# APPLICATION AS NOTIFIED RM190656 Wakatipu Investments Limited

**Submissions Close 26 March 2020** 

### **FORM 12**

File Number RM190656

## 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:

Wakatipu Investments Limited

#### What is proposed:

It is proposed to subdivide Lot 10 DP 518523 into nine allotments, establish a residential building platform on eight of the proposed allotments, and create one balance lot (Lot 3). It is proposed to undertake associated earthworks and landscaping.

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

Littles Road, Wakatipu Basin. Legally described as Lot 1, 10 Deposited Plan 518523.

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:

http://www.qldc.govt.nz/planning/resource-consents/notified-resource-consents-and-hearings/

The Council planner processing this application on behalf of the Council is Kenny Macdonald, who may be contacted by phone at 03 450 9105 or email at <a href="mailto:kenny.macdonald@qldc.govt.nz">kenny.macdonald@qldc.govt.nz</a>.

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:

#### 26 March 2020

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/planning/resource-consents/application-forms/

You must serve a copy of your submission to the applicant Wakatipu Investments Limited (C/- Carey Vivian, <a href="mailto:carey@vivianespie.co.nz">carey@vivianespie.co.nz</a>) as soon as reasonably practicable after serving your submission to Council:

C/- Carey Vivian
<a href="mailto:carey@vivianespie.co.nz">carey@vivianespie.co.nz</a>
Vivian and Espie Limited
P O Box 2514
Wakatipu 9349

L. Glis

#### QUEENSTOWN LAKES DISTRICT COUNCIL

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

Date of Notification: 27 February 2020

**Address for Service for Consent Authority:** 

Queenstown Lakes District Council Phone 03 441 0499

Private Bag 50072, Queenstown 9348 Email rcsubmission@qldc.govt.nz

Gorge Road, Queenstown 9300 Website 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.

ntact information and details of your application. If your form does not provide the required information it will be returned to you to

APPLICANT // · Full nar	e a person or legal entity (limited liability company o nes of all trustees required. olicant name(s) will be the consent holder(s) respons		d costs.
*Applicant's Full Name / Company / Trus (Name Decision is to be issued in)	<sup>st:</sup> Wakatipu Investments Limi	ted	
All trustee names (if applicable):			
*Contact name for company or trust: 🛆	shleigh Wood		
	eet, Eden Terrace, Auckland		*Post code:
*Contact details supplied must be for the applican	t and not for an agent acting on their behalf and mu	st include a valid postal address	
*Email Address: ashleigh@urbar	collective.co.nz		
*Phone Numbers: Day		Mobile: 021950534	
The decision will be sent to the CORRESPONDENCE DETAIL	ponding with you are by email and phono orrespondence Details by email unless re LS // If you are acting on behalf of the ap please fill in your details in	quested otherwise. plicant e.g. agent, consultant or a	rchitect
	n, Vivian and Espie Limited	Mahila: 007495940	9
*Phone Numbers: Day 4414189		Mobile: 0274858123	3
*Email Address: carey@vivian	espie.co.nz		
*Postal Address: Box 2514, Wa	katipu, Queenstown.		*Postcode:
For more information regarding payment please	an be sent to another party if paying on the appli e refer to the Fees Information section of this form		
	ve any invoices and how they would like to receiv		
Applicant:	Agent:	ther - Please specify:	
Email:	Post:		

\*Email:

\*Please provide an email AND full postal address.

1	OWNER DETAILS	// Please supply owner
	Owner Name: N/a	
	Owner Address:	
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Owner Name: N/a			
Owner Address:			
If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:			
Date:			
Names:			

details for the subject site/property if not already indicated above



### 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.

	e same as for invo	oicing 🗸	
Applicant:	<b>√</b>	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:

Littles Road, Queenstown.

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

ROT 812461

District Plan Zone(s): Lifestyle Precinct



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?  If 'yes' please provide information below	YES ✓ NO

		The state of the s	
Development in	progress.	Please contact	t Ashleigh.

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### OTHER CONSENTS // CONTINUED

	I have included a Preliminary Site Investigation undertaken by a suitably qualified person.
<b>✓</b>	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 a	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):
	✓ 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)
<b>V</b>	and copies of any consent notices and covenants
	(Can be obtained from Land Information NZ at <a href="https://www.linz.govt.nz/">https://www.linz.govt.nz/</a> ).
	<b>X</b>
$\checkmark$	A plan or map showing the locality of the site, topographical features, buildings etc.
$\checkmark$	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).
<b>√</b>	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 – <u>Naming of Documents Guide</u> 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.

