed completion of your consent.*

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

Please contact the Principal: Monitoring (Civic Corporation Limited) when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within two 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 Melanie Eccles on phone (03) 442 4658.

Yours faithfully  
**CIVICCORP**



Jane Titchener  
**PRINCIPAL: RESOURCE MANAGEMENT**

Handed @ hearing

DAVID STRINGER ARCHITECTS

po box 1181 queenstown  
email stringer.architect@xtra.co.nz  
mobile 027 287 9427  
① ② 03 441 4227

28 April 2003

**Robertson Cottage , Barn /Stable , Hunter Road , Dalefield ,**  
**Queenstown**

A Farm Managers Cottage is proposed to be built adjacent to the Dressage Arena . It will be set down in the landscape by excavating a platform 800-1300 below the existing groundline.

The cottage is constructed in stone facing to the smaller gable form, deliberately reminiscent of early settler cottages and the bedroom and garage wing gable form with dormer roof additions clad in solid plaster finish painted in similar colours to existing homestead. Roofing is corrugated coloursteel to match existing homestead.

The Stable/Barn has been positioned on the site as shown upon careful evaluation of all criteria associated with the owners requirements to rear Fauns and Event Horses in this building.

A key factor in siting the Building was the need for it to be in reasonably close proximity to the existing residence so stock and children could be overseen.

Security is also a major issue given the high value animals being housed in the stable/barn and the constant care and observation

This siting was discussed with Jane Titchener in a meeting with Duncan Robertson and myself last October. Also discussed at this meeting was the configuration of all the buildings and Dressage Arena to create a Farmyard Structure to the assemblage of buildings and activities. Presenting a "cluster" or "courtelage" appearance to the overall development.

We have selected traditional materials of Schist , Bevelback weather board ,dark stained and Grey Friars Corrugated Coloursteel to blend in with the existing house and farm buildings. The form and detailing of the building draws heavily on other farm buildings , stables and barns in the region , see attached photos . All these materials are recessive and given the excavation into the hillside the stable/barn will nestle into the landscape.

Trees will be planted down the slope from the stable/barn to further screen it from Speargrass Flat Rd. The proposal is to make a tree lane 3metres wide to separate the horses from the deer.

STRINGER

The orientation of the stable/barn will mean that the elevations visible from Speargrass Flat Rd. will be in shade most of the day the only time when in sunlight would be early morning in summertime for very brief periods.

We have taken onboard some of the Planner and Landscape Architects concerns and have pushed the stable/barn back 5metres up the hill and cut into the hill more by lowering the floor level further, refer amended Site Plan and Elevations

We have also added a 1.4 metre high stone wall to the motor courtyard which will not only keep stock away from the homestead but assist in screening the homestead and stable / barn from Speargrass Flat Road

We believe we have designed a sympathetic development that would meld into the landscape with little effect . It would enable our clients to continue economic pastoral farming to maintain the rural/agricultural aesthetic.

Yours faithfully,



David Stringer Architect



Handed @ Hearing

## **EVIDENCE OF SCOTT FREEMAN**

### **ON BEHALF OF**

### **D ROBERTSON**

**RM021141**

1. My name is Scott Freeman. I am a qualified Resource Management Planner with over six years experience. I have recently started my own resource management planning consultancy, based in Queenstown.
2. I appear today on behalf of the applicant, Duncan Robertson, for the resource consent application that proposes to construct two stand alone buildings in the form of a cottage and a barn. It is also proposed to extend an existing carport. The property is located on Hunter Road.
3. The applicant has requested that the proposal be processed on a non-notified basis in terms of Section 94 of the Resource Management Act 1991, hence the need for this hearing.
4. I have read the two CivicCorp reports compiled by Ms Eccles and Ms Ramsay that have respectively covered a preliminary landscape assessment and an appraisal of the proposal against Section 94 of the Act. I will provide specific comments to the issues that have been raised by these reports.
5. Prior to my analysis of the proposal in terms of Section 94 of the Act, it is prudent for the architect, Mr Stringer, to provide comments in relation to the location, design and external materials of the proposed buildings. Emphasis has been placed on designing buildings that easily fit the traditional Central Otago architectural theme. Mr Stringer will also outline the changes to the proposed barn as a result of discussions with CivicCorp staff.
6. The applicant, Mr Duncan Robertson, will outline pragmatic farming and management reasons as to why the buildings have been placed in the chosen positions, particularly the barn.
7. In order for the application to be processed on a non-notified basis, it would need to be demonstrated that the effects will only be minor and that no person is potentially adversely affected by the proposal. Lastly, there must be no special circumstances that would warrant notification.

8. From my reading of Ms Eccles report, I understand there are a number of areas that are not of concern in terms of Section 94. As such, I will not address these matters that include:
  - Land, Flora and Fauna
  - Infrastructure
  - Natural Hazards
  - Culture
  - Traffic Generation and Vehicle Movements
  - Nuisance
9. I will focus my comments on the reasons (as expressed through the summary bullet points on page 6 of the planners report) as to why Ms Eccles considers that the application should be publicly notified in accordance with Section 94 of the Act.
10. I am of the opinion that the Council can be satisfied that the amended application will result in effects on the environment that will be no more than minor. The requirements of Section 94(2)(a) of the Act can be met. The reasons for this are outlined below.
11. Through topography, existing vegetation and placement, the proposed cottage is generally invisible or marginally visible from public places.
12. I consider that the proposed barn to be an appropriate structure in this particular rural setting.
13. While I acknowledge that Ms Eccles or Ms Ramsay have not had the benefit to formally assess the design changes to the barn, however in my experience, I consider that the amended design will result in a building that will not be 'highly visible' when viewed from public places, namely the area bounded by the intersection of Speargrass Flat, Hunter Road, and Lower Shotover Roads. This conclusion has been reached through the following factors:
  - The viewing distances involved
  - The recessive external materials
  - The small scale of the building, together with being 'cut' into the land
  - The existing building and mature landscaping providing an appropriate backdrop
  - Proposed plantings/mounding to the immediate south of the barn will partially screen the building in this direction.
14. Dealing with the broader potential effects of the proposal on the rural character and amenity of the area, it is acknowledged that any new buildings will increase the 'domestication' of this landscape setting. The proposed buildings are suitably located within or near existing development and vegetation and this appropriate placement in this instance allows me to form the view that the proposed buildings

can be constructed without any detrimental effect on the overall rural character and amenity of the area. Certainly, it is my opinion that over-domestication will not result from the proposal, especially when viewing the site from the area bounded by the intersection of Speargrass Flat, Hunter Road, and Lower Shotover Roads. The predominate pastoral setting in this particular area will be maintained.

15. The requirements of Section 94(2)(b) of the Act can also be met in my opinion.
16. With respect, I disagree with Ms Eccles in terms of her views that neighbouring properties to the south may be adversely affected by the proposal. The justification for my stance on this particular matter is the same as expressed through the bullet points listed above. The sheer distances involved when viewing the proposed barn in particular, together with the other mitigation factors, leads me to the view that these landowners will most certainly not be adversely affected by the granting of this consent. For this reason, it is my opinion that it would be unreasonable to request the written approval of these landowners.
17. I acknowledge that the landowner to the north (Nelson) will see the proposed cottage. Previous Environment Court case law has stated that rural landowners cannot expect their neighbouring landowners to keep land undeveloped for their benefit. However, rural amenities are to maintained where possible for people that live in the rural areas.
18. I am of the opinion that the rural amenities that are currently enjoyed by the Nelson property can be adequately maintained in terms of the proposed cottage. The primary reason for this opinion is the distance involved between the Nelson dwelling and the proposed barn. I would suggest that some screen planting be undertaken between the proposed cottage and boundary that separates the Robertson and Nelson property.
19. Dealing with Section 94(5) of the Act, I agree with Ms Eccles that there are no special circumstances that would warrant requiring notification of the proposal under this requirement.
20. In conclusion, I hold the view that the application as it currently stands can successfully pass the tests as required by Section 94 of the Act. As such, the application can be processed on a non-notification basis, subject to the imposition of appropriate conditions of consent.

Scott Freeman

28 April 2003

$$\frac{17.5 \text{ mm} = 40,000 \text{ mm}}{17.5} = 2286 \text{ m}$$

107

PROPOSED COTTAGE

PRESSAGE AREA

EXISTING DWELLING

CARPORT EXTENSION

STONE WALL

PROPOSED STABLE/BARN

UNFORMED LEAN ROAD

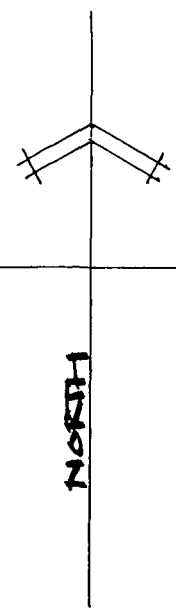
HUNTER ROAD

SPEAR GRASS FLAT ROAD

SITE PLAN  
H.T.S.

Note approval is not given  
to the stable/barn  
JHE

ROBERTSON : SPEAR GRASS FARM : APRIL 2003



NEW TREE PLANTING TO ADD INFILL  
TO EXISTING APPROVED LANDSCAPE PLAN

PROPOSED NEW SCREEN PLANTING  
BELOW POND. BOTH SIDES OF GULLY.

QUEENSTOWN LAKES DISTRICT COUNCIL

I/WE Liz & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney Road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
TERMS OF SECTION 94 OF THE RESOURCE  
MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON  
THESE PLANS.

I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT,  
THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY  
ACTUAL OR POTENTIAL EFFECT UPON ME IN  
DETERMINING THIS PROPOSAL.

[Signature] (Signature) 8/5/03 (Date)

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 22114161

20/5/03  
Date

JHE  
Initials

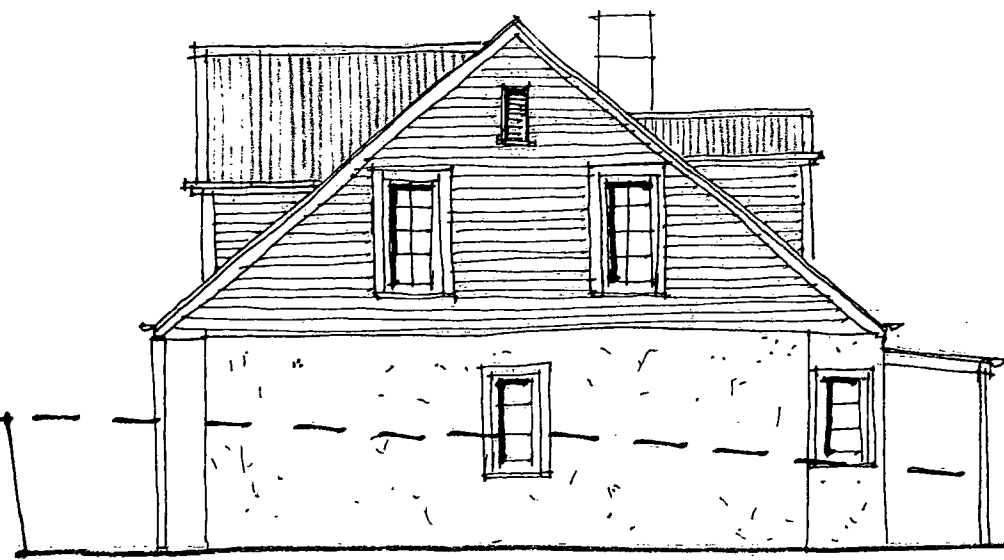
DAVID STRINER ARCHITECTS



C SOUTH ELEVATION  
1:100

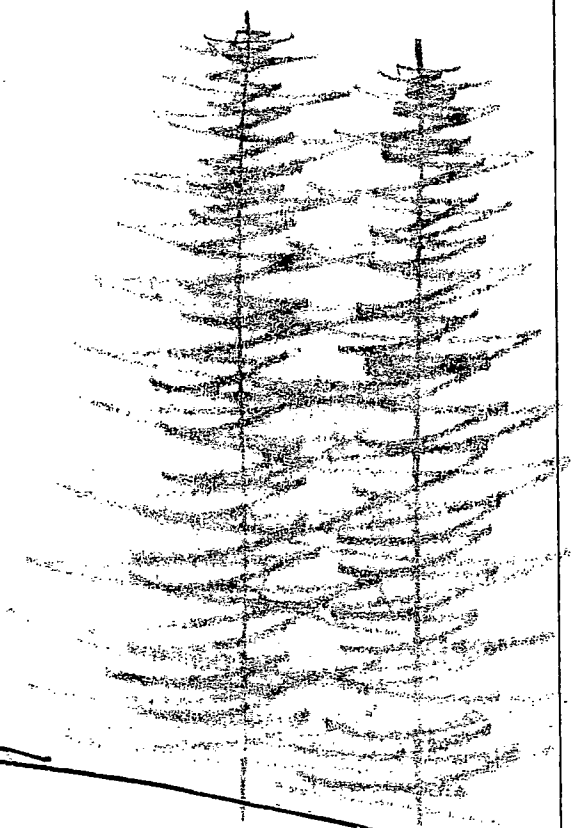
QUEENSTOWN LAKES DISTRICT COUNCIL  
 I/WE has. Judy Nelson AS OWNERS /  
 OCCUPIERS OF 16 Mooney road HEREBY GIVE  
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 ACTUAL OR POTENTIAL EFFECT UPON ME IN  
 DETERMINING THIS PROPOSAL.  
[Signature] (Signature) 8/5/03 (Date)

8.0 M MAX HEIGHT LINE



D WEST ELEVATION  
1:100

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 02/14/02  
26/5/02 Date [Signature]



DAVID STRUNKER ARCHITECTS 2002

QUEENSTOWN LAKES DISTRICT COUNCIL

#WE Les & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
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THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY  
ACTUAL OR POTENTIAL EFFECT UPON ME IN  
DETERMINING THIS PROPOSAL.

[Signature] (Signature)

8/5/03 (Date)



**A** EAST ELEVATION  
1:100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 02/14/02

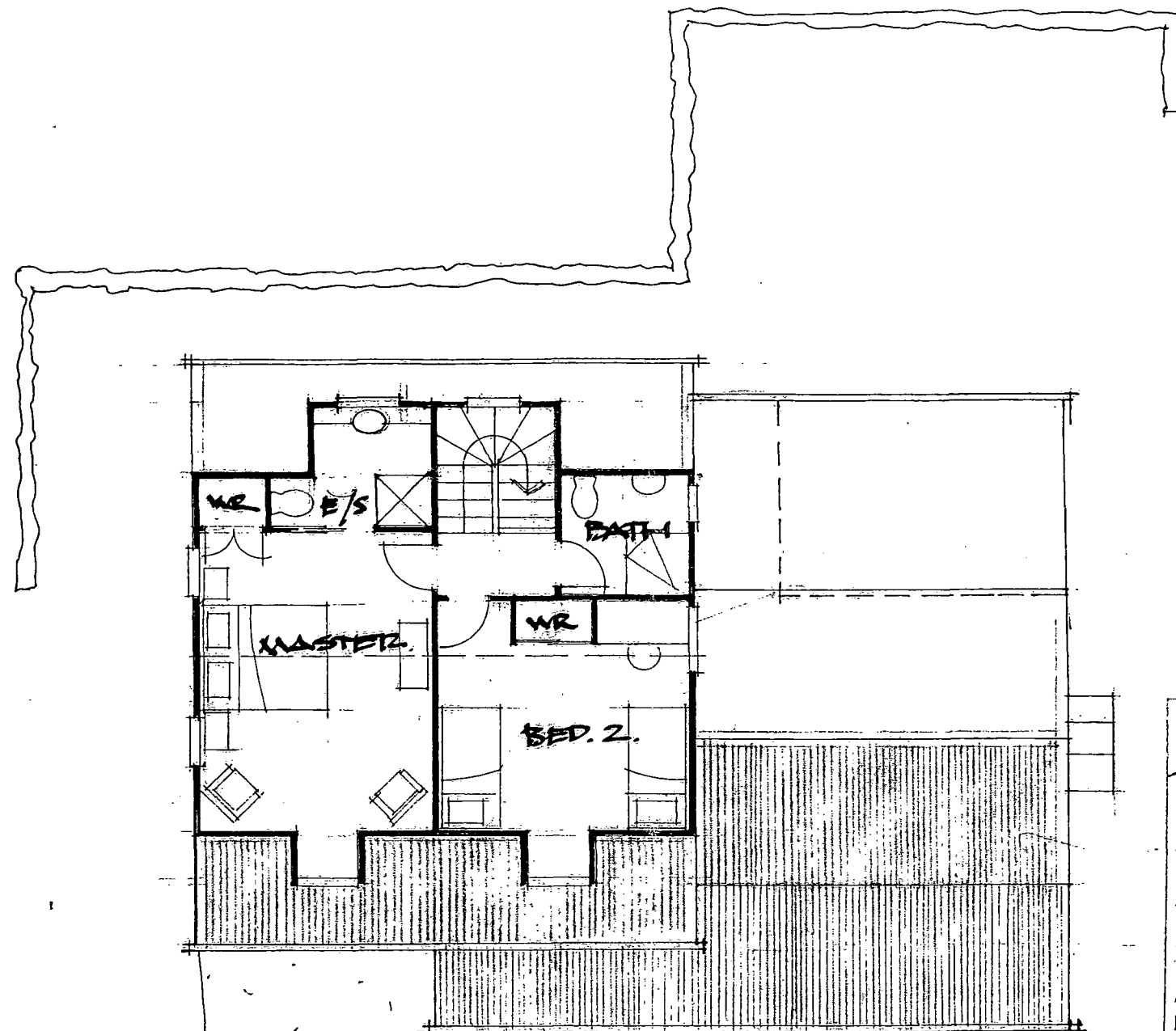
26/5/03  
Date

[Initials]  
Initials



**B** NORTH ELEVATION  
1:100

DAVID STRICKER ARCHITECTS 2002



2  
-

FIRST FLOOR PLAN  
COTTAGE

1:100

QUEENSTOWN LAKES DISTRICT COUNCIL

I/WE Les & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
TERMS OF SECTION 94 OF THE RESOURCE  
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DETERMINING THIS PROPOSAL.

