

**APPLICATION AS NOTIFIED**

**D Brown and R Venning**

**(RM210167)**

**Submissions Close 4 May 2021**

# FORM 12

File Number RM210167

## **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:**

D Brown and R Venning

**What is proposed:**

Application under Section 88 of the Resource Management Act 1991 (RMA) for resource consent to undertake a two-lot subdivision at 782 Malaghans Road, Queenstown, and establish a 1,000m<sup>2</sup> residential building platform on proposed Lot 2, as well as undertake associated earthworks and landscaping. It is also proposed to construct a residential unit within the proposed building platform, with design controls proposed.

The proposed lot sizes are as follows:

**Lot 1:** 1.6Ha, to be amalgamated with Section 6 Survey Office Plan 457201 which is 1.38Ha

**Lot 2:** 1.0Ha

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

752 Malaghans Road, Queenstown

**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 RM210167 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Danielle Ter Huurne, who may be contacted by phone at 03 441 3696 or email at [Danielle.terhuurne@qldc.govt.nz](mailto:Danielle.terhuurne@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:**

**4 May 2021**

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 Council 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 as soon as reasonably practicable after serving your submission to Council:

D Brown and R Venning  
C/- Hanna Afifi  
[hanna@unityplanning.co.nz](mailto:hanna@unityplanning.co.nz)  
Unity Planning Limited  
PO Box 1815, Queenstown

**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: 1 April 2021**

**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

➔ <http://www.mfe.govt.nz/laws/standards/contaminants-in-soil/>.

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 Applicant is 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)

☐

Cheque payable to Queenstown Lakes District Council attached

☐

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;

Information provided within the Form above

- (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).

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

- (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.

### 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





# Unity Planning

RESOURCE MANAGEMENT CONSULTANTS

## Assessment of Effects on the Environment



**Dawn Anne Brown and Rodney Brian Venning**

752 Malaghans Road, Speargrass Flat, Queenstown

Resource consent under Section 88 (1) of the Resource Management Act 1991 to subdivide Lot 1 and Lot 3 DP 21682 to create one additional lot, identify a residential building platform on Lot 2 and to construct a dwelling within the platform

**Prepared by: Hanna Afifi, Unity Planning Limited**

**February 2021**

Unity Planning Limited

021 159 0114 | PO Box 1815, Queenstown, 9348

[www.unityplanning.co.nz](http://www.unityplanning.co.nz)



# Unity Planning

RESOURCE MANAGEMENT CONSULTANTS

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**Subdivision and land use resource consent application prepared for**

**Dawn Anne Brown and Rodney Brian Venning**

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Document date:

22 February 2021

Prepared by:

Hanna Afifi, Senior Planner

Reviewed by:

Adonica Giborees, Senior Planner

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## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>2</b>
<b>2.0</b>	<b>Description of Application Site and Locality .....</b>	<b>2</b>
<b>3.0</b>	<b>The Proposal .....</b>	<b>4</b>
<b>4.0</b>	<b>Matters Requiring Resource Consent .....</b>	<b>6</b>
<b>5.0</b>	<b>Statutory Considerations.....</b>	<b>8</b>
<b>6.0</b>	<b>Assessment of Actual and Potential Effects on the Environment .....</b>	<b>10</b>
6.0	Clause 7(1), Schedule 4 of the Act .....	10
6.1	Actual and potential effects to be assessed .....	10
6.2	The Permitted Baseline .....	11
6.6	The Existing Environment .....	11
6.7	The Receiving Environment .....	11
6.8	Landscape Character and Visual Amenity .....	11
6.9	Impacts on Rural Amenity .....	16
6.10	Infrastructure Servicing, Geotechnical Matters and Natural Hazards .....	17
6.11	Earthworks .....	18
6.12	Access .....	19
6.13	Impacts on Conservation Values .....	19
6.14	Cumulative Effects .....	19
6.15	Positive Effects .....	20
<b>7.0</b>	<b>Section 95 Notification .....</b>	<b>20</b>
<b>8.0</b>	<b>Objectives and Policies - Section 104(1)(b) .....</b>	<b>20</b>
8.1	Relevant District Plans .....	20
8.2	Queenstown Lakes District – Operative District Plan .....	20
8.3	Queenstown Lakes District – Proposed District Plan .....	24
<b>9.0</b>	<b>Section 104D (non-complying activities) and Section 106 of the Act .....</b>	<b>29</b>
9.1	Section 104D of the Act .....	29
9.2	Section 106 of the Act .....	29
<b>10.0</b>	<b>Regional Policy Statements – Section 104(1)(b)(v) of the Act .....</b>	<b>30</b>
<b>11.0</b>	<b>Part 2 of the Resource Management Act 1991 .....</b>	<b>30</b>
11.1	Section 5 .....	30
11.2	Section 7 .....	30
<b>12.0</b>	<b>Conclusion .....</b>	<b>31</b>

## List of Appendices

**Appendix A** – Record of Title

**Appendix B** – Landscape Assessment Report

**Appendix C** – Subdivision Plan

**Appendix D** – Subdivision and Design Controls

**Appendix E** – Infrastructure Feasibility Report

**Appendix F** – Confirmation of Power and Telecommunication Services

**Appendix G** – Driveway Sections

## 1.0 INTRODUCTION

- 1.1 This Assessment of Effects on the Environment (AEE) is provided in accordance with the requirements of Section 88 (2) of the Resource Management Act 1991 (the Act). It is prepared to enable the AEE to be adopted.
- 1.2 Dawn Brown and Rodney Venning, the “applicant”, apply for the following resource consents under Section 88 (1) of the Resource Management Act 1991 (the Act):
- Subdivide Lot 3 DP 21682 to create one additional lot;
  - Identify a residential building platform (RBP) on proposed Lot 2;
  - Undertake earthworks associated with the subdivision; and
  - Land use consent to construct a residential unit on proposed Lot 2 within the RBP.
- 1.3 Section 88 of the Resource Management Act 1991 (‘the Act’) sets out the particular requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:
- “an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment”.*
- 1.4 The following assessment of environmental effects is made in accordance with these requirements.

## 2.0 DESCRIPTION OF THE APPLICATION SITE AND LOCALITY

- 2.1 The application site is located at 752 Malaghans Road, Speargrass Flat, Queenstown. It is legally described as Lot 3 DP 21682 (Lot 3) and Section 6 Survey Office Plan 457201 (Section 6) held in Record of Title (RT) 624841. A copy of the RT is attached as Appendix A. The site has an area of 4.0387 hectares more or less.
- 2.2 The site contains an existing dwelling and accessory buildings. The dwelling is located on Lot 3 as is a garage and a shed in close proximity to the dwelling. Lot 3 is separated from Section 6 by the Local Purpose (Esplanade) Reserve (the reserve) through which Mill Creek flows. Lot 3 is located to the south of Mill Creek, while Section 6 is located to the north of Mill Creek. Three ponds take up much of the area of Section 6 to the north and there is an existing open walled shed at the entrance to the site.
- 2.3 Access to the site is via an established vehicle crossing to Malaghans Road. The driveway runs through Section 6 along the eastern site boundary, across the reserve and Mill Creek, to the existing dwelling on Lot 3.
- 2.4 The land is flat between Malaghans Road and the dwelling, and then rises up to a terrace at the southern end of Lot 3. Extensive established tree and shrub planting exists within the site and along all site boundaries.

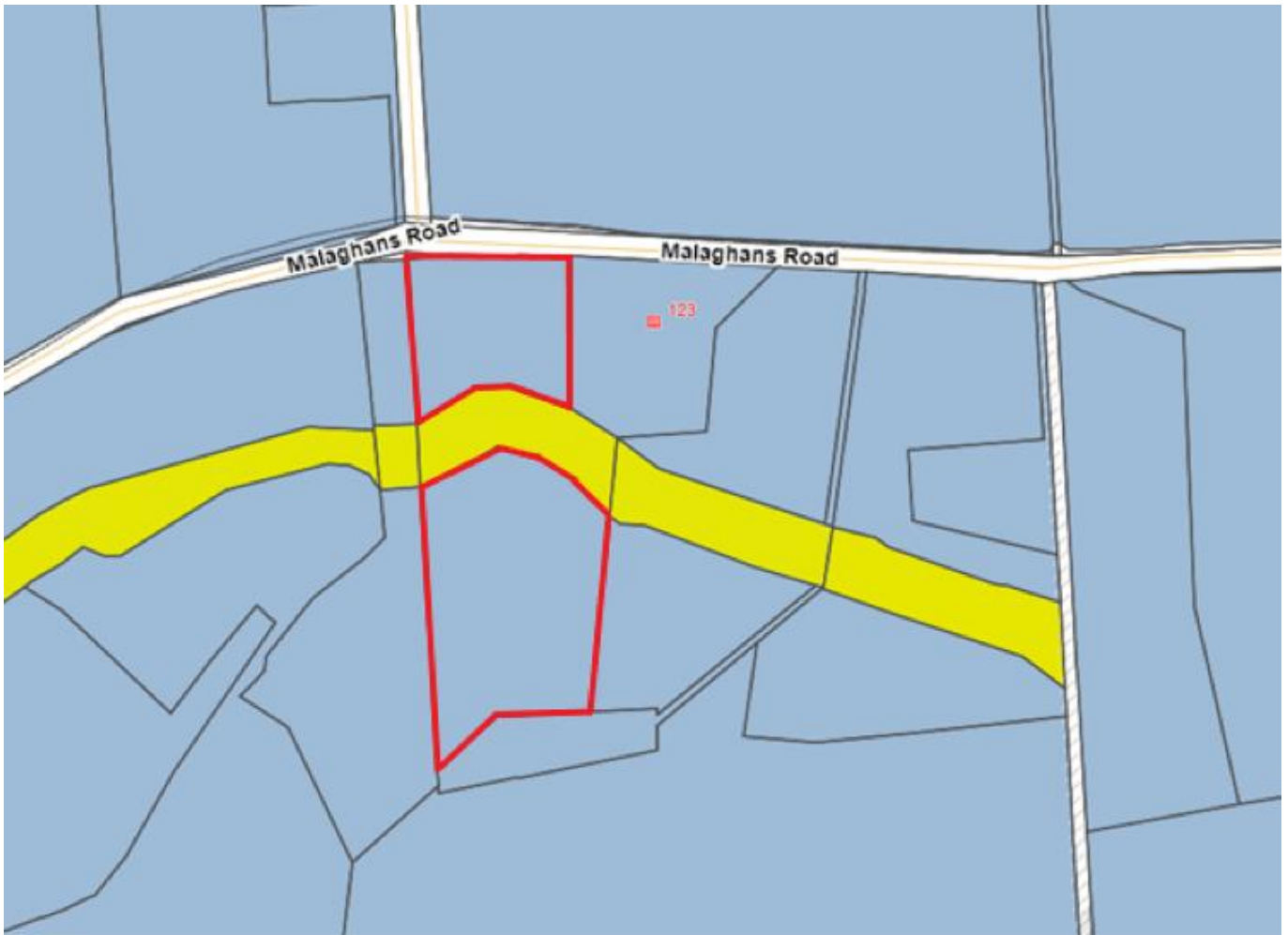


- 2.5 The site is located on the southern side of Malaghans Road, towards the eastern end of Malaghans Valley. The location of the site relative to nearby properties is shown in Figure 1 below.



**Figure 1.** Application site (red outline) and surrounds

- 2.6 The adjacent neighbouring properties comprise rural living lots with established residential dwellings, with a single vacant lot adjacent to the eastern boundary of Lot 3.
- 2.7 The site is zoned Rural General under the Operative Queenstown Lakes District Plan (ODP) and is within a Visual Amenity Landscape (VAL). The reserve that dissects the site is also zoned Rural General and is within a VAL.
- 2.8 The site is zoned Wakatipu Basin Rural Amenity (WBRAZ) under the Proposed Queenstown Lakes District Plan (PDP). Schedule 24.8 of the PDP divides the Whakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist with identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values. The application site is part of Landscape Character Unit 01: Malaghans Valley (LU01).
- 2.9 The reserve that dissects the site is zoned Nature Conservation (No. 544 -Mill Creek) under the PDP, a zoning which applies to open space and recreation areas that border lakes and rivers. Refer to Figure 2 below.



**Figure 2.** PDP Zoning – subject site (red outline)

- Wakatipu Rural Amenity Zone
  - Nature Conservation Zone

- 2.10 The site and surrounding landscape are described in detail in the Landscape Assessment Report prepared by Mr. Stephen Skelton of Patch Limited, provided as part of this application. The report is attached as Appendix B.

### 3.0 THE PROPOSAL

- 3.1 It is proposed to subdivide Lot 3 DP 21682 into two lots, and to identify a RBP on proposed Lot 2 as detailed in the Patterson Pitts Group Drawing Title, '*Lots 1 & 2 being a Subdivision of Lot 3 DP 21682*', Revision C, a copy of which is attached as Appendix C. The proposal also includes land use consent to establish a residential unit of no specific design within the RBP on Lot 2. Earthworks associated with the subdivision are also form part of the proposal.

#### *Subdivision Consent*

- 3.2 Proposed Lot 1 (Lot 1) will have an area of 1.6Ha and will contain the existing dwelling. Proposed Lot 2 (Lot 2) will have an area of 1 Ha. A RBP of 1,000m<sup>2</sup> in area is proposed on this lot. Lot 1 is to be amalgamated with Section 6 so that a separate title is not created for Section 6. The following amalgamation condition is proposed:

- *That Lot 1 hereon is to be amalgamated with Section 6 SO 457201 and held in one record of title.*

- 3.3 A suite of subdivision and design controls will apply to future development on Lot 2. These are attached as Appendix D. The landscape plan provided with the application identifies a curtilage area around the proposed RBP on Lot 2 within which domestic elements are to be located within. The applicant is open to identifying a curtilage area around the existing dwelling on Lot 1, if required.
- 3.4 An infrastructure feasibility report for the subdivision has been prepared by Senior Civil Engineer, Mr Alan Hopkins, of Queenstown Civil Constructing Limited. The report, attached as Appendix E, addresses the feasibility of the proposal with respect to servicing, earthworks, natural hazards and geotechnical matters. The descriptions with respect to the proposed servicing of the subdivision and development are adopted for the purpose of this report. In summary:
- The existing dwelling on proposed Lot 1 is currently fully serviced to an acceptable standard. However, this dwelling does not have a compliant firefighting water supply. As no further development is proposed on Lot 1, no change to the provision of firefighting on site is proposed as part of this application.
  - Potable water supply for the RBP on Lot 2 will be via an existing permitted bore located on Section 6. This bore is confirmed to have suitable capacity. Up to date quality tests can be provided prior to the registration of the proposed RBP.
  - Firefighting water supply for the RBP on Lot 2 will be provided via a static storage tank installed in accordance with PAS SNZ4509:2008 at the time a future dwelling is established. This will be secured by a condition of consent.
  - Wastewater from the RBP on Lot 2 is to be treated on site and disposed to ground. The suitability of the site soils for effluent disposal have been checked and confirmed via a series of test pits. Further detailed design of the on-site wastewater system will occur at time of future dwelling construction, which can be secured by a condition of consent.
  - Stormwater from any new impervious areas associated with the RBP on Lot 2 will be disposed to ground via engineered soakage in accordance with E1/VM1 of the New Zealand Building Code. The suitability of the site soils for soakage have been confirmed via a series of test pits and soak tests.
  - Power and telecommunications to the new RBP on Lot 2 will be provided via the existing utility networks located within Lot 1. Both Aurora and Chorus have confirmed suitable provision, which is provided as Appendix F.
- 3.5 The existing access to the dwelling on Lot 1 will be maintained. Access to Lot 2 will be provided via this existing driveway up to where the driveway reaches the southern boundary of the reserve. The site has right of way access over the entire area of the reserve. A new access is proposed which will run in a southern east direction where it leaves the existing driveway (within the boundaries of the reserve) before heading south along the eastern boundary of Lot 1 and then in a south westerly direction across Lot 2 up to the proposed RBP. A total of four passing bays are proposed along the access.
- 3.6 The earthworks associated with the subdivision are limited to those associated with the establishment of the extensions of the access to provide access up to the RBP on Lot 2 which comprises the establishment of a new 300m long driveway access from the existing access to Lot 1. Some minor trenching will also be required for the establishment of underground services to Lot 2. The access will require earthworks to bench the track into the face of the terrace slope. The earthworks required for the construction of the new accessway will comprise a cut volume of

approximately 1750m<sup>3</sup> and a fill volume of approximately 300m<sup>3</sup>. The maximum height of cut proposed is 3m and the maximum height of fill proposed is 1m.

- 3.7 The cut batter slopes will be laid back to maximum of 1:2 and the swale drain on the uphill side will be riprap lined as recommended by Mr Hopkins. The earthworks plans for the access are provided in Appendix G.
- 3.8 The extension of the access within the reserve (a length of approximately 54m) will require earthworks no deeper than 0.25m for the basecourse layers of the driveway surface. The majority of the earthworks will be offset more than 10m from the bed of Mill Creek. Earthworks within 10m of the bed of the creek will not exceed a volume of 5m<sup>3</sup>.
- 3.9 To mitigate any potential effects associated with the required earthworks a specific Environmental Management Plan (EMP) will be developed in accordance with the QLDC Guidelines for Environmental Management Plans 2019. This plan will be developed prior to the works commencing and in conjunction with the nominated contractor which can be secured by a standard condition of consent.
- 3.10 The proposed subdivision will maintain all existing easements and will ensure that any new easements required for the provision of services and rights of access over Lot 1 to the boundary of Lot 2 will be created. As outlined previously, a right of way easement in favour of the application site already exists over the entire area of the reserve.

#### Land Use Consent

- 3.11 Land use consent is sought for the establishment of a future residential unit of no specific design within the RBP on Lot 2. The consent sought is effectively a 'blanket consent' in the sense that specific designs for the residential buildings have not been provided. The future residential unit would be subject to a suite of conditions of consent which are attached as Appendix D.
- 3.12 The land use consent will not be given effect to prior to the issue of title for proposed Lot 2. This requirement can be secured by a condition of consent.
- 3.13 Any earthworks associated with the establishment of the residential unit will fall within the permitted standards of both the ODP and PDP, otherwise a further resource consent would be required.

## 4.0 MATTERS REQUIRING RESOURCE CONSENT

### Queenstown Lakes District Operative District Plan (ODP)

- 4.0 The application site is zoned Rural General under the ODP. The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:
  - *protects and enhances nature conservation and landscape values;*
  - *sustains the life supporting capacity of the soil and vegetation;*
  - *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone;*
  - *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*
  - *protects the on-going operations of Wanaka Airport.*
  - *protects the ongoing operation of Queenstown Airport.*
- 4.1 The zone is characterised by farming activities and a diversification of activities such as horticulture and viticulture. The zone includes the majority of rural land in the District including alpine areas and national parks. The relevant provisions of the ODP that require consideration are found in Part 4



(District-wide Issues), Part 5 (Rural Areas) and Part 15 (Subdivision, Development and Financial Contributions).

#### 4.2 Resource consent is required for the following reasons:

- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3(i) for the construction of any building (not contained within an approved residential building platform. The proposal includes the establishment of a residential unit within the proposed RBP (which at the time of lodging resource consent is not approved) on Lot 2 subject to the conditions outlined in Appendix D.
- 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).
- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3 (vi) which states that all subdivision in the Rural General Zone shall be a discretionary activity. The identification of an RBP between 70m<sup>2</sup> and 1000m<sup>2</sup> in area is required under Rule 15.2.3.3. The proposed subdivision identifies a RBP of 1,000m<sup>2</sup> on proposed Lot 2.

### Queenstown Lakes District Proposed District Plan (PDP)

4.3 The application site is zoned WBRAZ. The purpose of the Zone is to maintain and enhance the character and amenity of the Whakatipu Basin. Schedule 24.8 divides the Whakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values. The application site is part of Landscape Character Unit 01: Malaghans Valley (LC01). The reserve is zoned Nature Conservation zone.

4.4 The relevant provisions of the PDP that require consideration can be found in Chapters 3 (Strategic Direction), 24 (Wakatipu Basin), 25 (Earthworks), 27 (Subdivision and Development), 28 (Natural Hazards), 29 (Transport) and 38.3 (Nature Conservation Zone).

#### 4.5 Resource consent is required for the following reasons:

- A **non-complying** activity resource consent pursuant to Rule 24.5.1.5 for that part of all sites (other than for which the Computer Freehold Register for the site was issued before 21 March 2019) in the WBRAZ wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area. The proposal will result in a total of two residential units on a site that is less than 80 Ha in area.
- A **non-complying** activity resource consent pursuant to Rule 27.5.19 for subdivision that does not comply with the minimum lot areas specified in Part 27.6. The minimum lot area for the WBRAZ is 80ha. The lots sizes proposed are 1 Ha and 1.6 Ha.

N.B. Rule 27.4.2.1 states that earthworks associated with subdivisions are subject to the earthworks standards in Chapter 25 (except Rule 25.2 maximum total volume, Rule 25.5.15 cut, Rule 25.5.16 fill and Rule 25.5.21 Clean fill transported by roads) and applications for subdivision involving earthworks shall be assessed against the matters of discretion and assessment matters in Chapter 25. The proposal includes earthworks associated with the subdivision.

- A **non-complying** activity resource consent pursuant to Rule 38.9.1 with respect to activities in a Nature Conservation zone which are not listed in Table 38.1. While the provision of access is listed in Table 38.1, the references are only relevant to the construction of vehicle accesses to permitted activities. The length of the proposed driveway extension within the reserve is not

providing access to a permitted activity, being an access to a new residential development on proposed Lot 2.

### Summary of Application Status

- 4.6 The proposal is a **discretionary** activity under the ODP and is a **non-complying** activity under the PDP. Overall, the proposal has been considered as a **non-complying** activity, being the most restricted activity status.
- 4.7 In addition, this application is for all matters requiring resource consent under both the ODP and PDP, rather than for the specific list of consent matters / non-compliances identified above. The Council has the discretion to grant consent to matters that are additional or alternative to those specified in this AEE.

## 5.0 STATUTORY CONSIDERATIONS

### Resource Management Act 1991 - s95-95E, s104-104D and s106

- 5.0 The following matters are noted in consideration of sections 95A-95E of the Act:
- i. Public notification is not requested by the applicant;
  - ii. There are no special circumstances necessitating public notification;
- 5.1 As a non-complying activity, the provisions in sections 104, 104B, and 104D direct the substantive determination of the application. Section 106 specifies additional provisions related to the subdivision of land. These provisions are addressed below.

### Purpose and Principles of the Act

- 5.2 The purpose of the Act, set out in Section 5, is to promote the sustainable management of natural and physical resources. This is defined as:
- "managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing 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."*
- 5.3 The broader principles of the Act are set out in sections 6 to 8. With respect to Section 6, the proposal does not affect any Matters of National Importance.
- 5.4 Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are addressed in the assessment below.
- 5.5 Section 8 requires the consent authority to consider the principles of the Treaty of Waitangi. The proposal does not offend any Treaty of Waitangi Principles.
- 5.6 The proposed subdivision and development meet the purpose and principles of the Act.

## Section 104 Matters

- 5.7 Subject to Part 2 of the Act, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:
- (a) any actual and potential effects on the environment of allowing the activity; and*
  - (b) any relevant provisions of:*
    - (i) A national environmental 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 matters the consent authority considers relevant and reasonably necessary to determine the application.*
- 5.8 The ODP, the PDP and the Partially Operative Otago Regional Policy Statement are matters relevant to the assessment. There are no other relevant standards, regulations or statements that require consideration.
- 5.9 Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect, otherwise referred to as the permitted baseline.
- 5.10 Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.
- 5.11 Section 104D (Particular restrictions on non-complying activities) states that:
- (1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
    - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
    - (b) the application is for an activity that will not be contrary to the objectives and policies of-*
      - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
      - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
      - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- 5.12 Section 106 (Consent authority may refuse subdivision consent in certain circumstances) states that:
- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
    - (a) there is a significant risk from natural hazards; or*
    - (b) [Repealed]*
    - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

*(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph.*

*(2) Conditions under subsection (1) must be—*

- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and (b) of a type that could be imposed under section 108.*

5.13 Sections 108 and 220 empower the consent authority to impose conditions on a resource consent.

## 6.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

6.0 As a non-complying activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Clause 7(1), Schedule 4 of the Act provides guidance as to the types of effects that must be assessed as part of a resource consent application. These are outlined as follows:

- (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.*

6.1. With reference to the matters that must be assessed through Clause 7(1), Schedule 4 of the Act, and the applicable ODP and PDP assessment matters, the proposal is considered to result in the following actual or potential effects on the environment:

- i. Landscape Character and Visual Amenity
- ii. Impacts on Rural Amenity
- ii. Infrastructure Servicing and Geotechnical Matters
- iii. Earthworks
- iv. Access and Transport
- v. Impacts on Nature Conservation Values
- vi. Cumulative Effects

## The Permitted Baseline

- 6.2 Sections 95D(b) and 95E(2)(a) allow the adverse effects of activities permitted by the District Plan or an NES to be disregarded (the “permitted baseline”). Under the ODP and the PDP there are no permitted subdivision activities and all earthworks associated with subdivision also require resource consent.
- 6.3 Under the ODP and PDP, all subdivision activities and buildings in the respective zones require resource consent.
- 6.4 Operative earthworks provisions are found in the PDP. In the PDP earthworks associated with subdivision are not subject to the Chapter 25 standards relating to volume, and height of cut and fill. However, as the earthworks are associated with a subdivision which itself requires consent, they are not considered to form part of the permitted baseline. Where subdivision is not proposed, earthworks may be permitted (depending on the activity they are associated with) up to 400m<sup>3</sup> in volume, up to a maximum cut depth of 2.4m, up to a maximum fill height of 2m, and subject to all other standards in Table 25.3.
- 6.5 Overall, the permitted baseline is considered to be of limited relevance and has not been relied upon in this report with respect to the subdivision.

## Existing Environment

- 6.6 The existing environment in respect of the application site comprises the use of the site as rural living property. This includes the existing dwelling and accessory buildings, access, residential curtilage and established plantings throughout the site. The site is also currently grazed by a small number of sheep. These are all activities that generate effects which are already established within the site.

## Receiving Environment

- 6.7 Activities authorised by a current but unimplemented resource consent form part of the receiving environment. The receiving environment also includes the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities, particularly with respect to the established land uses on site. In this case there are no active unimplemented resource consents for the site.
- 6.8 However, it is pertinent to note that there are no restrictions or conditions imposed by consent notice or land covenant on the existing or future use of the subject land, other than easement requirements. Therefore, the receiving environment could include activities that would not be subject to resource consent such as the removal or retention of tree planting/vegetation on site, extension of residential curtilage areas or development of new curtilage areas in the area of the proposed RBP, such as gazebos, spa pool, outdoor living space amenities (e.g. structures that do not require resource consent if under 5m<sup>2</sup> in area and 2m in height above ground level) which take advantage of the views gained at the higher elevation on site.

## 6.8 Landscape Character and Visual Amenity

- 6.8.1 In assessing the landscape character and visual amenity, reliance has been placed on the Landscape Assessment Report prepared by Mr. Stephen Skelton of Patch Limited. The conclusions of the report are adopted for the purpose of this assessment. The report has addressed the relevant Assessment Matters in Part 5.4.2.2(3) (Rural General, Visual Amenity Landscapes) of the ODP and 24.7.5 (Whakatipu Basin and LU01) of the PDP.

### *Landscape Classification*

- 6.8.2 Mr. Skelton advises that the landscape classification of the site under the ODP is Visual Amenity Landscape (VAL) as identified in Appendix 8A – Map 2 and that the site is part of LU01 under the PDP. Mr. Skelton advises that the site is not part of an Outstanding Natural Landscape (ONL). I

accept Mr. Skelton's assessment of the landscape classification/unit and adopt these for the purposes of this report.

### *Effects on Views and Visual Amenity*

6.8.3 Mr. Skelton has addressed the potential effects on views and visual amenity in the Landscape Report. Views of the site can be obtained from the following public and private locations:

- Malaghans Road
- The Local Purpose Reserve (bisecting the application site)
- Alan Reids Road
- Coronet Forest (Designation 375 under the ODP and PDP)
- Owners/occupiers of private properties

### *Malaghans Road*

6.8.4 Mr. Skelton outlines that the site's north boundary, adjacent to Malaghans Road is lined in a dense, mature hawthorn hedge, with a few rural character trees, either on road reserve or within the site. At the north eastern edge of the site is the site access where views are available into a small portion of the site (See Image 2 of the Landscape Report). Here, an existing shed and trees within the site screen views of existing and proposed built development (aside from an existing shed) as viewed from Malaghans Road. The benefit of separation of the proposed building platform development on Lot 2, being over 300m from the road, adds further to the reduction of potential views. To the east along Malaghans Road all built and proposed development will be screened from all public and private places by existing on site boundary planting (See Image 3 of Landscape Report).

6.8.5 The landscape plan provided with the application identifies the existing tree and vegetation planting on site that contributes to the high level of screening of existing and proposed development when viewed from Malaghans Road. Therefore, the mitigation provided by the established planting can be relied on as mitigation in perpetuity.