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

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 RMWAK	ATIPU
*Amount Paid: Landus	e and Subdivision Resource Consent fees - please select from drop down list below
\$3020 - Rural Genera	Leubdivision

(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 6/21/19

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.



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

Full name of person lodging this form

Carey Vivian

Firm/Company Vivian and Espie Dated 20 June 2019

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





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

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

#### 1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

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

#### 2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:
  - · (a) a description of the activity:
  - (b) a description of the site at which the activity is to occur:
  - · (c) the full name and address of each owner or occupier of the site:
  - (d) a description of any other activities that are part of the proposal to which the application relates:
  - (e) a description of any other resource consents required for the proposal to which the application relates:
  - (f) an assessment of the activity against the matters set out in Part 2:
  - (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
  - (2) The assessment under subclause (1)(g) must include an assessment of the activity against—
    - · (a) any relevant objectives, policies, or rules in a document; and
    - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
    - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).
  - (3) An application must also include an assessment of the activity's effects on the environment that—
    - · (a) includes the information required by clause 6; and
    - · (b) addresses the matters specified in clause 7; and
    - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

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)):

Information provided within the Form above

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





#### 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.



### APPENDIX 3 // Development Contributions

### 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 Roading)

Click here for more information on development contributions and their charges

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





### APPENDIX 4 // Fast - Track Application

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.



#### APPENDIX 5 // Naming of documents guide

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.



valuary // January

Document Set ID: 6165129 Version: 1, Version Date: 24/06/2019



19 February 2020

Alex Jamieson
Queenstown-Lakes District Council
Private Bag
QUEENSTOWN

alex.jamieson@qldc.govt.nz

Dear Alex

### RM190656 - WAKATIPU INVESTMENTS LTD - SUBDIVISION

Please accept this letter as confirmation that on 13 February 2020 the applicant, Wakatipu Investments Limited, volunteered public notification of an **amended subdivision** design (RM190656).

The **original subdivision** application sought subdivision of 20 allotments (plus the cancellation of an amalgamation condition).

The **amended subdivision** design is for 8 allotments (plus a balance lot 3) as represented by:

- o Clarke Fortune McDonald and Associates (CFMA) subdivision plan Job NO. 12628, Drawing Number 13, Revision G, Dated December 2019.
- o Vivian and Espie Limited landscape plan, Ref 1426-03 SLP, Dated 28.1.20.

I note that since lodgement of the **original subdivision** application, the building platforms on Lots 1, 11, 12 and 15 have been amended slightly (due to landscape and Geotech considerations). The original position of the building platforms is shown in red and the amended location in black on the **amended subdivision** plans listed above.

It is also noted that the size of proposed allotments 11 and 12 were reduced as shown on the **amended subdivision** plans listed above.

Copies of the **amended subdivision** plans are attached to this letter for your reference. I confirm that the applicant is only seeking subdivision as per the **amended subdivision** design at this time.

We have not made any amendments to the AEE or supporting documents for the reason that the **amended subdivision** design is a subset of the original subdivision design. Our assessments do not change with respect to either the **amended subdivision** design or the **original subdivision** design. The proposed lot numbers are unchanged for easy cross referencing.

Should you have any questions please do not hesitate to contact the writer.