[Signature] (Signature) 8/5/03 (Date)

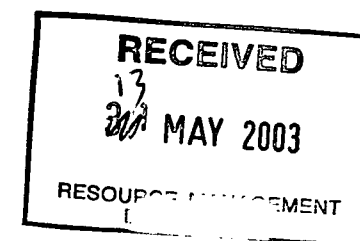
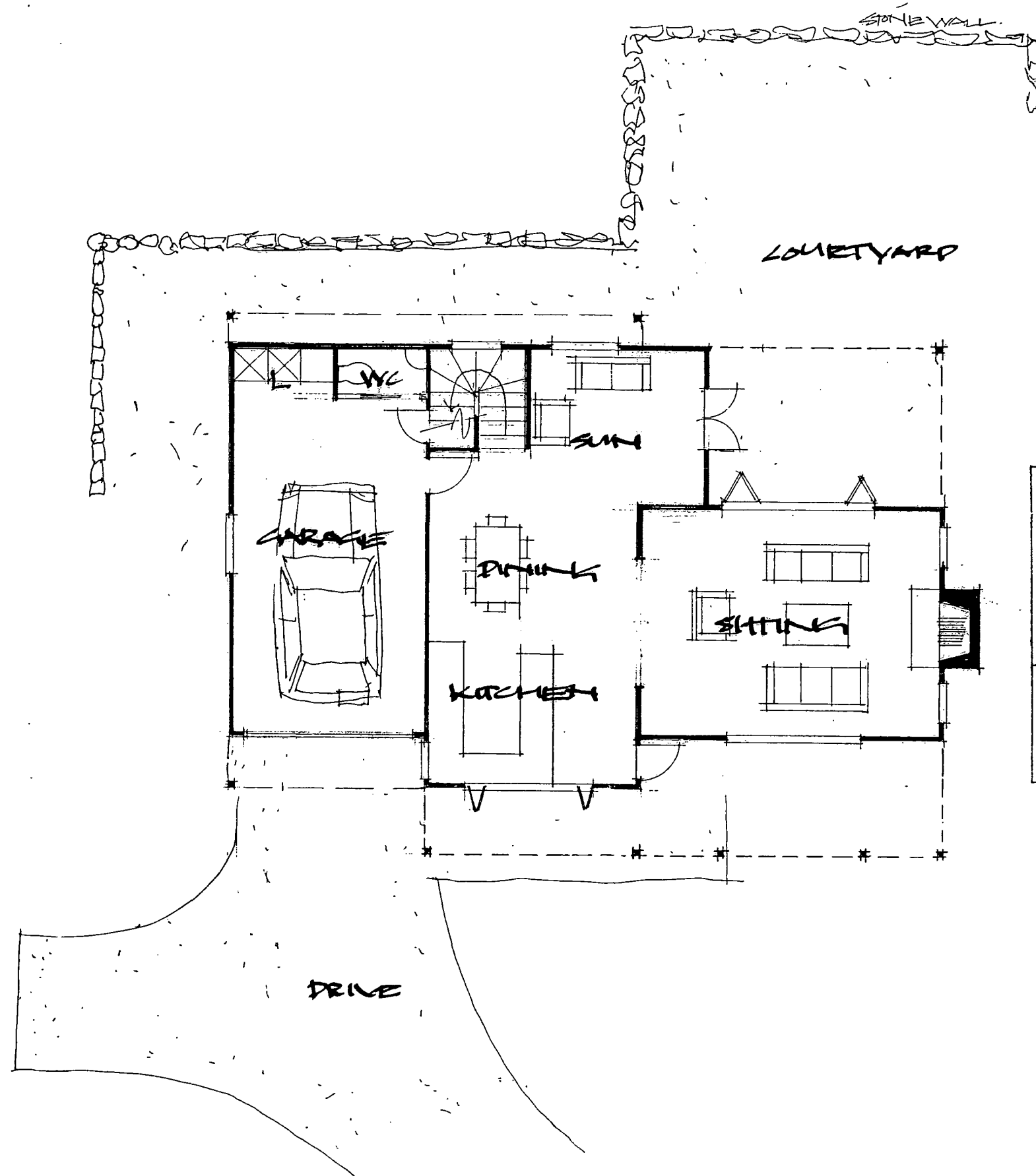
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 22.114(a)

26/5/02 Date MR Initials

DAVID STEINZGER ARCHITECTS 2002

NEW 22500 WATER TANK.  
SUPPLY FROM EXISTING TANKS  
TO EXISTING DWELLING.



QUEENSTOWN LAKES DISTRICT COUNCIL

I/WE Les & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
TERMS OF SECTION 94 OF THE RESOURCE  
MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON  
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I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT,  
THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY  
ACTUAL OR POTENTIAL EFFECT UPON ME IN  
DETERMINING THIS PROPOSAL.

[Signature] (Signature) 8/5/03 (Date)

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 02/11/01

26/5/03  
Date

ME  
Initials

1 GROUND FLOOR PLAN  
COTTAGE

1:100

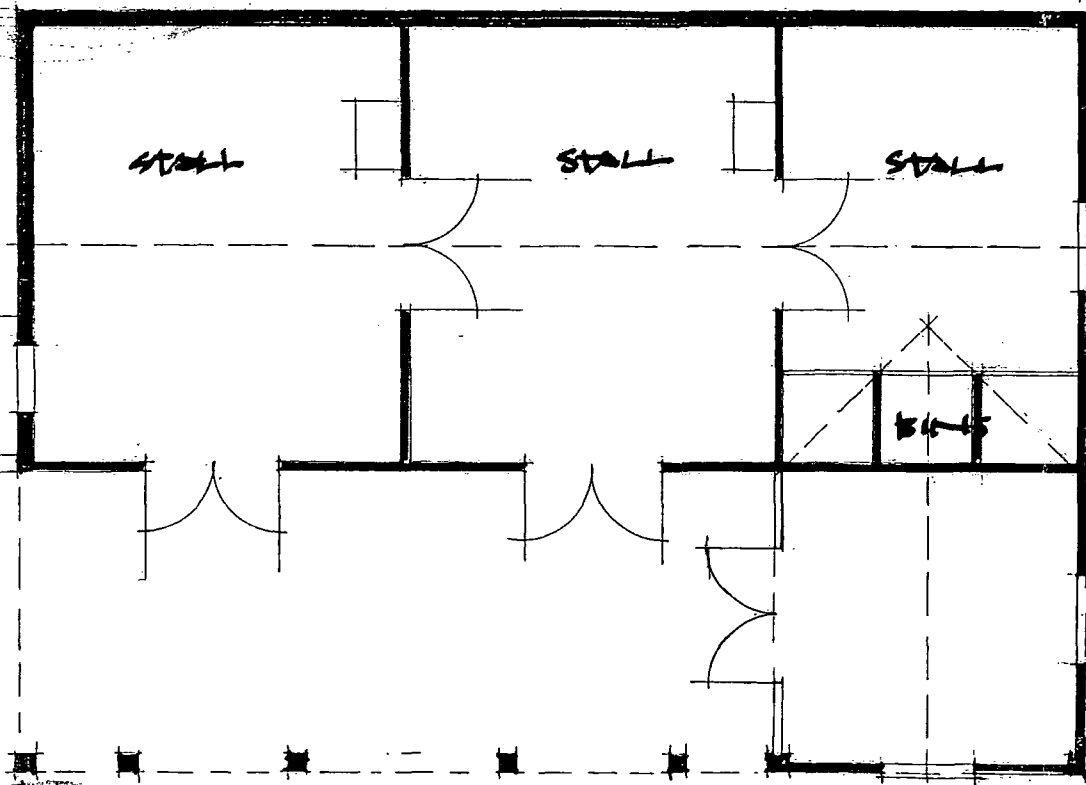
DAVID STRINGER ARCHITECTS 2002



DRIVE

AVENUE  
OF  
TREES.

STONE WALL  
TO COURTYARD  
1.4 HIGH.



GROUND FLOOR PLAN

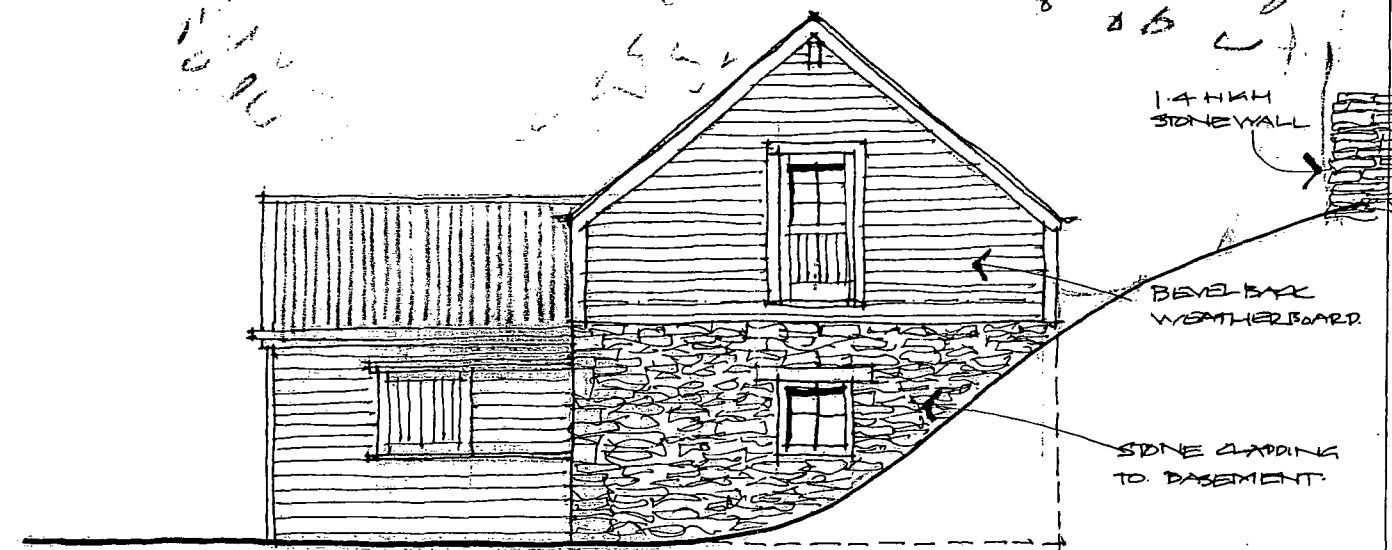
1:100

STABLE : FAUN REARING SHED

YARD.

GATE

ROBERTSON FARM : OCT 2002



4 SOUTH ELEVATION  
1:100

QUEENSTOWN LAKES DISTRICT COUNCIL

I/WE Les & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
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THESE PLANS.

I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT,  
THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY  
ACTUAL OR POTENTIAL EFFECT UPON ME IN  
DETERMINING THIS PROPOSAL.

(Signature)

8/5/03 (Date)

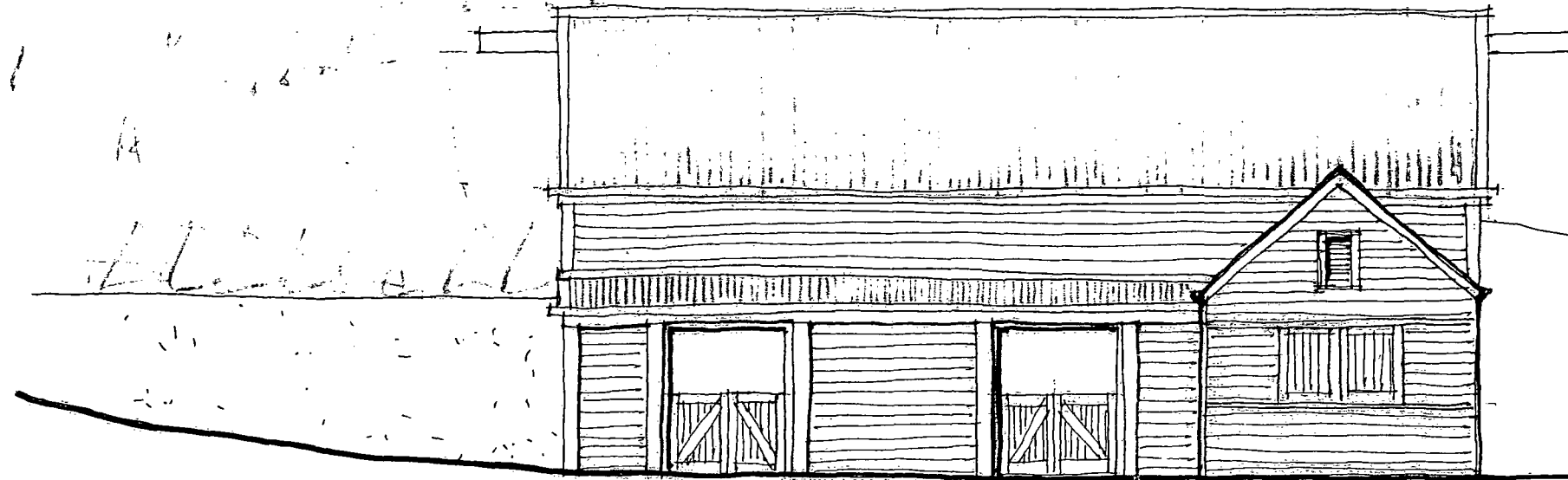
DAVID STRINGER ARCHITECTS 2002

QUEENSTOWN LAKES DISTRICT COUNCIL

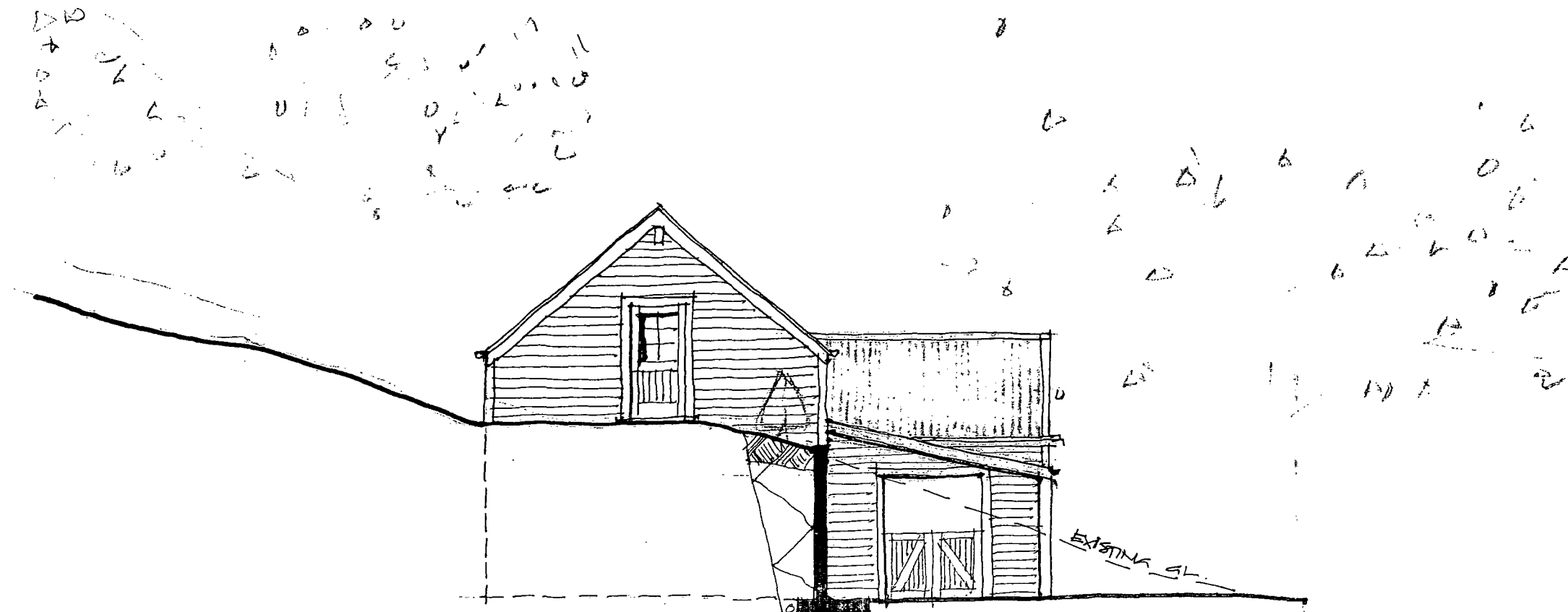
I/WE Wes & Judy Nelson AS OWNERS /  
OCCUPIERS OF 16 Mooney road HEREBY GIVE  
WRITTEN APPROVAL AS AN AFFECTED PERSON, IN  
TERMS OF SECTION 94 OF THE RESOURCE  
MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON  
THESE PLANS.

I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT,  
THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY  
ACTUAL OR POTENTIAL EFFECT UPON ME IN  
DETERMINING THIS PROPOSAL.

[Signature] (Signature) 8/5/03 (Date)

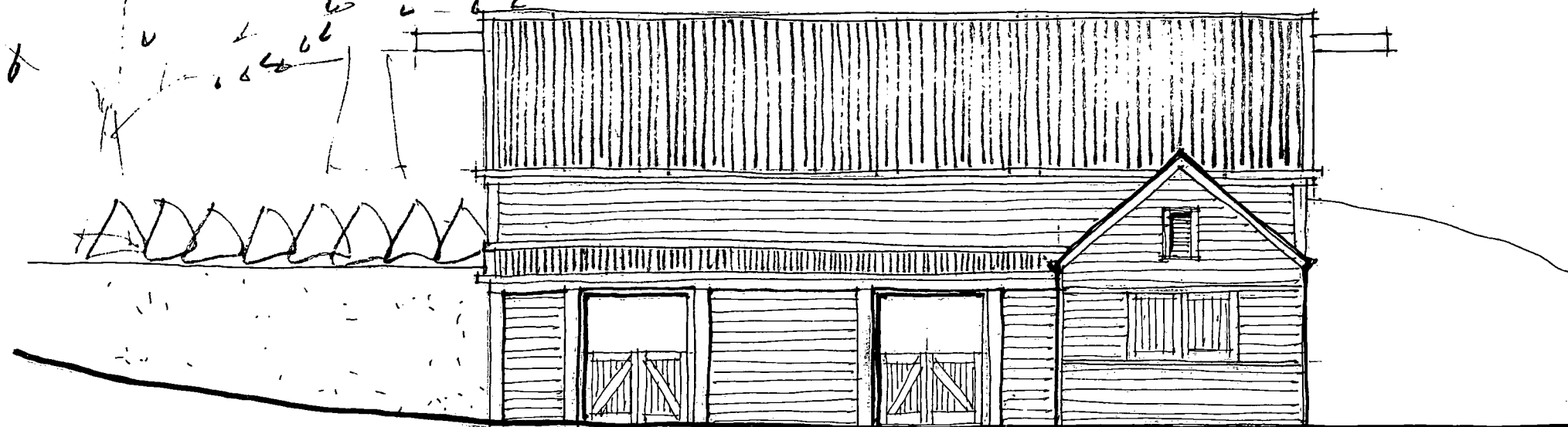
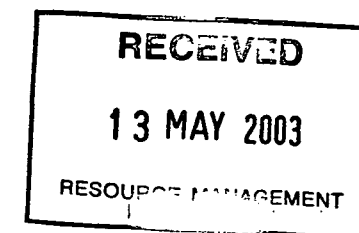