### *The Local Purpose Reserve*

6.8.6 The reserve that bisects the site is a public place, being an esplanade reserve. However, there is little public traffic that traverses or uses the reserve as there are no formal trails, formed roads or signage that would encourage people to explore this area of the Mill Creek corridor. Therefore, at this time, the reserve is not a public place that sees many users. As such the number of users that could potentially be affected is very low.

6.8.7 The Queenstown Trails Trust propose to establish the Arthur's Point to Arrowtown Trail through the reserve. Resource consent (RM200336) has been lodged for the trail, 'Trail Section 6' being the stretch of the proposed trail that passes through the application site. The application has been publicly notified and the submission period had closed at the time of writing this report. It is pertinent to note that under the ODP and the PDP the trail once established (subject to resource consent) would not be considered a public place.

6.8.8 Notwithstanding the above, views of the proposed development from the local purpose reserve have been assessed. Mr. Skelton states that it may be possible to see the proposed development from parts of the reserve (See Image 4 of the Landscape Report) and that visibility of built development will be more pronounced in the winter season when internal trees are without leaf. He considers that the upper RBP on proposed Lot 2 will be well screened from the reserve (the platform area being more than 150m from Mill Creek and on a raised terrace) but parts of the access to that RBP will be visible.

6.8.9 The proposed platform and future dwelling will be well separated from the reserve when compared to the proximity of other residential buildings on sites to the east and west along Malaghans Road through which Mill Creek flows (No. 704A, No. 760, 774, 778, 790) which have buildings within 50m of the reserve boundary, including built form located up to the edge of the reserve at No. 704A.

6.8.10 If any persons found their way through this area of the Mill Creek corridor, they would experience a transition through a rural living landscape, with views and experiences of adjacent residential dwellings and accessory buildings and residential curtilage/planting, amongst areas of open space. While traversing through the site, it is likely that their main focus would be on the Mill Creek corridor, the existing dwelling and curtilage and/or the ponds to the north of the reserve. The proposed RBP and future dwelling on Lot 2 would be sufficiently separated from the reserve to ensure that the primary focus of the users of the reserve traversing the site is not likely to be on the Lot 2 development. As outlined by Mr Skelton, the proposal will site a RBP in a small, isolated pastoral unit which has a high potential to absorb development and as such, the lower, more visible and sensitive parts of the site near Mill Creek will be unaffected by the proposal.

#### *Alan Reids Road*

6.8.11 Mr. Skelton outlines that the only public place where the proposed RBP and access to Lot 2 may be visible from is from the unformed upper portions of Alan Reids Road and from the QLDC owned Coronet Forest (ODP and PDP Designation 375), located to the north of Malaghans Road. Images 5 and 6 of the Landscape Report are provided near the upper portion of Alan Reids Road. While Mr. Skelton considers that views may be available of a future building and to a lesser extent (due to existing trees to be retained) the access to the RBP on Lot 2, these views will be held from a distance over 1km and in the context of the wider receiving landscape, which is accepted.

#### *Private Properties*

6.8.12 I agree with Mr. Skelton that in terms of private places, there may be some potential for all the immediately adjoining neighbours to see development either through a filter of trees or from shared boundaries. Figure 3 below illustrates the location of immediately adjacent neighbours which include:

- 700/702 Malaghans Road – Orange Outline
- 774A Malaghans Road – Green Outline
- 760 Malaghans Road – Yellow Outline
- 776 Malaghans Road – Blue Outline





**Figure 3.** Application site (red outline) and adjacent properties (boundaries shown are approximate only)

- 6.8.13 Mr. Skelton is satisfied that the existing trees on site provide a high degree of mitigation as will the proposed design controls, which include a low 5.5.m maximum building height, maximum building coverage requirements as well as external claddings and materials that will appear recessive in the surrounding environment.
- 6.8.14 The proposed RBP will be setback 24m from the existing southern boundary, 43m from the existing western boundary and 40m from the existing eastern boundary. I agree with Mr Skelton that this setback (in addition to the proposed design controls and retention of mature planting) is considered sufficient to mitigate the potential effects of new activities on the amenity of the neighbouring properties, which includes visual amenity.
- 6.8.15 Mr. Skelton has identified one further potential affected property being an elevated property near Alan Reids Road (the Fairfax site) which may be able to see a portion of a future building and access to the RBP. He considers that views from that property will be similar to those demonstrated in Images 5 and 6 of the Landscape report which are at a reasonable distance.
- 6.8.16 Overall, Mr. Skelton considers that the proposal will result in no more than very low adverse effects on visually amenity concluding that the new driveway and RBP will not be highly visible from any public or private place. The proposal will 'cluster' rural living development in a part of the landscape which has a high ability to absorb change due to its visual containment by natural topography and existing rural living development. These conclusions are accepted.

#### *Effects on Landscape Character*

- 6.8.17 With reference to the description of the site and surrounding landscape, Mr Skelton outlines that Malaghans Valley holds a strong pastoral character, with large areas of open pastureland, particularly in the western and central part of LU01. The eastern end of the LU01 displays more visible rural living type development set within large areas of open space and rural character plantings of shelterbelts and woodland. He considers Malaghans Valley offer memorable views across it to the



ONLs as well as views to the south of the natural character escarpment which lead up to the Wharehuanui Hills.

6.8.18 Mr. Skelton has considered the potential effects on landscape character that will result from the proposed subdivision and development. The key changes to the landscape character of the site and locality will be the change resulting from the development of one additional dwelling on Lot 2, which includes the built form within the RBP, and associated residential curtilage as well as the new access to the RBP.

6.8.19 Mr. Skelton has addressed the LU01 characteristics and assessed the proposal in terms of those specific characteristics. Mr. Skelton is satisfied that the proposal will adequately respond to the identified landscape of LU01, will complement the existing landscape character and will adversely affect the natural and pastoral character of the landscape to a very low degree. The reasons for this conclusion are summarised below:

- The site will integrate and cluster rural residential development in a part of LU01 where rural living is currently present.
- The proposal will not adversely affect the landform patterning or the vegetation patterns on the hillslopes. The clustering of development is central to the design of the proposal. The proposed RBP will sit between two existing and consented rural living buildings and will be well integrated into the existing landform and vegetation.
- The area that comprises Lot 2 is currently a small pastoral unit which does not contribute to the wider natural or arcadian pastoral character of the landscape given the extent to which the property is confined by existing topography and vegetation.
- The proposal will see development located in a part of the landscape where rural living activities are present and well contained by landscape features including vegetation and landform. The proposed RBP on Lot 2 is enclosed by existing vegetation and landform which provides containment of the proposed RBP and potential domestic effects.
- As the site is not near an ONL, open long-range views to ONL's (and Outstanding Natural Features) will be unaffected by the proposal.
- The proposal will not cause over-domestication of the landscape. The proposed RBP will contribute to increasing the domestic character of the landscape. However, its location and the spaciousness between buildings and their separation by landform and vegetation will maintain a sense of ruralness and the wider, open landscape will remain dominant.
- The proposed boundaries for Lot 2 follow the existing landform of the site and existing planting. The proposal will not change or adversely affect the existing character of natural lines in the landscape. The subdivision and design controls in Appendix D include restrictions on fencing. In addition, in order to prevent the creation of visually arbitrary lines, it will not be permitted to plant out the new boundary lines between Lots 1-2.
- The proposed location of the RBP on Lot 2 is the most appropriate as it sites development in a part of the site which is not publicly appreciable and does not make any meaningful contribution to arcadian pastoral or natural character values (in the context of the wider VAL).

### *Summary*

6.8.20 With reference to the assessment above and the conclusions of Mr Skelton, adverse effects on the environment and persons with respect to landscape character and visual amenity will be less than minor.

## 6.9 Impacts on Rural Amenity

- 6.9.1 The Act defines amenity values as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. As seen in Figure 3 above, the site, while within a rural zone, has no predominant rural productive activities adjacent to it. Adjacent properties have been developed primarily as rural living properties, with the exception of the property at 774A Malaghans Road which is currently vacant, but is likely to be developed for rural living purposes in the future.
- 6.9.2 The environment as it exists today creates the characteristics that influence the appreciation owners and occupiers of the neighbouring properties will have of the immediate locality. The introduction of an additional residential dwelling at the southern end of the site therefore has the potential to affect existing amenity values due to noise, smell, glare, light spill, traffic, and visibility of built form associated with the single dwelling development.
- 6.9.3 The proposed RBP will be setback 24m from the existing southern boundary, 43m from the existing western boundary and 40m from the existing eastern boundary. Mr Skelton considers these setbacks sufficient to mitigate the potential effects of new activities on the amenity of the neighbouring properties with respect to related landscape matters such as visual amenity and rural/pastoral character. This is accepted.
- 6.9.4 Effects relating to light spill and glare can be managed by appropriate conditions of consent controlling the type and location of outdoor lighting on and around Lot 2. The Subdivision and Design Control conditions in Appendix D will control and restrict the type of exterior lighting on buildings and within the identified curtilage area on Lot 2, while prohibiting exterior lighting outside of the curtilage area.
- 6.9.5 The traffic generated by a single dwelling is generally accepted to be eight vehicle movements per day. This would result in a total of up to 16 vehicle movements per day along the stretch of the existing access from Malaghans Road to the northern boundary of the reserve, which runs adjacent to the boundary with 760 Malaghans Road. This boundary is planted with well established trees which will assist to minimise any noticeable traffic effects of eight additional movements per day, including glare from vehicles driving along the existing and proposed access.
- 6.9.6 Similarly, the three other properties identified in Figure 3 are affected only by additional vehicle movements to the RBP on Lot 2 from the southern boundary of the reserve. The relative boundaries are also planted with well-established trees which will assist to minimise any noticeable traffic effects of eight additional movements per day from these properties.
- 6.9.7 The occupation of a single residential dwelling is not considered to contribute to an undue level of noise in the immediate surrounds of the proposed RBP as residential use is not generally considered a high noise generating activity, acknowledging that permitted activities in rural areas can generate noise (as well as dust and general nuisance) which may be heard at adjacent residential properties.
- 6.9.8 The RBP location is separated a reasonable distance from the closest adjacent dwellings being those to the west and south as well as a future dwelling on the vacant site at 774 Malaghans Road to the east. In addition, the further mitigating influence of establish boundary planting will be retained in perpetuity, being identified on the proposed Landscape Plan.
- 6.9.9 While there will be a change in the amenity values enjoyed by adjacent properties, the adverse effects of the proposal on those amenity values will be less than minor and acceptable subject to conditions of consent.
- 6.9.10 There will be no adverse effects on the amenity of properties beyond the adjacent sites discussed above, due to the separation and buffering influence of the development and topography between those sites and the proposed RBP location on Lot 2.

## 6.10 Infrastructure Servicing, Geotechnical Matters and Natural Hazards

- 6.10.1 In assessing the infrastructure serving and geotechnical matters relating to the proposal, reliance has been placed on the Infrastructure Feasibility Report prepared by Senior Civil Engineer, Mr. Alan Hopkins, of Queenstown Civil Constructing Limited (attached as Appendix E). The conclusions of the report are adopted for the purpose of this assessment, where relevant. It is noted that Mr. Hopkins' assessment is based on a proposal that a RBP is also proposed around the existing dwelling on Lot 1. This proposal does not include a RBP around the existing dwelling on Lot 1.

### *Water Supply – Potable and Firefighting*

- 6.10.2 Mr. Hopkins outlines that the the proposed subdivision and identification of an additional building platform will require 4,200 l/day of water supply and confirms that the existing system has sufficient capacity to service the proposed subdivision and additional RBP in accordance with Council standards which can be achieved by the imposition of relevant conditions of consent.
- 6.10.3 The proposed RBP on Lot 2 will require appropriate firefighting storage to be installed when a dwelling is constructed. Mr. Hopkins outlines that the location of this storage will need to be as per PAS SNZ 4509:2008. Specifically, the tank will be required to be within 6m of the access driveway and no closer than 6m from the dwelling. Both the subdivision and land use consents can include conditions to ensure that at time of future construction firefighting static storage will need to be installed in accordance with Council Standards and PAS SNZ 4509:2008.
- 6.10.4 It is also noted that the Subdivision and Design Controls provided in Appendix D requires that all new water tanks located above ground are coloured in the range of greens and browns with a light reflectivity value of less than 30% and are to be screened by planting and/or earthworks so they are not visible outside the lot.
- 6.10.5 There is no RBP proposed on Lot 1. Therefore, no upgrade of the existing fire fighting coverage for the existing dwelling is considered necessary in this case as the proposal does not change the status quo in this regard.

### *Wastewater and Stormwater Disposal*

- 6.10.6 New on-site wastewater and stormwater disposal systems will be required for the RBP and residential unit on Lot 2 as no Council reticulated systems are available. Mr. Hopkins provides a site soils assessment which confirms that future on-site wastewater treatment and disposal to ground and stormwater disposal to ground for the platform on Lot 2 is feasible. While the details of a suitable wastewater system have been provided, it is expected that the specific future design and exact location of this system will be further developed at the time of construction of the future dwelling. Similarly, it is anticipated that the exact location and design of the stormwater soak pit/s or trenches will be further developed through the building consent for the future dwelling on proposed Lot 2. Both the subdivision and land use consents can include conditions to ensure appropriately detailed designs of the on-site wastewater and stormwater systems are provided at the time of future dwelling construction.

### *Power Supply and Telecommunications*

- 6.10.7 Aurora Energy have confirmed that there is capacity in the electricity network to service the proposed subdivision. Chorus have confirmed capacity in the telecommunication network. Prior to registration of the RBP a connection will be required to be installed underground to service Lot 2.

### *Geotechnical Matters*

- 6.10.8 No specific geotechnical assessment of the proposed building platform on Lot 2 has been undertaken to date which Mr Hopkins considers appropriate given the lack of obvious instability and other geotechnical risk factors. Mr. Hopkins recommends that prior to registration of the RBP on Lot 2 a final geotechnical assessment and Schedule 2A certificate is provided to the Council

from a suitability qualified geo-professional to provide an adequate level of security to the Council and future lot owners. This will ensure any limitations on future construction identified by the geo-professional (such as a specific foundation design) could be registered on the title via a consent notice condition and addressed at the time of building consent.

#### *Hazards*

- 6.10.9 The subject site is located within an area identified on QLDC hazard maps as being subject to a less recently active alluvial fan risk. The greater site is also at possible risk from localised flooding of Mill Creek. Mr Hopkins confirms that the less recently active alluvial fan risk hazard is located only within the lower portions of Lot 3 and is outside of the area occupied by the existing dwelling. In addition, this hazard does not apply to the upper terrace area that contains Lot 2 and the proposed RBP. Overall, Mr Hopkins advises that it is not anticipated that the proposed platform is impacted by this historic hazard feature.
- 6.10.10 Although not specifically identified on the Council hazard maps, Mr Hopkins advises that the lower portion of the subject lot are potentially at risk of flooding from Mill Creek. However, Mr Hopkins is satisfied that the location of the proposed RBP on Lot 2 is outside of any obvious overland flow paths or sources of localised flooding, noting that the RBP is located well above the Mill Creek floodplain.
- 6.10.11 In turn, it is considered that the proposed subdivision and development would not exacerbate any natural hazard.

#### *Summary*

- 6.10.12 In summary, based on the assessment and conclusions of Mr. Hopkins, the proposed subdivision can be adequately serviced and future development within the RBP on Lot 2 will not be subject to any inappropriate geotechnical or hazard risk, subject to conditions of consent. Any adverse effects on the environment and persons with respect to servicing and geotechnical matters will be less than minor.

### **6.11 Earthworks**

- 6.11.1 Mr. Hopkins outlines that the proposed earthworks have the potential to result in adverse effects associated with the migration of dust, silt, and noise if not properly managed. To mitigate these potential effects the earthworks will be undertaken in accordance with a specifically developed EMP. The requirements of this plan will be as per the QLDC Guidelines for Environmental Management Plans 2019. Mr Hopkins considers that under these guidelines, the works will likely constitute a medium risk level category due to a portion of the proposed works being located within 50m of a 'Sensitive Environmental Receptor', being Mill Creek. Further, this level of risk would require the EMP to be prepared by Suitably Qualified and Experienced Person.
- 6.11.2 As recommended by Mr. Hopkins, the development of an EMP for the works is best undertaken directly prior to the works commencing and in conjunction with the contractor. It is therefore anticipated that any consent for these works will include specific conditions requiring the provision of a suitable EMP in accordance with the QLDC Guidelines for Environmental Management Plans 2019.
- 6.11.3 Mr. Hopkins outlines that test pitting on site has shown that the likely material that will be encountered for the establishment of the access is silt with underlying glacial gravels and recommended unretained cut and fill batters be no steeper than a gradient of 1:2 (1 vertical to 2 horizontal). Mr. Hopkins' recommendations have been incorporated in the application as submitted, such that a batter gradient of no steeper than 1:2 is proposed.
- 6.11.4 Given the steepness of the access (approximately 10%) Mr. Hopkins also recommends that the swale drain on the uphill side is riprap lined and includes minor check structures (dams, logs etc) to reduce velocities and thereby limiting erosion and undermining of the uphill batter. The applicant has accepted this recommendation.

- 6.11.5 Subject to appropriate conditions of consent, adverse effects on the environment and persons during the earthworks phase will be less than minor.

## **6.12 Access**

- 6.12.2 Access to the site is provided by an established vehicle crossing at the road boundary with Malaghans Road. To access the future RBP on Lot 2 the developer proposes to install a new 300m long driveway access from the existing access to Lot 1. Mr Hopkins notes that minimal upgrades are proposed to the existing portion of the access road as this is currently fit for use.
- 6.12.3 The new access road construction will consist of swales to assist drainage and possibly some culverting and/or localised soak pits to ensure suitable disposal of runoff. Subject to detailed design, the road pavement will likely consist of a 100mm deep AP40 basecourse layer over a 150mm deep AP65 sub-base layer. Passing bays are provided along the carriageway.
- 6.12.4 Specific conditions regarding the formation of the driveway can be imposed by the Council as required. The applicant has demonstrated that the proposed subdivision can be adequately accessed. Subject to conditions of consent, no adverse effects are anticipated with respect to the provision of access.

## **6.13 Impacts on Nature Conservation Values**

- 6.13.2 As the site is bisected by the Mill Creek esplanade reserve, zoned a Nature Conservation Zone under the PDP, the proposal has the potential to impact on nature conservation values within the reserve. In this case, appropriate management of earthworks on site has been addressed by Mr Hopkins. No earthworks will be undertaken in close proximity to the bed of the creek. In addition, all earthworks will be undertaken in accordance with an appropriate EMP which will ensure any adverse effect on nature conservation values as a result of earthworks are avoided or mitigated to appropriate degree.
- 6.13.3 Albeit that the PDP controls the establishment of accessways within a Nature Conservation Zone, the application site benefits from a right of way easement over the reserve. A limited stretch of the new accessway to Lot 2 will be located within the reserve boundaries/existing right of way. This area of accessway is not anticipated to create any unacceptable effects on the existing or future recreational opportunities in the locality for the reasons outlined below.
- 6.13.4 The accessway itself is not an activity that will generate traffic movements as it is the proposed development of Lot 2 that generates this. The traffic generation through the reserve would exist regardless of the creation of the new stretch of access within the reserve as Lot 2 also has the alternative option of utilising the existing access over the reserve which would not trigger the requirement for a resource consent under the rules of the Nature Conservation Zone. The same level of traffic generation would occur through the reserve whether or not Lot 2 was to use the existing driveway over the reserve or the access as proposed as part of this application. For the same reasons outlined in the assessment of effects on rural amenity, the additional traffic movements are of a relatively small scale and as such will ensure that no inappropriate effects on the reserve will result.
- 6.13.5 The new part of the access within the reserve will not impact public access to or use of the open space as the specific part of the access is open and unfenced. The provision of access over the reserve actually facilitates access rather than adversely impacting it.
- 6.13.6 For the reasons above, any adverse effects relating to the limited stretch of access over the reserve will be less than minor.

## **6.14 Cumulative Effects**

- 6.14.1 The proposal has the potential to result in cumulative effects on natural and pastoral character and rural amenity. I accept Mr. Skelton's view that the small pastoral unit where the RBP will be located and the slope which will accommodate the road does not meaningfully contribute to the

landscapes wider pastoral or nature character, and as such resultant adverse cumulative effects on natural and pastoral character will be low and less than minor. With respect to rural amenity, given the extent of the adverse effect on rural amenity will be appropriately limited in this case, any adverse cumulative effects in this regard will be less than minor.

### 6.15 Positive Effects

- 6.15.2 The proposal provides the positive effect of the provision of an additional rural living property in the community with a high level of amenity to benefit both the applicant and the community by way of the additional residential resource.

## 7.0 SECTION 95 NOTIFICATION

### *Public Notification*

- 7.1 Pursuant to s95A(1), a consent authority must follow the steps set out in s95A to determine whether to publicly notify an application.
- 7.2 In terms of s95A(3), the applicant does not request the application be publicly notified, public notification is not required pursuant to s95C and the application is not made jointly with an application to exchange recreation reserve land.
- 7.3 In terms of s95A(8), the assessment above concludes that the proposal will not have more than minor adverse effects on the environment.
- 7.4 There are no rules or national environmental standard that requires public notification.
- 7.5 The proposal is not considered to have "special circumstances".
- 7.6 Overall, it is concluded that the potential adverse effects of the proposal on the environment are not more than minor and therefore public notification is not required.

### *Limited Notification*

- 7.7 Pursuant to s95B(1), a consent authority must follow the steps set out in s95B to determine whether to limited notify an application.
- 7.8 Given the level of mitigation proposed as part of the application, adverse effects on persons can be appropriately avoided, remedied or mitigated to a less than minor degree. Therefore, limited notification is not required in this case.
- 7.9 Section 95B(2) to 95B(7) is not applicable to this application.

## 8.0 OBJECTIVES AND POLICIES - SECTION 104(1)(B)

### 8.1 Relevant District Plans

- 8.1.1 In accordance with section 104(1)(b) of the Act, the application has been assessed against the relevant objectives and policies of the ODP and PDP.

### 8.2 Operative District Plan

- 8.2.1 The most relevant objectives and policies of the ODP are contained within Section 4 (District Wide Issues), Section 5 (Rural) and Section 15 (Subdivision, Development and Financial Contributions). When assessed against these relevant provisions, the proposed development is not considered to



be contrary to the outcomes sought under the relevant provisions, which are outlined in more details below.

#### Section 4 – District Wide Issues

##### *4.2 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 landscapes and visual amenity values.*

###### *Policies:*

###### *1 Future Development*

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

8.2.2 These matters have been appropriately addressed in the assessment of effects above. In summary, the site has the ability to absorb the future residential development proposed on Lot 2 without detracting from the landscape and visual amenity values of the wider landscape and whilst ensuring adverse effects of the development are avoided, remedied or mitigated to an appropriate degree. No ecological systems or nature conservation values will be adversely impacted. The proposal is not considered to be contrary to the above objective and policies.

##### *4 Visual Amenity Landscapes*

- (a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity which are:*
  - highly visible from public places and other places which are frequented by members of the public generally; and*
  - visible from public roads.*
- (b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*

8.2.3 These matters have been appropriately addressed in the assessment of effects above. The application site is not highly visible from public places and the reserve is not a public place that is currently frequented by members of the public. It is also noted that if the proposed Queenstown Trail is established through the reserve, the trail would not be considered a public place under the ODP or PDP. Notwithstanding this, the proposed development on Lot 2 would not be highly visible from the reserve such that it would adversely impact the visual amenity of trail users. There is no loss of natural character that would require further mitigation by appropriate landscaping or planting. However, extensive well-established planting and landscaping will be retained on site. No linear tree planting is proposed. The proposal is not considered to be contrary to the above policies.

## 8 Avoiding Cumulative Degradation

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

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

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

8.2.4 These matters have been appropriately addressed in the assessment of effects above. The proposal will not over domesticate the landscape to an extent that results in adverse cumulative degradation. The subdivision and future development within the RBP of Lot 2 will be well screened by established planting on site and will be subject to design criteria which will ensure a sympathetic development is achieved. Overall, the proposal is in accordance with the above policies.

## 9 Structures

*To preserve the visual coherence of:*

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

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

*(b) visual amenity landscapes*

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

*(c) All rural landscapes by*

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

8.2.5 The proposal will have no impact on any ONL or ONF. The future built form on Lot 2 will fit into the line and form of the landscape through appropriate landscaping and topography of the site. No buildings are proposed on skylines, ridges or prominent slopes and hilltops. Design controls are proposed to ensure that the external claddings and materials for buildings on Lot 2 will be appropriately recessive in the context of the surrounding rural landscape. The proposal is not considered to be contrary to the above policies.

## 17 Land Use

*To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.*



- 8.2.6 This matter has been appropriately addressed in the assessment of effects above. No adverse effects of significance on open character or visual coherence of the landscape have been identified. The proposal is not considered to be contrary to the above policies.

## Section 5 – Rural Areas

### *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.*
- 8.2.7 The most relevant district wide landscape objectives and policies have been addressed above.
- 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.*
- 8.2.8 The proposed subdivision and development will not prevent the ability to continue rural activities on the site to the extent that a rural living property would anticipate.
- 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.*
- 8.2.9 This matter has been appropriately addressed in the assessment of effects above. The character of the rural area will not be adversely impact to an inappropriate degree. Any adverse effects in this regard are considered to be less than minor.
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 8.2.10 This matter has been appropriately addressed in the assessment of effects above. Any adverse effects on the landscape values of the district will be appropriately avoided, remedied or mitigated, subject to conditions of consent regarding the maintenance of the extensive planting on site and the imposition of subdivision and design controls for future land use development within the RBP on Lot 2.
- 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.*
- 8.2.11 This matter has been appropriately addressed in the assessment of effects above. The landscape has the ability to absorb the proposed subdivision and development within the site.
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*
- 8.2.11 No structures or water tanks are proposed on a skyline, ridge or prominent slope. Within Lot 2, all future buildings will be confined to the RBP, and a curtilage area has been identified within which domestic elements will be restricted to. The establishment of water tanks will be subject to design controls. The adverse effects will be appropriately avoided, remedied or mitigated as outlined in the assessment of effects above.

8.2.12 For the reasons outlined above the proposal is not considered to be contrary to the above objective and policies.

#### Section 15 - Subdivision, Development and Financial Contributions)

8.2.13 The proposal will be aligned with Objective 1 (Servicing) and relevant policies as all necessary services will be provided to each of the proposed lots at the time of subdivision or, where more appropriate, at the time a future dwelling is proposed within the RBP of Lot 2. The cost of service connections at the time of subdivision will be met by the developer as sought by Objective 2 and development contributions will be payable. The proposal aligns with Objective 5 (Amenity Protection) and associated policies. As considered under the assessment of effects, any adverse effects on rural amenity will be appropriately avoided, remedied or mitigated. Each lot is sufficient in size and dimensions to provide for the existing (in the case of Lot 1) and future residential (on Lot 2) development which provides for the appropriate levels of rural amenity in the locality.

8.2.14 Overall, the proposal is not contrary to the relevant objectives and policies of Section 15.

#### Summary of Assessment of the Objective and Policies of the ODP

8.2.15 Overall, the proposed subdivision and development generally aligns and is consistent with the relevant objectives and policies of the ODP. As such the proposal is not considered to be contrary to these provisions.

### **8.3 Proposed District Plan**

8.3.1 Stage 1 of the PDP that was notified in August 2015. The relevant chapters from the notification of Stage 1 that relate to the proposed subdivision and development include Chapter 3 (Strategic Directions), Chapter 6 (Landscapes), Chapter 21 (Rural) and Chapter 27 (Subdivision and Development). Council's decision on Stage 1 has been publicly notified and numerous appeals on the provisions have been made to the Environment Court.

8.3.2 Stage 2 of the PDP that was notified in November 2017. The relevant chapters from the notification of Stage 1 that relate to the proposed subdivision and development include Chapter 25 (Earthworks) and a new Open Space and Recreation Chapter within which the new Nature Conservation Zone was identified. As addressed previously in this report, the reserve that bisects the application site is zoned Nature Conservation. In addition, the application site is affected by Chapter 24 (Wakatipu Basin) which applies to all land identified as the WBRAZ.

8.3.3 All of the WBRAZ land covered by Chapter 24 was notified in Stage 1 of the PDP as being contained within the Rural Zone, Rural Lifestyle Zone or Rural Residential Zone. The notification of Chapter 24 was a variation to Stage 1 Planning Maps and formed part of Stage 2 of the PDP.

8.3.4 As with Stage 1, Council's decision has been released for Stage 2 and numerous appeals on the provisions have been made to the Environment Court. The submissions and subsequent appeals on Stage 2 include a high level of opposition to the WBRAZ provisions, particularly with respect to the new density provisions for subdivision and development of residential dwellings. There are points of appeal which are opposed to the imposition of a stricter planning regime with respect to site density when compared to the provisions of the ODP. Therefore, limited weight should be placed upon the Stage 2 PDP provisions, including the relevant objectives and policies of Chapter 24. Notwithstanding the limited weight that can be given to these provisions, the notified PDP objectives and policies have been considered at a high level below in terms of the proposed subdivision.