resource management and landscape planning

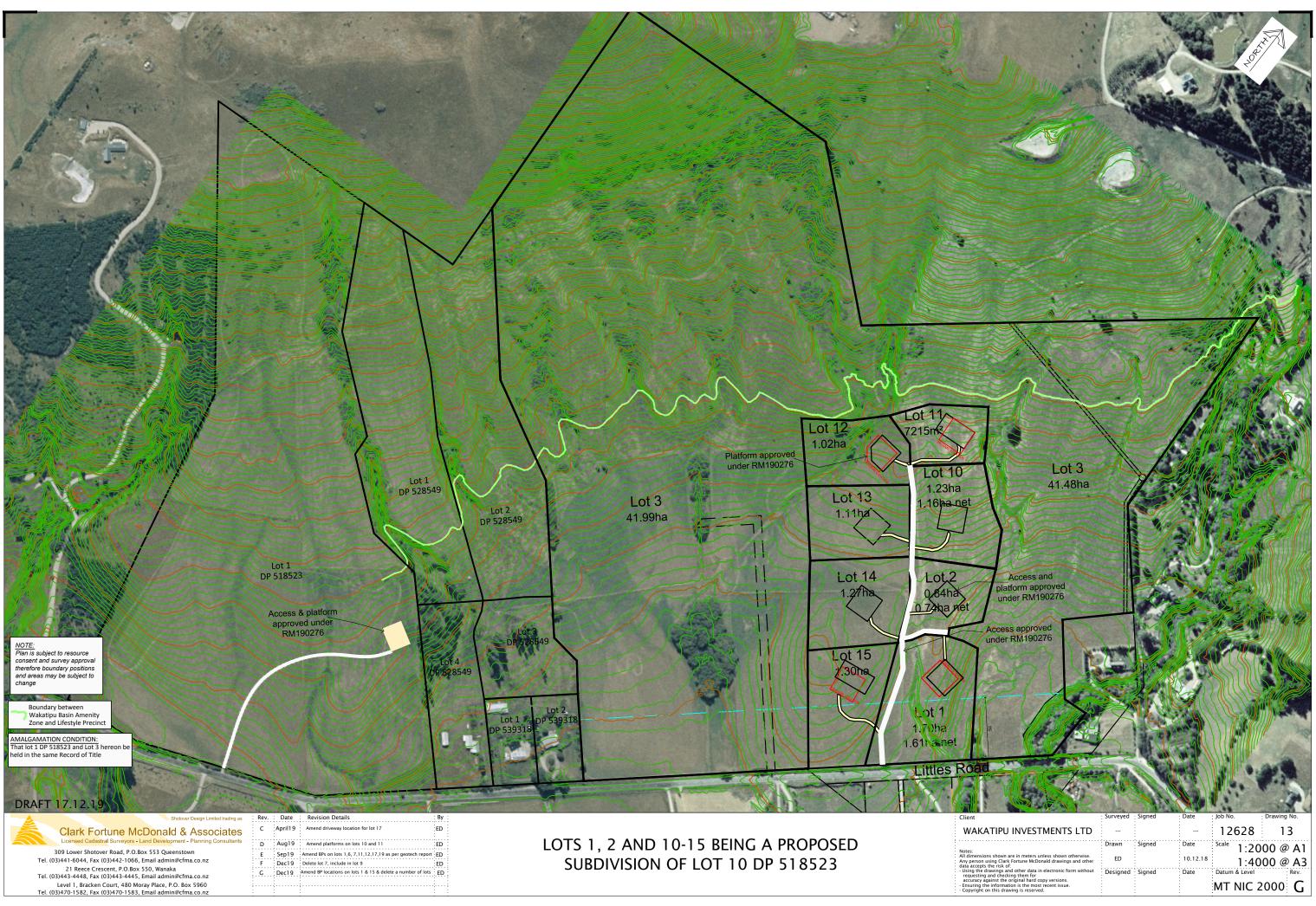
Yours faithfully

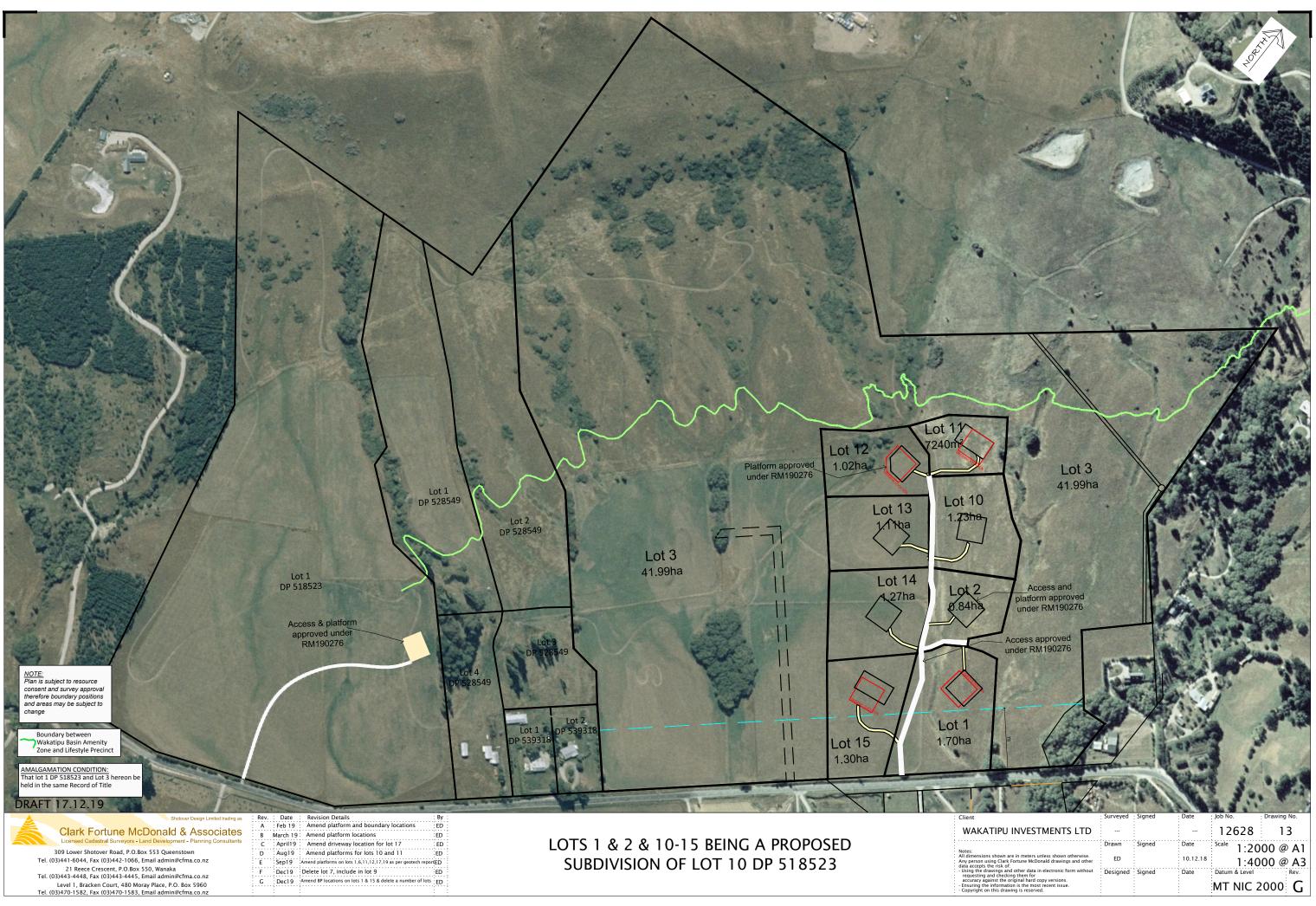
Carey Vivian

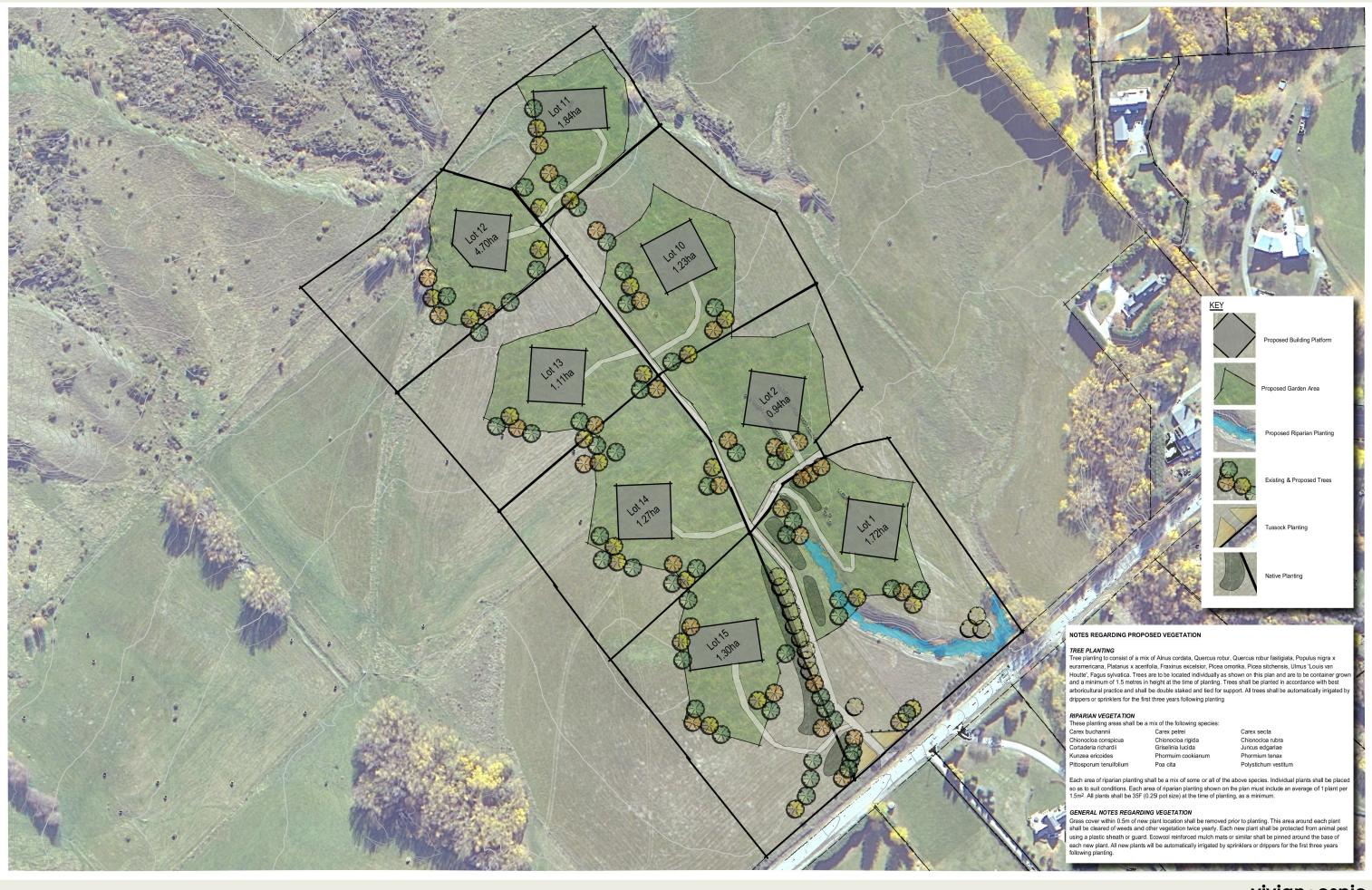
Vivian and Espie Limited

Coughi

Version: 1, Version Date: 20/02/2020









1426-03 SLP DATE: 28.01.20

Structural Landscape Plan
Wakatipu Investment Ltd Subdivision - Littles Road, Queenstown

### vivian+espie



# APPLICATION & ASSESSMENT OF ENVIRONMENTAL EFFECTS

WAKATIPU INVESTMENTS LIMITED

19 June 2019

PROPOSAL TO SUBDIVIDE LOT 10 LT 518523 INTO TWENTY LOTS AND THE IDENTIFICATION OF EIGHTEEN BUILDING PLATFORMS

283 - 351 LITTLES ROAD, QUEENSTOWN



Document Set ID: 6165137 Version: 1, Version Date: 24/06/2019