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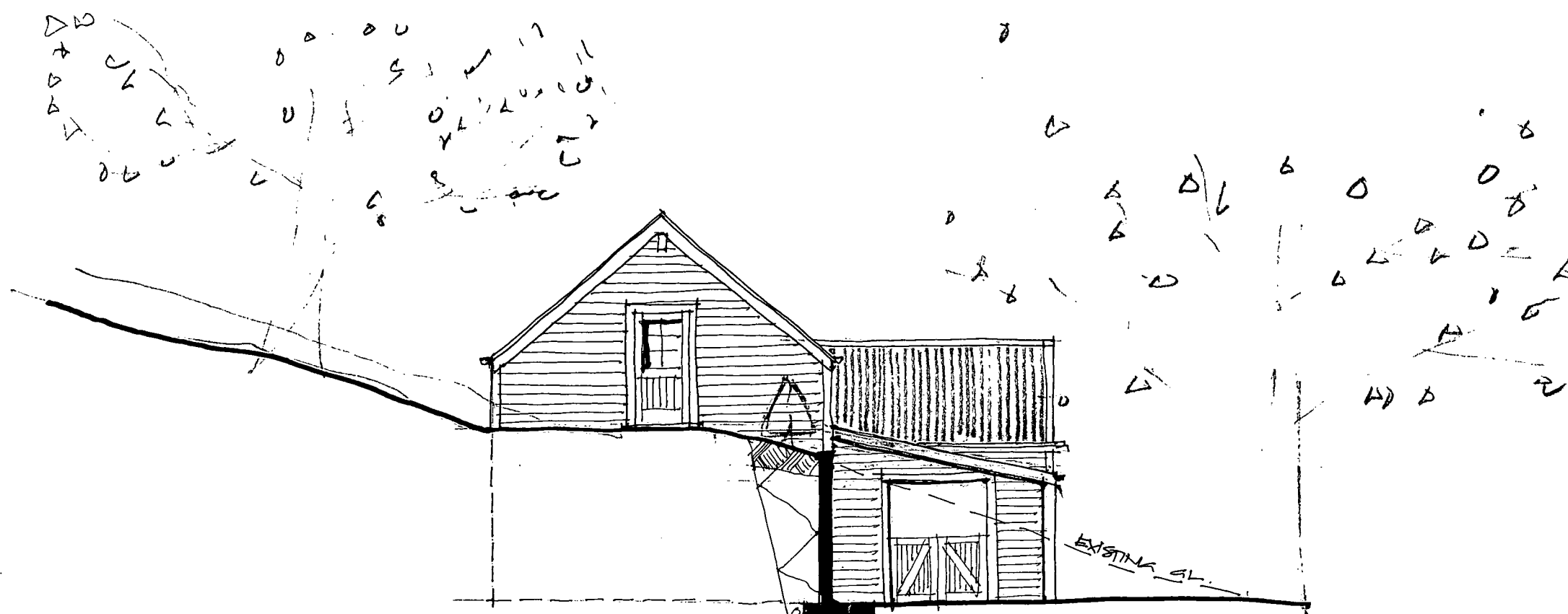


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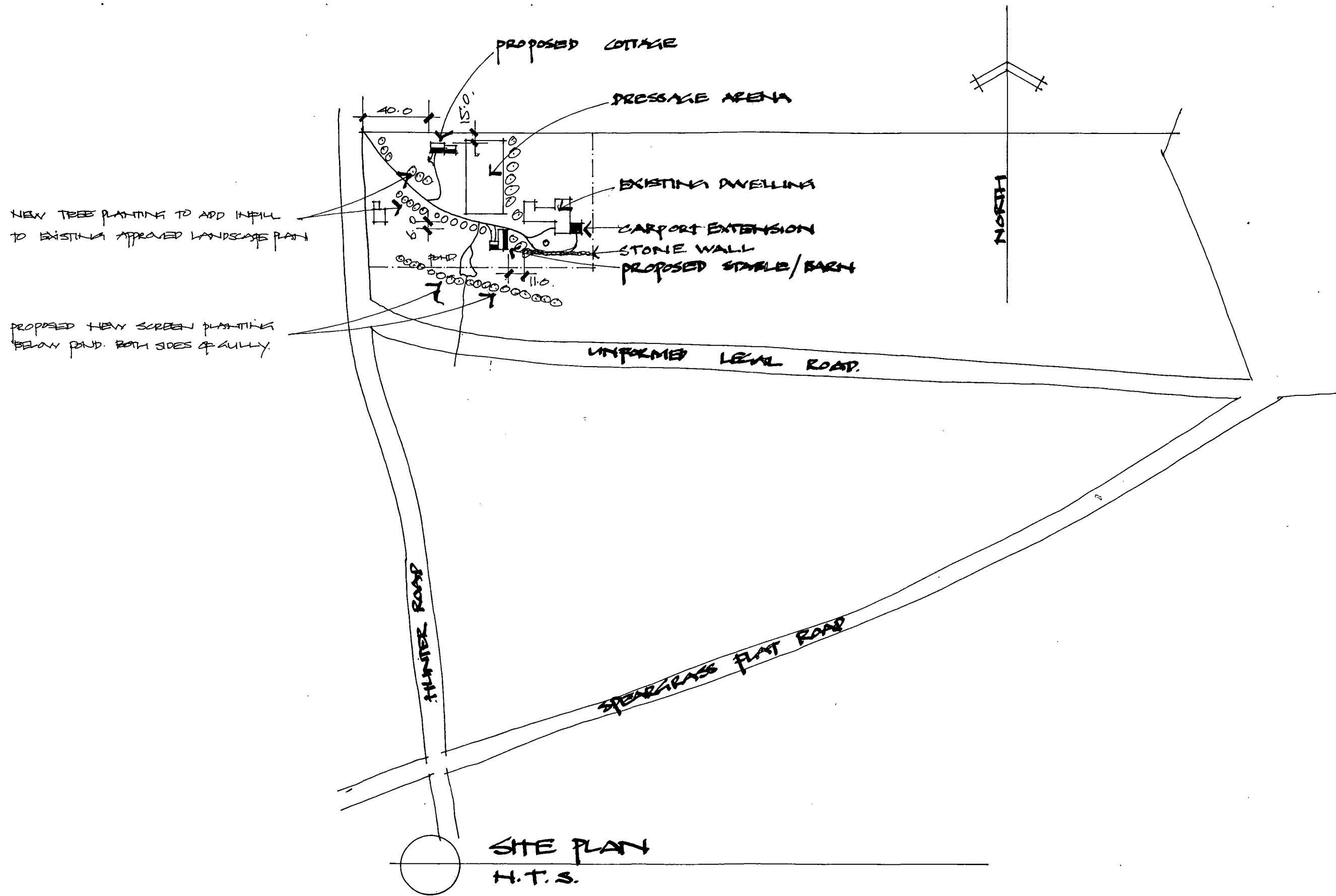


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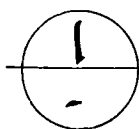
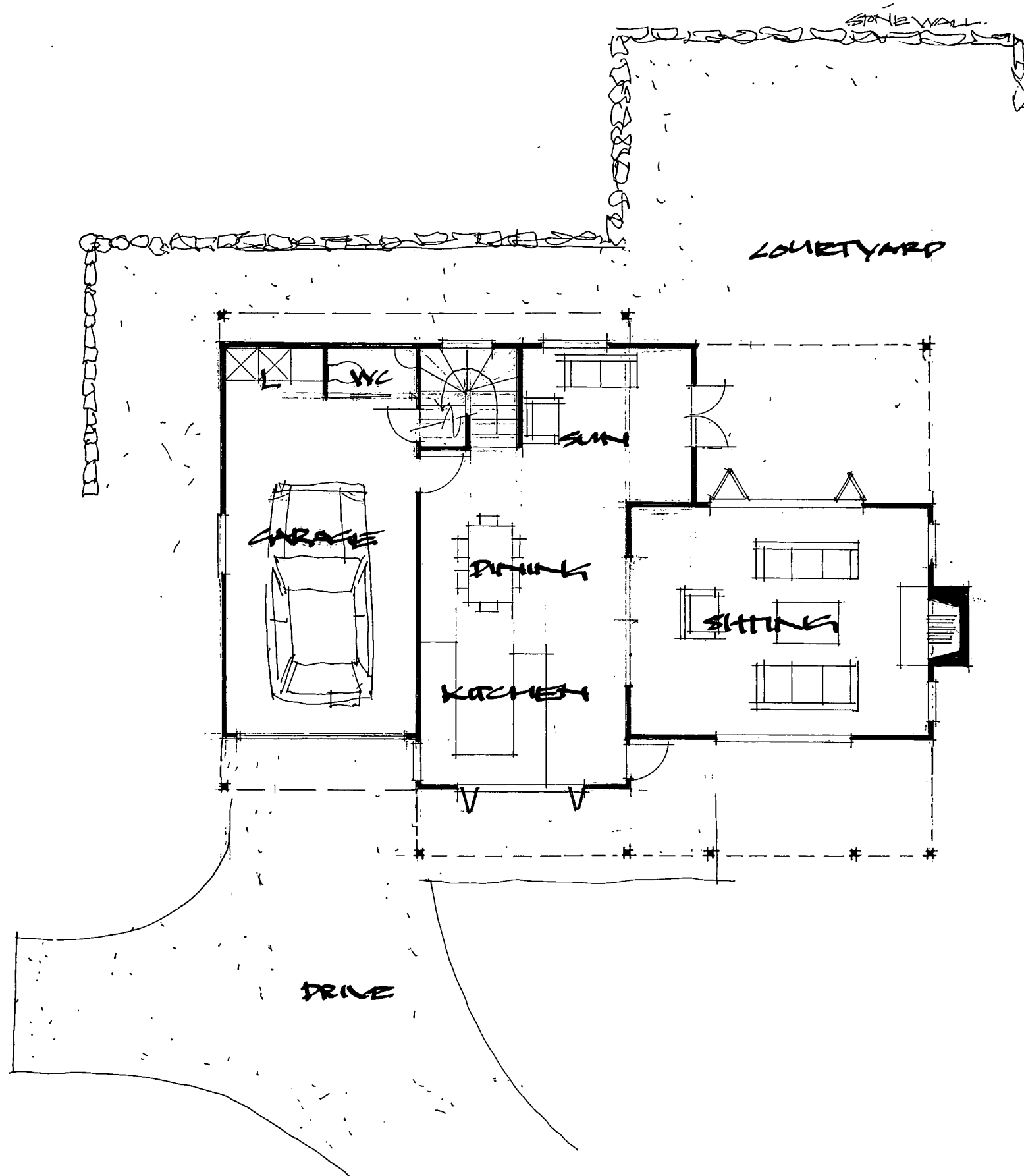
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ROBERTSON : SPEARGRASS FARM : APRIL 2003

DAVID STRINER ARCHITECTS.

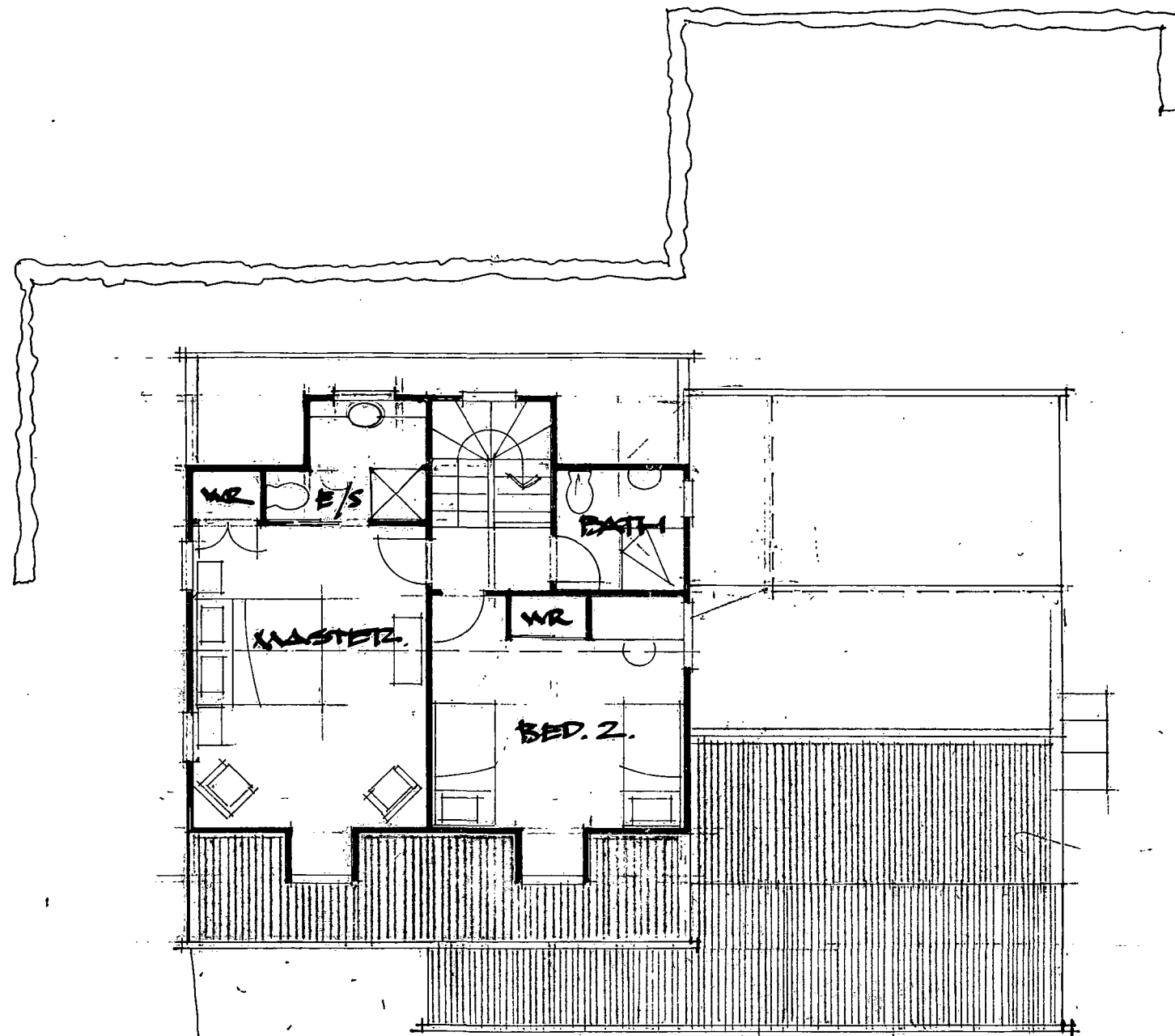
NEW 22500 WATER TANK.  
SUPPLY FROM EXISTING TANKS  
TO EXISTING DWELLING.



GROUND FLOOR PLAN  
COTTAGE

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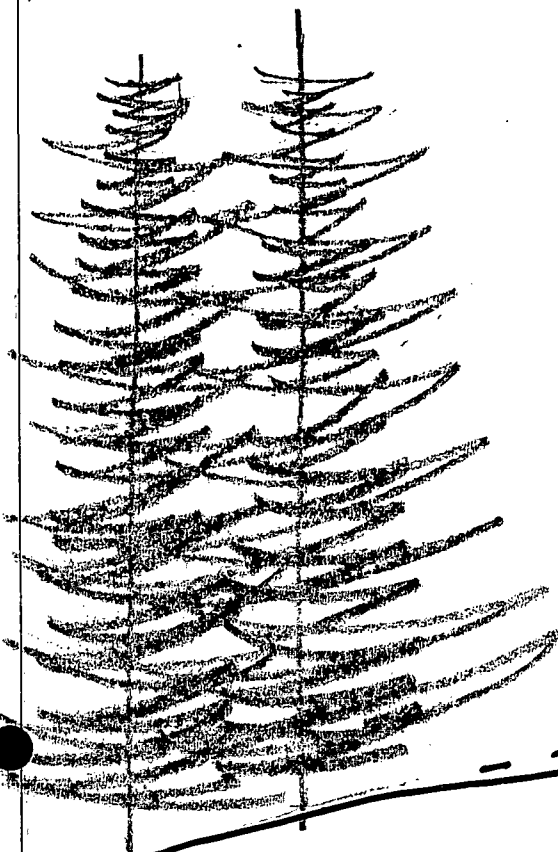
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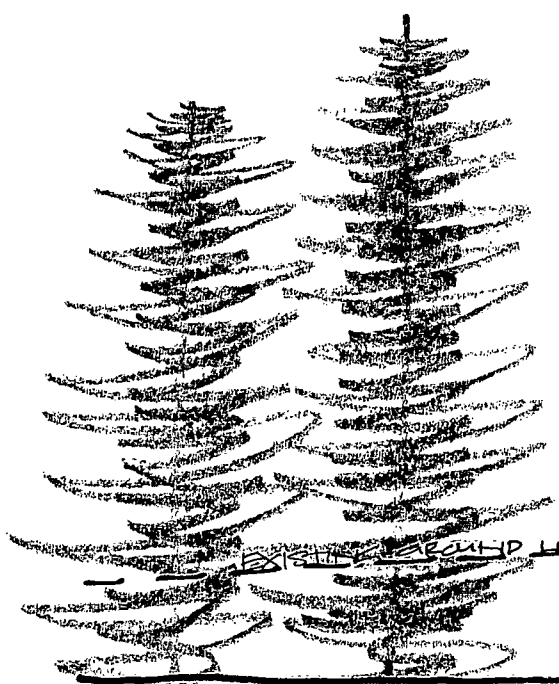
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FIRST FLOOR PLAN  
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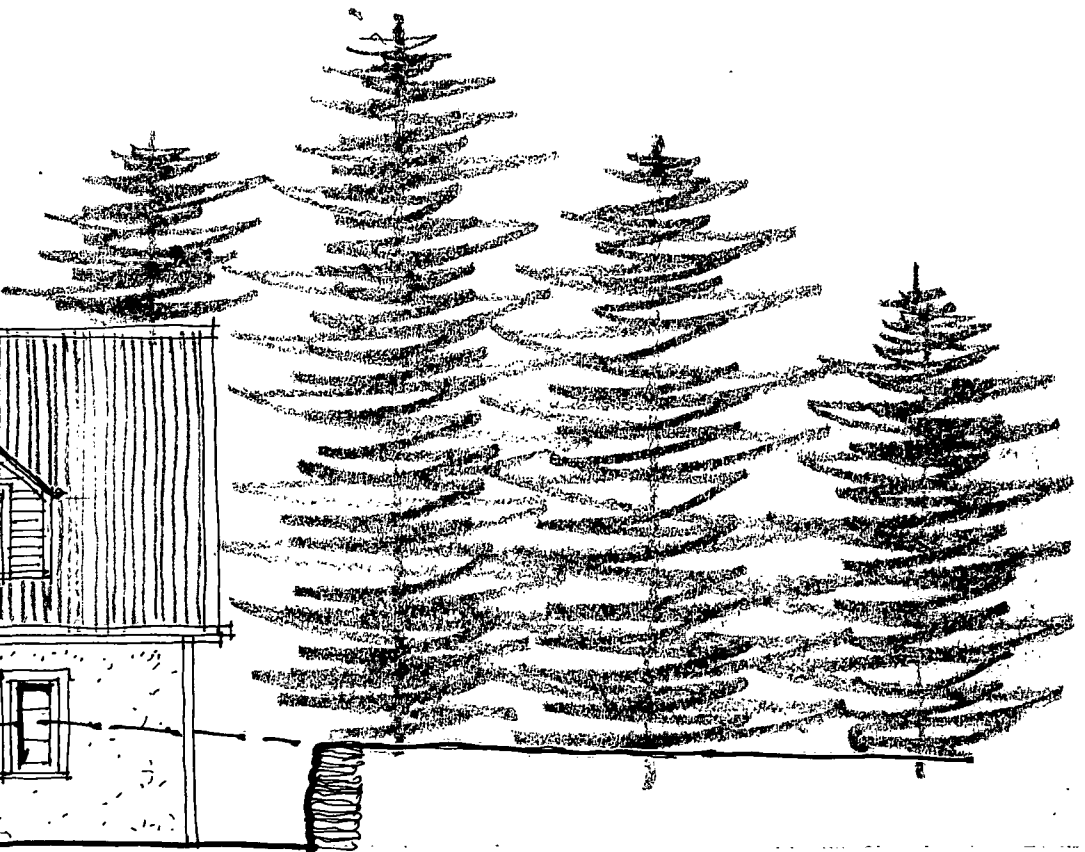
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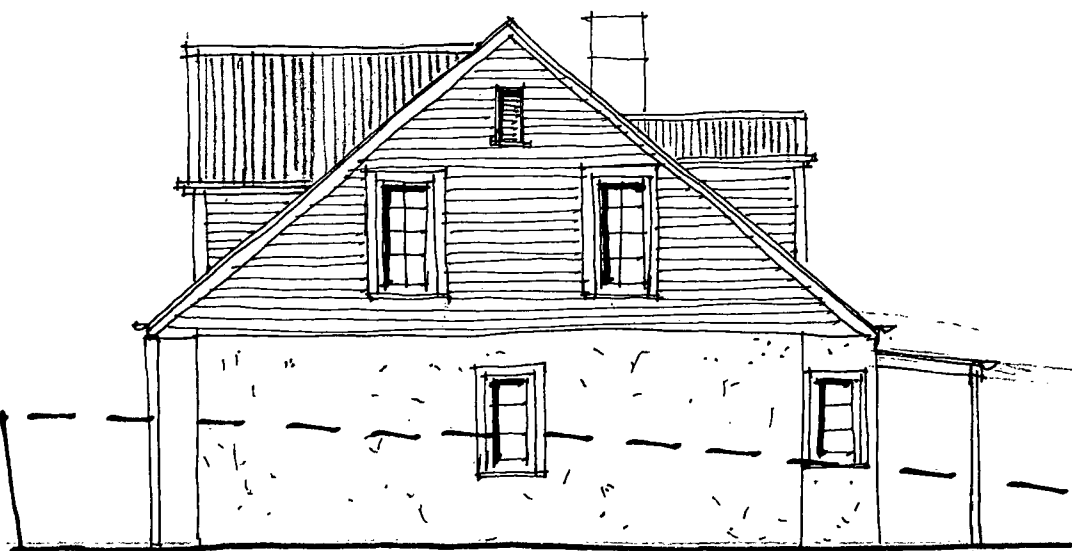
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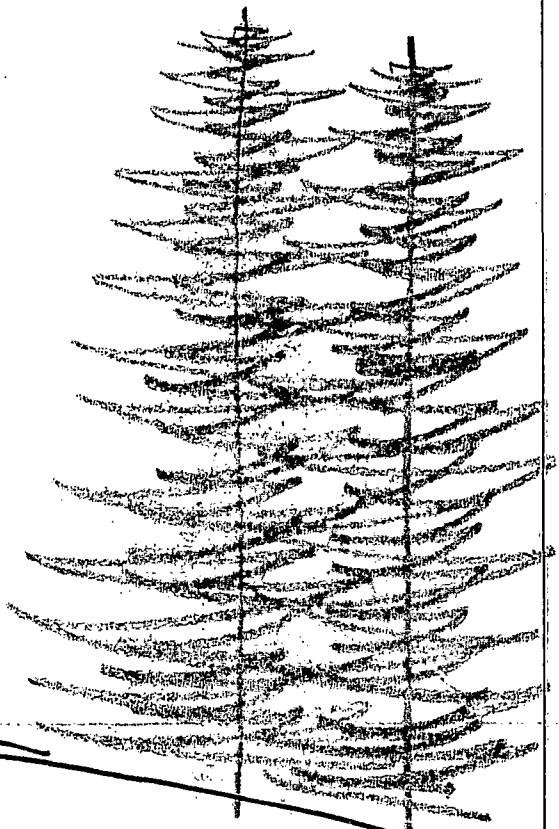