8.3.5 Stage 3 of the PDP was notified in September 2019 with Stage 3b being notified in October 2019. District wide chapters and provisions notified as part of Stage 3, and variations to Stage 1 and Stage 2 district wide chapters apply to all land notified as part of Stages 1, 2 and 3 of the PDP. However, Stage 3 made no change to the underlying zoning of the site. Council have not yet ratified decisions for Stages 3 and 3b, with the exception of the variations to Chapter 30 (Energy and Utilities) which are not relevant to this proposal.

8.3.6 An assessment of the relevant objectives and policies of the PDP is provided below.

### Chapter 3 – Strategic Directions

8.3.7 Chapter 3 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. The following issues (relevant to the proposal) are noted in the chapter as issues that need to be addressed to enable the retention of these special qualities:

*Issue 2: growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*

*Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*

It is noted the issues above are subject to appeal.

8.3.7 The objectives and policies in the chapter are further elaborated on in Chapters 4 – 6. The principal role of Chapters 3 - 6 collectively is stated as being to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the PDP. Chapters 4 (Urban Development) and Chapter 5 (Tangata Whenua) are not affected by the proposal. Chapter 6 (Landscapes – Rural Character) contains relevant provisions.

8.3.8 Strategic Objective 3.2.4 seeks that the distinctive natural environments and ecosystems of the District are protected (addresses Issue 4). More specifically this objective seeks development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity (3.2.4.1). As outlined previously in this report, the proposal will have no impact on these matters.

8.3.9 It is also sought that the natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development (3.2.4.3). For the reasons outlined previously in this respect the natural character of Mill Creek will not be adversely impacted. In addition, no development is proposed in proximity of the existing man-made ponds on site. The proposal is not considered to be inappropriate.

8.3.10 The proposal is not contrary to these objectives and associated policy.

8.3.11 Strategic Objective 3.2.5 (subject to appeal) seeks the retention of the District's distinctive landscapes (addresses Issues 2 and 4) which is achieved as follows:

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

8.3.12 The application site is sufficiently separated from the District's ONL's and ONF's to ensure that the landscape and visual amenity values and the natural character of these landscapes and features are not affected by the proposal. The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values (3.2.5.2, subject to appeal). As addressed in the assessment of effects above, the site is an area with the potential to absorb change without materially detracting from the rural character and amenity values of this area.

- 8.3.13 Strategic Policy 3.3.19 seeks the management of subdivision and/or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable. The proposal subdivision and development will be undertaken in accordance with this policy.
- 8.3.14 Strategic Policy 3.3.23 (subject to appeal) addresses the capacity of absorbing further change in areas seeking to identify areas on the District Plan web mapping application that are not within ONL's or ONF's that cannot absorb further change and avoid residential development in those areas (relevant to strategic objective 3.2.1.8 and 3.2.5.2). With reference to 3.2.5.2. above and in consideration that 3.2.1.8 seeks diversification of land use in rural areas beyond traditional activities, including farming (provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained) the proposal albeit in a Landscape Character Unit which as a whole is identified as having a very low capacity to absorb change, the application site has been considered as having the capacity to absorb the limited development proposed while maintaining nature conservation values and the character of the local rural environment. The proposal does not affect Ngāi Tahu values, interests and customary resources.
- 8.3.15 Strategic Policy 3.3.24 (subject to appeal) seeks to ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. The cumulative effects of the proposal have been addressed previously in this report. The proposal will not alter the character of the rural environment to the point where the area is no longer rural in character.
- 8.3.16 Strategic Policy 3.3.26 (subject to appeal) seeks that subdivision and/or development be designed in accordance with best practice land use management to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. The proposed development, including associated earthworks will be managed to ensure adverse effects on water quality are avoided or minimised, as required.
- 8.3.17 Strategic Policy 3.3.30 (subject to appeal) seeks that adverse effects on the landscape and visual amenity values and natural character of the District's ONLs and ONFs that are more than minor and or not temporary in duration, are avoided. While some of the effects related to earthworks are temporary in nature, lasting only for the duration of the earthworks activity, the proposal otherwise is not temporary in nature. However, as outlined previously in this report, the proposal will not result in adverse effects that are more than minor.
- 8.3.18 Strategic Policy 3.3.32 (subject to appeal) seeks to only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. As previously addressed in the report, the application site is located within an area of LU01 which is considered to have the capacity to absorb the change, as concluded by the specific landscape assessment prepared by Mr. Skelton. Further, as addressed in the assessment of effects the extent of any change will be limited such that landscape character and visual amenity values are not materially degraded.
- 8.3.19 On balance, the proposed subdivision and development is proposed within an area of the LU01 which has been assessed specifically as having the capacity to absorb the change without resulting in more than minor adverse effects. The development is therefore not the type that is to be avoided, and the proposed change to the landscape will be limited to ensure that landscape character and amenity values are not materially degraded. The proposal is not considered to be contrary to the objectives and policies of Chapter 3, many of which are subject to appeal.

## Chapter 6 – Landscapes and Rural Amenity

- 8.3.19 The purpose of Chapter 6 chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. The chapter is to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve. Based on the decisions version of Chapter 6, the chapter presently does not directly apply to the WBRAZ. However, as addressed previously in this report, the proposal will not detract from the landscape and visual amenity values of the surrounding landscape, nor will it domesticate the landscape to an extent where it would result in cumulative degradation. The proposal is not contrary to the objectives and policies of Chapter 6 which are noted as being subject to appeal.

## Chapter 24 – Wakatipu Basin

- 8.3.20 This chapter applies to the WBRAZ and its sub-zone, the Wakatipu Basin Lifestyle Precinct (precinct). The sub zone is not relevant to this application. The purpose of the Zone is to maintain and enhance the character and amenity of the Whakatipu Basin. Schedule 24.8 divides the Whakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. As addressed previously the application site is part of Landscape Character Unit 01 – Malaghans Valley. While there are significant numbers of appeals on the provisions, including the objectives and policies of Chapter 24, there are no direct appeals on the specific description of LU01.
- 8.3.21 To achieve the purpose of the WBRAZ, a minimum lot size of 80 hectares is required if a subdivision is proposed which complies with the minimum lot area required under Chapter 27 (Subdivision and Development). With respect to the density of development under the land use rules, the relevant rule (Rule 25.5.1.4) requires any site in the WBRAZ located wholly outside the precinct in respect of which the RT for the site was issued before 21 March 2019 and with an area less than 80 hectares, to have a maximum of one residential unit per site. The site is located outside of the precinct and the RT for the site was issued before 21 March 2019. As such, the residential development established on site complies with Rule 24.5.1.4.
- 8.3.22 The proposal will result in a change to the immediate rural character and visual amenity qualities of this area of LU01. However, it is pertinent to note that LU01, alongside LU20 (Crown Terrace) is the largest in area of the 18 Landscape Character Units. Despite the capacity to absorb additional development for LU01 being described as 'very low', the landscape assessment provided as part of this application has determined that the absorption capacity for this specific site, within that specific area of the broader LU01, has the capacity to absorb additional development. This is due to the specific scale and nature of the proposed subdivision and development being limited to one additional residential lot and dwelling, subject to strict subdivision and design controls, as well as the landscape features that form the existing environment, including topography and well established, mature vegetation and tree planting.
- 8.3.23 With reference to the above and the landscape related matters addressed in the assessment of effects above, is considered that no adverse effects of significance will occur on the wider Whakatipu Basin.
- 8.3.24 It is considered that the proposed subdivision and development on balance will not be contrary to the relevant objectives and policies within Chapter 24, despite the density of development itself being contrary to Policy 24.2.1.1 which seeks to require an 80 hectare minimum net site area be maintained within the WBRAZ outside of the Precinct. It is noted that Policy 24.2.1.1 is part of the range of objectives and policies of Chapter 24, that are subject to numerous appeals, as outlined above, and for which limited weight can be given at this time.



## Chapter 27 – Subdivision and Development

- 8.3.25 The proposal has been assessed against the objectives and associated policies being Objective 27.2.1 (Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play), Objective 27.2.2 (Subdivision design achieves benefits for the subdivider, future residents and the community), Objective 27.2.4 (Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design and Objective 27.2.5 (Infrastructure and services are provided to new subdivisions and development).
- 8.3.26 The subdivision is a small scale rural subdivision comprising the creation of one additional lot. As outlined in the AEE above, each of the lots proposed will be provided with the necessary services at the time of subdivision or by way of conditions of consent requiring future implementation, access is provided directly to each of the lots via Malaghans Road, and the lots will be of a sufficient area and dimensions to provide for future residential use and development taking into consideration the character and amenity values of the surrounding rural environment.
- 8.3.27 The proposal is not contrary to the objectives and policies of Chapter 27.

## Chapter 25 – Earthworks

- 8.3.28 With respect to Chapter 25 (Earthworks), the only earthworks required will be for the establishment of the extension of the access to the RBP on Lot 2 and any trenching associated with the installation of services to the lots, where they do not yet exist. These works will be very limited and will be undertaken to ensure that any adverse effects are minimised as sought by relevant objectives and policies.
- 8.3.29 The proposal is not contrary to the objectives and policies of Chapter 25.

## Chapter 28 – Natural Hazards

- 8.3.30 With respect to the provisions of Chapter 28 (Natural Hazards), the proposal aligns with Objective 28.3.1 A and B and associated policies which seek to ensure that the risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community and that development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed. As outlined in the AEE above, Mr. Hopkins has not identified any unacceptable risk from natural hazards that cannot be mitigated by geotechnical consideration of future building foundations which are able to be addressed by conditions of consent and at the time of a future building consent. The proposal is not contrary to the objectives and policies of Chapter 28.

## Chapter 29 – Transport

- 8.3.31 With respect to the provisions of Chapter 29, the relevant objective and associated policies is 29.2.2 with respect to the provision of parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward: a. providing a safe and efficient transport network. As outlined in the AEE above, the subdivision and new RBP on Lot 2 can be provided with safe and efficient access, appropriate to the character of the local rural landscape. The proposal is not contrary to the objectives and policies of Chapter 29.

## Chapter 38.3 – Nature Conservation Zone

- 8.3.32 The objective and policy relevant to the Nature Conservation Zone are under appeal. The appeal seeks to delete all provisions under Chapter 38.3 and as such it is not considered that significant weighting can be given the provisions at this time. The Objective (38.3.1) seeks that use and development complements and protects the nature conservation values and natural qualities of the Nature Conservation Zone. Associated Policy 38.3.1.1 seeks to provide for appropriate use and development by (where relevant to the proposal):



- a. *limiting activities, buildings and structures to those necessary to maintain or enhance the use or values of the zone and only allowing these where they cannot be located on other adjoining or nearby land for the same purpose;*

8.3.33 Policy a. above effectively limits activities that are not necessary to maintaining and enhancing the zone. The limited stretch of the new accessway proposed over the reserve within a Nature Conservation Zone is not necessary to maintaining and enhancing the underlying zone. The new access is proposed for the purpose of providing access to the proposed development on adjacent land. The proposal is therefore contrary to Policy 38.3.1.1 a. Notwithstanding this, it is noted that right of way access is established over the Nature Conservation Zone, albeit that this does not override any consent required under the PDP.

- b. *identifying opportunities to enhance biodiversity and providing for these opportunities to be realised as part of the mitigation of the adverse effects of subdivision of adjoining land and use and development within the zone.*

8.3.34 Opportunities to enhance biodiversity as part of the proposed development are not considered necessary given the very limited extent of the activity proposed within the reserve.

#### Summary of Assessment of the Objective and Policies of the PDP

8.3.35 Overall, the proposed subdivision and development generally aligns and is consistent with the relevant objectives and policies of the PDP. Although a small component of the proposal being the limited stretch of access over the Nature Conservation Zone does not accord well with the Chapter 38.3 provisions, and the proposal does not meet the minimum net site area of 80 hectares referenced in Policy 24.2.1.1, the proposal on balance is not considered to be contrary to the provisions of the PDP.

## **8.4 Summary Overall**

8.4.1 Having considered the proposal in terms of the objectives and policies contained within both the ODP and PDP and taking into consideration the extent of current appeals relating to the PDP provisions relevant to this application, and the limited weighting that can be placed on these provisions, the proposal on balance is aligned with the relevant provisions and is not contrary to them.

## **9.0 Section 104D (non-complying activities) and Section 106 of the Act**

### **9.1 Section 104D of the Act**

9.1.1 The application satisfies both tests as the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the ODP or PDP.

### **9.2.1 Section 106 of the Act**

9.2.1 Section 106 of the Act applies to subdivision consents. The proposal provides access to each of the lots while ensuring that any natural hazard risk is suitably addressed.

## 10.0 OTAGO REGIONAL POLICY STATEMENT

- 10.1 The Partially Operative Regional Policy Statement for Otago 2019 (RPS) sets the direction for future management of Otago's natural and physical resources. It provides the foundation for the development of regional plans and district plans. Most appeals on the document have now been resolved, though some provisions are still subject to legal processes.
- 10.2 The objectives and policies of the RPS are covered by relevant objectives and policies in the ODP. Further, the PDP has been drafted with regard to the RPS. As the proposal is considered to be aligned with the objectives and policies of both the district plans, the proposal can also be considered to be aligned with the relevant matters of the RPS with respect to the sustainable use and development of natural and physical resources.

## 11.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

In considering an application for resource consent, pre-eminence must be given to Part 2, the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. Section 5 imposes a duty on consent authorities to promote sustainable management while avoiding, remedying or mitigating adverse effects of activities on the environment.

### 11.1 Section 5 of the Act

- 11.1.1 In this respect, the proposal is consistent with the enabling provision of section 5 in that the proposal will provide for the efficient and sustainable use of the site and for the social, economic and cultural wellbeing of the community, providing benefits of the rural living subdivision whereby adverse effects of landscape and rural amenity values are avoided, remedied or mitigated to an appropriate degree. The activity will not result in any adverse effects or outcomes in conflict with section 5(2)(a) – (c).

### 11.2 Section 7 of the Act

- 11.2.1 Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are:

- (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*

- 11.2.2 With respect to (b) the proposal is an efficient use and development of natural and physical resources. The application site is an established rural living property that is adequately serviced with appropriate infrastructure and access. Efficiencies are realised as the proposed RBP on Lot 2 can be serviced and accessed by sharing the established connections to infrastructure and roading and requiring only extensions to the services where applicable.

- 11.2.3 In respect of subsection (c) and (f), based on the assessment of effects provided earlier in this assessment, the proposal will maintain the rural amenity values of the locality and any adverse effects on the quality of the environment, including Mill Creek, will be adequately avoided, remedied or mitigated.

### 11.3 Summary

In summary, the proposal is in keeping with Part 2 of the Act.

## 12.0 CONCLUSION

- 12.1 In conclusion, the proposal is consistent with the purpose and principles of the Act in that it enable the applicant to provide for their economic and social and cultural well-being, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding, remedying or mitigating unacceptable adverse effects on rural character and amenity.
- 12.2 In terms of section 104D, the proposal is not contrary to the relevant provisions of both the ODP and PDP and will have actual or potential effects on the environment which are less than minor and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.
- 12.3 Accordingly, it is concluded that the Council should grant consent to the activity on a non-notified basis in accordance with sections 104, 104D, and Part 2 of the Act, subject to appropriate conditions of consent that can be imposed under section 108 (with respect to land use consent for buildings in the proposed RBP on Lot 2) and 220 (with respect to subdivision) of the Act.

## Appendix A – Record of Title Documents



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **624841**  
**Land Registration District** **Otago**  
**Date Issued** 26 August 2013

**Prior References**  
OT13B/934

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**Estate** Fee Simple  
**Area** 4.0387 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 21682 and Section 6  
Survey Office Plan 457201

**Registered Owners**  
Rodney Brian Venning and Dawn Anne Brown

---

**Interests**

Subject to Section 308 (4) Local Government Act 1974 (see DP 21682)

Subject to a right to convey water over Section 6 SO 457201 marked R on SO 457201 created by Transfer 704205.4 - 9.6.1988 at 9:55 am

Appurtenant hereto is a right of way and a right to convey water specified in Easement Certificate 765504.1 - 16.10.1990 at 10:04 am

The easements specified in Easement Certificate 765504.1 are subject to Section 309 (1) (a) Local Government Act 1974 11461140.2 Mortgage to ANZ Bank New Zealand Limited - 14.6.2019 at 3:25 pm

**Approvals** MF SLIGH

The Queenstown-Lakes District Council certifies that:  
 (1) This plan of subdivision is approved pursuant to Section 223 of the Resource Management Act 1991.  
 (2) The plan of subdivision is approved pursuant to Section 223 of the Resource Management Act 1991.  
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**MEMORANDUM OF EASEMENTS**

Number of Easement	Part Subject to Easement	Part Benefiting from Easement	Lot Number
1	Right to convey water	2	1 & 3

**DATUM:** Geodetic 1949.  
**ORIGIN:** MF Nicholas  
**False Origin** 700 000 mN  
 500 000 mE

**Total Area** 4.8397 ha.  
**Comprised in** PT 13B/475

**1. WILLIAM ROBERT LUCY, of QUEENSTOWN**  
 being the owner of the land shown on the plan, do hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and that the same comply with the provisions of the Survey Regulations 1972 or any regulations made in substitution thereof.  
 Dated at Queenstown this 17th day of July 1990  
 Signature of Lucy

**Field Book** 2419, p. 74-77  
**Reference** Plans DP 20831, 214-75  
**Examined** under 10, 1970/12  
**Approved as to Survey** 2/1/1990  
**Deposited this** 16 day of July 1990

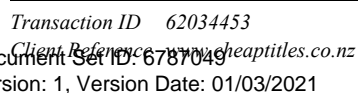
**File** DP 21682  
**Inspector**

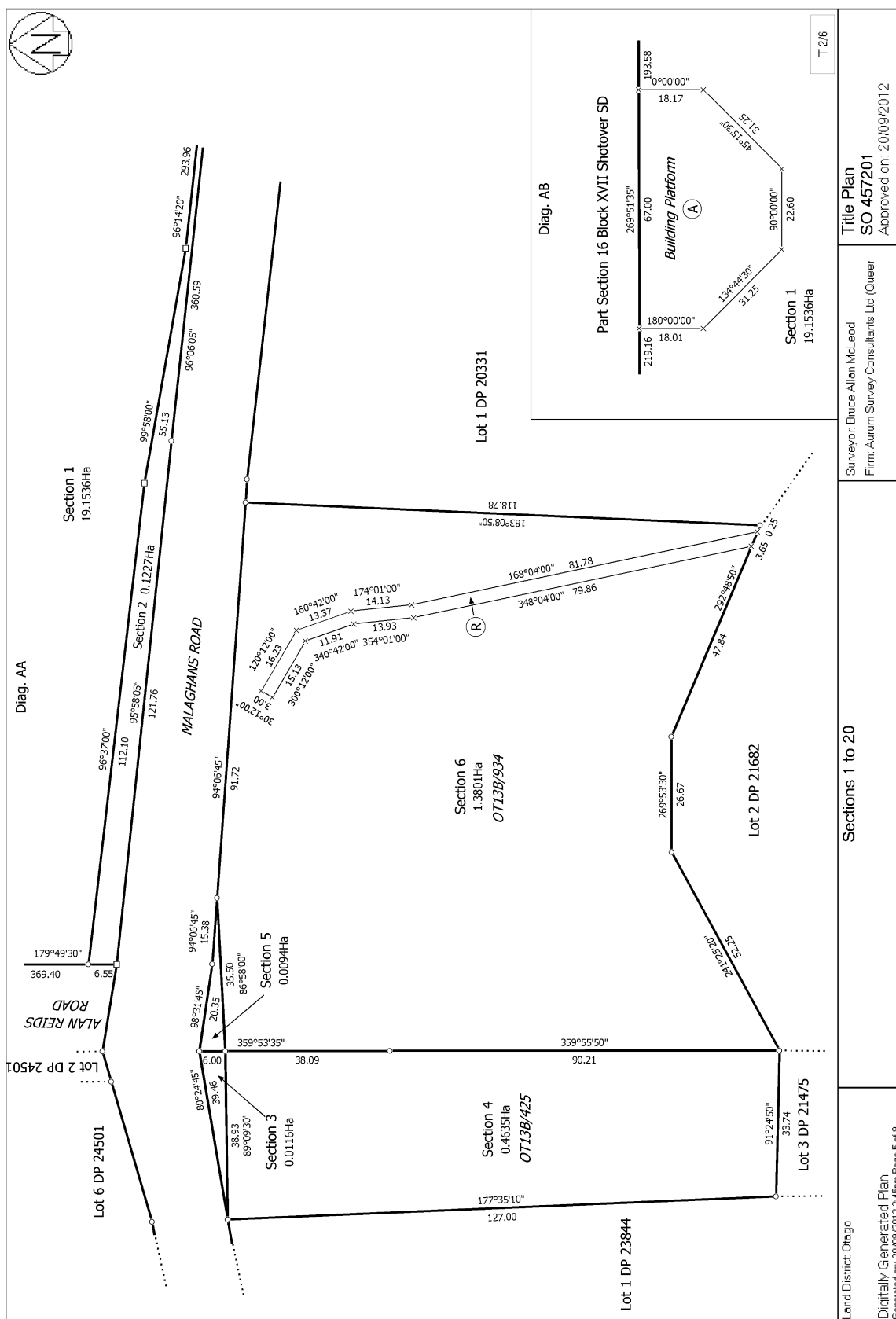
**LAND DISTRICT** OTAGO  
**Survey Blk. & Dist.** BLK VI, SHOTOVER S.D.  
**NZMS 261 Sheet F-41** Record Map No. 888  
**ID** F41/22

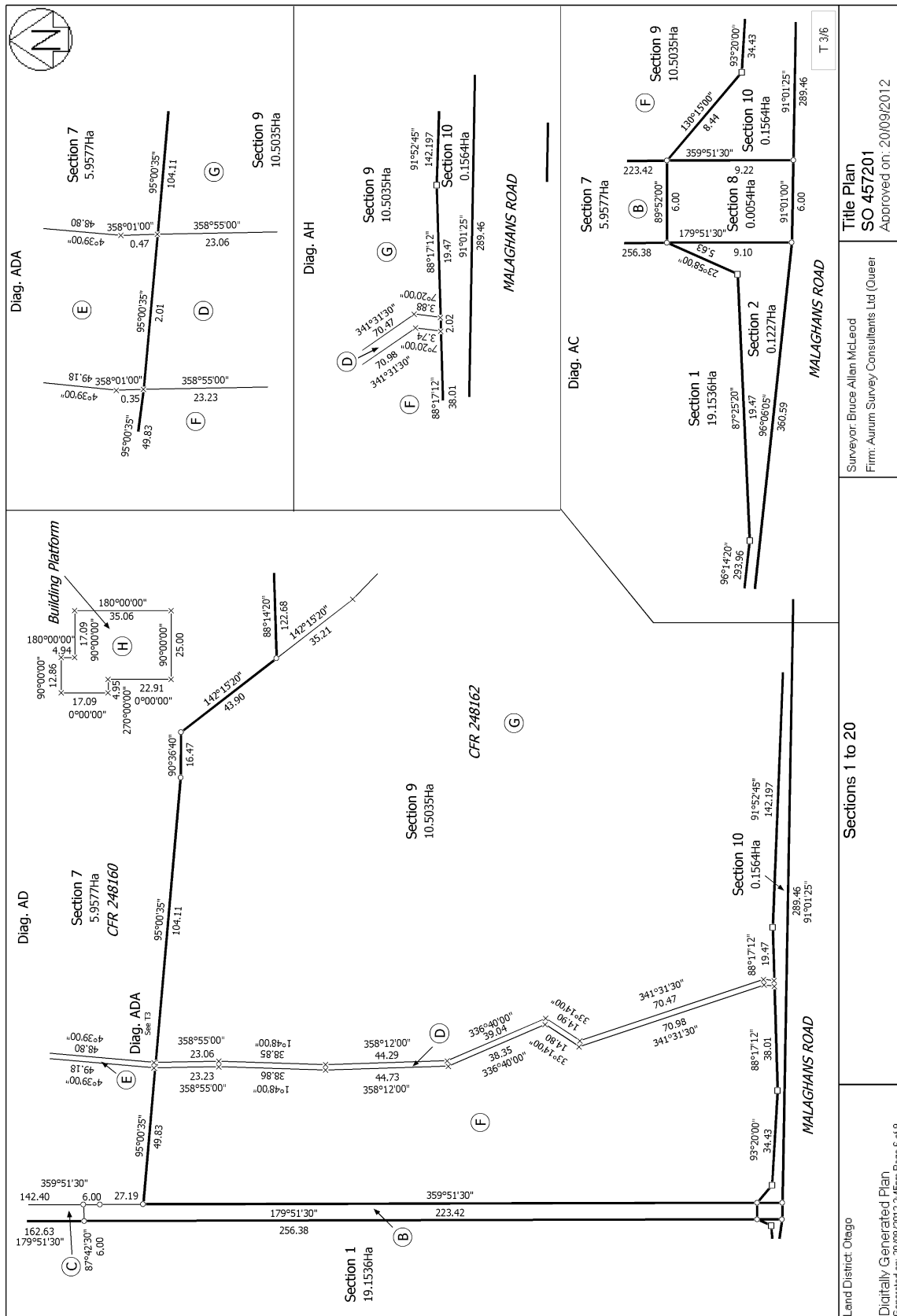
**TERRITORIAL AUTHORITY** QTN-LAKES DIST.  
**Surveyed by** LUCY, BORRELL & GREIG  
**Scale** 1:1500  
**Date** JULY 1990

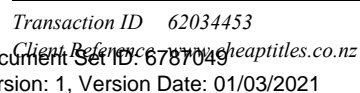
**W. A. HUBERTSON, DIRECTOR GENERAL, SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND**