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### **Quality Assurance**

Prepared By	Carey Vivian	Planner/Director	19 June 2019
Reviewed By	Blair Devlin	Senior Planner	18 June 2019



### 1. Key Information

Address	283 - 351 Littles Road, Queenstown	
Legal Description	Lot 1 and 10 DP 518523, ROT 812461	
Site Area	1.2 hectares.	
Owners	Wakatipu Investments Limited.	
Occupier	-	
Applicant	Wakatipu Investments Limited.	
Operative District Plan	Operative Queenstown-Lakes District Plan (ODP).	
Zoning	Rural General.	
Proposed District Plan (Stage 1, Stage 2 and Variation #1)	Proposed Queenstown-Lakes District Plan ( <b>PDP</b> ).	
Zoning	Wakatipu Basin Amenity Zone ( <b>WBAZ</b> ), Lifestyle Precinct Sub-Zone ( <b>LPSZ</b> ).	
Proposed Activity	(i) To subdivide Lot 10 LT 518523 into twenty separate titles in two stages; and (ii) Identify a building platform on each of the proposed lots (with the exception of the building platforms approved already on proposed Lots 2 and 12) with design controls for future buildings; (iii) Earthworks under undertake the subdivision activities; and (iv) Servicing; and (v) Landscaping (including a variation to previously consented landscaping if necessary).	
Other Consents	No other resource consents are required.	
Activity Status	Overall, the application is for a <b>Discretionary Activity</b> under the ODP and a <b>Restricted Discretionary Activity</b> under the PDP.	