C SOUTH ELEVATION  
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8.0 M MAX HEIGHT LINE



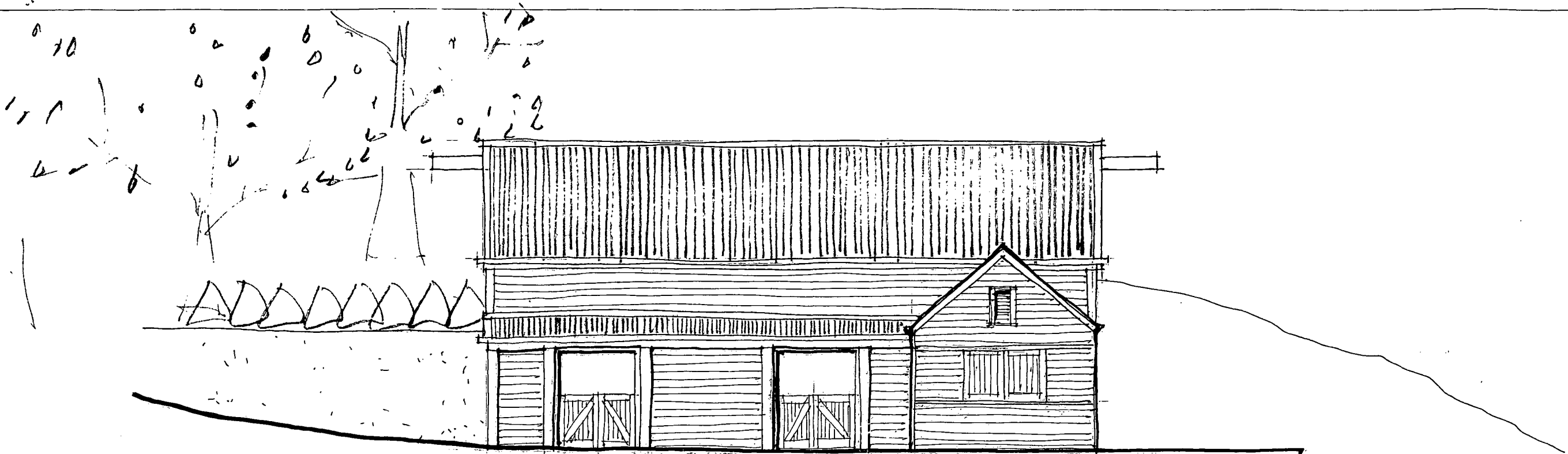
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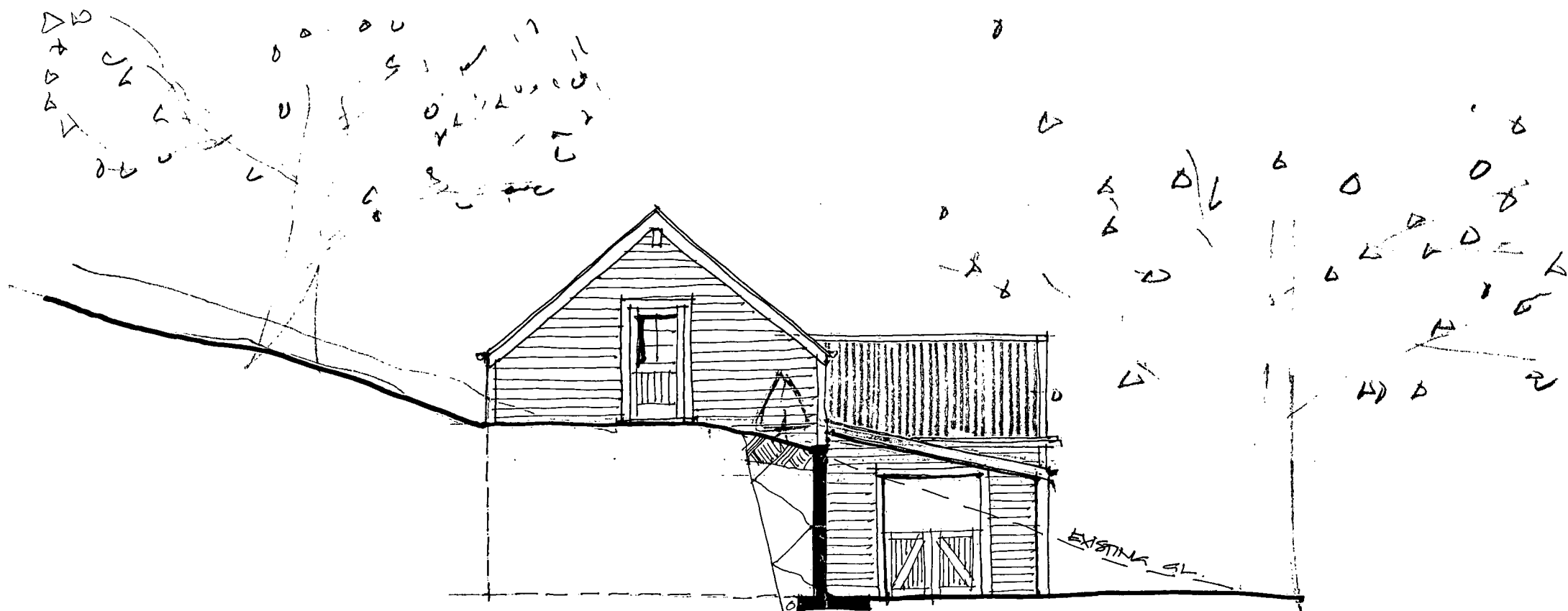
DAVID STRUNKER ARCHITECTS 2002







**E WEST ELEVATION**  
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**F NORTH ELEVATION**  
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Civic Corporation Limited  
Private Bag 50077  
CivicCorp House, Shotover  
Street  
Queenstown, New Zealand  
Tel: (03) 442 4777  
Fax: (03) 442 4778

## Fax Transmission

**Attention:** Duncan Robertson

**No. of Pages:** 1

**Company:**

**Fax Number:** 09 309 2656

**From:** René Kampman

**Dated:** Tuesday, 8 April 2003

**Subject:** RM 02 1141

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CAUTION: The information contained in this facsimile message is CONFIDENTIAL and may be subject to LEGAL PRIVILEGE. If you are not the intended recipient you are notified that any use of the message is PROHIBITED. If you have received this message in error, please notify us immediately by facsimile and destroy the original.

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Duncan, further to our discussion and your subsequent fax I note that your application was lodge with the office on the 24 Dec 2002. As you may be aware the Resource Management Act provides for effectively a shut down period from the 20 December through to 15 January. I would note that a request was made in January for the erection of poles on the site which we were notified of and inspected in early March.

The planner processing your application has been unable to locate the landscaping plan that you refer to in your fax, to me, which you indicate as have being submitted to the Council in 1995.

From the application file I note that your application is being referred to the Regulatory and Hearing Committee on 28 April 2003 at 11 am for a notification determination. The committee will make a determination whether your application is to be processed as a publicly notified or non-notified application.

I trust that the above clarifies where you application is at in terms of the application process.

Regards René

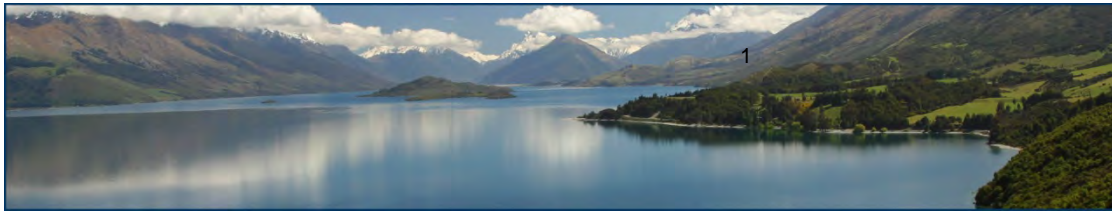
**CivicCorp**

THE PLANNING DROT WILL STILL HAVE  
THOSE PLATS AS IT WAS GOING  
TO BE A "BLUE PRINT" FOR  
FUTURE RURAL SUBDIVISIONS.

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MORE TREES HAVE BEEN PLANTED  
THAN REQUIRED (BY THE PLAN) IN THE  
PAST FEW YEARS.

DUNCAN ROBERTSON.



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104**  
**OF THE RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	J Hunt & D Robertson
<b>RM reference:</b>	RM200892
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct a farm building that breaches height, road setback and floor area, with associated services and access
<b>Location:</b>	125 Hunter Road, Speargrass Flat
<b>Legal Description:</b>	Lot 1-2 Deposited Plan 20531 and Section 1-3 Survey Office Plan 20437 held in Record of Title OT12A/419.
<b>Zoning:</b>	<b>ODP:</b> Rural General <b>PDP:</b> Wakatipu Basin Rural Amenity Zone Landscape Character Unit 8: Speargrass Flat
<b>Activity Status:</b>	<b>Restricted Discretionary</b>
<b>Decision Date</b>	<b>19 February 2021</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Erin Stagg, Senior Planner, on 19 February 2021 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Erin Stagg, Senior Planner, under delegated authority pursuant to Section 34A of the RMA.

## 1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to construct a farm building that breaches height, road setback and floor area, with associated services and access.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 1.0 – 1.3.4 of the report entitled “*J & D Robertson Farm Building*”, prepared by Nick Geddes of Clark Fortune McDonald, and submitted as part of the application (hereon referred to as the applicant’s AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

## 2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, and notified its decisions on Stage 2 of the PDP on 21 March 2019. There are a number of appeals on these decisions. Stage 3 of the PDP was notified on 19 September 2019 and Stage 3B on 31 October 2019, and decisions on submissions are pending.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

### 2.1 OPERATIVE DISTRICT PLAN

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

- A **controlled** activity pursuant to Rule 5.3.3.2(i)(d) for the construction of a farm building. Council’s control is with respect to the following:
  - a) location anywhere within the property;
  - b) external appearance; and
  - c) provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).
- A **restricted discretionary** activity pursuant to Rule 5.3.3.3 (xi) for a breach of Site Standard 5.3.5.1 (xi) (a) (i) and (ii) which state: No farm building shall be replaced, extended or constructed on any holdings (as defined) less than 100 hectares in area or at a density of more than one farm building per 50 hectares. It is proposed to construct a farm building on a holding less than 100 hectares (63.9873ha) and at a density of more than one farm building per 50 hectares (as there are existing farm buildings on the site. Council’s discretion is restricted to this matter.

### 2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Wakatipu Basin Rural Amenity Zone by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

*Rules with legal effect, that are not yet treated as operative under s.86F are:*

- A **restricted discretionary** activity pursuant to Rule 24.5.7.1 for a building which stands above 6m yet below 8m in height (7m). Council’s discretion is restricted to:
  - a. Building location, character, scale and form including the pitch of roofs;
  - b. External appearance including materials and colours;
  - c. Landform modification/planting (existing and proposed).
- A **restricted discretionary** activity pursuant to Rule 24.5.8 for a building which stands within the minimum 20m setback from roads (7m from Speargrass Flat Road). Council’s discretion is restricted to:
  - a. Building location, character, scale and form;

- b. External appearance including materials and colours;
  - c. Landscaping/planting (existing and proposed).
- A **restricted discretionary** activity pursuant to Rule 24.5.13 (a) for a farm building which exceeds the maximum 50m<sup>2</sup> (272m<sup>2</sup>). Council's discretion is restricted to:
    - a. Building location, character, scale and form;
    - b. External appearance including materials and colours; and
    - c. Landform modification/planting (existing and proposed).

*Rules 24.5.7, 24.5.8 and 24.5.13 are under appeal with primary relief sought being deletion of Chapter 24 [ENV-2019-CHC-065 et al]*

## 2.3 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- a **restricted discretionary** activity under the ODP; and
- a **restricted discretionary** activity under the PDP.

As per the above, the application is therefore being processed and considered as a **restricted discretionary** activity.



# NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

## 3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

### **3.1 Step 1 – Mandatory public notification**

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

### **3.2 Step 2 – Public notification precluded**

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

### **3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances**

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

#### **3.3.1 Effects that must / may be disregarded (s95D(a)-(e))**

Effects that must be disregarded:

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95D(c)).*
- *Trade competition and the effects of trade competition (s95D(d)).*

Effects that may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is provided in section 3.3.2 below.

### 3.3.2 Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. The applicant's AEE contains description of the permitted baseline at sections 1.3.3 and 2.2.1, which includes:

#### Operative District Plan

- Farming activities;
- Earthworks up to 1000m<sup>3</sup> with additional standards.

All farm buildings within the Rural General Zone require a resource consent.

#### Proposed District Plan

- Farming activities;
- The construction of a farm building measuring less than 50m<sup>2</sup> in area, measuring less than 6m in height (and subject to other standards);
- Earthworks up to 400m<sup>3</sup> with additional standards, provided the works are associated with farming activities.

The permitted baseline with regard to earthworks under the ODP and PDP is considered to be relevant in this instance. However, the permitted baseline with regard to farm buildings under the PDP is of little relevance, as currently, any farm building requires resource consent under the ODP.

### 3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The relevant assessment matters are found in Section 5 of the Operative District Plan and Sections 24 of the Proposed District Plan, and have been considered in the assessment below.

The Assessment of Effects provided at Section 2.2.2 - 2.2.7 of the applicant's AEE is considered to be accurate, and is adopted for the purposes of this report, along with the following further assessment that includes a report by Council's Resource Management Engineer Mr Ockert Vermeulen. Mr Vermeulen's assessment is accepted and adopted for the purposes of this report.

#### Landscape character and visual amenity values

Due to the relatively open and flat pastoral valley floor within this part of Landscape Character Unit 8: Speargrass Flat (LCU), the proposed building will be visible along Speargrass Flat and Hunter Roads. The proposed building will be co-located or clustered with an existing hayshed that provide some limited screening from more distant views along Hunter Road. Given the open, reasonably flat paddocks within this part of the site, it would be difficult to conceal the building even if it complied with the road setback and building height. The character of the LCU includes 'scattered exotic shelterbelts'; however, there are few boundary plantings in this location. As such, while plantings or shelterbelts along the road boundary or fenceline beside the hayshed would assist in concealing the building, such plantings would also result in an unintended adverse effect by enclosing the site to the detriment of the open pastoral character along Speargrass Flat Road (including the walkway/cycleway route).

The visibility of the building is considered appropriate in this context, and within this site and underlying zone. Farm activities are anticipated and associated farm buildings must also be expected. The proposal

will enable ongoing farm activities and will maintain the predominantly pastoral land use and open landscape character of the LCU valley floor.

Given all of the above, adverse effects on landscape character and visual amenity values from the proposed farm building are considered to be no more than minor.

#### Access

Proposed access to the site is via a new vehicle crossing off Speargrass flat Road.

Mr Vermeulen is satisfied that the access complies with sight distances and will not cause any queuing concerns for the road. Mr Vermeulen recommends conditions in regard to formation of the access.

Overall, adverse effects as a result of the proposed new access are considered to be no more than minor.

#### Services

The applicant proposes to connect the stables to the overhead power lines running along Speargrass Flat Road. Mr Vermeulen is satisfied that such a connection is feasible and that sufficient capacity within the lines are available to cater for the demand created by the proposal.

Due to the nature of the proposed building, no telecommunication services is proposed and Mr Vermeulen is satisfied that no connection is necessary.

Mr Vermeulen notes that the proposal does not entail any residential activities. He is satisfied with the proposed services, being a water supply tank (with treatment to meet NZ Drinking Water Standards), fire fighting water storage and arrangements, sewer holding tank, and stormwater collection and reuse for fire fighting water.

Overall, adverse effects as a result of the services are considered to be no more than minor.

#### 3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

#### 3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

### **4. LIMITED NOTIFICATION (s95B)**

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

#### 4.1 Step 1: certain affected groups and affected persons must be notified

##### *Determination under s95B(2)*

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

##### *Determination under s95B(3)*

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

#### **4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances**

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

#### **4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified**

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

##### *Boundary activity*

The proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval.

##### *Any other activity*

The proposal is not a boundary activity and therefore the proposed activity falls into the ‘*any other activity*’ category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

##### **4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))**

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

##### **4.3.1 [iii] Persons who have provided written approval (s95E(3))**

No persons have provided written approval for the proposed activity.