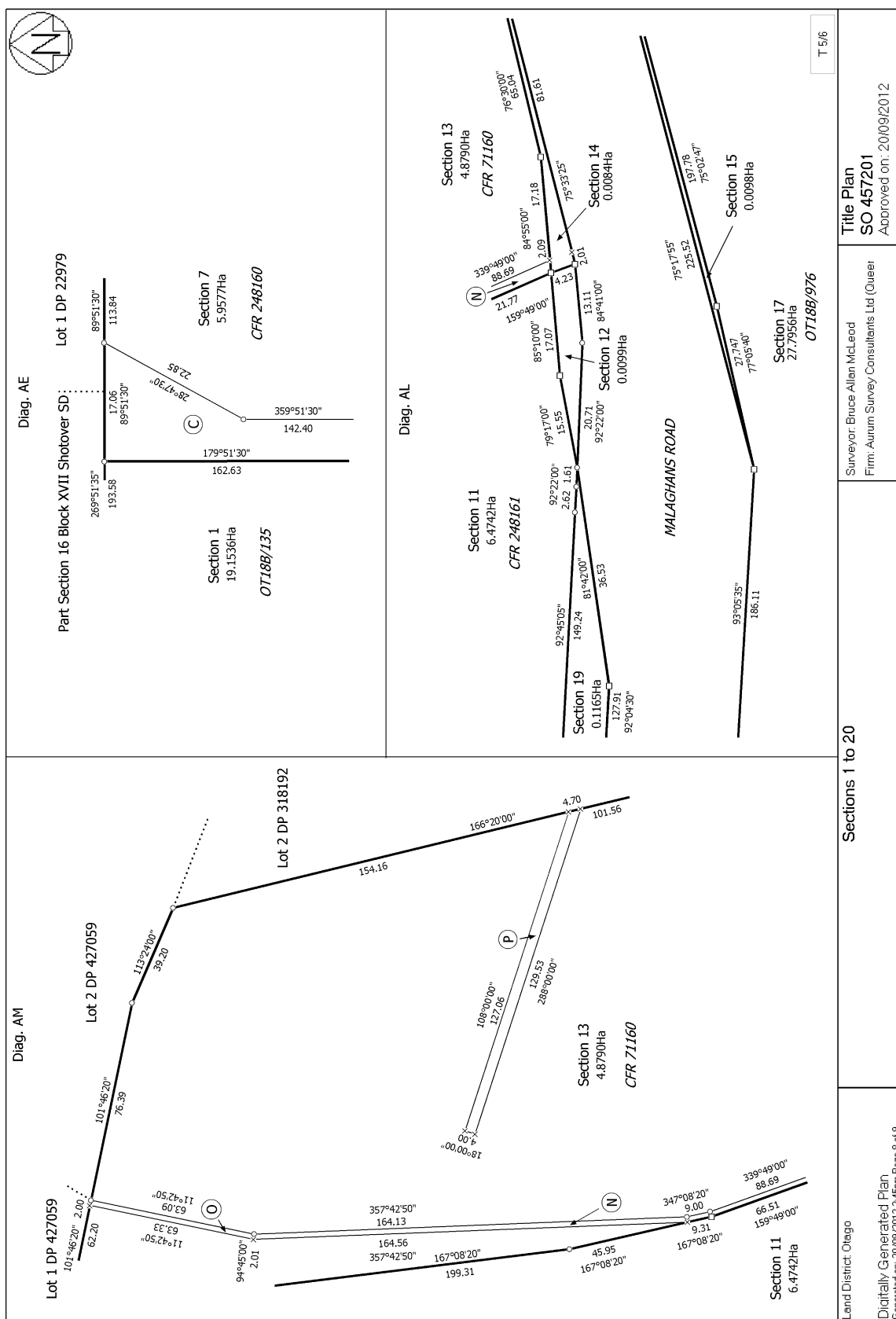


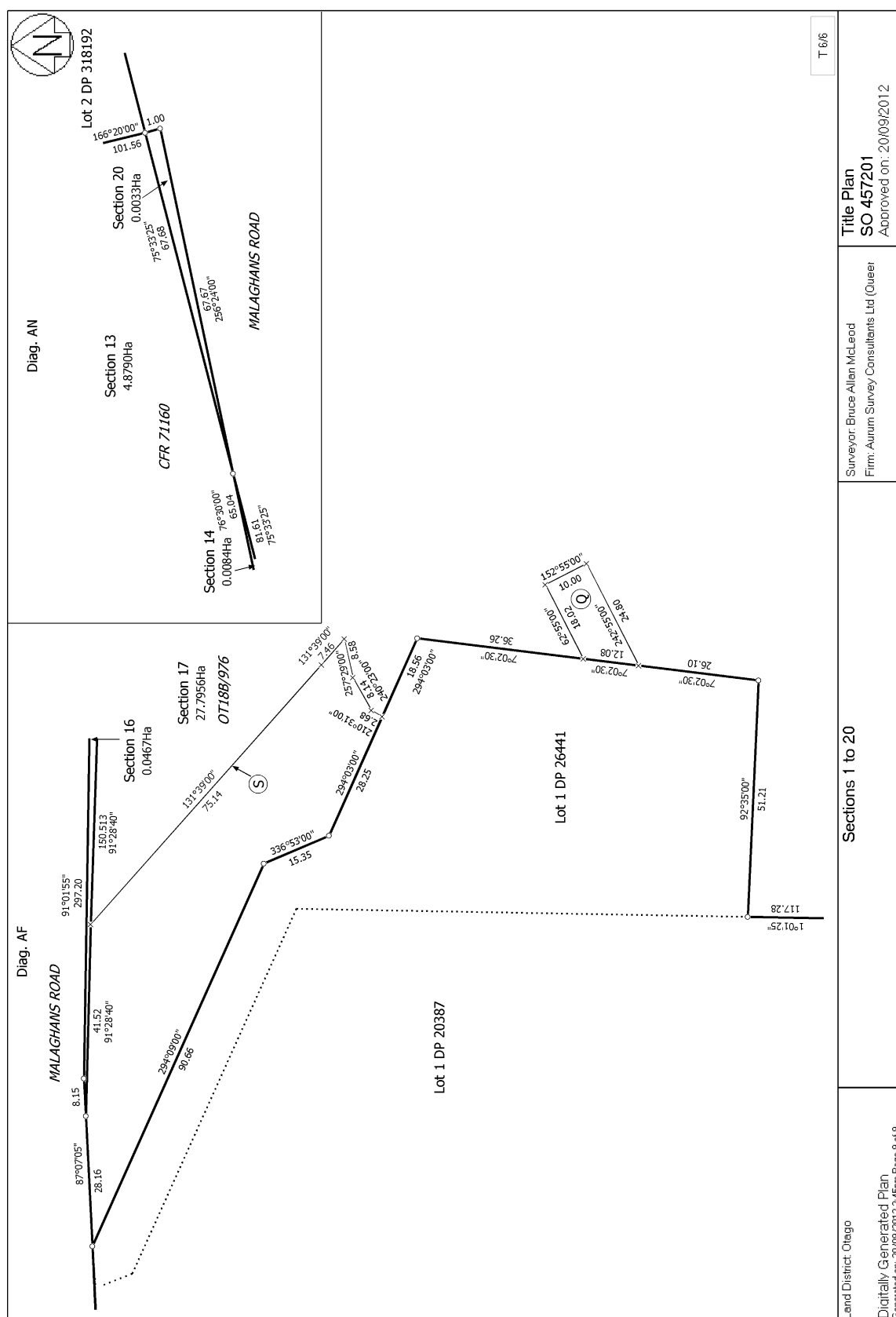














704205/4

MEMORANDUM OF TRANSFER

TRANSFEROR/S:

(hereinafter called "the transferor/s")

TRANSFeree/S:

(hereinafter called "the transferee/s")

CONSIDERATION:

LAND:

*Estate:*

*Area*

*Description*

*Reference in  
Register*

*Encumbrances Liens and Interests*

The transferor/s being registered as proprietor/s of the above described land subject to such encumbrances liens and interests as are herein set out in consideration of the sum hereinbefore referred to paid to the transferor/s by the transferee/s (the receipt of which sum is hereby acknowledged) hereby transfers to the transferee/s all the estate or interest of the transferor/s in the said land.

IN WITNESS WHEREOF this transfer has been executed this

day of 19 .

SIGNED by the abovenamed

)  
)  
)  
)  
)  
)  
)

as transferor/s in the  
presence of:

Signature of Witness .....

Occupation .....

Address .....

APPROVED BY THE DISTRICT LAND REGISTRAR

MEMORANDUM OF TRANSFER TO CREATE RIGHT OF WAY TO  
CONVEY WATER

WHEREAS MARGUERITE FRANCES SLIGH of Arrowtown Farmer (hereinafter called "grantor") is registered first as the proprietor of all that piece of freehold land containing 68.3597 ha being part sections 38, 71, 72 being the balance of land contained in Certificate of Title Volume 63 Folio 12 (hereafter called "the servient tenement") and whereas ALBERT MARINUS BORREN of Queenstown Self Employed and FINELLE LEE BORREN of Queenstown Front Office Manager (hereinafter called "the grantees") are registered as the proprietors of all that piece of freehold land containing 1.5711 ha being Lot 1 Deposited Plan 20331 and being part of the land described in Certificate of Title Volume 63 Folio 13 (hereinafter called "the dominant tenement") NOW THEREFORE in consideration of the premises the grantor DOES HEREBY TRANSFER AND GRANT to the grantees as appurtenant to the dominant tenement above described the full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantees and their tenants (in common with the grantor, her tenants and any other person lawfully entitled so to do)

- (a) From time to time and at all times to take, convey, and lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity, consistent with the rights of other persons having the same or similar rights, from the source of supply or point of entry, as the case may be, and following the stipulated course marked A on Deposited Plan 20331 across the servient tenement.
- (b) To use any line of pipes already laid on the course marked A on Deposited Plan 20331 or any pipe or pipes in replacement or in substitution for all or any of those pipes.
- (c) Where no such line of pipes exists, to lay, place, and maintain, or to have laid, placed, and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purposes under or over the surface (as the parties decide) of the land over the servient tenement and along the line defined for the purpose on the said Deposited Plan 20331.
- (d) In order to construct or maintain the efficiency of any such pipe line, the full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantees, their tenants, servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose to enter upon the servient tenement and only upon such part of the servient tenement and by such route as is reasonable in the circumstances and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, and renewing the pipe

6

line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible <sup>grantee</sup> is caused to the surface of the land of the ~~registered proprietor~~ and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

Dated this 29<sup>th</sup> day of September 1987

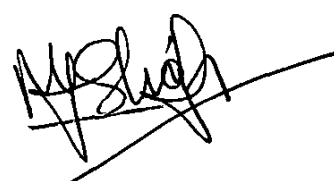
SIGNED by the said )  
MARGUERITE FRANCES SLIGH)  
in the presence of:

Witness

Occupation

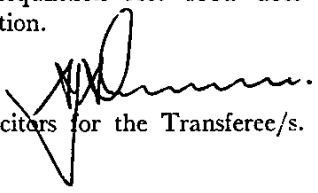
Address

*Gh...?*  
*an clerk to*  
*Cook Allen CUSA*  
*Delintan Dureson*



GMS2:MMFS

Correct for the purposes of The Land Transfer Act  
and certified that part 11A of The Land Settlement  
Promotion and Land Acquisition Act 1952 does  
not apply to this transaction.

  
Solicitors for the Transferee/s.

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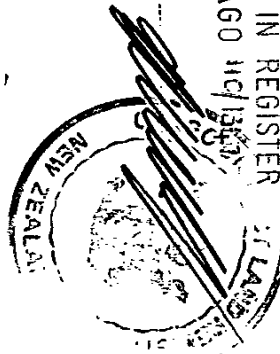
# TRANSFER

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COOK ALLAN & CO.  
Solicitors,  
Dunedin.

135537

9.5 - 09 JUN 88 70420514  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY OTAGO 11/13/87  
11/13/87  
ASST. LAND REGISTRAR



765504/1  
Approved by the District Land Registrar, South Auckland No. 351560  
Approved by the District Land Registrar, North Auckland, No. 4380/81  
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

## EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/~~We~~ MARGUERITE FRANCES SLIGH of Arrowtown, Farmer

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at **Dunedin** on the day of **19 90** under No. **21682** are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

### SCHEDULE DEPOSITED PLAN NO. 21682

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	2	(A)	1 and 3	13B/475
Right to Convey Water	2	(A)	1 and 3	13B/475

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

**1. Rights and powers:**

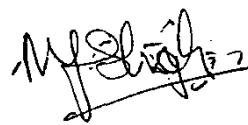


2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Dated this 15<sup>th</sup> day of October 1990

Signed by the above-named

MARGUERITE FRANCES SLIGH



in the presence of

Witness G. H. Roy

Occupation Law Clerk to Cook Allan

Address Dalinton Ches

Dunedin

## EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

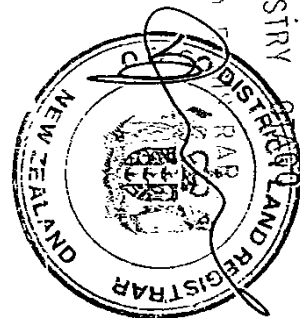
Correct for the purposes of the  
Land Transfer Act

*Rn Mawangi*

Solicitor for the registered proprietor

*The easement, referred  
to here when created,  
will be subject to  
section 309 of the  
of the Local Government  
Act 1974*  
*Allen*

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY  
136/934  
ASST LAND



COOK ALLAN GIBSON  
SOLICITORS  
DUNEDIN

10.04 16.OCT190

765504/2/



## **Appendix B – Landscape Assessment Report and Landscape Plan**

# LANDSCAPE ASSESSMENT REPORT

Dawn Brown and Rodney Venning

752 Malaghans Road

February 2021



<b>Document prepared by</b>	Stephen Skelton
<b>Document reviewed by</b>	Felipe Braga
<b>Client</b>	Dawn Brown and Rodney Venning
<b>Status</b>	Resource Consent
<b>Issued</b>	23 February 2021

*This report has been prepared by Patch Limited on the instructions of the Client. It is solely for the Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Patch Limited does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by Patch Limited for any errors or omission to the extent that they arise from inaccurate information provided by the Client or any external source.*

## 1. INTRODUCTION

1.1. This report provides an assessment of the landscape character and visual amenity effects of a proposed subdivision and establishment of a Residential Building Platform (BP) and access on a site in the Wakatipu Basin. The following report includes:

- a) Assessment methodology
- b) A description of the site and surrounding landscape,
- c) A description of the proposal,
- d) A landscape assessment,
- e) Conclusion,
- f) Attachments.

## 2. ASSESSMENT METHODOLOGY

2.1. This report relies on and refers to the scheme plan prepared by Paterson Pitts Group and the landscape plan prepared by Patch. In undertaking this landscape assessment, Patch visited the site on several occasions and viewed the site from surrounding public places and where available, from private places. Photographs were taken using a digital SLR and these photographs are attached to this report (**Attachment A, and Images**).

2.2. An assessment of the proposal's actual and potential effects on landscape character and visual amenity is undertaken in the frame of the relevant statutory considerations directed by the District Plan(s). This report uses the following definitions:

- Landscape character effects – These effects derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced. This may in turn affect the perceived value ascribed to the landscape.
- Visual effects – Visual effects relate to the changes that arise in the composition of available views as a result of changes to the landscape, to people's responses to the changes, and to the overall effects with respect to visual amenity.



- Landscape – Landscape is the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations.<sup>1</sup>

### Extent of Effect

2.3. In assessing the extent of effects, this report uses the following seven-point scale:

*very high, high, moderate-high, moderate, moderate-low, low, very low.*

2.4. An effects rating of moderate–low corresponds to a ‘minor’ adverse effects rating. An adverse effects rating of “low’ or ‘very low’ corresponds to a ‘less than minor’ adverse effects rating.

### Landscape Category

2.5. The site is shown in the Operative District Plan (**ODP**), Appendix 8A – Map 2 as being part of a Visual Amenity Landscape (**VAL**). The Proposed District Plan (**PDP**), Stage 1 and 2 maps shows the site as being part of the Wakatipu Basin Rural Amenity Zone which is not subject to Landscape Category. The site is not part of an Outstanding Natural Landscape (**ONL**) where RMA91 Section 6 matters may apply and is instead, part of a visual amenity landscape where RMA91 Section 7c matters apply.

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### Statutory Considerations

2.6. The QLDC District Plan is currently under review. Much of the relevant landscape matters in the ODP are contained within Chapter 4 - *District Wide Matters* and Chapter 5 – *Rural General*. In terms of the PDP (Decisions Version), the landscape relevant matters are contained within Chapter 6 - *Landscape and Rural Character* and Chapter 24 - *Wakatipu Basin*. Schedule 24.8 in the PDP recognizes the site as being part of the Malaghans Valley Landscape Character Unit (**LCU 1**).

2.7. This assessment is undertaken in the frame of the relevant assessment matters with particular regard to:

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<sup>1</sup> The Quality Planning Resource



### 3. DESCRIPTION OF THE PROPOSAL

- 3.1. The complete details of the proposal are contained within the Assessment of Environmental Effects which forms part of this proposal.
- 3.2. In summary, this proposal seeks to subdivide the site to create one additional lot. The parent lot will be subdivided into Lot 1 which will be an area of 1.6ha. This lot will contain an existing dwelling, and access. The southern portion of the parent lot will become Lot 2, which will be 1ha in area and will contain a new 1000m<sup>2</sup> BP. The proposed BP on Lot 2 will have a height restriction of 5.5m from Existing Ground Level. Future building and landscape treatments will be subject to a suite of design controls which seek to maintain and enhance rural character and visual amenity values.
- 3.3. A new driveway will be constructed off the existing driveway on Lot 1. The access and northern portion of the existing driveway will remain largely unchanged. A passing bay will be added north of the Local Purpose Reserve (LPR). Once the driveway crosses Mill Creek it will split. The west fork of the driveway will access the existing dwelling on Lot 1 and the east fork will access the proposed BP on Lot 2. The new driveway to the BP on Lot 2 will run parallel to Mill Creek and will then run near the site's eastern boundary to meet the base of the terrace riser. The driveway will ascend the terrace riser in an east-west direction and then curve back to the east to enter the proposed BP.
- 3.4. To form the access to proposed Lot 2's BP, a total cut of 1750m<sup>3</sup> and a fill of 300m<sup>3</sup> will be required. This will require a maximum cut depth of 3m and a maximum fill depth of 1m.
- 3.5. A landscape plan is proposed with the application. This landscape plan will see the retention of much of the existing mature vegetation on the site. This includes the significant, mostly evergreen boundary planting. Many internal rural character trees within proposed Lot 1 between the LPR and both BP's will be retained. These include birch, willows, gums and non-wilding evergreen trees. Two Giant sequoia (Wellingtonia) to the north of the proposed driveway to Lot 2 will be retained. It is understood that the vegetation 2.6m below and either side of the overhead power lines is subject to an exclusion zone (Aurora) management and cannot be protected by the landscape plan in perpetuity.

#### 4. DESCRIPTION OF THE SITE AND SURROUNDING LANDSCAPE

- 4.1. The site is in the eastern portion of the Malaghans Valley in the Wakatipu basin. The Malaghans Valley is bound to the north and west by the slopes of Coronet Peak and the ridge that runs between Bush Creek and the Malaghans Valley. To the south the valley is bound by the terraces and escarpments which lead up to the area known as the Wharehuanui Hills. To the east the valley becomes part of the rural resort area of Millbrook and meets the urban edge of Arrowtown.
- 4.2. The valley landform is a complex mix of kettle lakes, terraces, hummocks and moraine terraces. It was formed by the dynamic process of glacial advance and retreat as well and alluvial process associated with Mill Creek. Mill Creek is a shallow creek which begins at the head of the valley to the west and flows through the valley to its mouth at Lake Hayes. Along its path are numerous ponds, and wetlands.
- 4.3. Malaghans Valley holds a strong pastoral character, with large areas of open pastureland, particularly in the western and central part of the LCU. The eastern end of the LCU displays more visible rural living type development set within large areas of open space and rural character plantings of shelterbelts and woodland. Malaghans Valley offer memorable views across it to the ONLs as well as views to the south of the natural character escarpment which lead up to the Wharehuanui Hills.
- 4.4. The subject site is rectangular in shape and extends to the south off Malaghans Road. The road boundary is planted in mature hawthorn hedge, as is road boundary on the site to the west. The site is bisected by a LPR and Mill Creek. The northern portion of the site holds a strong natural character embodied in a series of ponds with some native sedges and mature willow trees. The LPR which bisects the site holds Mill Creek corridor, and in time will likely host a portion of the Queenstown Trail.
- 4.5. The southern part of the site is the largest. As the existing driveway leaves the LPR, it follows a diagonal across boggy flatlands to meet the existing house. The flatlands between the existing dwelling and the LPR are treed in a mix of exotic evergreens and deciduous trees. The eastern and western boundaries are densely planted in mature evergreen trees.
- 4.6. A terrace riser cuts across the site in an east-west direction. The eastern slope of this riser is mostly clad in deciduous trees with two large Wellingtonia trees. The top of the riser is a

small, discrete pastoral unit clad in exotic specimen trees and bound on to the east, south and west by evergreen hedge planting.

## 5. LANDSCAPE ASSESSMENT

### *Extent of Visibility*

- 5.1. The site is well contained visually by existing vegetation which runs the length of all the site boundaries. The site's western boundary is lined with willow and evergreens which screen built and proposed development from all public and private places to the west (Image 1). The site's north boundary, adjacent to Malaghans Road is lined in a dense, mature hawthorn hedge, with a few rural character trees, either on road reserve or within the site. At the north-eastern edge of the site is the site access where views are available into a small portion of the site (Image 2). Here, an existing shed and internal trees screens views of existing and proposed built development (aside from an existing shed) as viewed from Malaghans Road. To the east along Malaghans Road all built and proposed development will be screened from all public and private places by existing boundary planting (Image 3).
- 5.2. The Local Purpose Reserve (LPR) which bisects the site is a public place and it may be possible to see the existing and proposed development from parts of the reserve (Image 4). Visibility of built development will be more pronounced in the winter season when internal trees are without leaf. The upper building platform on proposed Lot 2 will be well screened from the LPR by existing evergreen trees and parts of the access to that BP will also be screened by existing evergreen trees.
- 5.3. The proposed new boundaries, access to the BP on Lot 2 or a future building in the Lot 2 BP will not be visible from the Coronet Peak Road or Malaghans Road.
- 5.4. The only public place where the proposed BP and access to Lot 2 may be visible is from the unformed upper portions of Allan Reid Road and from the QLDC owned Coronet Forest (PDP Designation 375). At time of writing the Coronet Forest is being logged and photographs are provided near the upper portion of Alan Reid Road (Images 5 & 6). Views may be available of a future building and to a lesser extent (due to existing trees to be retained) the access to the BP on Lot 2. These views will be held from a distance of over 1km and in the context of the wider receiving landscape.

- 5.5. In terms of private places, there may be some potential from all the immediately adjoining neighbours to see development either through a filter of trees or from immediately on the shared boundaries. However, the existing trees on site provide a high degree of mitigation and will all be maintained by the landscape plan. There is one known elevated property near Alan Reid Road (the Fairfax site) which may be able to see a portion of a future building and access to Lot 2's BP. Views from that property will be similar to those demonstrated in Images 5 & 6.

### ***Proposed District Plan – Wakatipu Basin***

#### ***Assessment Matters 24.7.***

- 5.6. **Appendix A** provides a detailed assessment of the proposal against the PDP relevant assessment matters. In summary it is considered:
- a) That the proposal will adequately respond to the identified landscape character and visual amenity qualities of the LCU 1. Notwithstanding that LCU 1 is stated as having a very low capacity to absorb additional development, this particular site within the large area of LCU 1 is distinct in that it is part of a rural living cluster which is markedly denser and different in character than, for example, the western portion of the LCU.
  - b) The proposal, including the creation of new lot boundaries, construction and earthworks associated with the access across proposed Lot 2 and the new BP will complement the existing landscape character and visual amenity values.
  - c) The proposal will maintain visual amenity in the landscape particularly from public places.
  - d) Development will be clustered to maintain a sense of openness and spaciousness and will integrate development with existing landform, vegetation and settlement patterns.
  - e) The development will not affect any ONL or ONF values.

### ***Operative District Plan - Visual Amenity Landscapes***

#### ***Assessment Matters 5.4.2.2 (3)***

- 5.7. **Appendix B** provides a detailed assessment of the proposal against the ODP relevant assessment matters. In summary it is considered:

- a) That the proposal, including the creation of new lot boundaries, construction and earthworks associated with the access across proposed Lot 2 and the new BP will adversely affect the natural and pastoral character of the landscape to a **very low** degree.
- b) The proposal will be well contained visually and will not adversely affect the visual amenity values of the landscape to a more than **very low** degree.
- c) The proposal has been designed and located in such a way that it's form and density will appear appropriate within the receiving landscape.
- d) The cumulative effects of the proposal will result in **low** adverse effects on natural and pastoral character. This is attributed to the clustering of rural living development which will increase the density of the immediate landscape and the road cut across the slope in the site which will provide access to the BP on Lot 2. However, the small pastoral unit where the Lot 2 BP will be located and the slope which will accommodate the road does not meaningfully contribute to the landscapes wider pastoral or nature character.
- e) The proposal will maintain the rural amenity values of the site and the wider landscape.

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- 5.8. Overall, it is considered the proposal will result in no more than very low adverse effects on visual amenity and low adverse effects on landscape character.

## 6. CONCLUSION

- 6.1. The proposal seeks to establish a new BP in a small pastoral unit which is confined by existing topography and vegetation. The BP will be accessed via a new driveway which will extend off an existing accessway. The new driveway and BP will not be highly visible from any public or private place. The proposal will 'cluster' rural living development in a part of the landscape which has a high ability to absorb change due to its visual containment by natural topography and existing rural living development. The proposed boundaries of Lot 2 will follow the existing patterns in the landscape. Overall it is considered the proposal will result in no more than low adverse effects on landscape character and very low adverse effects on visual amenity.

Steve Skelton

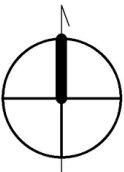
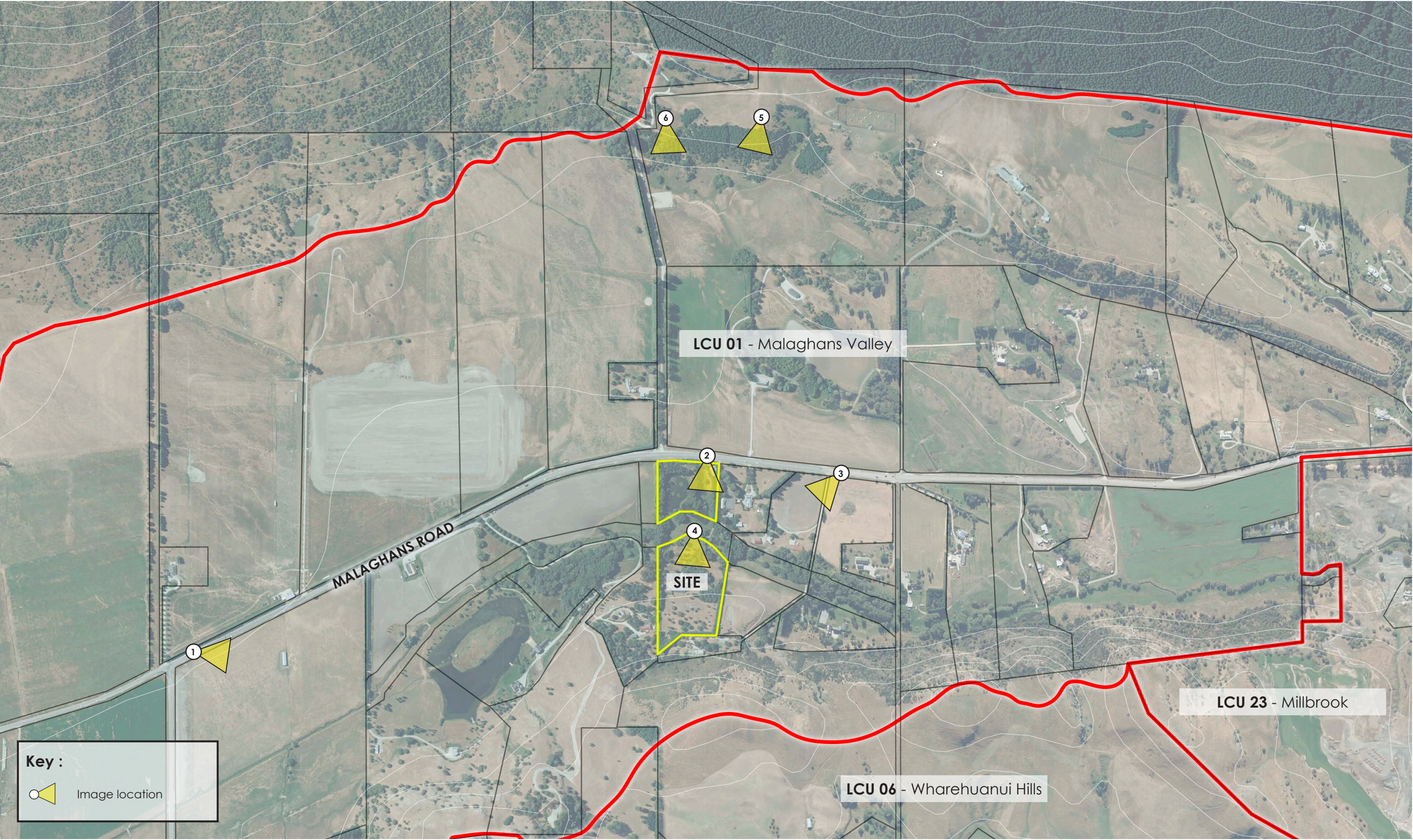


Registered Landscape Architect



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steve@patchlandscape.co.nz • [www.patchlandscape.co.nz](http://www.patchlandscape.co.nz)































## APPENDIX A – Proposed District Plan Decisions Version – Assessment Matters (Landscape)

### 24.7 Assessment Matters

24.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.15.

24.7.2 All proposals for controlled activities or restricted discretionary activities will also be assessed as to whether they are consistent with the objectives and policies relevant to the identified matters of control or discretion (as applicable) in this Chapter 24 as well as those in Chapters 3 - Strategic Direction; Chapter 4 - Urban Development, Chapter 6 - Landscapes and Chapter 28 - Natural Hazards..

Assessment Criteria - Restricted Discretionary Activities		Assessed Effects
<p>24.7.5 New buildings (and alterations to existing buildings) including farm buildings and residential flats; and infringements of the standards for building coverage, building size, building material and colours, and building height:</p> <p>Landscape character and visual amenity</p>	<p>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 24.8 – Landscape Character Units and the criteria set out below.</p> <p><b>1 : Malaghans Valley:</b></p> <p>Landform patterns</p>	<p>The proposal locates development on a subtle terrace in the south part of the site. This area is already bound by mature vegetation.</p>
	Vegetation patterns	Native sedges, mature willow trees, exotic evergreens, deciduous trees, patches of scrub and remnant riparian vegetation existing on site and this vegetation will be retained.
	Hydrology	Watercourses will be unaffected by the proposal.
	Proximity to ONL/ONF	The site is not near an ONL. Open long-range views to the ONLs and ONFs will be unaffected by the proposal.
	Character Unit boundaries	The site is located near the Malaghans Valley LCU boundary with the Wharehuanui Hills LCU.
	Land use	The site will integrate and cluster rural residential development in a part of the LCU where rural living is currently present.