### 2. Introduction

This report is submitted as part of the application by Wakatipu Investments Limited ("the Applicant") for resource consent from Queenstown-Lakes District Council (QLDC or "Council") to subdivide Lot 10 DP 518523 into twenty separate lots (titles). It is also proposed to identify building platforms on each lot (except Lots 2 and 12 which already contain building platforms) and impose design controls. The proposal includes ancillary earthworks, servicing and landscaping.

The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment. In preparing this assessment, specialist advice has been relied on and is appended to this report.

### 3. The Proposal

### 3.1 Location and Surrounds

The subject site is located between 281 and 353 Littles Road in the Wakatipu Basin. This area of Fitzpatrick Basin has been the subject of numerous subdivision consents under the Rural General zoning framework over the past 10-15 years, and the character of the area exhibits both open pasture and 'rural residential' style development with houses generally visible but not highly visible, and featuring recessive colours, earthworks and landscaping to mitigate their effects.

On 15 August 2017 the QLDC issued a resource consent (RM170478) to the applicant for the subdivision of Title 756255 into six allotments and the identification of six residential building platforms as shown on the approved subdivision plan below:





The subdivision has occurred in stages. Lot 2 and Lots 5 and 6 (south of Littles Road) have obtained title.

Lot 2 has been further subdivided into four lots (RM180240) and building construction has started. I understand the new titles have issued.

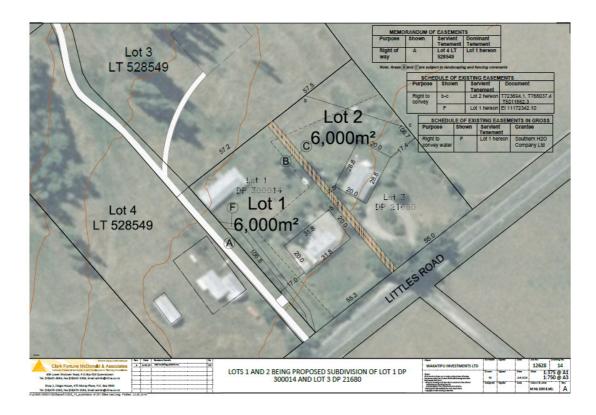
A variation has also obtained resource consent (RM190276) to amend the position of the building platforms on proposed Lots 3 and 4 as follows:





This variation has now been approved and issued.

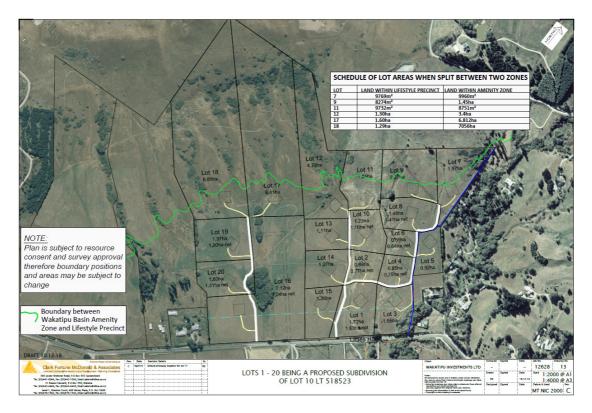
The applicant, which also owns the adjoining site Lot 1 DP 300014 and Lot 3 DP 21680, has also applied to subdivide that site which contains two existing residential units into two separate titles (RM190307) as follows:



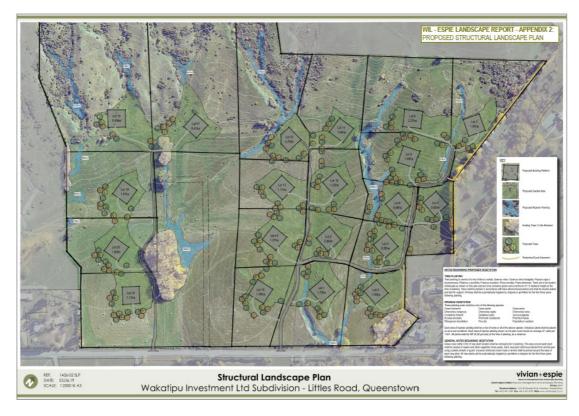
### 3.2 The Proposal

It is proposed to further subdivide Lot 10 DP 518523 into twenty allotments as per the Clark Fortune McDonald Plan Job No: 12628, Drawing 13 Revision C, dated April 2019, a copy of which is appended to this application as **Attachment [B]**, as follows:





Landscaping is proposed as per the Landscape Plan attached to Mr Espie's report appended as **Attachment [C]** as follows:



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If necessary, a variation is sought to amend all previous landscaping approved on Lots 3 and 4

(RM170476 and RM190276) to the above Structural Landscape Plan.