##### **4.3.2 Assessment: Effects on Persons**

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The owners and occupiers of the following sites shown in Figure 1 are considered to be potentially affected by the proposed activity (174, 192 and 196 Speargrass Flat Road). The applicant's AEE at Section 2.2.3 has considered effects on these persons, with the assessment being accepted along with the following further comments.



**Figure 1 – adjoining properties (source: Applicant's AEE)**

In regard to adjacent properties, the recessive finishes and fundamentally rural nature of the proposed farm building, being clustered with an existing hayshed, will maintain the landscape character and visual amenity values enjoyed by adjacent residents. It is noted that these properties all include mature vegetation along their road boundaries. While these plantings cannot be relied on for the proposed farm building, it is considered unlikely they would be completely removed to allow open views of the road. Overall, any potential adverse effects associated with the farm building are considered to have a less than minor effect on adjacent owners and occupiers.

The proposed activity has the potential to adversely affect wider visual and landscape character and amenity. Considering the proposed building is to be constructed of recessive materials, it will not be visually prominent from surrounding localities and viewpoints. As discussed in section 3.3.3 above, the ODP and PDP zonings both anticipate farming activities, which are logically accompanied by farm buildings of varying sizes and locations. An additional farm building in the proposed location, being co-located with an existing hayshed, will therefore not constitute unexpected built form. The proposed building will instead contribute towards, and be an intrinsic part of, the rural amenity values of the Wakatipu Basin. The proposed activity will not have an adverse effect on the visual and character amenity anticipated in the zone that is experienced by users of Speargrass Flat and Hunter Roads, including walkers/cyclists. As such, effects on any other persons will be less than minor.

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

#### 4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

#### **4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))**

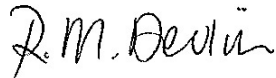
Special circumstances do not apply that require limited notification.

### **5. NOTIFICATION DETERMINATION**

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by

Decision made by




Rosalind Devlin  
**CONSULTANT PLANNER**

Erin Stagg  
**SENIOR PLANNER**

# DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

## 6. S104 ASSESSMENT

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

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

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
  - (i) *A national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

### 6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

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

#### Operative District Plan

An assessment of the relevant operative objectives and policies is provided in Section 3.1 and Attachments G1 and G3 of the applicant's AEE. This is considered accurate and is adopted for the purposes of this report, along with the following further comments.

#### *Part 5 Objective 1 - Character and Landscape Value*

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

The proposed building will enable ongoing farming activities, which utilise the soil resource of the rural area in a sustainable manner. It is considered that the building purpose, design and recessive finishes will avoid, remedy or mitigate adverse effects of development on the landscape values of the District, and that the building will be located in an area with the potential to absorb change.

#### *Part 5 Objective 3 - Rural Amenity*

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

The proposed farm building is considered an intrinsic part of rural amenity and will contribute to a wide range of rural land uses and land management practices can be undertaken in the rural areas without

increased potential for the loss of rural amenity values. The development can be appropriately accessed and serviced.

Overall, the proposal is considered to be consistent with the provisions of the ODP.

#### Proposed District Plan

An assessment of the relevant operative objectives and policies is provided in Section 3.2 and Attachment G2 of the applicant's AEE. This is considered accurate and comprehensive, and is adopted for the purposes of this report, along with the following further comments.

*24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.*

*24.2.1.6 Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.*

The proposed building provides for ongoing farming activities within the Wakatipu Basin, which rely on the rural land resource. As such, the proposed farm building is appropriate within the zone and site, and will contribute directly towards rural amenity values. The scale of the building, design and recessive finishes will ensure that the building can be absorbed within the LCU and maintain the surrounding landscape character and visual amenity values. The development can be appropriately accessed and serviced.

Overall, the proposal is considered to be consistent with the provisions of the PDP.

#### Weighting between Operative District Plan and Proposed District Plan

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

### **6.3 PART 2 OF THE RMA**

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

This proposal promotes sustainable management of natural and physical resources by enabling a farm building to be constructed on a farm. The owners and occupiers of the site are able to provide for their social, economic and cultural well-being by being able to undertake anticipated farming activities. The life supporting capacity of air, water, soil and ecosystems of the surrounding area is not significantly affected by the proposed activity as demonstrated in the above assessment.

*The relevant matters listed in section 7 of the Act must also be given consideration. These matters include:*

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

Amenity values are those natural and physical qualities and characteristics of an area, which contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The definition of "Environment" is defined in the Act as follows:

- (a) Ecosystems and their constituent parts including people and communities: and*
- (b) All natural and physical resources: and*
- (c) The social, economic, aesthetic, and cultural conditions which affect the matters stated paragraphs (a) to (c) of this definition or which are affected by those matters.*

With regard to the matters raised in section 7 of the Act, it is considered that, as outlined within this report, the proposal will maintain existing amenity values and the quality of the existing environment within the



Wakatipu Basin and Landscape Character Unit. The proposal is considered to be inoffensive to the principles of Te Tiriti o Waitangi.

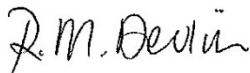
Overall, the proposal is considered to meet the purpose and principles of the RMA.

## **7.0 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** to to construct a farm building that breaches height, road setback and floor area, with associated services and access subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

Prepared by

Decision made by




Rosalind Devlin  
**CONSULTANT PLANNER**

Erin Stagg  
**SENIOR PLANNER**

## **8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS**

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

This proposal may require a development contribution under the Local Government Act 2002 in line with QLDC's Development Contribution Policy. Where a development contribution is determined as required, 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.

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

### *Administrative Matters*

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

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries please contact Rosalind Devlin by email [roz.devlin@qldc.govt.nz](mailto:roz.devlin@qldc.govt.nz)

## **9.0 APPENDICES LIST**

**APPENDIX 1** – Consent Conditions

**APPENDIX 2** – Applicant's AEE

## **APPENDIX 1 – CONSENT CONDITIONS**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'CFMA: Proposed Stables Location on Lot 2 DP 20531, Sheet 001' dated 25.1.2021
  - 'CFMA: Proposed Stables Location on Lot 2 DP 20531, Sheet 002' dated 25.1.2021
  - 'Speargrass Farm – Farm Building: Site Plan', Drawing No. PD-101, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: Stables Floor Plan', Drawing No. PD-201, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: East Elevation', Drawing No. PD-301, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: North Elevation', Drawing No. PD-302, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: West Elevation', Drawing No. PD-303, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: South Elevation', Drawing No. PD-304, Rev A, prepared by anna-marie chin architects and dated 24.09.20.
  - 'Speargrass Farm – Farm Building: Materials', Drawing No. PD-601, Rev A, prepared by anna-marie chin architects and dated 24.09.20.

**stamped as approved on 19 February 2021**

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

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

### **Design Controls**

4. Cladding of the building shall be timber (stained or unstained), stacked stone, colorsteel or solid plaster or a similar material certified by the Council. Joinery shall be in timber, steel, aluminium. Joinery colours (except timber) shall match roofing and spouting colours. All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits), pre-painted steel and all roofs shall have a reflectance value not greater than 20%, and all other surface finishes shall have a reflectance value of not greater than 30%.
5. None of the following materials may be incorporated into the exterior of the building:
  - Fibre cement weatherboard sidings and roofing
  - Uncoated fibre materials
  - Imitation timber, brick or masonry
  - Metal weatherboards or compressed fibre weatherboards
  - Any metal or asphalt based aggregate covered tiles and shingles.
6. Gateways onto Speargrass Flat Road shall exclude monumental gateway features or lighting, and are to be of a standard timber or steel farm gate consistent with the farm character of the location and are not to exceed 1.4m in height.

## Engineering

### General

7. 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 8th October 2020 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:*  
<https://www.qldc.govt.nz/>

8. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a certified Temporary Traffic Management Planner (TTMP) as validated on their CoPTTM ID certification. All contractors obligated to implement temporary traffic management plans shall employ a qualified Site Traffic Management Supervisor (STMS) to manage the site in accordance with the requirements of the NZTA's "Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
9. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following requirements:
  - a) The provision of a sealed vehicle crossing to the site from Speargrass Flat Road to be in terms of Diagram 8, of Schedule 29.2 of the Proposed District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Site access gates, if any, shall be indented at least 9m distance from the formed sealed edge of Speargrass Flat Road to provide queueing space for horse floats. Provision shall be made to continue any roadside drainage.
  - b) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

### ***To be completed when works finish and before commercial occupation of the building***

10. Prior to the commercial occupation of the building, the consent holder shall complete the following:
  - a) The completion and implementation of all works detailed in Condition (9) above.
  - b) Any power supply connections to the building shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
  - c) The provision of an access way to the residential unit that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall

have a minimum formation standard of 150mm compacted AP40 with a 6.0m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.

- d) The provision of a rain water collection and potable treatment system that is to collect and treat roof water onsite from the stables to comply with NZ Drinking Water Standards. The roof water harvesting and storage system shall include a minimum storage volume of 5,000 Litres, within the firefighting static supply, as detailed below.
- e) Prior to the commercial occupation of the building, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve within a 50,000 litre combination of tanks. Alternatively, a 7,000 litre firefighting reserve is to be provided in association with a sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with the Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

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

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

## For Your Information

### Monitoring

The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz)

### Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

### Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the [Engineering Acceptance Application Form](#) and submit to [engineeringapprovals@qldc.govt.nz](mailto:engineeringapprovals@qldc.govt.nz). Further information regarding Engineering Acceptance can be found [here](#).

### Development Contribution

If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

**APPENDIX 2 – APPLICANT’S AEE & ADDENDUMS**

## ATTACHMENT [A]

### Information and Assessment of Effects on the Environment

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***J & D Robertson***

*Farm Building*



**February 2021**

**Prepared by:** Nick Geddes



**anna-marie chin architects**

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## 1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

### 1.1 Site Description & Background

The site is located at 125 Hunter Road and includes land which extends to the intersection between Speargrass and Hunter Roads. A location plan is contained in Attachment [C1]. The site is legally described as Lot 1-2 DP 20531, being 63.98 hectares in area and contained within Computer Freehold Register of Title OT12A/419. A copy of this title is contained within Attachment [B] to this application.



**Figure 1: Location Plan – Attachment [C1].**

The site contains large level paddocks which extend from Speargrass Flat Road northward to the toe of the escarpment which rises to the northern boundary of the property. These paddocks are grazed by livestock, produce hay while one large paddock has been reserved for the equestrian activities of the Wakatipu Pony Club. Two existing farm sheds appear on the property to facilitate the agricultural use of this land.

The applicant has a long-standing affiliation with equestrian activities in the Wakatipu and, on the subject site. The applicant has resided in the north western corner of the site since 1981. Horses have been bred and reared within the home paddock<sup>1</sup> (fig 1 above) of the subject site while foals and yearlings have been purchased in the past and grazed on the site. These horses are sold to other equestrian enthusiasts for equestrian activities. Based upon the historical and current breeding, rearing and keeping of horses for commercial gain they are considered to be *commercial livestock*<sup>2</sup>.

<sup>1</sup> Attachment D1 - RM050310.

<sup>2</sup> *Commercial livestock*, means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock – ODP / PDP Definition.



The breeding and rearing of horses coincide with other continued farming activities on the site which include the breeding and grazing of stud Charolais cattle. These cattle are currently purchased and put to pasture with the applicant's stud Charolais bull. The proposed farm building will enable the insemination of Charolais cows without the requirement to own and keep a stud Bull.

Based upon the historical / current and proposed livestock management for commercial gain on the property this is considered to represent the continued breeding, rearing and keeping of horses and cattle as *commercial livestock*<sup>3</sup>. Collectively, the breeding, rearing and keeping of horses and cattle are existing activities that enable the continued agricultural land uses which result in the pastoral appearance of the property.

## 1.2 Planning History

**RM050310** - Consent approved to undertake extensions to an existing farm building at 125 Hunter Road, Wakatipu basin. The proposal approved the construction of a barn consisting of stabling/breeding facilities for sport horses, a truck storage area and a fawn-rearing unit.

**RM050310** - Consent approved to erect a cottage and extend the existing carport at Hunter Road, Queenstown (Part A) as well as the construction of a Stable / Barn (Part B).

**RM970117** - Consent approved to construct a storage shed for riding equipment.

**RC940520** - Consent approved to erect a dwelling house on Hunter Road, Queenstown.

All of the above consents are contained in Attachment [D1].

## 1.3 The Proposal

### 1.3.1 Farm Building & Activities

The breeding and rearing of horses for the purpose of selling to equestrian enthusiasts represents the breeding, rearing and keeping of livestock on the property for the purposes of commercial gain. The breeding and rearing of cattle for the purpose of selling represents the breeding, rearing and keeping of livestock on the property for the purposes of commercial gain.

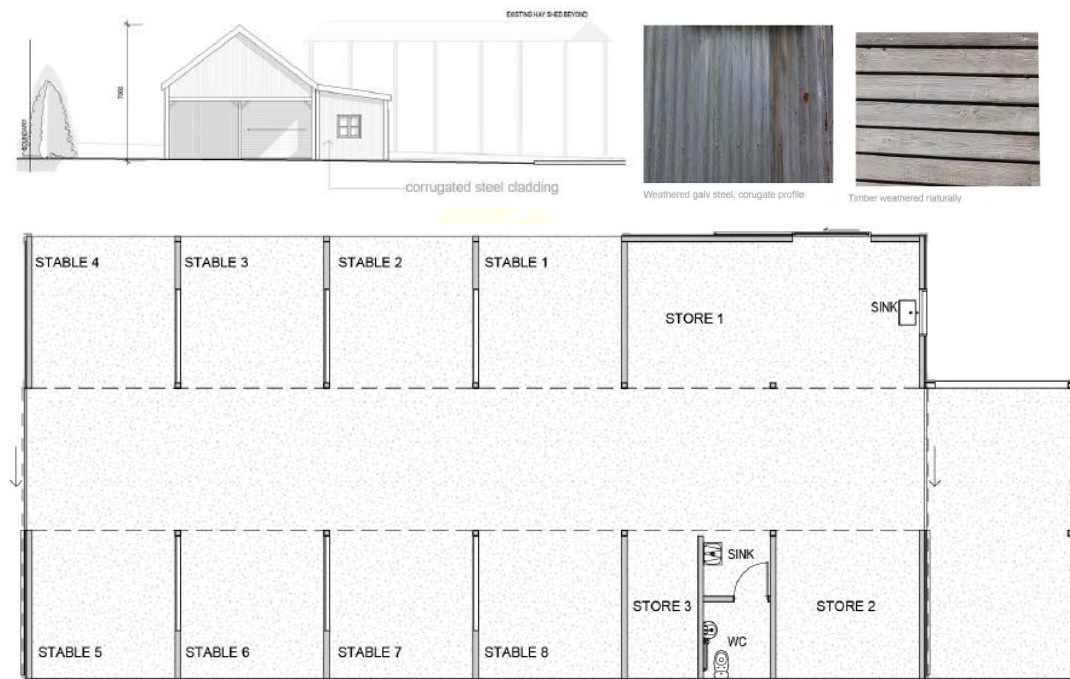
The applicant seeks consent to construct a 272m<sup>2</sup> building which can accommodate facilities for the breeding, rearing and keeping of livestock (horses and cattle) on the property. The building includes provision for:

<sup>3</sup> *Commercial livestock*, means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock – ODP / PDP Definition.



- Eight animal stalls where four of these are directly accessible through the northern elevation of the proposed building and the remaining four are accessed internally.
- Storage areas for animal feed, equipment and associated items.
- A toilet / wash basin and sink.

The activities and facilitates listed above are necessary activities for the continued wider use of the property for agricultural / farming purposes. The building does not seek to accommodate activities that include *residential, home occupations, forestry, visitor accommodation or temporary accommodation*. Therefore, based upon the above, these activities are considered to be *farming activities*<sup>4</sup> and the proposed building a *farm building*<sup>5</sup>.



**Figure 3 – Proposed Building – Attachment [E].**

The current application seeks consent for a farm building located towards the southern boundary of the property that stands a maximum height of 7m and features a simple rural vernacular form with a material appearance of weathered corrugated iron combined with naturally weathered timber. The location of the building on the site and elevations are contained in Attachment [D1] along with details of the proposed vehicle crossing.

<sup>4</sup> *Farming activities*, means the use of land and buildings for the primary purpose of the production of vegetative matters and/or *commercial livestock*. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities – ODP / PDP Definition.

<sup>5</sup> *Farm building*, means a building (as defined) necessary for the exercise of *farming activities* (as defined) and excludes buildings for the purposes of residential activities, home occupations, factory farming, forestry activities, visitor accommodation and temporary accommodation – ODP / PDP Definition.



### 1.3.2 Earthworks & Landscaping

The proposed building will be constructed on a concrete slab requiring approximately 82m<sup>3</sup> of cut which will be re-used on the subject site. A further 12m<sup>3</sup> of earthworks is anticipated to construct a level vehicle crossing to Speargrass Flat Road. The total volume of earthworks is considerably less than the permitted volume enabled under either the Operative or Proposed District Plans.

### 1.3.3 Access & Vehicle Crossing

The nature of the activities to be accommodated in the proposed building are discussed above. Currently, farming practices on the site require that one tractor per day every day to access the site to feed animals and up to three vehicles (six movements) can be expected to access the site within the same day in relation to property maintenance, cropping and general farm management.

The activities associated with the proposed farm building (discussed above) are anticipated to increase the number of vehicles to the site by two or four movements as a maximum on any day. The duration these vehicles remain on site is also anticipated to be longer. These additional movements are associated with permitted farming activities in the Zone and the additional movements are not considered to be noticeable above or beyond those which already occur on the site.

### 1.3.4 Servicing

#### *Water Supply*

Currently there is water reticulation within Speargrass Flat Road or Hunter Road which is available to serve the proposal. The nature of proposed activities within the farm building have been discussed above. The demand for water arises from the housing of animals, use of toilet and sink. This demand can be satisfied by the collection of rain water from the roof which will be delivered to a buried 20,000-litre tank located on the site and a booster pump will provide the required pressure to serve the farm building.

In addition, a separate 20,000-litre tank will be buried on the site for the purposes of static fire fighting storage. A condition appears in Attachment [F] to ensure sufficient provision of firefighting water and emergency vehicle access.

#### *Wastewater*

The demand for wastewater disposal is generated from the use of the toilet and sink. This demand will be augmented to a 20,000 litre septic holding tank buried near the south west corner of the proposed building. When required, this tank will be pumped, and the waste transported by a registered waste management company.

#### *Stormwater*

There is no reticulated stormwater disposal available. As above, water from the roof of the proposed building will be collected and stored to satisfy the demand from the housing of animals, use of toilet and sink.



<i>Power</i>	A connection will be made to the overhead lines which extend along Speargrass Flat Road to the proposed building. It is considered that this can be satisfactorily addressed as part of the building consent process.
<i>Telecoms</i>	Due to the nature of the activities within the proposed building, there is no demand for Telecommunications.

## 1.4 Statutory Provisions

### 1.4.1 Queenstown Lakes District Operative Plan

The subject site is located within the Rural General Zone<sup>6</sup> of the Operative District Plan (ODP) and does not contain any known protected items or areas of significant vegetation. Resource consent is required for the following reasons:

- A **controlled** activity resource consent pursuant to Rule 5.3.3.2 (i) (d) for the construction of a new *farm building*. Council's consideration under this rule is controlled to matters listed (i) to (iii) within the rule and discussed in part 4 of the current application.
- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3 (xi) for any activity, which is not listed as a Prohibited or Non-Complying Activity and which complies with all the relevant Zone Standards, but does not comply with one or more of the Site Standards, shall be a Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with. Site Standard 5.3.5.1 (xi) (a) (i) and (ii) state: No *farm building* shall be replaced, extended or constructed on any holdings (as defined) less than 100 hectares in area **or** at a density of more than one farm building per 50 hectares.