Assessment Criteria - Restricted Discretionary Activities		Assessed Effects
	<i>Settlement patterns</i>	The proposal will see development located in a part of the landscape where rural living activities are present and well contained by landscape features including vegetation and landform.
	<i>Proximity to key route</i>	The proposed development will be located away from key vehicular routes.
	<i>Heritage features</i>	No heritage features will be affected by the proposal.
	<i>Recreation features</i>	It is understood there is currently a proposal to construct a part of the Queenstown Trail through the Local Purpose Reserve which runs through the site. The proposal will support and better facilitate this trail alignment by providing crossings of Mill Creek.
	<i>Infrastructure features</i>	This matter is not applicable to the proposal.
	<i>Visibility/prominence</i>	The proposed Lot 2 BP will not be not visually prominent from any public place.
	<i>Views</i>	The proposal will not adversely affect views to the north or any existing open vistas to the escarpments and hillslopes to the south.
	<i>Enclosure/openness</i>	The proposed BP on Lot 2 is enclosed by existing vegetation and landform which provides containment of the proposed BP and potential domestic effects.
	<i>Complexity</i>	The proposal will not adversely affect the landform patterning or the vegetation patterns on the hillslopes.
	<i>Coherence</i>	The coherent pattern of landform and vegetation will not be affected by the proposal.
	<i>Naturalness</i>	The proposed BP will be well integrated with the existing planting, therefore reducing its prominence.
	<i>Sense of Place</i>	The sense of naturalness within the LCU will not be affected by the proposal.
	<i>Potential landscape issues and constraints associated with additional development</i>	The proposed BP is not highly visible and is very well screened by landform and existing vegetation. This part of the landscape does not have any known Environment Court history.
	<i>Potential landscape opportunities and benefits associated with additional development</i>	The proposal includes provisions for future riparian restoration planting on the edges of an existing wetland area on the northern part of the site.
	<i>Environmental characteristics and visual amenity values to be maintained and enhanced</i>	The proposed BP will be carefully integrated with landform and planting, preserving the highly attractive rural views from Malaghans Road to the Wharehuanui hillslopes and escarpment faces.
	<i>Capability to absorb additional development</i>	The proposed BP and subdivision of Lot 2 will not affect the landscape's low ability to absorb change.

Assessment Criteria - Restricted Discretionary Activities		Assessed Effects
	<i>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>	
	<i>i. building height;</i>	The proposed BP will not exceed a 5.5m from existing ground height and its external appearance and building coverage will be guided by the standards in the PDP.
	<i>ii. building colours and materials;</i>	Colours and materials of a future building in the Lot 2 BP will be subject to the PDP standards.
	<i>iii. building coverage;</i>	This assessment matter is not applicable to the proposal.
	<i>iv. design, size and location of accessory buildings;</i>	This assessment matter is not applicable to the proposal.
	<i>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;</i>	No landform modification is proposed except to form the driveway. This driveway will be well screened from public views by existing vegetation and the effects on the naturalness of the escarpment will be low in extent.
	<i>vi. the retention of existing vegetation and landform patterns;</i>	The proposal includes the retention of much of the existing mature vegetation on the site.
	<i>vii. earth mounding and framework planting to integrate buildings and accessways;</i>	The proposal does not include any mounding and existing planting will aid in integrating buildings and accessways into the landscape.
	<i>viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 - Landscape Character Units;</i>	The proposal does not includes planting apart from provisions for future riparian restoration planting.
	<i>ix. riparian restoration planting;</i>	The proposal includes provisions for future riparian restoration planting on the wetland in the northern part of the site.
	<i>x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and</i>	The proposed area of Lot 2 does not contain any slopes over 15°.
	<i>xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths</i>	Mill Creek Corridor that bisects the site will likely host a portion of the Queenstown Trail.

Assessment Criteria - Restricted Discretionary Activities		Assessed Effects
	<i>c. 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 so as to ensure that landscape character and visual amenity values are maintained or enhanced in a manner that maintains or enhances landscape character and visual amenity values.</i>	No existing covenant or consent notices will be retained.
	<i>d. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</i>	The proposed BP on Lot 2 will not be visible from most public places. There is limited potential it may be visible from an elevated portion of Alan Reid Road. However in the context of the wider visible landscape, the proposal will adversely affect the visual amenity in the landscape to a very low degree.
	<i>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.</i>	The clustering of development is a central to the design of the proposal. The proposed BP will sit between two existing and consented rural living buildings and will be well integrated into the existing landform and vegetation.
	<i>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.</i>	This assessment matter is not applicable to the proposal.
	<i>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.</i>	There are no adjacent ONLs or ONFs and this proposal will not adversely affect any views from public roads and other public places to the surrounding ONL and ONF context.
	<i>h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</i>	No planting is proposed and therefore this assessment matter is not applicable.
	<i>i. The merit of the removal of wilding exotic trees at the time of development.</i>	There are no wilding trees on the site.
	<i>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.</i>	No covenants are proposed.

## APPENDIX B – Operative District Plan Decisions Version – Assessment Matters (Landscape)

### 5.4.2.2 Assessment Matters

#### (3) Visual Amenity Landscapes

*These assessment matters should be read in the light of the further guiding principle that existing vegetation which:*

- (a) was either*
  - planted after; or*
  - selfseeded and less than 1 metre in height at - 28 September 2002; and*
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places shall not be considered:*

*(1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*

*(2) as part of the permitted baseline.  
nor shall removal of such vegetation be considered as a positive effect of any proposal.*

Assessment Criteria		Assessed Effects
(a) Effects on natural and pastoral character	(i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;	The site is not near an ONL. Open long-range views to the ONLs and ONFs will be unaffected by the proposal.

Assessment Criteria		Assessed Effects
<p><i>In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:</i></p>	(ii) <i>whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;</i>	The proposed location of the BP on Lot 2 will be clustered between existing rural living areas. Lot 2 is currently a small pastoral unit which is visible from and does not contribute to the wider natural or arcadian pastoral character of the landscape. It is considered the proposal will result in a very low adverse effect on the arcadian pastoral character of the landscape.
	(iii) <i>whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;</i>	The proposal will not cause over-domestication of the landscape. The proposed BP will contribute to increase the domestic character of the landscape. However, its location and the spaciousness between buildings and their separation by landform and vegetation will maintain a sense of ruralness and the wider, open landscape will remain dominant.
	(iv) <i>whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;</i>	The proposed location of the BP on Lot 2, and the use of existing patterns in the landscape will ensure the proposal will be appropriate in terms of effects on landscape character and visual amenity.
<p>(b) <i>Visibility of Development</i></p> <p><i>Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:</i></p>	(i) <i>the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and</i>	<p>The proposed BP on Lot 2 will not be visible from most public places. There is limited potential it may be visible from an elevated portion of Alan Reid Road. However in the context of the wider visible landscape, the proposal will not adversely affect the visual amenity in the landscape.</p> <p>The proposed BP and access to Lot 2 will be well screened from Mill Creek views by existing vegetation.</p>
	(ii) <i>the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;</i>	The proposed development will not be visually prominent or detract from public or private views.
	(iii) <i>there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;</i>	Existing vegetation provides sufficient visual screening and no other mitigation is proposed.

Assessment Criteria		Assessed Effects
	(iv) <i>the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;</i>	The existing vegetation around the proposed BP will confine the domestic and visual effects of the proposal.
	(v) <i>any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;</i>	No building platforms or proposed buildings will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes.
	(vi) <i>any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;</i>	No proposed roads, earthworks or landscaping will change the line of the landscape or affect the naturalness of the landscape or the existing natural topography. A small portion of the proposed driveway will require earthworks, this driveway will be well screened from public views by existing vegetation and the effects on the naturalness of the escarpment will be low in extent.
	(vii) <i>any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;</i>	The proposed boundaries for Lot 2 follow the existing landform of the site and existing planting. The proposal will not change or adversely affect the existing character of natural lines in the landscape.
	(viii) <i>boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;</i>	The proposed boundaries for Lot 2 follow the natural lines of the landscape.
	(ix) <i>the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.</i>	The development will be near a road and will not constitute sprawl of built development along the roads of the District.
(c) <i>Form and Density of Development</i>	(i) <i>there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;</i>	The proposal is located within a part of the site where natural topography ensures that it will not be highly visible from public places.
<i>In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:</i>	(ii) <i>opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);</i>	The proposal will aggregate built development to utilise common access ways by utilise an existing, common access way across the lower northern portion of the parent lot.
	(iii) <i>development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;</i>	The proposal will site a BP in a small, isolated pastoral unit which has a high potential to absorb development. The lower, more visible and sensitive parts of the site near Mill Creek will be unaffected by the proposal.

Assessment Criteria		Assessed Effects
	(iv) <i>the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.</i>	The proposal is not visible from Malaghans Road and has limited potential to be visible from an elevated portion of Alan Reid Road. The proposal will not reflect any characteristics of urban areas.
	(v) <i>If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:</i>  <i>(a) within a 500 metre radius of the centre of the building platform, whether or not:</i>  <i>(i) subdivision and/or development is contemplated on those sites;</i>  <i>(ii) the relevant land is within the applicant's ownership; and</i>  <i>(b) within a 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council - must be taken into account.</i>	It is considered the proposed location of the BP on Lot 2 is the most appropriate as it sites development in a part of the site which is not publicly appreciable and does not make any meaningful contribution to arcadian pastoral or natural character values.
	(vi) <i>recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large.</i>	The site is distinct in its ability to absorb change and any proposed developments on neighbouring land would likely be unaffected by the proposal.
(d) <i>Cumulative effects of development on the landscape</i>	(i) <i>the assessment matters detailed in (a) to (d) above;</i>	As discussed above, the adverse cumulative effects of the proposal will be low in extent.
	(ii) <i>the nature and extent of existing development within the vicinity or locality;</i>	The proposed BP is located in a rural living cluster, between two existing residential dwellings, resulting in a low cumulative effects within the vicinity or locality.

Assessment Criteria		Assessed Effects
<p><i>In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:</i></p>	<p>(iii) <i>whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;</i></p>	<p>The proposal is well considered in terms of scale, character and location and will not cross a threshold with respect to the landscape's ability to absorb change.</p>
	<p>(iv) <i>whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;</i></p>	<p>The proposal will not visually compromise the existing natural or arcadian pastoral character of the landscape.</p>
	<p>(v) <i>the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;</i></p>	<p>The proposed location of the BP on Lot 2 is a discrete landscape unit defined by topographical features which will check the potential spread of development.</p>
	<p>(vi) <i>whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;</i></p>	<p>The proposal will not result in the need for infrastructure consistent with urban landscapes.</p>
	<p>(vii) <i>whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).</i></p>	<p>No covenants, consent notices or other legal instruments are proposed.</p>



Assessment Criteria	Assessed Effects
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**Note:**

*For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:*

- from any other public road or public place frequented by the public and which is readily visible from that public road or public place; or*
- from adjacent or nearby residences.*

*The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction, but maybe halved in the finer scale landscapes of the inner parts of the Wakatipu basin, but greater in some of the sweeping landscapes of the upper*

<p>(e) Rural Amenities</p> <p><i>In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:</i></p>	(i) <i>the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;</i>	The most publicly visible parts of the site will be maintained in their existing open, park-like character and adequate and appropriate visual access to open space will be maintained.
	(ii) <i>the proposed development compromises the ability to undertake agricultural activities on surrounding land;</i>	The ability to undertake agricultural activities on the lands around the site will not be compromised by the proposal.
	(iii) <i>the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb and channelling, particularly in relation to public road frontages;</i>	The proposal will not result in the need for infrastructure consistent with urban landscapes and all landscaping will maintain the landscape's 'ruralness'.
	(iv) <i>landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.</i>	The existing landscaping is consistent with traditional rural elements.
	(v) <i>buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.</i>	The proposed BP will be setback 24m from the existing southern boundary, 43m from the existing western boundary and 40m from the existing eastern boundary. This setback is considered sufficient to mitigate the potential effects of new activities on the amenity of the neighbouring properties.



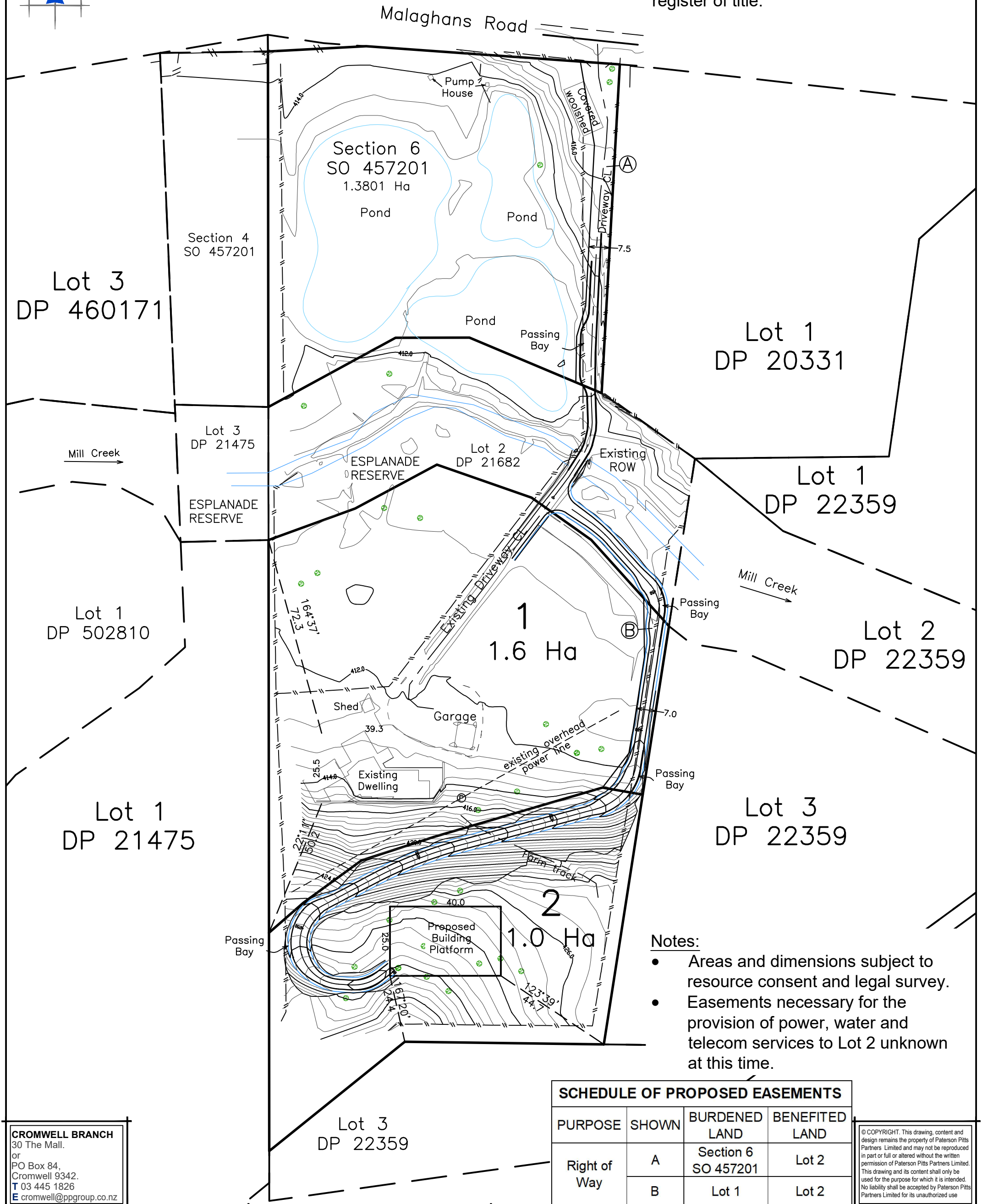




## **Appendix C – Subdivision Plan**



Amalgamation Condition  
Lot 1 hereon to be amalgamated with  
Sec 6 SO 457201 and held in one  
register of title.



- Notes:
- Areas and dimensions subject to resource consent and legal survey.
  - Easements necessary for the provision of power, water and telecom services to Lot 2 unknown at this time.

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of Way	A	Section 6 SO 457201	Lot 2
	B	Lot 1	Lot 2

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Client/Location:

Venning  
752 Malaghans Road  
RT 624841

Purpose/Drawing Title:

Lots 1 & 2 being  
a Subdivision  
of Lot 3 DP 21682

Surveyed by: GP/BD xml  
Designed by: MG  
Drawn by: KWG  
Checked by: MG  
Approved by: MG  
Job No: C2667\_SCM

Original Size: A3  
Sheet No: 2

Scale: 1:1250  
DO NOT SCALE  
Revision No: D  
Date Created: 22/02/2021

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## **Appendix D – Subdivision and Design Controls**

## Subdivision and Design Controls

- All future residential buildings on Lot 2 shall be contained within the residential building platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.

### *To apply to buildings with the residential building platform on Lot 2*

- The maximum height for all buildings located within the residential building platform shall be as 5.5m.
- The building coverage within the residential building platform shall not exceed 500m<sup>2</sup>.
- All roof claddings shall be steel (corrugated or tray), slate (including gravel) or a living green roof system.
- All painted steel and all roofs shall be in the natural range of browns, greens or greys with a light reflectance value of less than 20%.

### *Curtilage Area (Identified on Landscape Plan Reference PA19314 IS04, dated 18 February 2021)*

- Areas outside the curtilage area of Lot 2 shall be maintained as pastoral grass by either stock grazing or mowing.
- Domestic elements such as include swimming pools, spas, play equipment, outdoor furniture etc. on Lot 2 shall be contained within the curtilage area.

### *To apply to fencing within Lots 1 and 2*

- Except for within the curtilage area of Lot 2, all new fencing shall be limited to the following:
  - Traditional farm post and wire;
  - Deer fencing;
  - Post and rail;
  - Local stone up to 1.2m in height.

### *To apply to lighting within Lot 2*

- Exterior lighting attached to any new building shall be no higher than 3m above ground level.
- All other new exterior lighting shall be limited to the curtilage area and shall be no higher than 1m above ground level.

- All exterior lighting shall be directed downwards and away from the property boundary and shall not be used as highlighting or accent lighting of any buildings or landscape elements including but not limited to trees, retaining walls or landform features.
- All exterior lighting within the building platform shall have a sensor or timer mechanism to ensure that it is extinguished when not in use.

#### *Landscaping*

- All Lot owners shall maintain the landscaping identified on the Landscape Plan Reference PA19314 IS04, dated 18 February 2021 within their allotments in perpetuity. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
- In order to prevent the creation of a visually arbitrary line, the new boundary lines between Lots 1-2 shall not be planted out.

#### *Water Tanks*

- All new water tanks located above ground shall be coloured in the range of greens and browns with a light reflectivity value of less than 30% and shall be screened by planting and/or earthworks so they are not visible outside the lot.



## **Appendix E – Infrastructure Feasibility Report**



Issue 1  
December 18, 2020



# **D & R VENNING SUBDIVISION & BUILDING PLATFORMS**

Infrastructure Feasibility Report



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# D & R VENNING SUBDIVISION & BUILDING PLATFORMS

## Infrastructure Feasibility Report

**Report Prepared For:**

D & R Venning

**Report Prepared By:**

Alan Hopkins

alan@qtcivil.co.nz

**Date:**

December 18, 2020

Issue	Details	Date
1	Consent (for review)	18/12/2020
2		

### Limitations

This report has been written for the brief provided to Queenstown Civil Consulting Limited from their client and no responsibility is accepted for the use of the report for any other purpose, or in any other context or by any third party without prior review and agreement.

In addition, this report contains information and recommendations based on information obtained from a variety of methods and sources including inspection, sampling or testing at specific times and locations with limited site coverage and by third parties as outlined in this report. This report does not purport to completely describe all site characteristics and properties and it must be appreciated that the actual conditions encountered throughout the site may vary, particularly where ground conditions and continuity have been inferred between test locations. If conditions at the site are subsequently found to differ significantly from those described and/or anticipated in this report, Queenstown Civil Consulting Limited must be notified to advise and provide further interpretation

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# Executive Summary

D & R Venning propose to identify two building platforms and undertaking a two-lot subdivision of Lot 3 DP21682 at 752 Malaghans Road, Dalefield.

The existing dwelling on proposed Lot 1 is currently fully serviced to an acceptable standard, however this dwelling does not have a compliant firefighting water supply. It is recommended that prior to registration of the building platform around this dwelling, a static storage tank is installed in accordance with PAS SNZ4509:2008.

Potable water supply for the new building platform on Lot 2 will be via an existing permitted bore located on an amalgamated lot to the north. This bore is confirmed to have suitable capacity. To ensure quality of this supply is sufficient, it is recommended up to date quality tests are obtained prior to registration of the building platform.

Firefight for the building platform on Lot 2 will be provided via a static storage tank installed in accordance with PAS SNZ4509:2008.

Wastewater from the building platform on Lot 2 is to be treated on site and disposed to ground. The suitability of the site soils for effluent disposal have been checked and confirmed via a series of test pits. Further detailed design of the on-site wastewater system will occur at time of future dwelling construction. The subject site is located within the Lakes Hayes catchment and therefore an ORC discharge permit will be required when the wastewater system is installed.

Stormwater from any new impervious areas associated the building platform on Lot 2 will be disposed to ground via engineered soakage in accordance with E1/VM1 of the New Zealand Building Code. The suitability of the site soils for soakage have been confirmed via a series of test pits and soak tests.

Power and telecommunications to the new building platform on Lot 2 will be provided via the existing utility networks located within Lot 1. Both Aurora and Chorus have confirmed suitable provision.

Paterson Pitts Group have provided concept plans for the construction of a vehicle access the new building platform on Lot 2. Formation of this access will require 1300m<sup>3</sup> of earthworks. The current PPG design for the access road is proposed with a cut batter of 1:1. To ensure stability of the access road cuts, it is recommended that the current PPG design is amended to lay the cut batter slopes back to a maximum 1:2 (1 vertical to 2 horizontal). It is also recommended that the swale drain on the uphill side is riprap lined and includes minor check structures (dams, logs etc) to reduce velocities and limit erosion.

To mitigate any potential effects associated with the required earthworks a specific environmental management plan (EMP) will be developed in accordance with the QLDC Guidelines for Environmental Management Plans 2019. This plan will be developed prior to the works commencing and in conjunction with the nominated contractor.

The location of the proposed building platform on Lot 2 is on a distinct glacial terrace. There are no obvious areas of deep-seated instability associated with the terrace face or obvious geotechnical risks to the site. It is recommended that prior to registration of the platform on Lot 2 a final geotechnical assessment and Schedule 2A certificate is obtained.

The greater site is identified on QLDC hazard maps as being subject to a less recently active alluvial fan risk. Site observations has confirmed that of both building platforms are outside of any areas of significant localised hazard

Overall, it is confirm based on the following assessment and recommendations that is feasible to service and register a new building platform on Lot 2. It is also deemed suitable to identify a building platform around the existing dwelling on Lot 1.

# Table of Contents

		<b>Executive Summary</b>
<b>1</b>		<b>Introduction</b>
<b>2</b>		<b>Site Description</b>
<b>3</b>		<b>Description of Proposal</b>
<b>4</b>		<b>Water Supply</b>
	4.1	Existing System
	4.2	Proposed Supply
	4.3	Fire Fighting Water
<b>5</b>		<b>Wastewater Disposal</b>
	7.1	General
	7.2	Site Soils Assessment
	7.3	Future System Design
	7.4	Conclusions
<b>6</b>		<b>Stormwater Disposal</b>
	6.1	General
	6.2	Future System Design
<b>7</b>		<b>Power Supply &amp; Telecommunications</b>
	7.1	Power
	7.2	Telecommunications
<b>8</b>		<b>Earthworks</b>
<b>9</b>		<b>Earthworks Management</b>
<b>10</b>		<b>Geotechnical</b>
<b>11</b>		<b>Hazards</b>
	11.1	Alluvial Fan Risk
	11.2	Flooding

<b>Appendix A</b>	Proposed Scheme Plan
<b>Appendix B</b>	Site Plan (key features)
<b>Appendix C</b>	Bore Pump Curves
<b>Appendix D</b>	QLDC site soils assessment
<b>Appendix E</b>	Test Pit Logs & Photographs
<b>Appendix F</b>	Power & Telecommunication Confirmation
<b>Appendix G</b>	PPG Access Design Sections



# 1 Introduction

Dawn and Rodney Venning propose to subdivide Lot 3 DP 21682 to create two allotments (proposed Lot 1 and proposed Lot 2) and to identify a residential building platform on each lot. Section 6 SO 457201 is to be amalgamated with proposed Lot 1. One platform is proposed around the existing dwelling on proposed Lot 1. One new platform is proposed on Lot 2 for the construction of a future dwelling.

Queenstown Civil Consulting Limited have been engaged to assess the necessary infrastructure to enable the subdivision and identification of the proposed building platforms. Specifically, the following matters;

- Water supply
- Wastewater disposal
- Stormwater disposal
- Power Supply
- Telecommunications
- Earthworks
- General Geotechnical Stability
- Hazards

This report is intended to supplement and support the planning submissions made by Unity Planning on behalf of Rodney and Dawn Venning.

# 2 Site Description

The subject site is located at 752 Malaghans Road, Dalefield, Queenstown. The site is legally described as Lot 3 DP 21682 and has a total land area of 26.586 ha. The site directly abuts the esplanade strip for the upper reaches of Mill Creek to the north (Lot 2 DP21682). The subject lot is amalgamated with Section 6 SO 457201 which is located to the north of the Mill Creek esplanade strip and contains three amenity ponds.

The northern half of the subject site is generally flat and on a similar level to Mill Creek and Malaghans Road, the southern half of the site rises approximately 15m to a relatively level terrace at the rear of the property.

The northern half of the site is currently occupied by a single residential dwelling and an associated standalone garage. This dwelling was constructed in 1990 and was fully serviced at the time. This dwelling is accessed via a 3m wide gravel accessway from Malaghans Road that crosses over Lot 2 DP21682 and Section 6 SO 457201 to the north.

# 3 Description of Proposal

The owners (D & R Venning) are proposing to identify a building platform around the existing dwelling on the subject site. The owners are also proposing the identification of a new 1000m<sup>2</sup> building platform on the raised terrace on the southern portion of the site. The proposed subdivision scheme and location of the platforms is as shown on the Paterson Pitts scheme plan contained in Appendix A.

In conjunction with the registration of the platforms, the owners propose that the subject lot (Lot 3 DP21682) will be subdivided into two new allotments with associated service and access easements secured. Lot 1 of the proposed subdivision will remain amalgamated with Section 6 SO 457201 to the north.

## 4 Water Supply

### 4.1 Existing System

The site (and existing dwelling) is currently serviced with potable water via an established bore located to the north of the ponds on Section 6 SO 457201. This bore sits slightly west of a newer pump shed that services Millbrook land to the east via a series of easements. The location of the site's bore is as shown on the site layout features plan attached as Appendix B, excerpt below.



*Location of existing bore that supplies property*

An inspection of the existing bore pump house has confirmed that the bore pump is a Grundfos 1.1 Kw model CR5-8 with a peak flow of 5.8m<sup>3</sup>/hour (1.61 l/s) at 35.8m of head. The bore pump is relatively new and appears in good order. The pump curves associated with the Grundfos pump are as contained within Appendix C. The bore pump and associated nameplate is as per the below images.



The existing bore is identified by the ORC reference number F41/0023. Communications with the Otago Regional Council have confirmed that due to its age no information exists on the council files with regards to this bore. Water from this bore is therefore drawn as a permitted activity under Rule 12.2.2.1 of the Regional Plan Water. Under this rule the property is permitted to extract up to 25,000 litres per day for domestic or livestock purposes.

Although the Council and property owner do not hold historic test pump records, it is relatively safe to assume that the bore pump would have been installed to match the sustainable pump rate of the bore and associated aquifer. The Wakatipu aquifer in this location is commonly acknowledged to have a good rate of recharge and sustainability as it is readily fed from the slopes of Coronet Peak to the north.

The bore currently pumps to a 30,000-litre concrete header storage tank located in the south-west corner of the greater site. This tank is located at a level of approximately 436m amsl. Discussions with the current tenant have indicated that the existing dwelling is currently supplied directly off the rising main from the pump to the header tank as opposed to being serviced via a gravity supply from the header tank. This set up is not a particularly efficient method and could be placing additional stress on the bore pump. The current tenant has indicated that the intention is to provide a gravity falling main from the header tank to the existing dwelling in the near future.

## **4.2 Proposed Supply**

The proposed subdivision and identification of an additional building platform will require 4,200 l/day of water supply. The existing system has sufficient capacity to service the proposed subdivision and additional platform. Prior to registration of the new platform the developer will need to install gravity pipe work from the existing header tanks to the platform on Lot 2.

The proposed platform is located approximately 6-7m below the existing header tank. This elevation is insufficient to supply mains pressure flows and therefore at the time the new building platform is constructed upon the owner will need to install buffering storage and a pressure pump in the vicinity of the future dwelling.

No recent water quality testing exists for the current water supply. The water supply is likely classed as a secure supply under the New Zealand Drinking Water Standard. This supply has been used consistently by the existing dwelling without issue. To ensure that the quality of this supply is sufficient, it is recommended that up to date quality tests are provided prior to registration of the building platform. If this testing confirms that the water quality is below the minimum requirements of the New Zealand Drinking Water Standards then treatment can be installed as required and/or covenant registered on the future titles in this regard.

## **4.3 Fire Fighting Water**

Under Table 2 of PAS SNZ 4509:2008 a residential dwelling requires an FW2 fire fighting water supply. Where provided via static storage the QLDC PDP requires a minimum of 20,000 litres of on-site storage in this zone. The existing header tank located on the south-west corner of the property lacks the volume and is too far from any access hardstand to service the current and future dwellings in accordance with PAS SNZ 4509:2008.

The existing dwelling on proposed Lot 1 currently does not have a compliant fire fighting storage tank. To ensure that this dwelling is suitably serviced, it is recommended that a minimum 20,000 litre tank is installed. The location of this tank will be required to comply with PAS SNZ 4509:2008. Specifically,

the tank will be required to be within 6m of the access driveway and no closer than 6m from the dwelling/garage/shed. A number of suitable locations are available as identified on the below image.



*Location of suitable fire fighting tank locations within Lot 1*

An alternate solution other than a static fire storage tank may be acceptable to Fire & Emergency New Zealand. An example would be use of the ponds to the north or Mill Creek. However, it is unlikely that these sources will be viable as they are located greater than the maximum 90m from the dwelling.

It is anticipated that any consent for the registration of the building platform on Lot 1 will include a specific requirement that a fire fighting static storage tank will need to be installed in accordance with Council Standards and PAS SNZ 4509:2008. This condition if imposed should also allow for the use of an alternate solution if confirmed acceptable to FENZ.

The proposed building platform on Lot 2 will require appropriate fire fighting storage to be installed when a dwelling is constructed. The location of this storage will need to be as per PAS SNZ 4509:2008. Specifically, the tank will be required to be within 6m of the access driveway and no closer than 6m from the dwelling. It is assumed that any subdivision consent would include a consent notice requirement that at time of future construction fire fighting static storage will need to be installed in accordance with Council Standards and PAS SNZ 4509:2008.

## 5 Wastewater Disposal

### 5.1 General

The existing dwelling within the proposed building platform on Lot 1 is currently serviced for wastewater via an on-site primary septic tank and trench disposal. This system was installed in 1990 under the building permit for the dwelling (located on property file 29071-108-01). This system appears to be operating acceptably and is suitable for its current use.

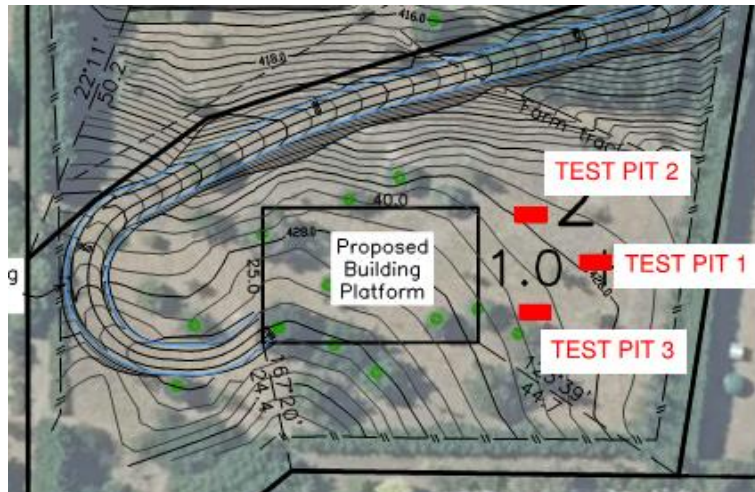
The building platform on proposed Lot 2 does not have access to a reticulated wastewater disposal system. To service the future dwelling within the proposed platform on Lot 2, it is therefore recommended that at time of future development a secondary on-site wastewater treatment system with treated effluent soakage to ground is installed in accordance with NZS1547:2012.



## 5.2 Site Soils Assessment

A suitable effluent disposal area has been identified to the east of the proposed building platform on Lot 2. The location of this disposal area has been checked against the requirements of NZS1547:2012 and is deemed suitable. The exact details are as contained within the QLDC on-site wastewater disposal assessment proforma contained within Appendix D. The water table is well below the site (likely 10m plus) and the closest water body is Mill Creek 120m to the north. The nearest water bore (CB11/0119) is located on the neighbouring property and is 120m to the north-west.

The sub-soil conditions within this potential disposal area have been checked via 3 test pits dug to a minimum 1.8m deep. The location of these three pits is as shown on the site layout plan attached as Appendix A, excerpt below.



*Location of test pits undertaken on proposed Lot 2*

The pit logs and associated photographs are as contained in Appendix E. As indicated within the pit logs, the underlying soils generally consist of a 0-400mm of topsoil overlying 300-700mm of sandy silt. Below these layers is a Gravelly Sand (unstructured). The pit excavated towards the front of the terrace (Pit #2) was shown to have a low permeability silt layer at the base of the pit. This appears to be an isolated lens of material and was not observed within either of the other two pits. The predominant material below 700mm depth is therefore taken as Gravelly Sand (structureless).

Based on the pit logs and onsite observations the soils are confirmed within Table L1 of NZS1547:2012 as category 1 (Gravels and Sands). Based on the soil category identified, Table L1 recommends a DLR for secondary treated effluent of 50 mm/day.

## 5.3 Future System Design

The future treatment system on Lot 2 will likely comprise a multi chamber septic tank with a secondary treatment element. Sewage from the treatment system will be pump or siphon dosed at a controlled daily rate to a disposal field of shallow depth.

Based on the site soils identified it is likely that the future disposal area requirement for a standard four-bedroom dwelling would be in the order 20 m<sup>2</sup>. Noting that an additional allowance will also need to be made for a reserve field area of a similar size.

The Gravelly Sand underlying the disposal field is relatively free draining. Note 1 of Table L1 of NZS1547:2008 indicates that due to the high permeability of these soils, specific design of the future trench disposal may be required to ensure suitable biological contact times, and effluent flows are not

shortcutting to the underlying water table or downhill waterways. An example of such design would be an engineered discharge control trench in accordance with Figure L4 of NZS1547:2012.

It is noted that the subject site is located within the Mill Creek (Lake Hayes) catchment and therefore under Rule 12.A.1.4(b) of the Regional Plan: Water, any future wastewater system and associated treated effluent disposal to ground will require a discharge permit from the Regional Council. It is acknowledged that the specific requirements of this Regional Council consent may alter the required system design and treated effluent quality beyond the design discussed above. An example would be the requirement for tertiary quality treatment through UV disinfection.

## **5.4 Conclusions**

The above site soils assessment confirms that future on-site wastewater treatment and disposal to ground for the platform on Lot 2 is feasible. The details of a suitable system have been provided; however, it is expected that the specific future design and exact location of this system will be further developed at time of construction on the Lot 2 building platform. It is assumed that any subdivision consent would include a consent notice requirement for further detailed design of the on-site wastewater system at time of future dwelling construction.

# **6 Stormwater Disposal**

## **6.1 General**

The existing dwelling and associated outbuildings on proposed Lot 1 currently dispose of stormwater via informal soakage to ground. The system appears to be operating sufficiently and with no obvious signs of failure apparent.

The building platform on proposed Lot 2 does not have access to a reticulated stormwater disposal system. It is therefore recommended that at the time a dwelling is constructed within this platform the owner for the time being shall install a localized stormwater pipe system feeding to a soakage pit/s.

## **6.2 Future System Design**

The future stormwater soakage disposal on Lot 2 will need designed in accordance with E1/VM1 of the New Zealand Building Code. As discussed under the wastewater section above, the underlying ground conditions are Gravelly Sands with a high degree of permeability. The permeability of the Gravelly Sands underlying the site have been confirmed at 600mm/hr based on testing undertaken in accordance with Section 9.0.2 of E1/VM1 of the New Zealand Building Code. This rate of soakage will ensure that the size of any pits will be relatively limited as soakage rather than storage will be the prominent mechanism. The soils identified and testing undertaken have confirmed that soakage disposal of stormwater is feasible. It is anticipated that the exact location and design of the soak pit/s or trenches will be further developed through the building consent for the future dwelling on proposed Lot 2.

# **7 Power Supply & Telecommunications**

## **7.1 Power**

The existing dwelling is currently serviced with power via an underground low voltage connection to Aurora's overhead infrastructure.



Email confirmation has been provided from Aurora that confirms that suitable capacity exists or will be readily made available to service the proposed building platform on lot 2. This confirmation is attached as Appendix E. Prior to registration of the platform a minimum 15KVa residential power supply will be required to be installed underground from the existing overhead supply located within proposed Lot 1.

## 7.2 Telecommunications

The existing dwelling is currently serviced for data and telecommunications via an underground lateral connection to the Chorus infrastructure located within Malaghans Road.

Email confirmation has been provided from Chorus that confirms that suitable capacity exists or will be readily made available to service the proposed building platform on Lot 2. This confirmation is attached as Appendix E. Prior to registration of the platform a connection will be required to be installed underground from the existing reticulation to the platform.

## 8 Earthworks

To access the future building platform on Lot 2 the developer proposes to install a new 300m long driveway access from the existing access to Lot 1. This access will require earthworks to bench the track into the face of the terrace slope. The location and formation of this access is as per the Patterson Pitts Group (PPG) plans located within Appendix F.

PPG have confirmed that the earthworks to form the driveway will comprise of the following:

- Total cut – 1000m<sup>3</sup>
- Total fill – 300m<sup>3</sup>
- Total earthworks – 1300m<sup>3</sup>
- Approximate area – 2500m<sup>2</sup>
- Maximum cut depth 3.0m
- Maximum fill depth 1.0m

The access road construction will consist of swales to assist drainage and possibly some culverting and/or localised soak pits to ensure suitable disposal of runoff. Subject to detailed design, the road pavement will likely consist of a 100mm deep AP40 basecourse layer over a 150mm deep AP65 sub-base layer. The topsoil will be stripped to stockpile and re-spread on batters alongside the road following road construction. Earthworks may also be required to undercut any soft silts under the topsoil layer where necessary and allow for the construction and installation of underground services. It is noted that minimal upgrades are proposed to the existing portion of the access road as this is currently fit for use.

The proposed earthworks will require localised batters on the face of the terrace slope. The most significant area of cut and associated battering will be at Chainage 210.00m. This will result in 2.39m depth of cut.

Test pitting on site has shown that the likely material that will be encountered is silt with underlying glacial gravels. To ensure on going stability this material will require unretained cut and fill batters no steeper than a gradient of 1:2 (1 vertical to 2 horizontal). This material will also require the finished surface to be topsoiled and grassed immediately following the completion of the earthworks.

The current PPG design for the access road is proposed with a cut batter of 1:1. To ensure suitable stability of the proposed access road cuts, it is recommended that the current PPG design is amended to lay the cut batter slopes back to a maximum 1:2 (1 vertical to 2 horizontal). It is acknowledged that this will increase the area of earthworks and total height of the batters required.

Given the steepness of the access (approximately 10%) it is also recommended that the swale drain on the uphill side is riprap lined and includes minor check structures (dams, logs etc) to reduce velocities and thereby limit erosion and undermining of the uphill batter.

## 9 Earthworks Management

The proposed earthworks have the potential to result in adverse effects associated with the migration of dust, silt, and noise if not properly managed. To mitigate these potential effects the earthworks will be undertaken in accordance with a specifically developed environmental management plan (EMP). The requirements of this plan will be as per the QLDC Guidelines for Environmental Management Plans 2019.

Under these guidelines the works will likely constitute a medium risk level category due to a portion of the proposed works being located within 50m of a 'Sensitive Environmental Receptor', being Mill Creek. This level of risk would require the EMP prepared by Suitably Qualified and Experienced Person.

With regards to erosion and sediment control, the EMP developed for the site will likely contain similar measure to those contained within the Auckland City Guidance Document GD05.

As an example, this could include a combination of the following-

- Undertaking works outside of times of known heavy rainfall
- Limiting areas of exposed ground
- Mulching of exposed ground
- Silt fences
- Silt Socks
- Cut off drains
- Decant ponds
- Coagulant/flocculant treatment

The development of an EMP for the works is best undertaken directly prior to the works commencing and in conjunction with the contractor. It is therefore anticipated that any consent for these works will include specific conditions requiring the provision of a suitable environmental management plan (EMP) in accordance with the QLDC Guidelines for Environmental Management Plans 2019.

## 10 Geotechnical

The location of the proposed building platform on Lot 2 is on a distinct historic glacial terrace. Site work has confirmed that the terrace consists of a thin mantle of topsoil and silts overlying glacial outwash gravels. Although not observed within the 2m pits dug, it is expected that bedrock would be encountered at depth.

The leading face of the terrace is approximately 15m in height and generally has a grade of 1 vertical in 3 horizontal. There are no obvious areas of deep-seated instability associated with the terrace face and only minor areas of localized surface erosion are observable. The localised areas of surface erosion are clearly attributable to slock movements and rabbits.



*Leading face of terrace slope with localised erosion in foreground*

The proposed platform on Lot 2 is located between 2-6m from the crest of the terrace slope and any future foundations would be well outside of the 45-degree zone of influence and unimpacted by the minor surface erosion identified.



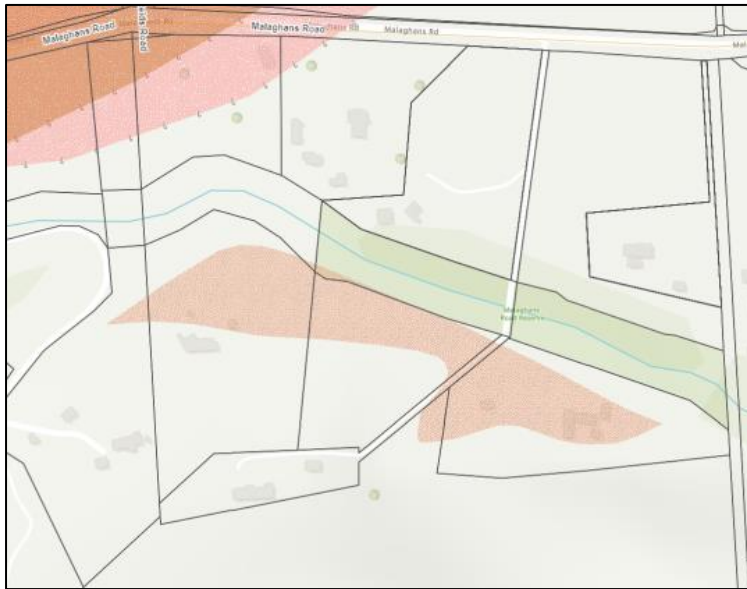
*Crest of terrace slope with building platform poles in foreground and background*

80-90m to the south of the building platform is a notable area of exposed bedrock bluffs. Between the proposed platform and these bluffs there is an existing neighbouring property and associated dwelling. This potential area of rock fall instability is located a significant distance from the platform and is not expected to pose a risk to the platform and any associated future dwelling.

No specific geotechnical assessment of the proposed building platform on Lot 2 has been undertaken to date, this is considered appropriate given the lack of obvious instability and other geotechnical risk factors. It is however recommended that prior to registration of the platform on Lot 2 a final geotechnical assessment and Schedule 2A certificate is provided to the Council from a suitability qualified geo-professional to provide an adequate level of security to the Council and future lot owners. If required any limitations on future construction identified by the geo-professional could be register on the titled via a consent notice condition.

## 11 Hazards

The subject site is located within an area identified on QLDC hazard maps as being subject to a less recently active alluvial fan risk. The greater site is also at possible risk from localized flooding of Mill Creek.



*Excerpt from QLDC hazard mapping*

### 11.1 Alluvial Fan Risk

The less recently active alluvial fan risk hazard is located only within the lower portions of Lot 3 DP21682 and is outside of the area occupied by the existing dwelling. This hazard does not apply to the upper terrace area that contains Lot 2 and the associated building platform. There are no obvious onsite features associated with this hazard on the site and this is likely a remnant of historic flooding associated with breakout or migration of Mill Creek. Mill Creek has been formalized in the recent past and this channelization has likely limited any flows and deposition within the area shown on the hazard maps. Overall, it is not anticipated that either of the proposed platforms are impacted by this historic hazard feature.

### 11.2 Flooding

Although not specifically identified on the Council hazard maps, the lower portion of the subject lot are potential at risk of flooding from Mill Creek. Mill Creek in this location is relatively high in the catchment and therefore has relatively limited flooding and breakout potential. At its closest point Mill Creek is located 100m north and approximately 2.5m below the existing dwelling within proposed Lot 1. The creek would naturally breakout and occupy the amenity ponds to the north under large events. Given the location within the upper reaches of the catchment and significant horizontal and vertical separation, it is highly unlikely that existing dwelling and associated building platform will be at risk of flooding under a significant rainfall event.

The location of the proposed platform on Lot 2 is outside of any obvious overland flow paths or sources of localised flooding. This platform is also located well above the Mill Creek floodplain.

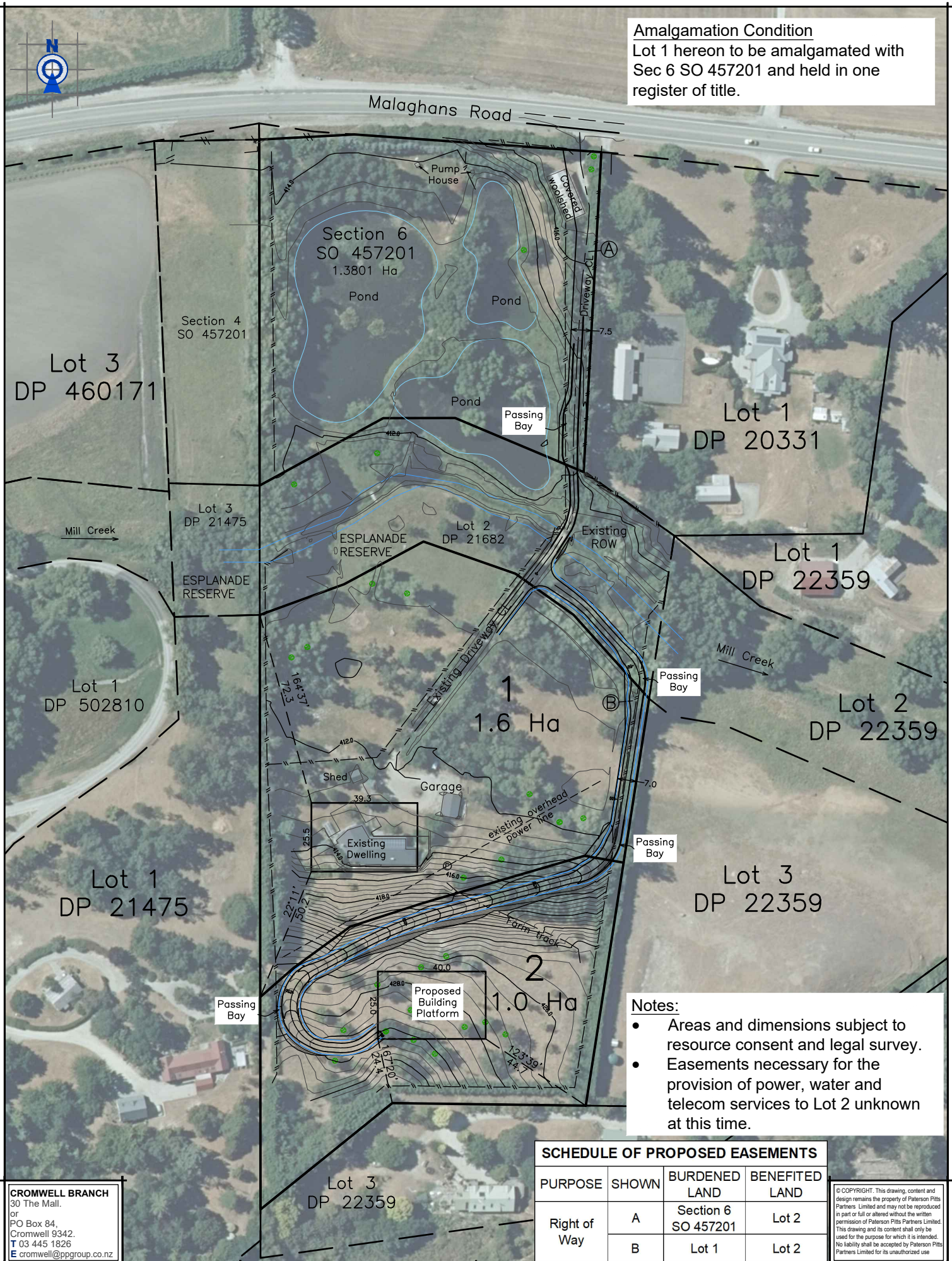
Overall, as discussed above the location of both building platforms are assessed as being outside of any areas of significant localised hazard.

# Appendix A

## Proposed Scheme Plan



**Amalgamation Condition**  
Lot 1 hereon to be amalgamated with  
Sec 6 SO 457201 and held in one  
register of title.



- Notes:**
- Areas and dimensions subject to resource consent and legal survey.
  - Easements necessary for the provision of power, water and telecom services to Lot 2 unknown at this time.

**SCHEDULE OF PROPOSED EASEMENTS**

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of Way	A	Section 6 SO 457201	Lot 2
	B	Lot 1	Lot 2

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30 The Mall.  
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T 03 445 1826  
E cromwell@ppgroup.co.nz

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0800 PPGROUP

Client/Location:

Venning  
752 Malaghans Road  
RT 624841

Purpose/Drawing Title:

Lots 1 & 2 being  
a Subdivision  
of Lot 3 DP 21682

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Designed by: MG  
Drawn by: KWG  
Checked by: MG  
Approved by: MG

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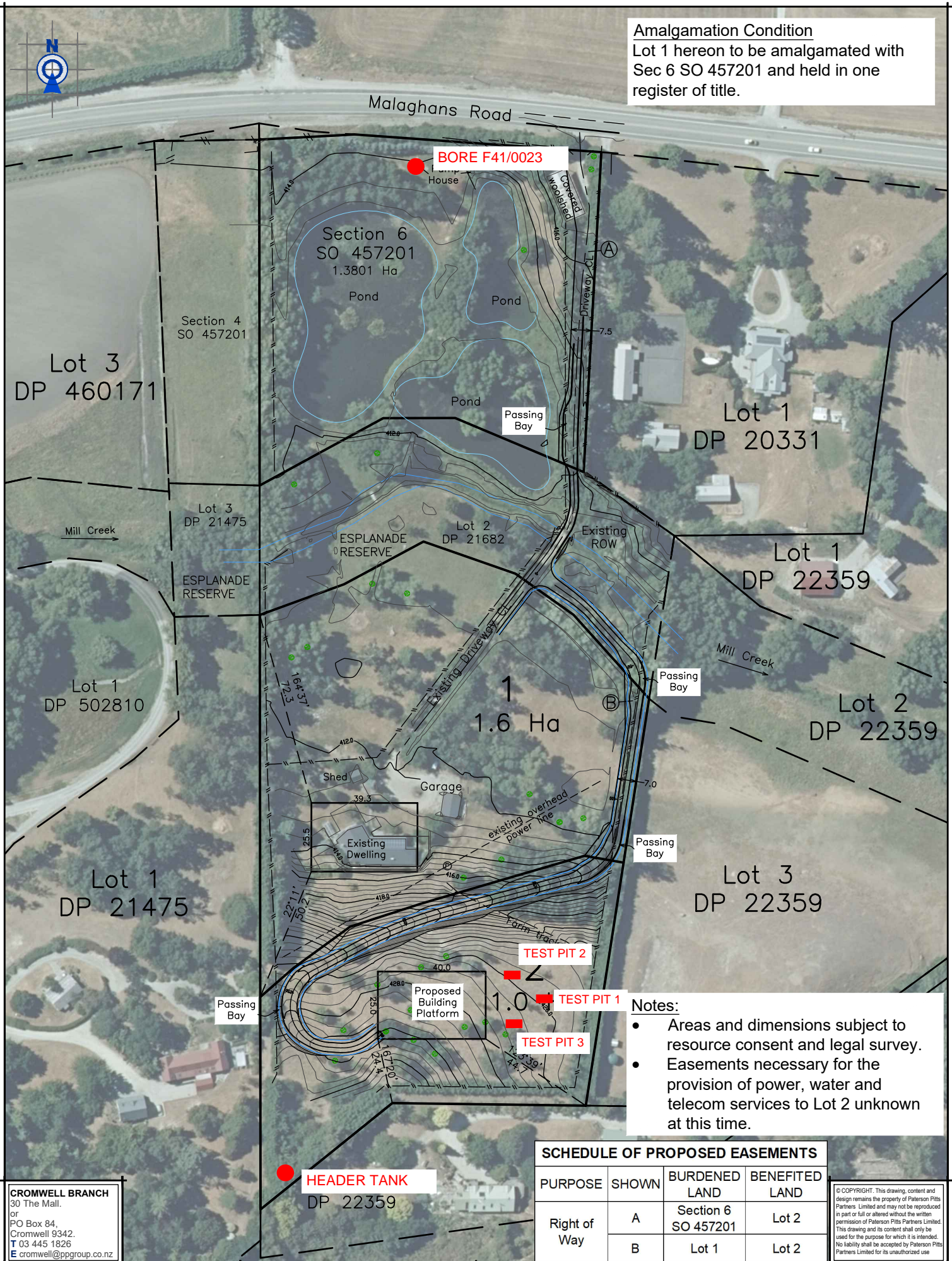
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Date Created:  
23/09/2020

## Appendix B

### Site Plan (key features)



**Amalgamation Condition**  
Lot 1 hereon to be amalgamated with  
Sec 6 SO 457201 and held in one  
register of title.



- Notes:**
- Areas and dimensions subject to resource consent and legal survey.
  - Easements necessary for the provision of power, water and telecom services to Lot 2 unknown at this time.

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of Way	A	Section 6 SO 457201	Lot 2
	B	Lot 1	Lot 2

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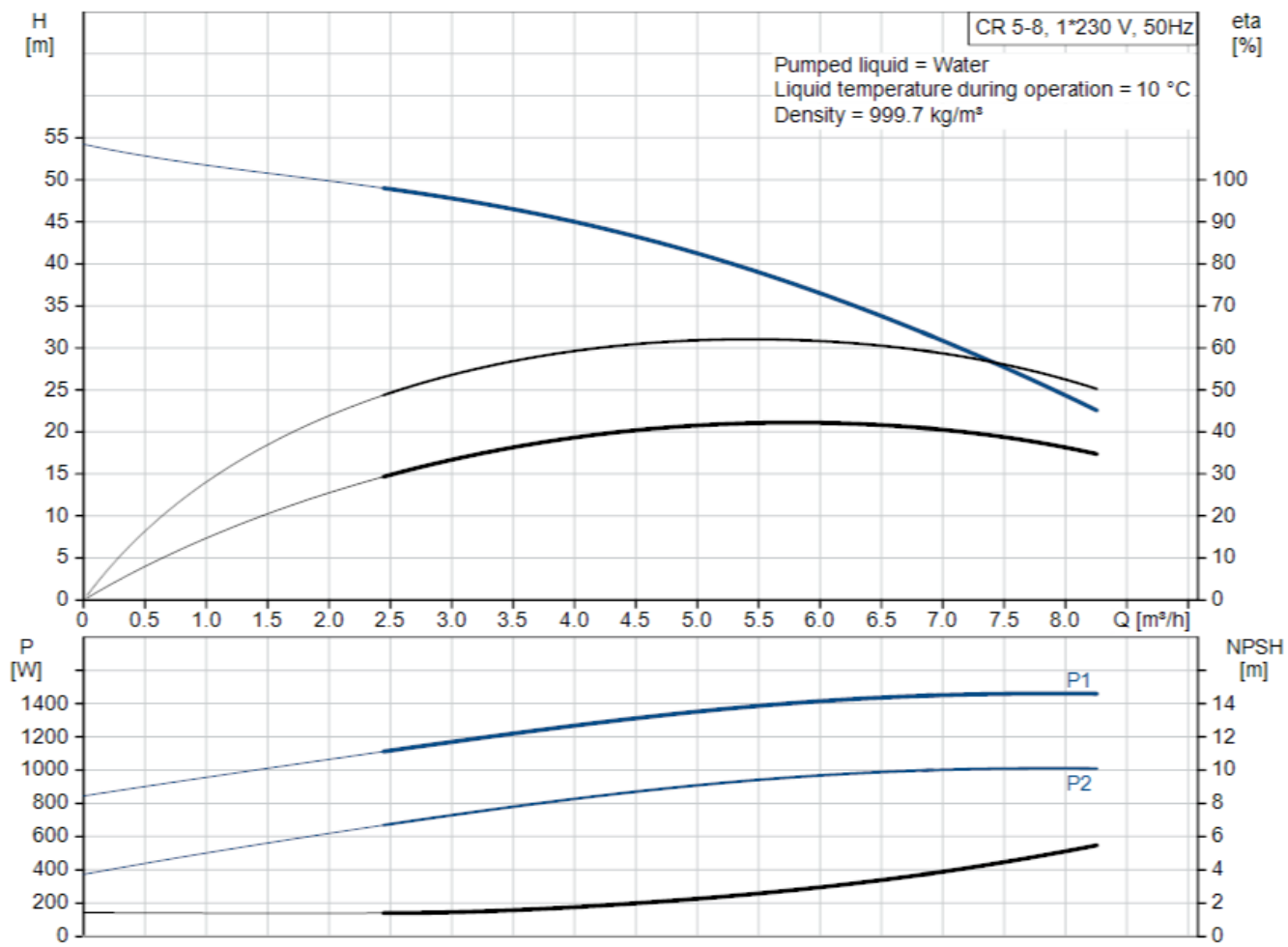
Purpose/Drawing Title:  
**Lots 1 & 2 being  
a Subdivision  
of Lot 3 DP 21682**

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Drawn by:	KWG		DO NOT SCALE
Checked by:	MG		
Approved by:	MG	Job No:	Date Created:
		C2667_SCM	23/09/2020
		Sheet No:	Revision No:
		2	B

# Appendix C

## Bore Pump Curves Grundfos CR5-8

# PERFORMANCE



## Appendix D

# QLDC Site Soils Assessment



# Onsite Wastewater Disposal Site & Soils Assessment

Use for Subdivision or Land Use Resource Consent



The design standard for waste water treatment and effluent disposal systems is AS/NZS 1547:2012. All references in this form relate to this standard.