Overall, the proposal is a **discretionary** activity under the relevant provisions of the ODP.

### 1.4.2 Queenstown Lakes District Proposed Plan

The subject site is located within the Wakatipu Basin Rural Amenity Zone of the Proposed District Plan and does not contain any known protected items or areas of significant vegetation. Resource consent is required for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.7.1 for a building which stands above 6m yet below 8m in height. The matters of discretion listed (a) to (c) within the Rule and discussed in part 4 of this application.

<sup>6</sup> ODP Planning maps contained in Attachment [C].



- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.8 for a building which stands within the minimum 20m setback from roads. The matters of discretion listed (a) to (c) within the Rule and discussed in part 4 of this application.
- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.13 (a) for a farm building which exceeds the maximum 50m<sup>2</sup>. The matters of discretion listed (a) to (c) within the Rule and discussed in part 4 of this application.

Overall, the proposal is a **restricted discretionary** activity under the relevant provisions of the PDP.

#### 1.4.3 Queenstown Lakes District Plan(s) Weighting

##### ***Strategic Directions - Chapters 3-6***

Due to the subject site's location within the Wakatipu Basin Rural Amenity Zone no reference is required to Chapter 6. Due to the nature of the proposal it is considered that no reference is required to Chapter 5. The proposal is not considered to be *Urban Development* and the site is not located in an Urban Zone. Therefore, no reference is required to Chapter 4.

In terms of Chapter 5, the subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu. The proposal does include building yet the environment is not considered to be a "built environment" as referred in Objective 5.3.2 and Policy 5.3.2.1.

Notwithstanding the above, Strategic Chapter 3 remains subject to further conferencing in accordance with Court directions and a consent order as not been issued at the time this application was lodged. As such, it is considered that Part 4 (District Wide) of the ODP is the dominant provision set for any higher level considerations if these are required.

##### ***Chapter 24 – Wakatipu Basin***

The current application seeks consent pursuant to Rules 24.5.7.1, 24.5.8 and 24.5.13 where the appeal points relating to these Rules are listed in the PDP appeals version, tabled and discussed in Attachment [C1]. In summary, the appeal points are not considered to have any bearing on the current application for the following reasons:

- Should the relief sought by these appeals be successful the application would not require consent under Rule 24.5.7.1. If unsuccessful, the rule remains. Either way, should the current application demonstrate it can satisfy the matters listed (a) to (c) in the Rule, this Rule would be considered satisfied and the current application "distanced" from any bearing these appeals may have.
- In relation to Rules 24.5.8 and 24.5.13, irrespective of appeals, the current application will still require consent. Should the current application demonstrate it can satisfy the matters listed (a)



to (c) in the Rule, this Rule would be considered satisfied and the current application “distanced” from any bearing these appeals may have.

- The remaining appeal points seek site specific relief where the subject site is not within the sites specified.

The relevant Chapter 24 Objectives and Policies have been assessed in Attachment [G2] where those subject to appeal are identified in red and considered. While there are a number of appeals which pertain to these provisions, a majority of these do not seek amendments which apply to the scale and nature of the current application. Where they do, the ambit or nature of the relief sought is limited and the proposal is considered consistent with the DV version and the relief sought.

Based upon the assessment contains in Attachment [G2], it is considered that the current application can be determined under Chapter 24 without further reference to Part 5 (Rural General). However, for completeness, the proposal has been assessed against Part 5 in Attachment [G3] and found consistent with the relevant provisions.

#### 1.4.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

The proposal does not seek to change the land use on the site and does not introduce any residential activities. Earthworks to establish the proposed building and crossing equate to 82m<sup>3</sup>. As such, NES is not considered to be relevant.

#### 1.4.5 Classes of Activities

Title for the subject site is contained in Attachment [B] along with registered instruments. There are no relevant instruments listed on the computer freehold register for the subject site.

## **2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT:**

### **2.1 It is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

### **2.2 An assessment of actual or potential effects on the environment of the proposed activity:**

#### 2.2.1 Existing Environment

*Farm Buildings* The size of the subject site is below 100ha which precludes the construction of farm buildings as a controlled activity under the ODP. However, the PDP





enables the construction of farm buildings irrespective of the size<sup>7</sup> of land holding as permitted activities providing the building is less than 6m in height<sup>8</sup>, 20m from the roadside boundary<sup>9</sup> and subject to controls contained in Rule 24.5.13 that includes a maximum gross floor area of 50m<sup>2</sup>.

*Earthworks* The permitted volume of earthworks in the ODP Rural General Zone is 1000m<sup>3</sup> while the PDP WBRAZ anticipates 400m<sup>3</sup>.

## 2.2.2 Any physical effect on the locality, including any landscape and visual effects

The existing landform of the subject site has been described in part 1.1 above. The landform within the immediate vicinity of the proposed building and across the entire southern portion of the site remains flat and contained in a mixture of pasture grasses. The proposal requires a nominal amount of earthworks as discussed in part 1.3. Given the nature of the existing landform and the proposed level of modification to it, coupled with the permitted baseline for earthworks, any adverse effects in this regard are considered to be nil to negligible.

The southern portion of the site remains as flat open pasture. The purpose and material appearance of the proposed building has been set out in part 1.3 above. The purpose of the building is considered to facilitate the continued use of properties equestrian activities. This use is considered to be well aligned with the intentions of the Zone and the continued preservation of the flat open pastoral appearance of the site as viewed from Speargrass Flat and Hunter Roads.

The material appearance of the building is intended to appear rustic and agricultural while the form of the building is barn style. Both the form and materials are considered to be in keeping with the appearance of a traditional farm building structure and visually, will appear as an accepted element in the rural landscape<sup>10</sup>.

The roadside boundaries of the subject site currently remain open and views can be obtained from Speargrass Flat Road across the flat lower portion of the site, up to the elevated northern boundary and beyond to Coronet Peak. These views are a notable characteristic of the landscape unit<sup>11</sup>.

These views are at times obstructed by existing trees and farm sheds but only intermittently since these obstructions are located close to the roadside boundary. The applicant has elected to locate the proposed building closer to the boundary to ensure the building remains an intermittent obstruction to views currently obtained from Speargrass Flat Road in a similar vein to the existing obstructions on the property.

<sup>7</sup> Rule 24.4.9 – PDP Chapter 24.

<sup>8</sup> Rule 24.5.7.1 – PDP Chapter 24.

<sup>9</sup> Rule 24.5.8 – PDP Chapter 24.

<sup>10</sup> A condition is offered in relation to the material appearance of the proposed building – Attachment [F].

<sup>11</sup> Schedule 24.8 LCU 8: Speargrass Flat.





Based upon the above, any adverse effects in terms of any physical effect on the locality, including any landscape and visual effects will be less than minor.

**2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:**

*Effect on those in the neighbourhood:*

As discussed in part 1, the proposed building seeks to facilitate the continued use of the property in agricultural practices where the frequency of use is considered to be directly associated with daily farming practices.

The proposed building stands a maximum height of 7m over a maximum length of 22m. It is set back from the southern boundary by 7m.

Neighbouring residential properties include 174, 192 and 196 Speargrass Flat Road. All of these are located on the southern side of Speargrass Flat Road.



**Figure 4 – QLDC GIS**

174 Speargrass Flat Road is located approximately 46m to the south west of the proposed building. This properties roadside and internal boundaries are currently occupied by mature trees and the dwelling stands some 122m away. Given the height of the proposed building and distance from this property any adverse effects from the proposal in terms of any loss of sunlight admission will be de minimis.



192 and 196 Speargrass Flat Road are located approximately 56m and 77m respectively to the south east of the proposed building. These properties both have roadside and internal boundaries that are currently occupied by mature trees. The dwelling on 192 Speargrass Flat Road stands some 75m from the proposal while 192 Speargrass Flat Road's dwelling is setback some 91m. Given the height of the proposed building and distance from these properties any adverse effects from the proposal in terms of any loss of sunlight admission will be de minimis.

The frequency of use of the proposed building has been discussed in part 1.3. The nature and scale of the proposed activities and associated vehicle movements is directly aligned with permitted activities in the Rural Zone and currently being undertaken on the property. Based upon the nature of the intended use of the proposed building coupled with the setbacks between the dwelling houses of 174, 192 and 196 Speargrass Flat Road identified above, any adverse effects upon the rural amenity currently enjoyed on these properties will be less than minor.

*Safe and efficient operation of the roading:*

The proposal includes a new vehicle crossing to Speargrass Flat Road which has an 80km/h posted speed limit. At the proposed crossing point, an uninterrupted sightline of 413m can be achieved to the west and 256m to the east. The crossing is to be formed and level<sup>12</sup>. Based upon the sightlines which can be achieved, any adverse effects upon the safe and efficient operation of the Road will be de minimis.

The frequency of use of the proposed building has been discussed in part 1.3. The proposed building has no requirement to operate outside the hours of daylight which removes the potential for any headlight spill from exiting vehicles into any neighbouring residential properties. In addition, as above, these properties are well set back from the crossing point and the respective boundaries are landscaped to further reduce any headlight spill should this occur. Therefore, any adverse effects associated with headlight spill from exiting vehicles is considered to be de minimis.

Based upon the above, any adverse effects in terms of any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects will be less than minor.

**2.2.4 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity**

The site is not recognised as containing any notable ecosystems, plants or animals. As described in part 1.1 and 1.2, the site has a history of pastoral grazing and remains occupied by pastoral grasses and stock. The upper slopes across the northern portion of the site contain a number of native grey shrubland species. However, the current application relates to the construction of a farm building on the existing pasture grass towards the southern boundary of the site. Based upon the nature of the

<sup>12</sup> The applicant is amenable to a condition of consent in relation to the construction of this crossing in accordance with QLDC Subdivision & Development Code of Practice.



subject site in this location coupled with the scale of the proposal any adverse effects in terms of any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity will be nil to negligible.

**2.2.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:**

The site is not recognised as containing any notable natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations.

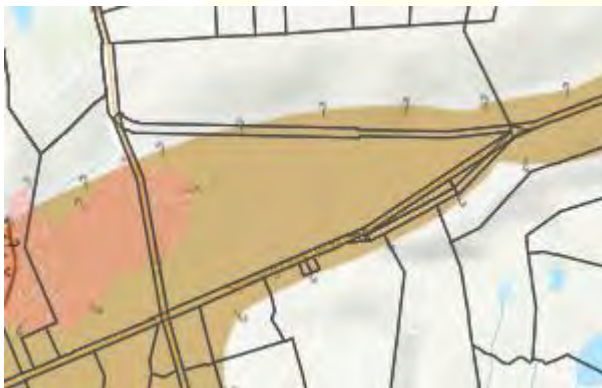
Based upon the nature of the subject site in this location coupled with the scale of the proposal any adverse effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations will be nil to negligible.

**2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.**

The proposal does not include the discharge of contaminants into the environment.

**2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.**

The subject site is recognised by the QLDC Hazard Register as being within an area “possibly susceptible” to liquefaction:



**Figure 5 – QLDC Hazards Register**

It should be noted that RM200372 approved a residential unit on the same hazard. The QLDC Engineering Report found that: *“The Otago Regional Council’s GIS shows that the liquefaction potential of the site is ‘low to none,’ based on a more recent study. I am therefore satisfied that the risk due to liquefaction is likely to be low. I make no recommendations in this regard. No other hazards are shown.”*



Aside of RM200372<sup>13</sup> numerous other resource consents have been obtained for farm buildings and residential units within this “possibly susceptible” liquefaction risk without formal geotechnical reporting. Given this, coupled with the scale of the proposed building, it is considered that the proposal will not exacerbate any existing natural hazard risk.

**2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Please see section 2.2.7 above.

**2.4 If the activity includes the discharge of any contaminant, a description of...**

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) any possible alternative methods of discharge, including into any other receiving environment

Please refer to section 2.2.6

**2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Actual and potential adverse effects of the proposal have been considered in Part 2.2. Aside of the conditions contained in Attachment [E], no mitigation measures are considered necessary.

**2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

No persons are considered affected by the activity.

**2.7 If the scale and significance of the activity’s effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

It is not expected that any monitoring will be required as part of this application.

**2.8 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

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<sup>13</sup> Attachment D2



There are no known customary rights that the site is subject to therefore this is not applicable to this application.

### **3.0 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT**

Based upon the weighting of District Plans in part 1.3.3, the dominant provision is considered to be contained in ODP Part 4 *District Wide* and Part 15 *Subdivision* for assessment of the current application:

#### **3.1 Operative District Plan - District Wide – Part 4**

Each relevant objective and policy from the *District Wide* Part 4 has been listed and assessed in Attachment [G1]. Due to the nature and scale of the proposal and location of the subject site within the Rural General Zone a majority of the objectives and policies of the District Wide chapter are not relevant. The proposal is considered to be consistent with relevant provisions as:

- The site does not contain any significant indigenous ecosystems, plants, animals or extensive areas of natural character;
- The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air;
- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.

#### **3.2 Proposed District Plan - Wakatipu Basin – Chapter 24**

Each relevant objective and policy from the *Wakatipu Basin* Chapter 24 has been listed and assessed in Attachment [G2]. The proposal is considered to be consistent with relevant provisions as:

- Due to the scale and nature of the proposal and its visual alignment with rural activities the proposal is considered to be maintain the landscape character and visual amenity values.
- Any adverse effects upon the natural landform are considered acceptable.
- the proposal is not considered to compromise the landscape and amenity values and the natural character of the ONL.
- The proposal is not considered to have an unacceptable adverse impact on the safe and efficient operation of the roading and trail network or access to public places.
- The existing and proposed farming activities discussed in part 1 already operate on the subject site. The type and intensity of these activities are directly aligned with permitted activities in the Rural Zone of the site and surrounding area.
- The proposal is not located close to any existing water body.

#### **3.3 Operative District Plan – Rural General – Part 5**

For the reasons set out in part 1.4.3 it is considered that the current application can be determined under PDP Chapter 24 without further reference to Part 5 (Rural General). However, for



completeness, the proposal has been assessed against Part 5 in Attachment [G3] and for the same reasons as listed in part 3.2 above is consistent with relevant Part 5 provisions.

#### **4.0 DISTRICT PLAN ASSESSMENT CRITERIA**

##### **4.1 Operative District Plan – Part 5**

###### 4.1.1 Building Design – External Appearance, Location, Character, Scale and Form

The material appearance of the proposed building has been discussed in part 1.3 and falls within the Council guidelines for rural building colour. The location and visual impact of the proposal has been discussed in part 2 where any adverse effects are considered to be acceptable. The form of the shed is rural in character, maintaining the rural nature of the site and surrounding properties. The scale of the building will be sufficient for its intended purpose and is not out of context for what would be anticipated in a rural area.

###### 4.1.2 Landscaping / Proposed planting

All existing landforms and planting will remain unaltered by this current proposal.

###### 4.1.3 Earthworks and Access

Only very minor earthworks are proposed for the placement of the building. The proposed earthworks will not breach any relevant site or zone standards and will be directly associated with the construction of the building. The proposed earthworks are permitted. There will be no significant landform modification through either earthworks or landscape planting.

###### 4.1.4 Servicing Infrastructure

No servicing infrastructure is proposed.

##### **4.2 Proposed District Plan – Chapter 24**

###### 4.2.1 Rule 24.5.7.1

- a. *Building location, character, scale and form including the pitch of roofs;*
- b. *External appearance including materials and colours;*
- c. *Landform modification/planting (existing and proposed).*

For the reasons discussed in part 1.3, 2, 3 and 4.1.1 the proposal is considered to satisfy matters listed (a) to (c) above.

###### 4.2.2 Rules 24.5.8 & 24.5.13



The wording and intention of matters listed (a) to (c) in the Rules 24.5.8 & 24.5.13 are sufficiently similar to Rule 24.5.7.1 above that for the same reasons the proposal is considered to satisfy the matters listed.

#### 4.2.3 Assessment Matters 24.7.3 & 24.7.5

The construction of buildings for residential activity and new buildings and residential flats:

##### **Landscape character and visual amenity**

- a. *Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.9 – Landscape Character Units and the criteria set out below.*

The location, form, scale, design and finished materials including colours of the proposed buildings have been considered in part 2.2.2 in terms of any physical effect on the locality, including any landscape and visual effects. Any adverse effects in this regard, subject to conditions, are considered to be less than minor. As such, the proposal is considered to satisfy matter (a) above.

- b. *The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:*
- i. building height;*
  - ii. building colours and materials;*
  - iii. building coverage;*
  - iv. design, size and location of accessory buildings;*
  - v. the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting;*
  - vi. the retention of existing vegetation and landform patterns;*
  - vii. earth mounding and framework planting to integrate buildings and accessways;*
  - viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.9 - Landscape Character Units;*
  - ix. riparian restoration planting;*
  - x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and*
  - xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths.*

Matters listed (ix) and (xi) are not considered to be relevant as the site is not located near a water body. The current application is a land use consent application where it is considered





difficult to integrate new public walkways. However, the location of the building is not considered to compromise the future provision of a trail.

The remaining matters have been considered in part 2.2.2 in terms of any physical effect on the locality, including any landscape and visual effects. Any adverse effects in this regard, subject to conditions, are considered to be less than minor. As such, the proposal is considered to satisfy matter (b) above.

- c. *The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that maintains or enhances landscape character and visual amenity values.*

As discussed in part 1, there are no consent notices on the title for the subject site which are relevant considerations for the current application.

- d. *The extent to which the development maintains visual amenity in the landscape, particularly from public places.*

Visual amenity values from public places is discussed in part 2 of this application where any adverse effects in this regard are considered to be acceptable and the proposal is considered to maintain the visual amenity of the landscape, particularly from public places.

- e. *Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness, or better integrate development with existing landform and vegetation or settlement patterns.*

The proposal includes one building. It has been clustered with the existing hay shed on the property which enables a greater sense of openness across the subject site. For this reason, coupled with those set out in part 2, the proposal is considered to satisfy matter (e) above.

- f. *Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.*

The proposal does not include a residential flat.

- g. *The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.*

The landscape characteristics and amenity values of the ONL of Coronet Peak are not considered to be diminished to the point that mitigation from any adverse effects is considered





necessary. As such, subject to conditions, the proposal is considered to satisfy matter (g) above.

- h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.*

Conditions requiring the maintenance and replacement of plantings is considered to be sufficient security that the proposed mitigation plantings offer is ensured.

- i. The merit of the removal of wilding exotic trees at the time of development.*

The subject site does not contain any wilding exotic trees.

- j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.*

The open character of the subject site has been established and maintained by the continued use of the subject site for the purposes of grazing which includes equestrian related horse keeping and other livestock. The proposal assists in securing this continued land use regime. A covenant between QLDC and the landowner to secure this outcome is not considered necessary.

## **5.0 RESOURCE MANAGEMENT ACT 1991: PART 2**

The proposal aligns with the requirements for Rural General Zone and Wakatipu Basin Rural Amenity Zone. This development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy and mitigate adverse effects of activities on the environment.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

AEE prepared by Nick Geddes  
CLARK FORTUNE MCDONALD & ASSOCIATES

3<sup>rd</sup> November 2020  
Amended 10-02-21

## Attachment G1

**3.1 District Wide Objectives and Policies – Part 4****3.1.1 Natural Environment**Objective 1 - Nature Conservation Values:

- The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.
- Improved opportunity for linkages between the habitat communities.
- The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.
- The protection of outstanding natural features and natural landscapes.
- The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.
- The protection of the habitat of trout and salmon.

Policies relevant to the above Objective being 1.1 – 1.20 have been considered. Due to the site not containing any significant indigenous ecosystems, plants, animals or extensive areas of natural character a majority of these policies are not considered relevant.

Objective 2: Air Quality

- Maintenance and improvement of air quality.

Policies:

*2.1 To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.*

The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air.

**3.1.2 Landscape and Visual Amenity**

Objective:

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

1. Future Development

(a) To avoid, remedy or mitigate the adverse effects of development and/or

subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.

- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

The proposal is considered to be consistent with Policies 1(a) to 1(c) above for the following reasons:

- Due to the scale and nature of the proposal and its direct alignment with permitted rural activities as discussed in parts 1 and 2 of this application, the proposal is considered to maintain the landscape character and visual amenity values.
- The natural landform has been considered in part 2 where any adverse effects in this regard are considered acceptable.
- For the reasons discussed in part 2 of this application, the proposal is not considered to compromise the landscape and amenity values and the natural character of the ONL.

#### 6. Urban Development

- (a) To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.
- (b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.
- (c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:
  - maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;
  - ensuring that the subdivision and development does not sprawl along roads.
- (d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

The proposal is considered to be consistent with Policies 6(a) to 6(d) above for the following reasons:

- The proposal is not considered to be “urban development”.

Policies 2 – 5 & 7 – 17 have been assessed and are not considered to be relevant to the proposal.

#### **3.1.3 Tangata Whenua**

#### **3.1.4 Open Space and Recreation**

#### **3.1.5 Energy**

#### **3.1.6 Surface of Lakes and Rivers**

#### **3.1.7 Solid and Hazardous Waste Management**

Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

### **3.1.8 Natural Hazards**

Natural hazards have been considered above in 2.2.7.

### **3.1.9 Urban Growth**

### **3.1.10 Affordable and Community Housing**

### **3.1.11 Earthworks**

### **3.1.12 Monitoring, Review and Enforcement**

Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

## Attachment G3

### 3.3 Rural General and Ski Area Sub-Zone - Objectives and Policies

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

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

**Policies:**

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- 1.2 *Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*
- 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*
- 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- 1.5 *Provide for a range of buildings allied to rural productive activity and worker accommodation.*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*
- 1.9 *Ensure adverse effects of new commercial Ski Area activities on the landscape and amenity values are avoided or mitigated.*

The proposal is considered to be consistent with objective 1 and its associated policies 1.1-1.9 above for the following reasons:

- a. The proposal is considered to be consistent with the relevant District wide landscape objectives and policies as discussed in Attachment [G1].
- b. As discussed in part 1.3, the proposal is a farm building and directly associated with farming the existing farming activities undertaken on the subject site that are dependent on the rural land resource. Therefore, the proposal is enabled by policies 1.2 and 1.5.
- c. The proposal is considered to support rural productive activities.
- d. Due to the scale and nature of the proposal and its visual alignment with rural activities as discussed in part 2 of this application, the proposal is considered to be maintain the landscape character and visual amenity values.
- e. The proposal is not located on any skylines, ridges, hills, prominent slopes or a Ski Area.

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

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

**Policies:**

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

The proposal is considered to be consistent with objective 2 and its associated policies 2.1-2.5 above for the following reasons:

- a. Due to the scale and nature of the proposal any loss of the life supporting capacity of the soils is extremely limited by the size of the site.
- b. As discussed in part 1.3, the proposal is a farm building and directly associated with farming the existing farming activities undertaken on the subject site that are dependent on the rural land resource. Therefore, the proposal is enabled by policy 2.2.
- c. The proposal is considered to be an activity that maintains soil and pasture through its continued use for agricultural activities. Therefore, the proposal is enabled by policy 2.3.

### 3.3.3 Objective 3 - Rural Amenity

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

**Policies:**

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

- 3.7 *To prohibit all new Activity Sensitive to Aircraft Noise on rural zoned land within the Outer Control Boundary at Queenstown Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise.*
- 3.8 *To require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

The proposal is considered to be consistent with objective 3 and its associated policies 3.1-3.8 above for the following reasons:

- a. As discussed in part 1.3, the proposal is a farm building and directly associated with farming the existing and permitted farming activities undertaken on the subject site that are dependent on the rural land resource. The type of these permitted activities associated with the proposed building do not increase because of the proposal. The intensity of these permitted activities is increased by two vehicle movements per day which is considered to be within the ambit of existing activities and permitted on the site. As such, the proposal, subject to conditions, is compatible in *nature* and any adverse effects will be less than minor.
- b. The proposal is not intensive or factory farming.
- c. The subject site is not located in Wanaka or in the Outer Control Boundary for the Queenstown Airport.

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

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

#### **Policies**

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

The scale and nature of the proposal is aligned with rural activities as discussed in part 2 of this application and the proposal is not located close to any existing water body. As such, objective 4 and its related policies are not considered to be relevant considerations.

### 3.3.5 Other Objectives and Policies:

**Objective 5 - Mineral Extraction**

**Objective 6 - Ski Area Sub-Zone**

**Objective 7 - Buffer Land for Airports**

**Objective 8 – Building Line Restriction Area (Kirimoko)**

**Objective 9 – Building Line Restriction Area (Bible Face)**

Objectives and Policies referenced under 5-9 above have been assessed and are not considered relevant due to the nature and scale of the proposal and the location of the subject site.



## Attachment G2

### 3.2 Chapter 24 Objectives and Policies

24.2.1 to 24.2.4 and related policies apply to the Precinct and to the balance of the Rural Amenity Zone. Objective 24.2.5 and related policies apply to the Precinct only.

#### 3.2.1 **Objective 24.2.1 - Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.**

ENV-2019-CHC-065, 067, 068, 074, 075, 086 & 088 appeals seek to amend Objective 24.2.1 to remove reference to Wakatipu Basin Rural Amenity Zone. This relief is considered to be inconsequential to the current application.

#### **Policies**

**24.2.1.1** *Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.*

The proposal does not include subdivision. As such, this policy is not considered to be a relevant consideration for assessment of the current application.

**24.2.1.2** *Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.*

This provision is listed as appealed in Chapter 24 Appeals Version yet there is no corresponding appeal points.

Notwithstanding the above, the natural landform has been considered in part 2 where any adverse effects in this regard are considered acceptable. Therefore, subject to conditions, the proposal is considered to be consistent with this policy.

**24.2.1.3** *Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*

ENV-2019-CHC-064 appeal seeks to amend this provision to provide for consideration of rural amenity alongside landscape values.

Notwithstanding the above, due to the scale and nature of the proposal and its visual alignment with permitted rural activities as discussed in part 2 of this application, the proposal is considered to be maintain the landscape character and visual amenity values identified in Schedule 24.8.

Therefore, based upon the above and subject to conditions, the proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.1.4** *Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:*

- a. *controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;*
- b. *setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.*

ENV-2019-CHC-064, 065, 067, 068, 074, 075, 086 & 088 appeals seek to amend this provision to provide for consideration of rural amenity alongside landscape values and extend the ambit of non-residential activities provided for as long as landscape and visual amenity values are maintained.

Notwithstanding the above, due to the scale and nature of the proposal and its visual alignment with permitted rural activities as discussed in part 2 of this application, the proposal is considered to be maintain the landscape character and visual amenity values identified in Schedule 24.8.

Therefore, based upon the above and subject to conditions, the proposal is considered to be consistent with this policy irrespective of whether the appeal points listed above are successful or not.

**24.2.1.5** *Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*

ENV-2019-CHC-064 appeal seeks to amend this provision to provide for consideration of rural amenity alongside landscape values.

Notwithstanding the above, the proposal will be visible with reference to the Coronet Peak ONL. However, for the reasons discussed in part 2 of this application, the proposal is not considered to compromise the landscape and amenity values and the natural character of this ONL.

Therefore, for the reasons already discussed and subject to conditions, the proposal is considered to be consistent with this policy irrespective of whether the appeal points listed above are successful or not.

**24.2.1.6** *Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.*

ENV-2019-CHC-064, 065, 067, 068, 074, 075, 086 & 088 appeals seek to amend this provision to provide for consideration of rural amenity alongside landscape values and extend the ambit of non-residential activities provided for as long as landscape and visual amenity values are maintained.

Notwithstanding the above, as discussed in part 1.3, the proposal is a farming activity that relies on the rural land resource. As discussed under policies 24.2.1.3 – 24.2.1.5 above, the landscape character and visual amenity values are maintained. Therefore, the proposal is enabled by this policy.

**24.2.1.7** *Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

**24.2.1.8** *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

These provisions are listed as appealed in Chapter 24 Appeals Version yet there are no corresponding appeal points.

Notwithstanding the above, the proposal does not locate, design operate or maintain any regionally significant infrastructure. As such, these policies are not considered to be relevant considerations for the current application.

**24.2.1.9** *Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.*

This provision is listed as appealed in Chapter 24 Appeals Version yet there is no corresponding appeal points.

Notwithstanding the above, the proposal does not include vegetation clearance. The natural landform has been considered in part 2 where any adverse effects in this regard are considered acceptable. Therefore, subject to conditions, the proposal is considered to be consistent with this policy.

**24.2.1.10** *Enable residential activity within building platforms created prior to 21 March 2019 subject to achieving appropriate standards.*

The proposal does not include residential activity or the identification of a building platform. As such, this policy is not considered to be a relevant consideration for assessment of the current application.

**24.2.1.11** *Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.*

ENV-2019-CHC-064, 065, 067, 068, 074, 075, 086 & 088 appeals seek to amend this provision to replace *is subservient to* with *complements*. Notwithstanding, the proposal is considered to be *subservient* and/or *complement* natural landscape elements for the reasons outlined in part 2. Therefore, the proposal is considered to be consistent with this policy irrespective of whether the appeal points listed above are successful or not.

ENV-2019-CHC-066, 085, 087, 089 & 093 appeals seek to delete this policy. If these appeal points are successful then the policy is not relevant. If not, for the reasons set out above, the proposal is considered to be consistent.

**24.2.1.12** *Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.*

ENV-2019-CHC-064, 065, 067, 068, 074, 075, 086 & 088 appeals seek to amend this provision to replace *adverse* with *inappropriate*. Notwithstanding, the proposal does not have any requirement to operate during the hours of darkness. Therefore, the proposal is considered to be consistent with this policy irrespective of the appeals.

**24.2.1.13** *Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.*

This provision is listed as appealed in Chapter 24 Appeals Version yet there is no corresponding appeal points.

The subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu. Therefore, the proposal is considered to be consistent with this policy.

### **3.2.2 Objective 24.2.2 – Non-residential activities maintain and enhance amenity values.**

#### **Policies**

**24.2.2.1** *Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values that is more than minor, or affect the safe and efficient operation of the roading and trail network or access to public places.*

ENV-2019-CHC-064 appeal seeks to amend this provision to provide for consideration of *rural amenity* alongside landscape values. Notwithstanding, for the reasons outlined in part 2, the proposal is not considered to have an adverse impact on landscape character and amenity values that is more than minor or affect the safe and efficient operation of the roading and trail network or access to public places. Therefore, the proposal is considered to be consistent with this policy irrespective of whether the appeal points listed above are successful or not.

**24.2.2.2** *Restrict the type and intensity of non-residential activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.*

As discussed in part 1.3, the property is used by the applicant to breed, rear and keep commercial livestock. The continued use of the property for this purpose is secured by the construction of the proposed farm building which is directly aligned with the rural setting of the site and surrounding area. The proposal is considered to maintain the existing type and/or intensity of non-residential / permitted land uses. It will not exacerbate any existing “effects” associated with these existing uses on the property. As such, the proposal, subject to conditions, is considered to be compatible in *nature* and any adverse effects are acceptable.

ENV-2019-CHC-064, 065, 067, 068, 074, 075, 086 & 088 appeals seek to delete this policy. If these appeal points are successful then the policy is not relevant. If not, for the reasons set out above, the proposal is considered to be consistent.

**24.2.2.3** *Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.*

The visual effects associated with the proposal as viewed from roads and neighbouring properties has been discussed in part 2 where any adverse effects are considered to be acceptable. The proposed farm building facilitates the existing and continued agricultural use on the property. During construction, there is increased potential for dust and noise effects which are considered to be temporary in nature and adequately mitigated by conditions of consent. Post construction, the operation of the farm building is not considered to result in any dust, noise or odour effects above or beyond those which already occur on the site in association with the permitted agricultural land use activities.

The proposal is not located in any proximity to an existing waterbody. Therefore, subject to conditions, the proposal is considered to be consistent with this policy.

ENV-2019-CHC-064, 065, 067, 068, 074 & 075 appeals seek to amend this provision by deleting *other than farming*. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.2.4** *Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.*

The proposal does not include *informal airports*. As such, this policy is not considered to be a relevant consideration for the current application.

**3.2.3 Objective 24.2.3 – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.**

**Policies**

**24.2.3.1** *Ensure informal airports are not compromised by the establishment of incompatible activities.*

There are no known informal airports within the vicinity of the site. As such, Policy 24.2.3.1 above is not considered to be a relevant consideration for the current application.

**24.2.3.2** *Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.*

For the reasons discussed under Policy 24.2.2.2 and 24.2.2.3 above, the proposal is not considered to exacerbate any existing “effects” associated with the existing and permitted agricultural uses on the subject site. Therefore, it is considered that the proposal will not result in any unacceptable adverse effects on existing rural living properties.

ENV-2019-CHC-064 appeal seeks to amend this provision by including *informal airports* and seeks to specify the mitigation of effects through the management of *location, nature and scale of activities*. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.3.3** *Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.*

The potential for reverse sensitivity issues as set out under policy 24.2.3.2 above, is considered to be limited. As such, this policy is not considered to be a relevant consideration for the current application.

**24.2.3.4** *Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.*

For the reasons discussed under Policy 24.2.2.2 above, the proposal, subject to conditions, is considered to be consistent with this policy.

ENV-2019-CHC-064, 065, 067, 068, 074 & 075 appeals seek to delete this policy. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**3.2.4 Objective 24.2.4 – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.**

**Policies**

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

*Ecosystem services* is not defined in the District Plan. Adverse effects upon *ecosystems* has been considered in part 2.2.4 where any adverse effects are considered acceptable. The subject site is not recognised as being of notable *nature conservation value*. Therefore, subject to conditions, the proposal is considered to be consistent with this policy.

**24.2.4.2** *Restrict the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can occur consistently with improvement to water quality in the catchment.*

The scale and nature of the proposal is aligned with permitted rural activities as discussed in part 1.3 and the policies above. The proposal is not located close to any existing water body. Therefore, the proposal is not considered to result in any adverse effects upon water quality in the Lake Hayes catchment and is considered to be consistent with this policy.

**24.2.4.3** *Provide for improved public access to, and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes.*

The scale and nature of the proposal is aligned with permitted rural activities as in part 1.3 and the policies above. The proposal is not located close to any existing water body. As such, this policy is not considered to be a relevant consideration.

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

Firefighting water and emergency vehicle access has been discussed in part 1.3 and assessed in part 2 where subject to conditions, the proposal is considered to be consistent with this policy.

ENV-2019-CHC-064, 065, 067, 068, 074 & 075 appeals seek to delete this policy. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.4.5** *Ensure development has regard to servicing and infrastructure costs that are not met by the developer.*

Servicing and infrastructure have been discussed in part 1.3 where subject to conditions, the proposal is considered to be consistent with this policy.

ENV-2019-CHC-064, 065, 067, 068, 074 & 075 appeals seek to amend this policy by directing any assessment to Chapter 27. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.4.6** *Facilitate the provision of walkway and cycleway networks and encourage opportunities for the provision of bridle path networks.*

Due to the scale and nature of the proposal, this policy is not considered to be a relevant consideration.

ENV-2019-CHC-084 appeal seeks to amend this policy by deleting *and encourage opportunities for the provision of bridle path networks*. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.4.7** *Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.*

The proposal is considered to be consistent with above policy for the reasons set out under policy 24.2.2.1.

**24.2.4.8** *Encourage the removal of wilding exotic trees at the time of development.*

There are no wilding exotic species located in close proximity to the location of the proposed building. As such, this policy is not considered to be a relevant consideration.

ENV-2019-CHC-064, 065, 066, 067, 068, 074, 075, 085, 086, 087, 088 & 089 appeals seek to amend this policy by inserting words to require particular consideration of wilding exotic tree removal when



there is a *risk* of wilding spread. The proposal is considered to be consistent with this policy irrespective of whether the appeal point listed above is successful or not.

**24.2.4.9** *Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.*

A Leylandii Hedge is proposed along the roadside edge of the proposed building as discussed in part 1.3 and conditioned in **Attachment [F]**. The selection of exotic Leylandii trees is based upon the existing roadside treatment in the area and this species is commonly employed for shelterbelts by contemporary farming practices. Therefore, the appearance of hedged Leylandii trees is an accepted visual element in the rural area.

This policy seeks to encourage indigenous vegetation planting only and does not appear to be directed at considering hedge or shelterbelt planting but more the promotion of indigenous planting over larger areas than the roadside boundary treatment proposed.

Based upon the above, the proposal cannot be enabled by this policy, yet it is not considered to be contrary to it either. It is noted that the proposal is consistent with the overarching objective 24.2.4.

ENV-2019-CHC-065, 066, 067, 068, 074, 075, 085, 086, 087, 088 & 089 appeals seek to amend this policy to enable consideration of exotic species if indigenous biodiversity values are enhanced. Should these appeals be successful the proposal would be considered to be directly consistent with this policy. Otherwise, based upon the above, the proposal cannot be enabled by this policy, yet it is not considered to be contrary to it either.