Applications should provide sufficient information to demonstrate that all lots will be capable of accommodating an on-site system.

## Site Description

Property Owner: D & R Venning

Location Address: 752 Malaghans Road, Dalefield, Queenstown

Legal Description (eg Lot3 DP1234) : Lot 3 DP21682

List any existing consents related to waste disposal on the site: None

General description of development / source of waste water: \_\_\_\_\_

2 lot subdivision with identification of new building platform. Wastewater source to be new dwelling at time building platform on proposed Lot 2 is developed in future.

The number and size of the lots being created: Lot 1 - 1.6ha Lot 2 - 1.0ha

## Site Assessment (refer to Tables R1 & R2 for setback distances to site features)

Land use Residential

Topography Flat

Slope angle >6% grade

Aspect North

Vegetation cover Grass

Areas of potential ponding None

Ephemeral streams None

Drainage patterns and overland paths No obvious flow paths impacting the area of disposal. Runoff generally minor sheet flow

Flood potential (show with return period on site plan) N/A

Distance to nearest water body 150m north (Mill Creek)

Water bores with 50m (reference ORC Maps) None. Closest bore 150m to north-west (CB11/0119)

Other Site Features \_\_\_\_\_

Slope stability assessment details – summarise any areas unsuitable for waste water irrigation.  
(Attach report if applicable): \_\_\_\_\_

None. However recommend disposal field is kept minimum 3m from crest of terrace slope.

(Highest potential) Depth to ground water:

Summer 10m + \_\_\_\_\_

Winter 10m + \_\_\_\_\_

Information Source Site observations and test pits \_\_\_\_\_

What is the potential for waste water to short circuit through permeable soils to surface and / or ground water?

High potential due to free drain category 1 (sand/gravel) soils. Final design of disposal field may need discharge control trenches (Figure L4).

### Soil Investigation (Appendix C)

Field investigation date: 07/12/2020 \_\_\_\_\_

Number of test pit bores (C3.5.4): 3x pits \_\_\_\_\_

Soil investigation addendum to be attached that includes a plan showing test pit or bore location, log results and photos of the site profile.

If fill material was encountered during the soil investigation state how this will impact on the waste water system: N/A \_\_\_\_\_

Average depth of topsoil: 400mm \_\_\_\_\_

Indicative permeability (Appendix G) : >3m/day \_\_\_\_\_

Percolation test method (refer to B6 for applicability) : N/A \_\_\_\_\_  
(attach report if applicable)

Soil Category (Table 5.1)	Soil Texture (Appendix E)	Drainage	Tick One
1	Gravel and sands	Rapid	X
2	Sandy loams	Free	
3	Loams	Good	
4	Clay loams	Moderate	
5	Light clays	Moderate to slow	
6	Medium to heavy clays	Slow	

Reasons for placing in stated category: Site observations and test pits \_\_\_\_\_

Loading rate, DLR (Table L1): 50mm/day

Explanation for proposed loading rate:

Site observations and test pits confirm the site is underlain with rapid free draining glacial out-wash gravels that constitute a Category 1 soil under Table L1 of NZS1547. Initial soak testing has been completed and confirms this category.

### Recommendations from site and soils assessment

Specify any design constraints

Specify any areas unsuitable for location of the disposal field

Specify any unsuitable treatment and/or disposal systems

Propose suitable mitigation to enable successful effluent treatment

- Future treated effluent soakage field on Lot 2 to be placed on the relative flat terrace to the east of the building platform. If required the disposal area could be placed to the west of the platform on the basis that it is setback from the terrace edge and outside of trafficable areas.
- Disposal area to be no closer than 1.5m from the property boundary and no closer than 3m from the terrace slope crest
- Base on any disposal trenches to avoid any areas of silt and to target the grey glacial gravels and sands located at approximately 0.7-1.1m from the surface.
- Specific permeability testing to be undertaken at time of construction and if required specific engineered design applied to trench to control discharge into rapid draining soils.

### Attachments Checklist

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Copy of existing consents   |
| <input checked="" type="checkbox"/> | Soil investigation addendum   |
| <input checked="" type="checkbox"/> | To scale site plan, the following must be included on the plan:<br>Buildings<br>Boundaries<br>Retaining Walls<br>Embankments<br>Water bodies<br>Flood potential<br>Other septic tanks / treatment systems<br>Water bores<br>Existing and proposed trees and shrubs<br>Direction of ground water flow<br>North arrow |

Note that an Otago Regional Council (ORC) consent may also be required to discharge domestic waste water to land if any of the following apply:

- Daily discharge volume exceeds 2,000 litres per day
- Discharge will occur in a groundwater protection zone
- Discharge will occur within 50 metres of a surface water body (natural or manmade)
- Discharge will occur within 50 metres of an existing bore/well
- Discharge will result in a direct discharge into a drain/water ace/ground water
- Discharge may runoff onto another persons' property

If any of these apply then we recommend that you correspond with the ORC;

*Otago Regional Council  
"The Station" (upstairs)  
Cnr. Camp and Shotover Streets  
P O Box 958  
Queenstown 9300  
  
Tel: 03 442 5681*

I believe to the best of my knowledge that the information provided in this assessment is true and complete. I have the necessary experience and qualifications as defined in Section 3.3 AS/NZS 1547:2012 to undertake this assessment in accordance with the requirements of AS/NZS 1547:2012:

Company: Queenstown Civil Consulting Ltd

Email: alan@qtcivil.co.nz

Phone number: 02102209678

Name: Alan Hopkins

Signature: 

Date: 17/12/2020


Queenstown Lakes District Council  
Private Bag 50072  
10 Gorge Road  
QUEENSTOWN 9348

**Phone:** 03 441 0499  
**Fax:** 03 442 4778  
**Email:** services@qldc.govt.nz  
**Website:** www.qldc.govt.nz



## Appendix E

# Test Pit Logs & Photographs


TP-01		TEST PIT LOG				
JOB REF: 20006		PROJECT: D&R Venning – Subdivision (plus new BP)				
		LOCATION: 752 Malaghans Road, Dalefield				
LOCATION/CO-ORDINATES: As per pit location plan		HOLE STARTED: 07/12/20				
		HOLE FINISHED: 07/12/20				
ELEVATION DATUM: 426m AMSL (approx.)		OPERATOR: Client				
		COMPANY: -				
ENGINEERING DESCRIPTIONS					GEOLOGICAL	
STRENGTH TESTING	GROUNDWATER	SAMPLES	DEPTH (m)	GRAPHIC LOG	SOIL/ROCK CLASSIFICATION, PARTIAL SIZE CHARACTERISTICS, PLASTICITY, COLOUR, WEATHERING, SECONDARY AND MINOR COMPONENTS	SOIL/ROCK TYPE, ORIGIN, DEFECTS, STRUCTURE, FORMATION
			0.1	ψψψψψ	TOPSOIL; dark brown; organic; rootlets	Topsoil
			0.2	ψψψψψ		
			0.3	ψψψψψ		
			0.4	ψψψψψ		
			0.5	X-X-X-X	Sandy SILT with minor gravel; medium brown; highly structured; medium dense	Loess
			0.6	X-X-X-X		
			0.7	X-X-X-X		
			0.8	X-X-X-X		
			0.8	X-X-X-X		
			0.9	X-X-X-X		
			1.0	X-X-X-X		
			1.1	X-X-X-X		
			1.2	..O..O..	Gravelly SAND; light grey; structureless; loose	Glacial Till
			1.3	O..O..O		
			1.4	..O..O..		
			1.5	O..O..O		
			1.6	..O..O..		
			1.7	O..O..O		
			1.8	..O..O..		
1.9	O..O..O					
OTHER COMMENTS: Outwash gravels appear to consistent at a level of 0.7-1.1m deep across the site. Minor isolated lenses of clay silt have been observed that may significantly limit soakage potential. Soakage disposal should avoid any isolated lenses of fine silt and target the sand/gravel layer.					LOGGED BY: ARH	



## Test Pit #1 Photographs






TP-02		TEST PIT LOG				
JOB REF: 20006		PROJECT: D&R Venning – Subdivision (plus new BP)				
		LOCATION: 752 Malaghans Road, Dalefield				
LOCATION/CO-ORDINATES: As per pit location plan		HOLE STARTED: 07/12/20				
		HOLE FINISHED: 07/12/20				
ELEVATION DATUM: 426m AMSL (approx.)		OPERATOR: Client				
		COMPANY: -				
ENGINEERING DESCRIPTIONS						GEOLOGICAL
STRENGTH TESTING	GROUNDWATER	SAMPLES	DEPTH (m)	GRAPHIC LOG	SOIL/ROCK CLASSIFICATION, PARTIAL SIZE CHARACTERISTICS, PLASTICITY, COLOUR, WEATHERING, SECONDARY AND MINOR COMPONENTS	SOIL/ROCK TYPE, ORIGIN, DEFECTS, STRUCTURE, FORMATION
			0.1	ψψψψψ	TOPSOIL; dark brown; organic; rootlets	Topsoil
			0.2	ψψψψψ		
			0.3	ψψψψψ		
			0.4	ψψψψψ		
			0.5	X X X X	Sandy SILT with minor gravel; medium brown; highly structured; medium dense	Loess
			0.6	X X X X		
			0.7	X X X X		
			0.8	..O..O..		
			0.9	O..O..O	Gravelly SAND; light grey; structureless; loose	Glacial Till
			1.0	..O..O..		
			1.1	O..O..O		
			1.2	..O..O..		
			1.3	O..O..O		
			1.4	..O..O..		
			1.5	O..O..O		
			1.6	..O..O..		
			1.7	O..O..O		
1.8	X-X-X-	Clay SILT; light brown; weakly structured/massive; dense	Lacustrine			
OTHER COMMENTS: Outwash gravels appear to consistent at a level of 0.7-1.1m deep across the site. Minor isolated lenses of clay silt have been observed that may significantly limit soakage potential. Soakage disposal should avoid any isolated lenses of fine silt and target the sand/gravel layer.						LOGGED BY: ARH



## Test Pit #2 Photographs





TP-03		TEST PIT LOG				
JOB REF: 20006		PROJECT: D&R Venning – Subdivision (plus new BP)				
		LOCATION: 752 Malaghans Road, Dalefield				
LOCATION/CO-ORDINATES: As per pit location plan		HOLE STARTED: 07/12/20				
		HOLE FINISHED: 07/12/20				
ELEVATION DATUM: 426m AMSL (approx.)		OPERATOR: Client				
		COMPANY: -				
ENGINEERING DESCRIPTIONS					GEOLOGICAL	
STRENGTH TESTING	GROUNDWATER	SAMPLES	DEPTH (m)	GRAPHIC LOG	SOIL/ROCK CLASSIFICATION, PARTIAL SIZE CHARACTERISTICS, PLASTICITY, COLOUR, WEATHERING, SECONDARY AND MINOR COMPONENTS	SOIL/ROCK TYPE, ORIGIN, DEFECTS, STRUCTURE, FORMATION
			0.1	ψψψψψ	TOPSOIL; dark brown; organic; rootlets	Topsoil
			0.2	ψψψψψ		
			0.3	ψψψψψ		
			0.4	ψψψψψ		
			0.5	X-X-X-X	Sandy SILT with minor gravel; medium brown; highly structured; medium dense	Loess
			0.6	X-X-X-X		
			0.7	X-X-X-X		
			0.8	X-X-X-X		
			0.8	X-X-X-X		
			0.9	X-X-X-X		
			1.0	X-X-X-X		
			1.1	X-X-X-X		
			1.2	..O..O..	Gravelly SAND; light grey; structureless; loose	Glacial Till
			1.3	O..O..O		
			1.4	..O..O..		
			1.5	O..O..O		
1.6	..O..O..					
OTHER COMMENTS: Outwash gravels appear to consistent at a level of 0.7-1.1m deep across the site. Minor isolated lenses of clay silt have been observed that may significantly limit soakage potential. Soakage disposal should avoid any isolated lenses of fine silt and target the sand/gravel layer.					LOGGED BY: ARH	



## Test Pit #3 Photographs



## Appendix F

# Power & Telecommunication Confirmation



**AURORA ENERGY LIMITED**

PO Box 5140, Dunedin 9058

PH 0800 22 00 05

WEB [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz)



14 October 2020

Hanna Afifi  
Unity Planning

Sent via email only: [hanna@unityplanning.co.nz](mailto:hanna@unityplanning.co.nz)

Dear Hanna,

**ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED TWO LOT SUBDIVISION.  
752 MALAGHANS ROAD, QUEENSTOWN. LOT 3 DP 21682 .**

Thank you for your inquiry outlining the above proposed development.

Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply<sup>1</sup> (PoS) available for this development.

**Disclaimer**

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

**Next Steps**

To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read "Niel Frear".

**Niel Frear**

CUSTOMER INITIATED WORKS MANAGER

---

<sup>1</sup> Point of Supply is defined in section 2(3) of the Electricity Act 1993.



Hanna Affii <hanna@unityplanning.co.nz>

---

**Chorus Confirmation: AW60683 - 752 Malaghans Road, Wharehuanui, Arrowtown, 2 Lots (New Lot 2, Existing Lot 1)**

1 message

**Chorus Property Developments** <develop@chorus.co.nz>  
To: "hanna@unityplanning.co.nz" <hanna@unityplanning.co.nz>

Wed, Oct 21, 2020 at 9:27 AM

Hi Hanna,

Thank you for providing an indication of your development plans in this area. I can confirm that we have infrastructure in the general land area that you are proposing to develop. Chorus will be able to extend our network to provide connection availability. However, please note that this undertaking would of course be subject to Chorus understanding the final total property connections that we would be providing, roll-out of property releases/dates and what investment may or may not be required from yourselves and Chorus to deliver the infrastructure to and throughout the site in as seamless and practical way as possible.

The cost involved would be a minimum of our current standard fee of \$1600 per lot excluding GST. This cost can only be finalised at the time that you are ready to proceed.

Chorus is happy to work with you on this project as the network infrastructure provider of choice. What this ultimately means is that the end customers (business and home owners) will have their choice of any retail service providers to take their end use services from once we work with you to provide the physical infrastructure.

Please reapply with a detailed site plan when you are ready to proceed.

Thanks

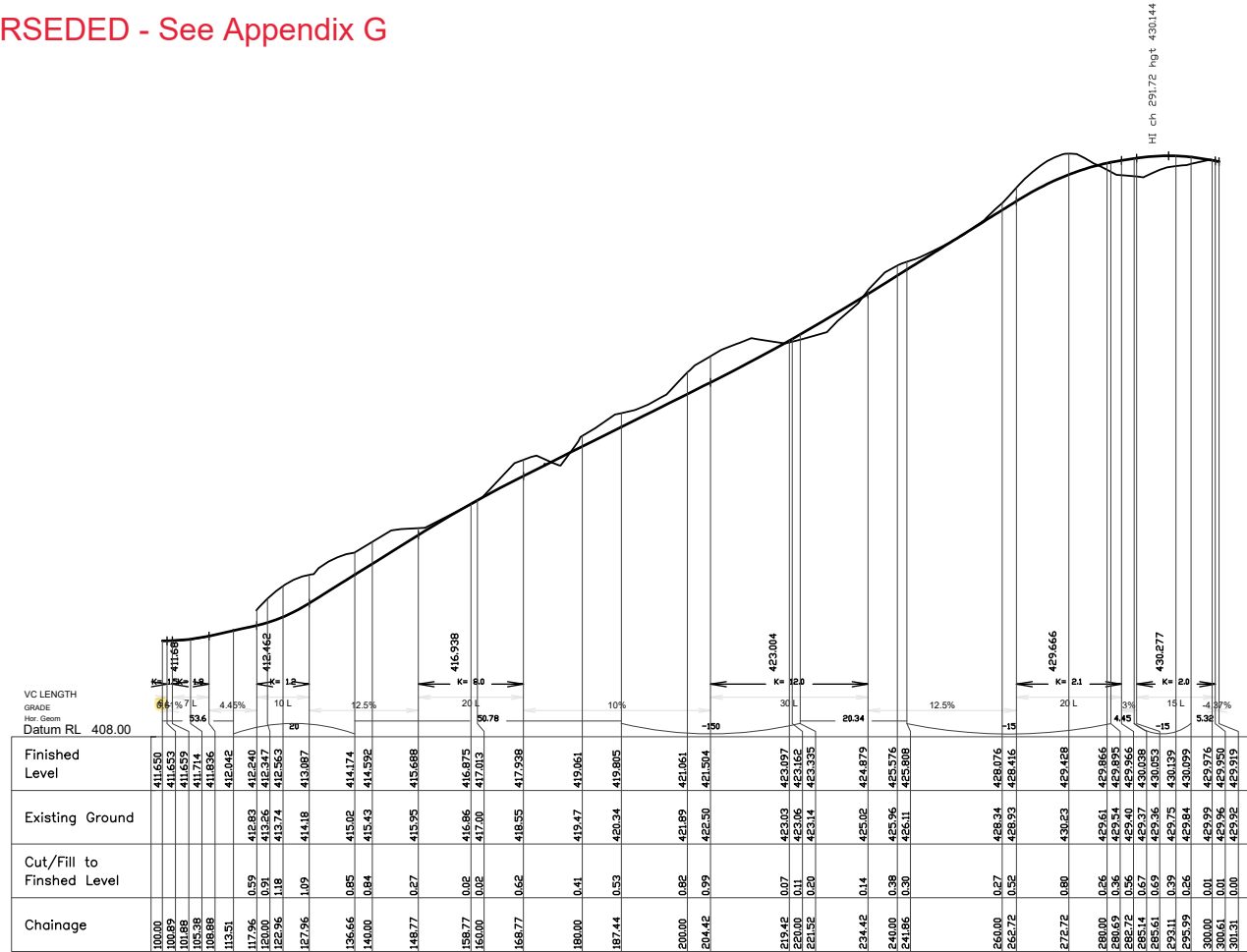
Geordie Rumbles  
Property Development Coordinator

T 0800 782 386 opt 1  
E Develop@chorus.co.nz

# Appendix G

## PPG Access Design Sections

SUPERSEDED - See Appendix G



Hill Section 2  
SCALE: 500 H  
100 V

**PATERSONPITTS GROUP**  
Surveying • Planning • Engineering  
Your Land Professionals  
www.ppgroup.co.nz  
0800 PPGROUP

**CROMWELL BRANCH**  
30 The Mall.  
or  
PO Box 84,  
Cromwell 9342.  
T 03 445 1826  
E cromwell@ppgroup.co.nz

Client/Location:  
  
**Venning**  
752 Malaghans Road  
RT 624841

Purpose/Drawing Title:  
  
**Driveway Long Section**

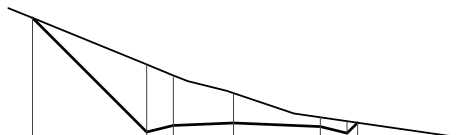
© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Partners Limited and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Partners Limited. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Partners Limited for its unauthorized use

Surveyed by:	MG	Original Size:	Scale:
Designed by:	MG	A3	1:1000
Drawn by:	KWG		
Checked by:	MG		DO NOT SCALE
Approved by:	MG		
Job Ref:	C2667_SCM	Sheet No:	2
		Revision No:	A
		Date Created:	23/09/2020



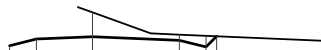
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F.L.	
G.L.	
Offsets	

**Chainage 140.00**



Datum 411	
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G.L.	415.53 415.53
Offsets	1.75 1.75

**Chainage 130.00**

[illegible]

**Chainage 120.00**



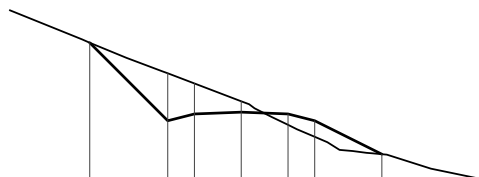
Datum 410		
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G.L.		<div>41171</div> <div>41171</div> <div>41171</div>
Offsets		<div>-2.75</div> <div>-1.75</div> <div>0.00</div> <div>0.75</div> <div>0.25</div> <div>0.25</div>

**Chainage 110.00**



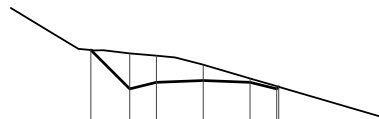
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Chainage 100.00



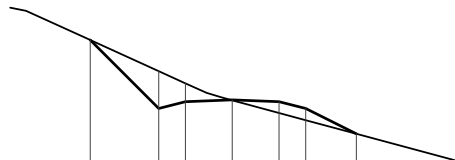
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G.L.	421.66 420.51 420.51 420.13 420.13 419.03 419.03 417.48
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Chainage 180.00

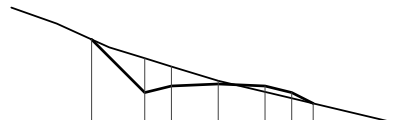


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G.L.	419.07 417.74
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**Chainage 170.00**

[illegible]

**Chainage 160.00**



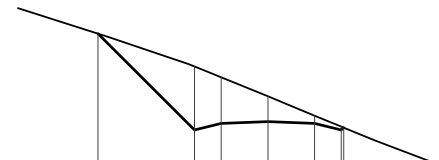
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G.L.			417.52	417.52	418.81	419.52	418.77	419.84	418.77
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Chainage 150.00



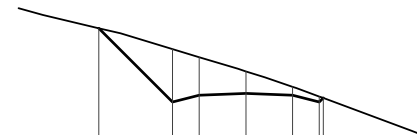
Date: 4/18							
F.L.		424.82	424.82				
G.L.				424.06	422.84		
				423.67	423.09		
						423.36	
							423.09
							422.84
Offsets		-4.72		-2.75	-1.75	0.00	0.00
						0.75	0.75
							0.03

**Chainage 220.00**

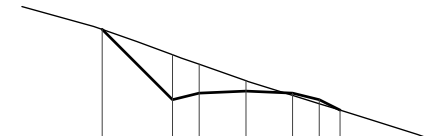


Datum 419								
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G.L.			425.31	424.14	423.73	423.07	422.29	421.88
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**Chainage 210.00**



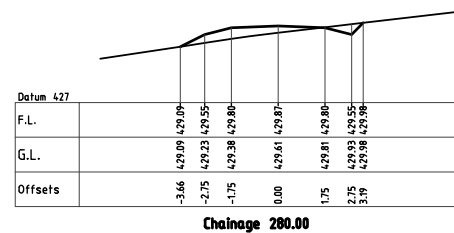
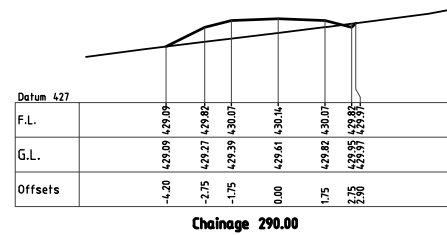
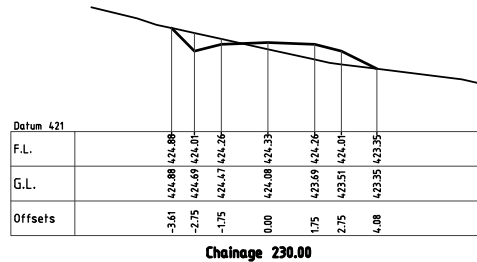
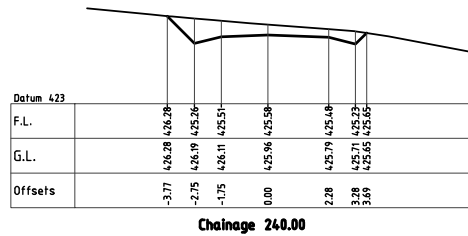
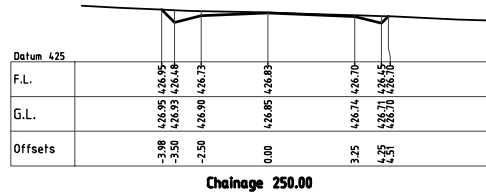
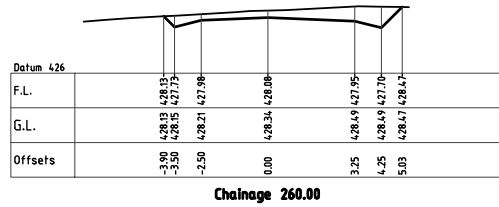
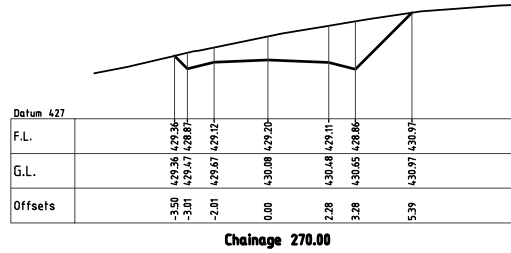
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F.L.	
G.L.	
Offsets	

**Chainage 200.00**

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Offsets	421.01 419.99
	420.45 420.06
	419.99 419.99
	419.59 419.14
	419.35 419.35

**Chainage 190.00**

SUPERSEDED - See Appendix G



## **Appendix F - Confirmation of Power and Telecommunication Capacity**

**AURORA ENERGY LIMITED**

PO Box 5140, Dunedin 9058

PH 0800 22 00 05

WEB [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz)



14 October 2020

Hanna Afifi  
Unity Planning

Sent via email only: [hanna@unityplanning.co.nz](mailto:hanna@unityplanning.co.nz)

Dear Hanna,

**ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED TWO LOT SUBDIVISION.  
752 MALAGHANS ROAD, QUEENSTOWN. LOT 3 DP 21682 .**

Thank you for your inquiry outlining the above proposed development.

Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply<sup>1</sup> (PoS) available for this development.

**Disclaimer**

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

**Next Steps**

To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read "Niel Frear".

**Niel Frear**

CUSTOMER INITIATED WORKS MANAGER

---

<sup>1</sup> Point of Supply is defined in section 2(3) of the Electricity Act 1993.





Hanna Affli <hanna@unityplanning.co.nz>

---

**Chorus Confirmation: AW60683 - 752 Malaghans Road, Wharehuanui, Arrowtown, 2 Lots (New Lot 2, Existing Lot 1)**

1 message

**Chorus Property Developments** <develop@chorus.co.nz>  
To: "hanna@unityplanning.co.nz" <hanna@unityplanning.co.nz>

Wed, Oct 21, 2020 at 9:27 AM

Hi Hanna,

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The cost involved would be a minimum of our current standard fee of \$1600 per lot excluding GST. This cost can only be finalised at the time that you are ready to proceed.