**3.2.5 Objective 24.2.5 – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.**

**Objective 24.2.5 and policies 24.2.5.1 to 24.2.5.6 apply to the Precinct only. In the event of a conflict between Objective 24.2.5 and Objectives 24.2.1 to 24.2.4, Objective 24.2.5 prevails.**

**Policies**

**24.2.5.1** *Provide for rural living, subdivision, development and use of land where it maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*

**24.2.5.2** *Promote design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.*

**24.2.5.3** *Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of*

*a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.*

**24.2.5.4** *Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development.*

**24.2.5.5** *Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone.*

**24.2.5.6** *Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.*

Objective 24.2.5 and its related policies apply to the Precinct only. ENV-2019-CHC-055 appeal seeks to insert *Wakatipu Basin Lifestyle* within the directive wording set below Objective 24.2.5. The subject site is located in the Wakatipu Basin Rural Amenity Zone. Therefore, Objective 24.2.5 and its related policies are not considered to be relevant.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM200892

Friday, 19 February 2021



DRAFT 25.01.2021



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Rev.	Date	Revision Details	By
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PROPOSED STABLES LOCATION ON LOT 2 DP 20531

Client	ROBERTSON				Surveyed	Signed	Date	Job No.	Drawing No.
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					SHEET 001				
					Drawn	Signed	Date	Scale	
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Rev.	Date	Revision Details	By
-	-	-	-

PROPOSED STABLES LOCATION ON LOT 2 DP 20531

Client	ROBERTSON	Surveyed		Signed		Date		Job No.	14231	Drawing No.	4
											SHEET 002
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	Designed	-	Signed		Date	-	Datum & Level	MSL		Rev.	-



**Friday, 19 February 2021**



Rev A Issue for Resource Consent 24.09.20

PD - 101  
Rev A  
24.09.2020



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Rev B Issue for Resource Consent 07.12.20  
Rev A Issue for Resource Consent 24.09.20

PD - 201  
Rev B  
07.12.2020

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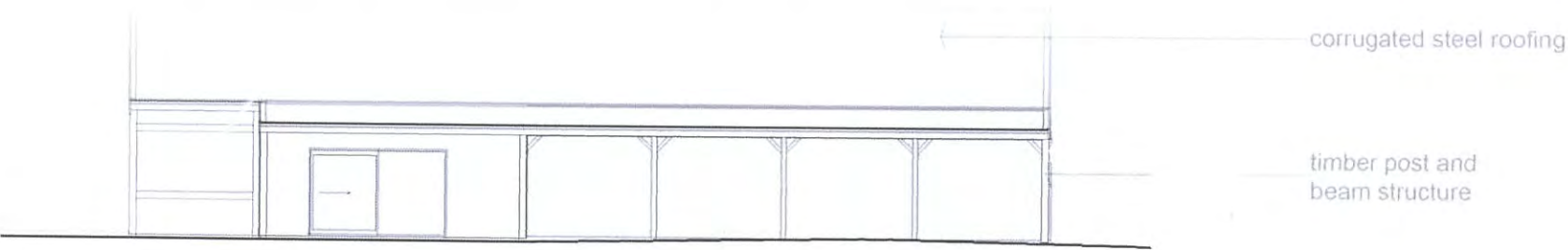
Rev A Issue for Resource Consent 24.09.20

PD - 301  
Rev A  
24.09.2020

QUEENSTOWN LAKES DISTRICT COUNCIL

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RM200892

Friday, 19 February 2021



Rev A Issue for Resource Consent 24.09.20

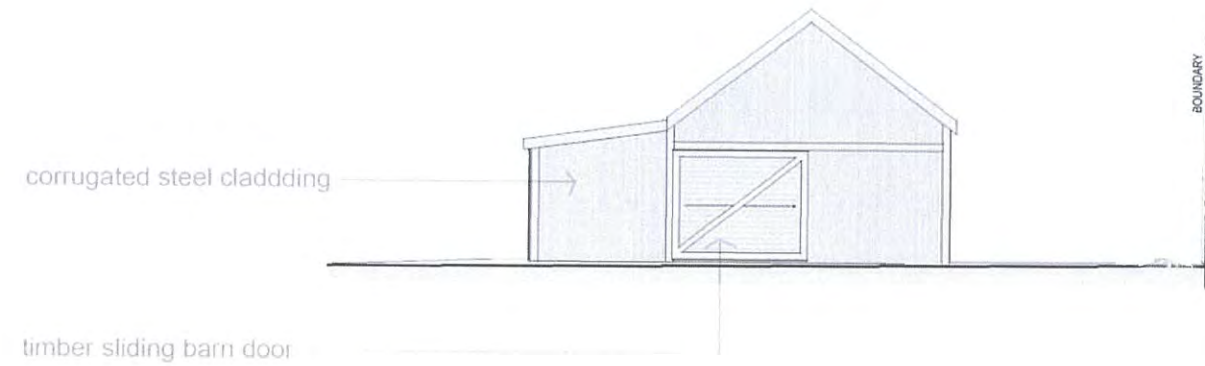
PD - 302  
Rev A  
24.09.2020



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**Friday, 19 February 2021**



Rev A Issue for Resource Consent 24.09.20

PD - 303  
Rev A  
24.09.2020

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Friday, 19 February 2021



Rev A Issue for Resource Consent 24.09.20

PD - 304  
Rev A  
24.09.2020

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Friday, 19 February 2021



Weathered galv steel, corugate profile



Timber weathered naturally

Rev A Issue for Resource Consent 24.09.20

PD - 601  
Rev A  
24.09.2020

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File: RM050310  
Valuation Number: 2907117400

11 May 2005

J & D Robertson  
Speargrass Equestrian  
RD 1  
QUEENSTOWN

Dear Sir/Madam

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991**  
**J & D ROBERTSON – RM050310**

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 for the extension of an existing farm building. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 11 May 2005. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is located at 125 Hunter Road, Wakatipu basin and is legally described as Lot 1 Deposited Plan 20531, held in Certificate of Title OT12A/419.

Between 31 August and 14 September 1998 the decisions on submissions to the Partially Operative District Plans were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under these decisions the site is zoned Rural General and the proposed activity requires resource consent for:

1. A **controlled activity** consent pursuant to Rule 5.3.3.2 (i) (d) Farm Buildings, where the replacement or extension of an existing farm building or construction of a new farm building in respect of the location within the property, external appearance and the provision of water supply, sewage treatment and disposal, electricity and telecommunication services (where necessary).
2. A **restricted discretionary activity** consent pursuant to Rule 5.3.3.3 (xiii) Structures, with regard to any structure erected within 50 metres of a road boundary, which is greater or equal to five metres in length, and greater than or equal to one metre in height, excluding post and wire and/or rail fencing. The Council's discretion is restricted to the consideration of effects on views and amenity from public roads.
3. A **discretionary activity** consent pursuant to Rule 5.3.3.3 as the proposal does not satisfy Site Standard 5.3.5.1 (xi) (a) (i) Farm Buildings, where no farm building shall be placed, extended or constructed on any holdings less than 100 hectares in area.

4. A **non-complying activity** consent pursuant to Rule 5.3.3.4 as the proposal does not satisfy Zone Standard 5.3.5.2 (ii) Setback from Roads, where the minimum setback from road boundaries for buildings shall be 20m.

Overall, the proposal was considered as a non-complying activity.

The application was considered on a non-notified basis in terms of Section 93(1)(b) whereby the consent authority were satisfied that the adverse effects of the activity on the environment will be minor and in terms of Section 94(2) whereby all persons who, in the opinion of the consent authority may be adversely affected by the activity, have given their written approval to the activity.

### **Decision**

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

- 1 That the development be carried out in accordance with the plans (Speargrass Flat Farm Stable, 125 Hunter Road, Queenstown: Plan & Site Plan; Elevations dated April 2004 – stamped as approved 11 May 2005) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 The consent holder shall pay to CivicCorp an initial fee of \$100 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
- 4 That the landscape plan be re-submitted for approval by the Principal: Landscape Architect (CivicCorp) within six months of consent being granted. The Planting Plan shall be implemented within the first available planting season following the construction of the dwelling and thereafter be maintained and irrigated in accordance with that plan. Any plant that dies or becomes diseased shall be replaced. In this instance the landscape plan shall achieve the following:
  - a. Bolster the planting along the Hunter Road boundary to include a hedgerow of small trees or shrubs that provide screening of the proposed stable from Hunter Road.
  - b. Provide contours that show the treatment of the cut into the southern elevation and how the fill will be distributed.
  - c. Provide a naturalistic cluster of trees to the south of the proposed stable to break up the form of the building from areas within the Wakatipu Basin to the South.
  - d. The species of all the proposed new trees and shrubs shall be named / identified.
  - e. Show the overhead power lines and the existing fence to the south on the plan.

### **Reasons for the Decision**

#### *The Proposal*

Consent is sought to undertake extensions to an existing farm building at 125 Hunter Road, Wakatipu basin. The proposal seeks to construct a barn consisting of stabling/breeding facilities for sport horses, a truck storage area and a fawn-rearing unit. The existing farm building is used as a storage area and is designed to reflect a vernacular rural dwelling. The proposed extensions result in an 'L'-shaped building, with an extension towards the south and east.

The new building will comprise of a storage shed (the existing building), four stalls, a fawn rearing unit for red deer, an access raceway to the paddocks and a storage shed for the

horse truck. The building has an average roof ridge height of approximately 4m, which is maintained along the majority of the building. However, the building reaches a maximum height of approximately 5.5m along the length of the truck storage area. There are steel veranda posts placed along the front of the building, replacing the existing shed posts, which will be painted the same colour as the roof.

The building is to have external cladding of stained cedar weatherboard, schist stacked stone and a Grey Friars corrugated coloursteel roof. There is landscaping proposed around the north, west and south boundaries of the building.

It is proposed that a connection will be made to the electricity supply at the farm managers' cottage. There are to be no facilities such as toilet, shower or cooking.

A minimum volume of earthworks are proposed, approximately 100m<sup>3</sup> to facilitate the siting of the building into the site. The disturbed earth is to be relocated within the site for landscaping purposes.

The site is located off Hunter Road, approximately five hundred metres after the crossroads with Speargrass Flat Road and Lower Shotover Road. Access to the site is via a driveway, which intersects with Hunter Road at an acute angle when travelling in the direction from Lower Shotover Road. The driveway curves up the site and leads up the managers' cottage and on to the main residence.

The existing storage shed is located just inside the site, parallel to Hunter Road and located to the right of the driveway. The location of the shed is within a hollow, with the driveway on a more elevated location to the east and forming a physical development boundary. The managers' cottage is located on the opposite side of the driveway on a more elevated portion of the site. The storage shed is painted a cream colour with an unpainted corrugate roof.

The site is elevated overlooking the flat basin of the surrounding landscape. There are clear unbroken views from the site towards Slope Hill, the Remarkables and the open basin. Domestication is clearly evident including dwellings, roads, shelterbelt planting and fences.

When approaching the site from the direction of Lower Shotover Road, the road rises quite steeply. There is a steep, high bank along the eastern (right hand side) side of the road. This bank is planted with a mix of vegetation and small bushes which restrict views into the site. This bank slightly recedes as the subject site is approached, being approximately six metres in height. This bank forms a buffer between the road and the flat grassed area of the site. The vegetation on this bank screens the majority of the shed from view, with the building only being visible for a short distance. When approaching the site from Mooney Road (the north) the building is clearly evident.

#### *Effects on the Environment*

Guidance for the consideration of applications in the Rural General zone is provided for in the plan in Part 5.4, and the application has been considered in the context of these assessment matters.

#### **Effects of Natural and Pastoral Character/ Visibility**

The proposal does not result in the removal of any trees or fauna. The proposal does however provide some amenity planting around the north/west, west and southern boundaries of the proposed building. It is considered that with additional planting to the south of the building, the proposed scale of the building can be absorbed into the landscape.

As the proposed building extension runs parallel to Hunter Road and will be visible from this road, it is considered that additional planting should be provided along this boundary. A condition of consent has been imposed to ensure that planting is undertaken that adds more height to the area thus reducing the visibility of the proposed stables from Hunter Road. This planting should be provided in the form of small trees or shrubs.

The proposed building will be visible from various areas around the Wakatipu basin. This visibility will appear as a line of built form, approximately 17.4m along the brow of the hill. This visibility can be softened by the addition of trees along the south of the proposed building, thus reducing the visibility of the building.

The proposal includes approximately 100m<sup>3</sup> of earthworks to facilitate the siting of the building into the site. The area immediately to the south and east of the existing storage shed is flat however, the land rises up towards the north/east immediately beyond this flat area. It is considered that the proposed building can be located within the flat portion of the site without altering the landform of the site significantly.

Overall, it is considered that the proposed development can be integrated into the existing environment by way of suitable planting such that any adverse effects on the natural and pastoral character of the landscape can be mitigated. A condition of consent has been imposed to ensure that this landscaping is carried out as intended and required.

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

The proposed extensions result in an 'L'-shaped building, with the building extending along the south and east of the existing storage shed. The building has an average roof ridge height of approximately four metres, which is maintained along the majority of the building. However, the building reaches a maximum height of approximately 5.5m along the width of the truck storage area.

There are steel veranda posts placed along the front of the building, replacing the existing shed posts, which will be painted the same colour as the roof. The building is to have external cladding of stained cedar weatherboard, schist stacked stone and a Grey Friars corrugated coloursteel roof.

The size, scale and design of the proposed stables are considered appropriate for its intended use and location within the rural landscape. The proposed external cladding materials and colours are considered suitably recessive to aid in integrating the building into the natural environment.

As stated previously, the building is located approximately ten metres from the Hunter Road boundary. In terms of the effects associated with the intrusion into the road setback, i.e. visual amenity, linear development, sprawl, disruption of views etc., the applicant has sought and obtained Affected Parties Approval from the Queenstown Lakes District Council Property Sub-Committee. As such, the effects of the proposal in terms of the issues outlined above were not considered.

There is an existing access into the site from Hunter Road. This access road veers past the existing storage shed up towards the existing dwellings. This access will have to be extended to form a link to the proposed stables. It is not considered that this will have any adverse effect on visual amenity or character of the site and/or broader landscape.

The proposed building will reduce the extent of the pastoral appearance of the site through the introduction of further built form, however, as it is clustered with existing built form, the visual affects of the building are reduced.

The proposed stables building is located approximately ten metres from the Hunter Road boundary. The building will be highly visible from this location. The building will also be visible from areas of the Wakatipu basin, including areas of Slope Hill, the Domain Road Triangle and Lower Shotover Road. To mitigate the effect of the visual prominence of the building, planting of trees along the buildings southern and western boundaries is recommended and has been imposed as a condition of consent. It is considered that appropriate planting can be undertaken without detracting from or obstructing views of the existing natural topography.

The proposed development will not introduce densities that reflect those characteristic of urban areas. The stables will be seen as part of a collection of buildings, within the cluster of the existing residential dwellings.

Overall, it is considered that the effects of the proposed building will be less than minor due to the low, recessive scale of the stables, the introduction of suitable planting and the location of the building amongst the existing cluster of buildings.

### **Infrastructural Services**

No connections are proposed to the water reticulated service. It is proposed to collect rainwater in a tank on the roof. It is proposed to extend the existing electricity supply from the farm managers' cottage. No other infrastructural services are proposed as part of the development.

### **Written Approvals**

As the proposed building is located within the road boundary setback, it was considered that the adjoining landowner's would be required to provide their approval to the proposed development. The applicant sought and obtained the written approval of Queenstown Lakes District Council's Property Sub-Committee who are the administrators of Hunter Road. This approval was considered adequate to dispel the potential concerns in relation to the loss of amenity from users of the public road.

### **Summary of Environmental Effects**

In summarising the potential effects of the development and with regard to the reasons outlined for the decision, it is considered that the proposed stables building can be absorbed into the landscape to such a degree as to not have an effect which is more than minor.

### ***Policies and Objectives***

It is considered that the proposed development is consistent with the Objectives and Policies contained in *Part 5: Rural Areas* of the Partially Operative District Plan, in particular Objectives 1 and 3 which relate to character and landscape values and rural activities respectively. Accordingly, it is considered that the proposed development is in accordance with the objectives and policies of the plan.

### **Other Matters**

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

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves & community facilities.

For the forgoing reasons a Development Contribution is not required.

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

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.



You are responsible for ensuring compliance with the conditions of this resource consent. CivicCorp will contact you in due course to arrange the required monitoring. It is suggested that you contact the Principal: Monitoring (CivicCorp) if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

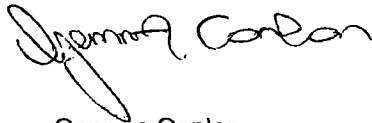
Please contact the Principal: Monitoring (CivicCorp) when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

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

If you have any enquiries please contact Gemma Conlon on phone (03) 4500312.

Prepared by  
**CIVICCORP**

Reviewed and Approved by  
**CIVICCORP**



Gemma Conlon  
**PLANNER**

Carl Lucca  
**PRINCIPAL: RESOURCE CONSENTS (QUEENSTOWN)**

File:PD-RC940520  
Ref:rob725-pip  
H & B 29071/174  
Enforcement Officer

1 September 1994

D J Robertson  
C/o Holiday Inn  
Private Bag  
QUEENSTOWN

Dear Sir/Madam

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

D J ROBERTSON - RC 940520

I acknowledge receipt of your application for a landuse consent under Section 88 of the Resource Management Act 1991 to erect a dwelling house on Hunter Road, Queenstown.

The application was considered on a non-notified basis by a sub-committee of the Arrowtown-Wakatipu Resource Management Hearings Panel on Wednesday 24 August 1994.

The sub-committee resolved that the application be approved subject to the following conditions:

- 1 That the roof be painted either dark green or grey, not Barn Red.
- 2 That the water tank be buried below the ground.
- 3 That the building platform be lowered one metre below that proposed in the application.
- 4 That in all other respects, the dwelling house be constructed and erected in accordance with the plans submitted.

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained from the Building Department before construction can begin.

If you have any queries regarding this matter, please contact the Planning Department.

Yours faithfully

J A Brown  
DISTRICT PLANNER

3 March 2010

Wakatipu Riding Club  
125 Hunter Road  
RD 1  
QUEENSTOWN

Dear Sir/Madam

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

**WAKATIPU RIDING CLUB - RM970117**

I refer to your application for a non-complying activity land use consent under Section 88 of the Resource Management Act 1991 to construct a storage shed for riding equipment. The application was considered by delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 27 March 1997.

The subject site is located at Speargrass Flat Road, Dalefield and is legally described as Lots 1-2 DP 20531 Blk V Shotover SD.

The site is zoned Rural A in the Lakes Queenstown Wakatipu Combined Section of the Transitional District Plan and the proposal requires a non-complying activity consent as it does not meet the setback requirement from the road boundary of 6 metres.

On 10 October 1995 the Queenstown Lakes District Council Proposed District Plan was publicly notified. The Resource Management Act 1991 requires that in considering an application for resource consent the Council must have regard to both the Transitional District Plan and the Proposed District Plan. Under the Proposed District Plan the subject site is zoned Rural Downlands and is in an area of Landscape Importance. Accessory buildings in areas of Landscape Importance require a discretionary activity consent. However, as the proposed location of the storage shed does not meet the 100 metre setback required from a scenic rural road, it requires a non-complying activity consent.

The application was considered on a non-notified basis in terms of Section 94 of the Act because no persons were deemed to be adversely affected by the granting of the resource

consent, and because the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

### **Decision**

Consent is granted pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

- 1 That the activity be undertaken in accordance with the plans and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.
- 2 That the building be painted a dark green in accordance with Appendix 2 of the Proposed District Plan.

### **Reasons for the Decision**

The proposed storage shed is small in scale and will be located behind a stand of mature, large trees. These will mitigate the visual effect of the shed when viewed from the road. The design of the building is appropriate to the rural environment. The proposal is consistent with the objectives and policies of both the Transitional District Plan and the Proposed District Plan which seek to protect the visual amenity of the rural area.

### **Other Matters**

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained from the Building Department before construction can begin.

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

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

Please note that the consent holder will be required to meet the costs of monitoring any conditions contained in this consent. A initial fee will be charged with further inspection costs based on actual and reasonable time costs. Please contact the Enforcement Department when the conditions have been met or if you have any queries with regard to monitoring of your consent.

Should you not be satisfied with the decision of the Council an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than fifteen (15) working days from the date this decision is received. Alternatively an appeal may be lodged with the Environment Court, Justice Department, PO Box 5027, Lambton Quay, Wellington not later than fifteen (15) working days from the date this decision is received.

If you have any enquiries please contact Rebecca Skidmore on phone (03) 442 7330.

Yours sincerely

J Edmonds  
DISTRICT PLANNER