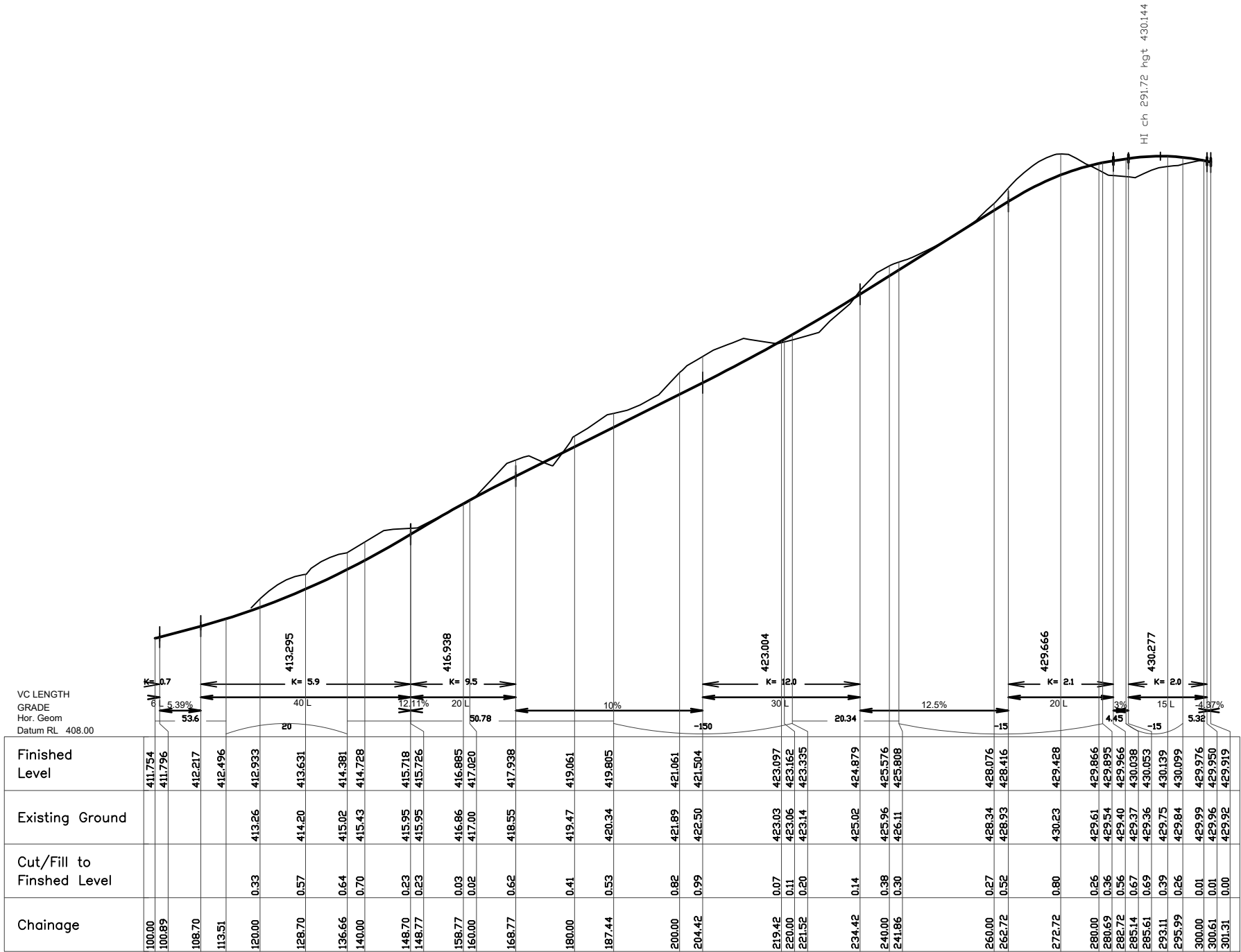
Chorus is happy to work with you on this project as the network infrastructure provider of choice. What this ultimately means is that the end customers (business and home owners) will have their choice of any retail service providers to take their end use services from once we work with you to provide the physical infrastructure.

Please reapply with a detailed site plan when you are ready to proceed.

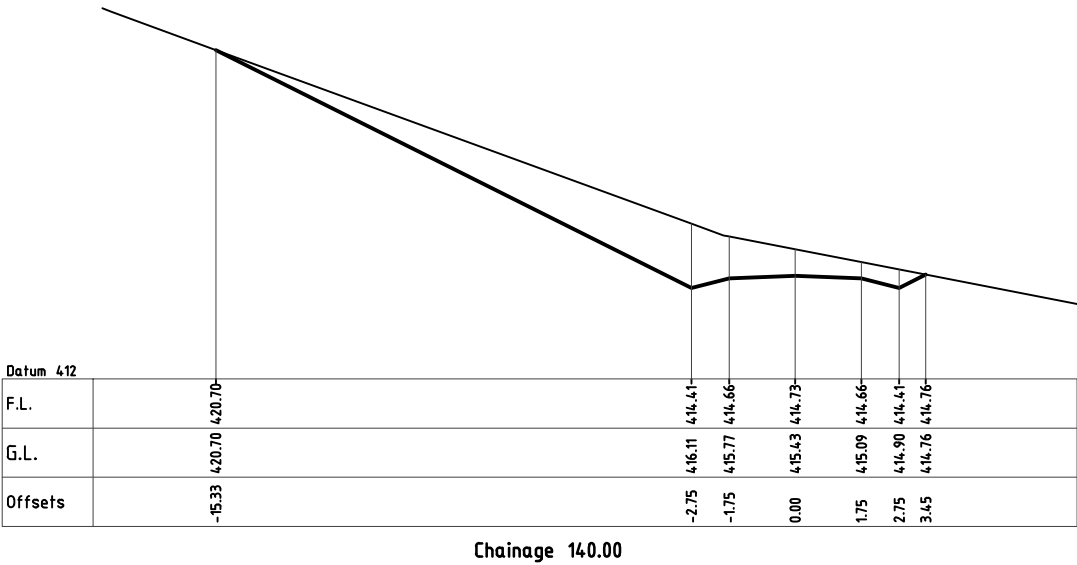
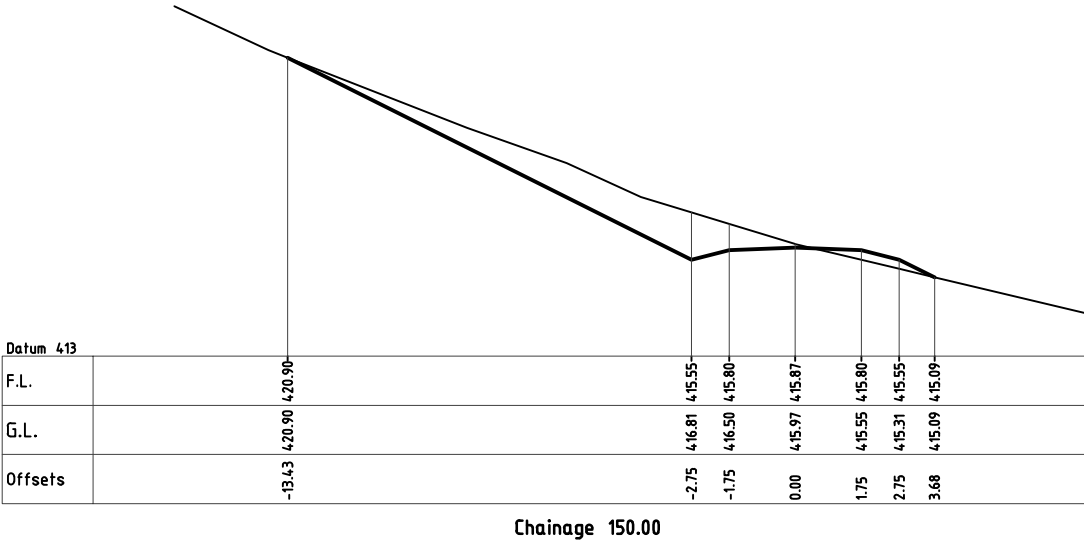
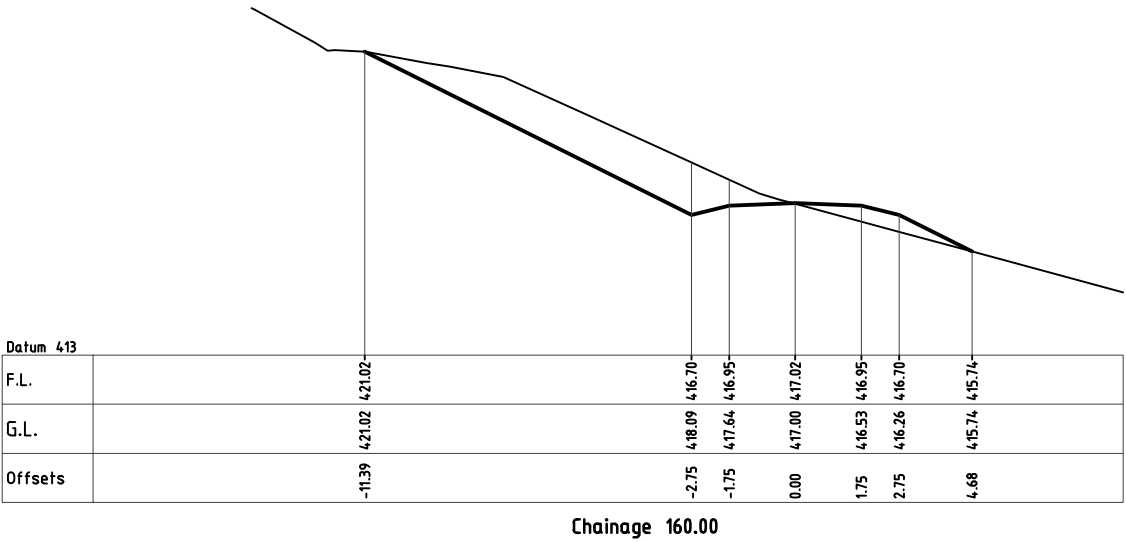
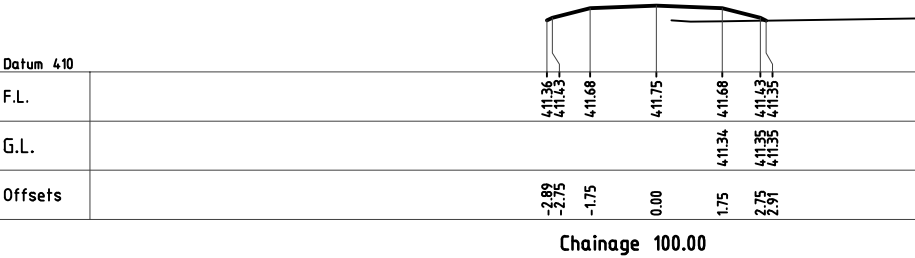
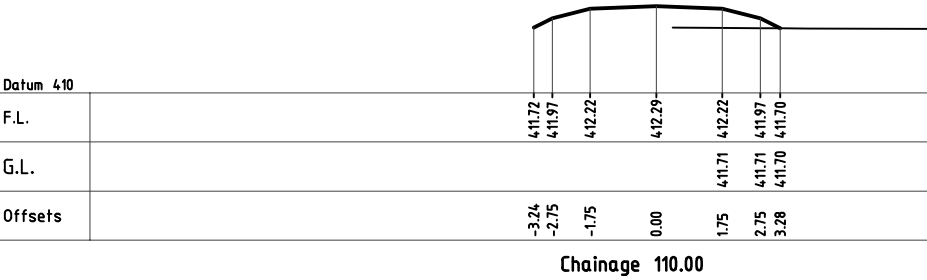
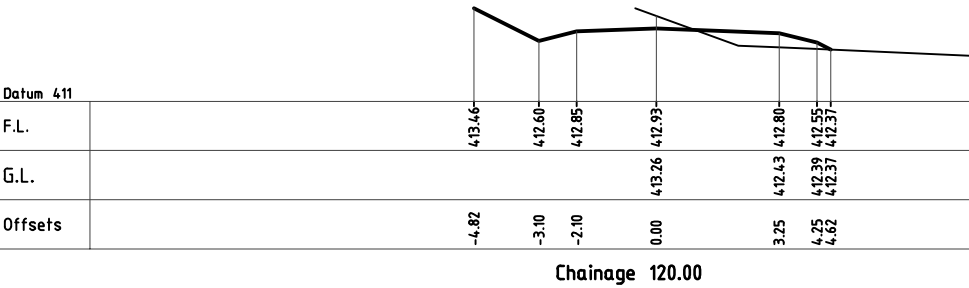
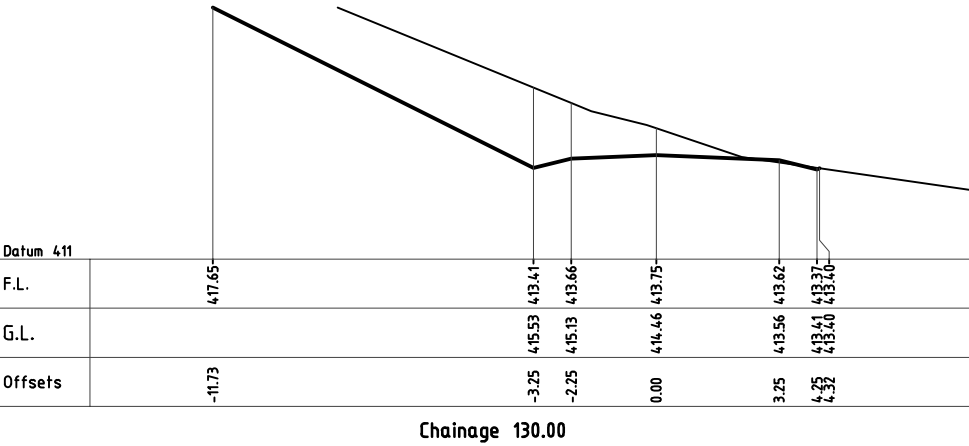
Thanks

Geordie Rumbles  
Property Development Coordinator  
T 0800 782 386 opt 1  
E [Develop@chorus.co.nz](mailto:Develop@chorus.co.nz)

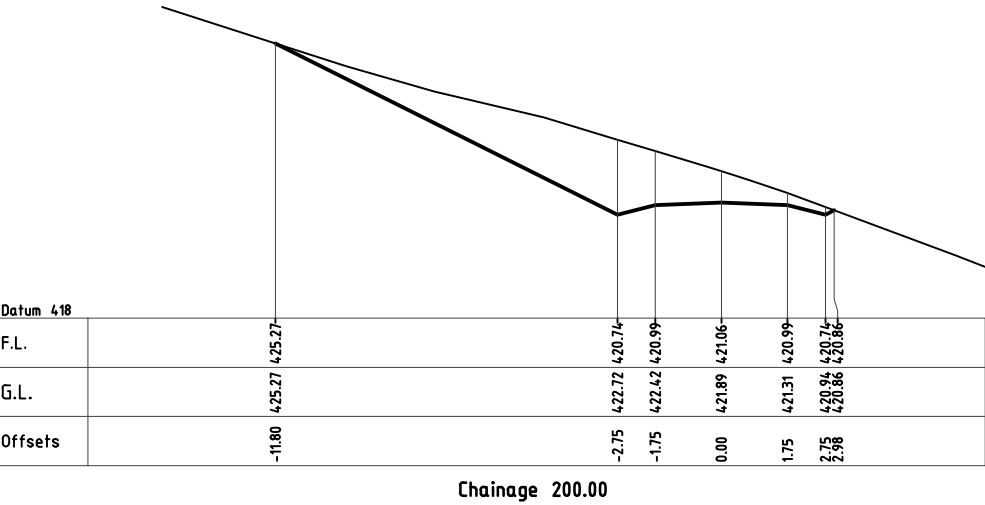
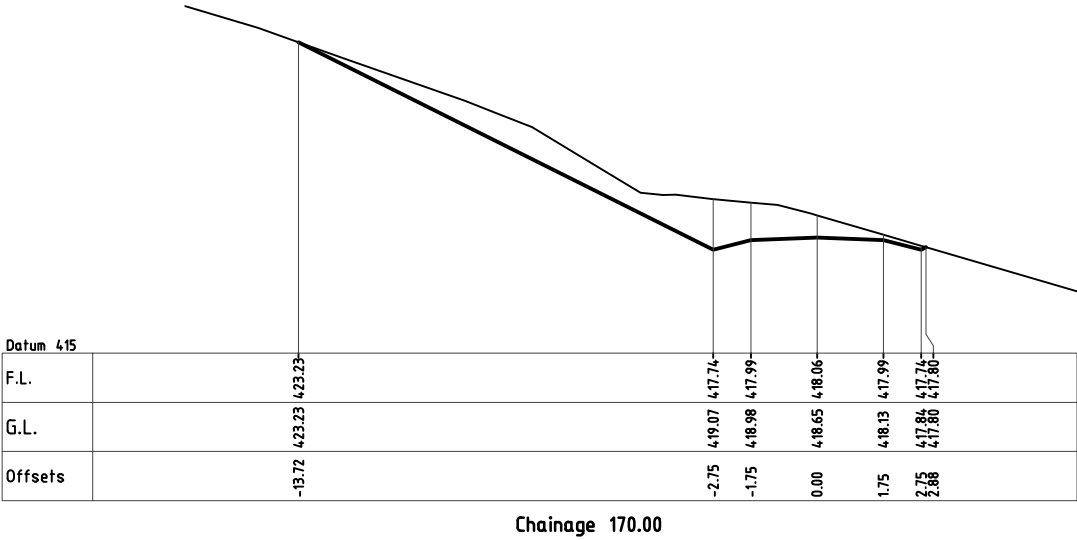
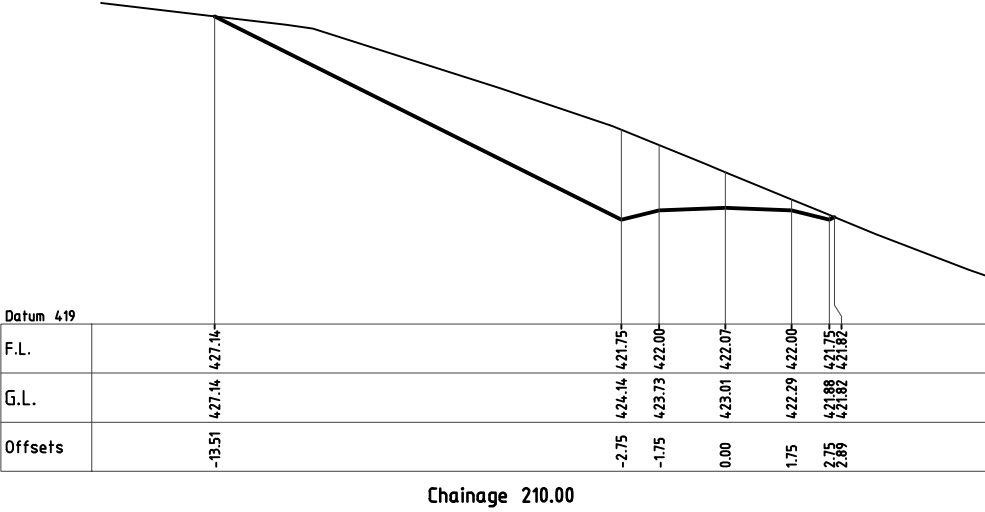
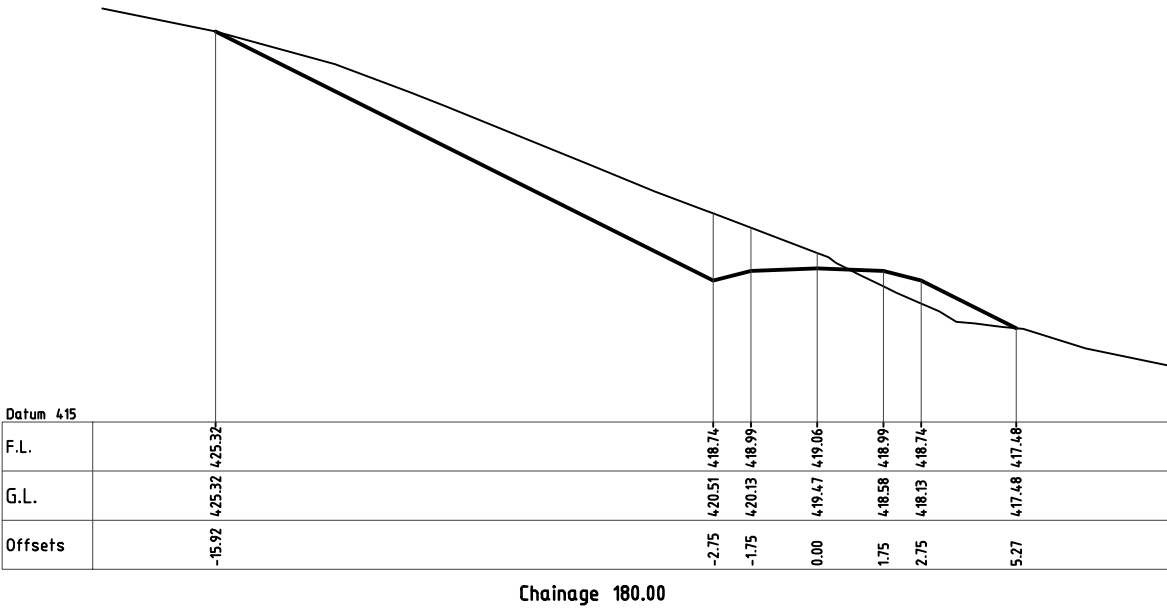
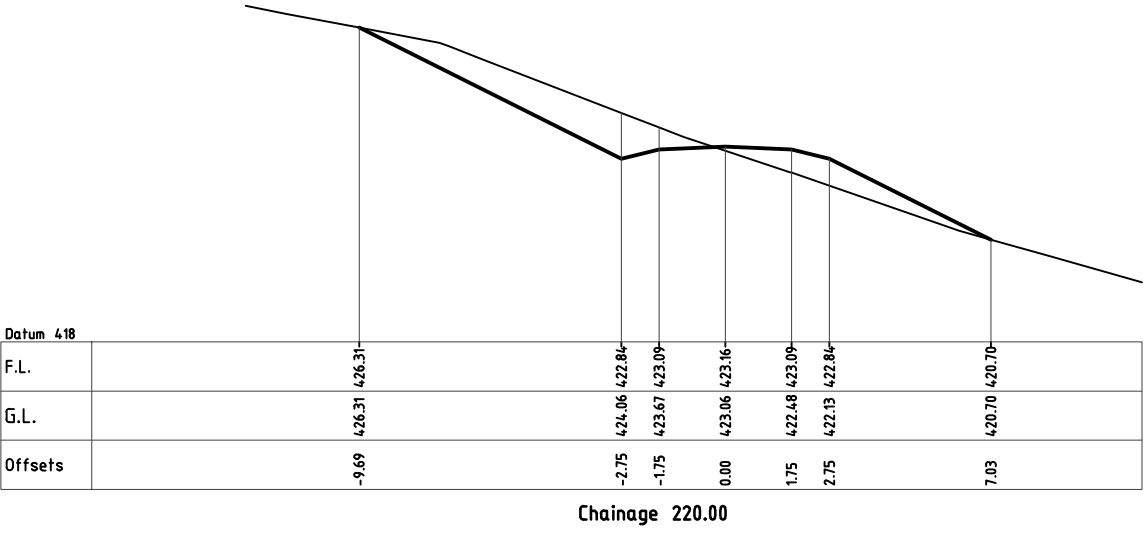
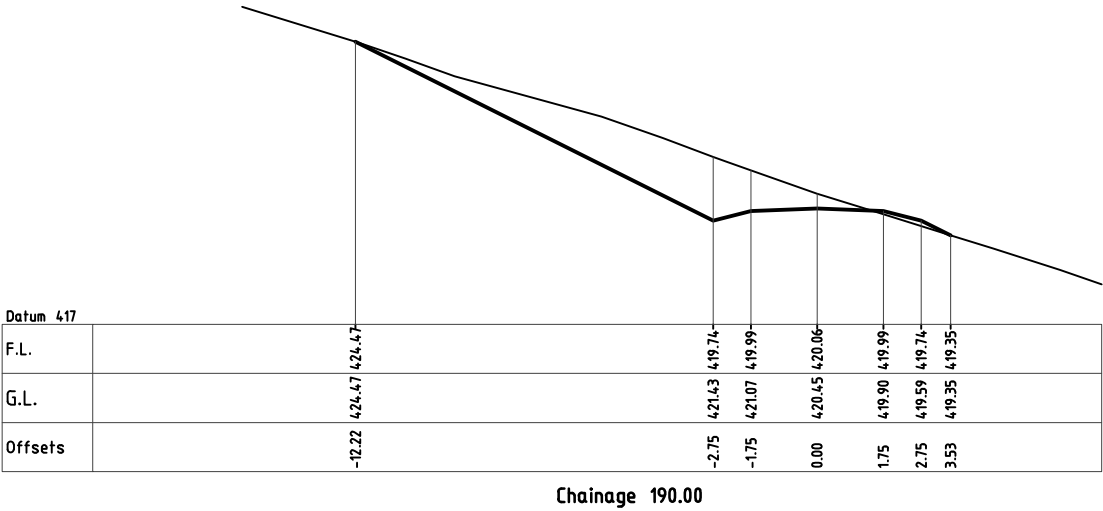
## **Appendix G – Driveway Sections**

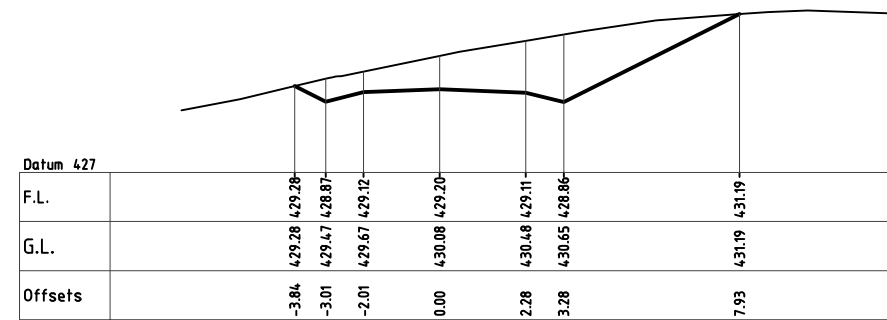


Hill Section 2B  
SCALE: 500 H  
100 V

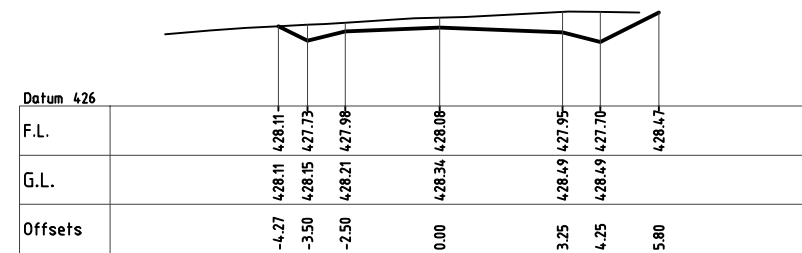




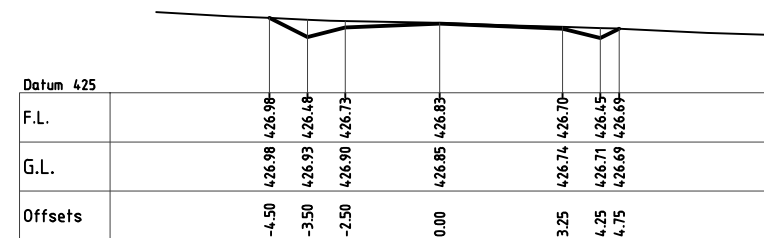




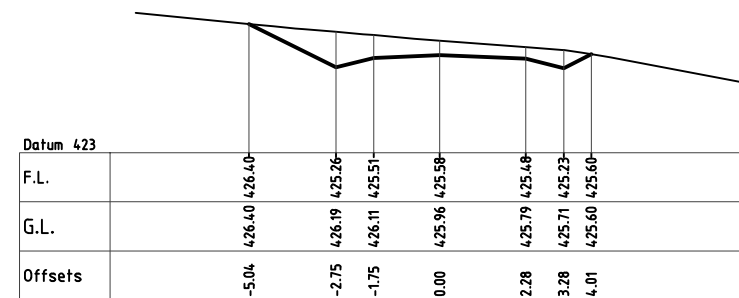
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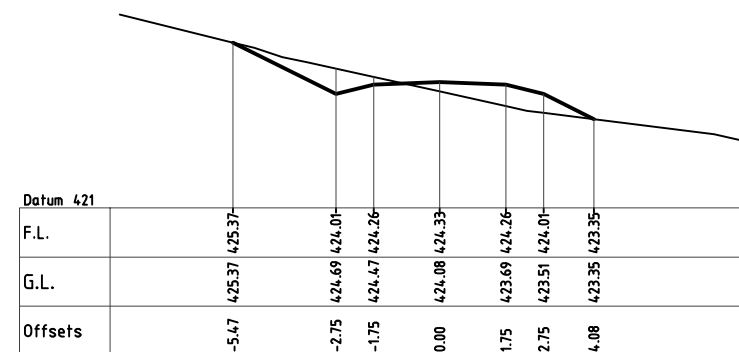
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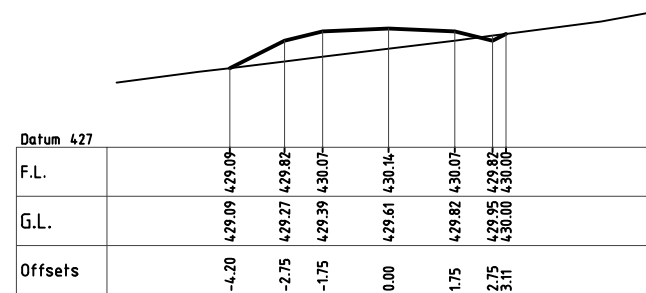
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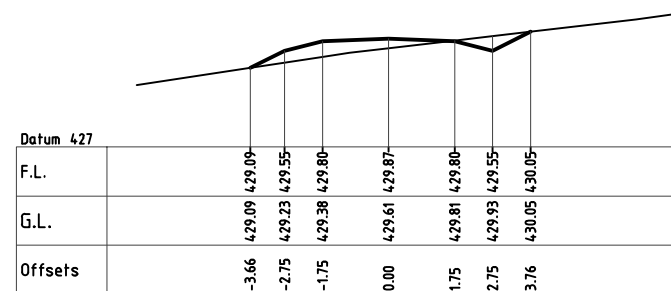
Chainage 240.00



Chainage 230.00



Chainage 290.00



Chainage 280.00

## Typical Cross-sections (N.T.S.)