Each of the proposed Lots are to have the following design controls imposed (as a consent notice) in

relation to future buildings:

No building or part of any building shall exceed 6m above ground level;

Roofs shall be finished in dark recessive natural tones (brown, grey, green or black) and shall have

a light reflectance value of (LVR) between 5 and 20%;

Exterior wall claddings shall be schist, horizontal or vertical timber cladding, solid plaster or

concrete. All exterior claddings shall be finished in recessive natural tones (brown, grey, green or

black) and shall have an LVR of between 5 and 35%;

Any external lighting shall be directed away from adjacent sites and roads and shall be capped and

directed downwards.

The proposed subdivision is to be serviced (including earthworks) as per the Assessment prepared by

Civilised Limited. A copy of their report is appended as Attachment [D]. I adopt the description of

proposed servicing as contained in that report.

It is proposed to include a public pedestrian/cycle easement along the eastern boundary of the property

to facilitate a possible connection through to Mountain View Road in the future. This is shown as a blue

line on the plan appended to this application as Attachment [B]. It is noted that it is not proposed to

construct the trail, only facilitate its establishment, should the Council or the Queenstown Trails Trust

wish to construct the trail in the future.

It is proposed to advance the subdivision in three stages as follows:

Stage 1: Lots 1, 2, 10 – 15; and

Stage 2: Lots 3 - 9; and

Stage 3: Lots 16 – 20.

It is noted that proposed Lot 16 has a legal unformed road running through it. The applicant has applied

to Council to close that road and for the applicant to take ownership of it. In the event that this should be

approved, it is proposed to further subdivide Lot 16 via a future consent.

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### 4. Matters Requiring Consent

8.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

This issue was dealt with under **RM170478** and **RM180240** for the property and is therefore not relevant to this subdivision proposal due to clause 5(9) which states that the regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.

### 4.2 Operative District Plan

The subject site is zoned Rural General under the ODP.

All subdivision in the Rural General Zone is a **Discretionary Activity** pursuant to **Rule 15.2.3.3(vi)** as follows:

### 15.2.3.3 Discretionary Subdivision Activities

Except where specified as a Controlled Activity in Rule 15.2.3.2 above, and except where specified as a non-complying Activity in 15.2.3.4 below:

(vi) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka).

Rule 15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions states that any subdivision of land that does not comply with any one or more of the Zone Standards shall be a Non-Complying Subdivision Activity. Zone standard iii Building Platforms - Rural-General ... states:

"...

(b) In the Rural General (and Gibbston Character) Zones Every allotment created shall have one Residential Building Platform approved at the time of the subdivision of not less than  $70m^2$  in area and not greater than  $1000m^2$  in area, excluding lots created for the following purposes:

...,

The proposal complies with this standard.

Earthworks associated with the subdivision require a controlled activity resource consent pursuant to Rule 15.2.21.1 as follows:

15.2.21.1 Controlled Subdivision Activity – Earthworks



Earthworks associated with any subdivision of land in any zone except for any of the Special Zones that are listed in Section 12 of the District Plan other than the Rural Visitor Zone and any of the Ski Area Sub-Zones are a Controlled Activity with the Council reserving control in respect to the matters listed in Rule 22.3.2.2(a)(i)-(ix) in Section 22.

Overall, the proposal is a **Discretionary Activity** under the ODP.

### 4.3 Proposed District Plan (Decisions Version – Variation #1)

The decisions on Variation #1 have been publicly notified on 21 March 2019 and therefore have legal effect.

Under Variation #1 decision the subject site is contained within the LPSZ.

No appeals appear to relate to the LPSZ sub-zoning over the subject property.

The proposed subdivision is a **Restricted Discretionary Activity** pursuant to Rule 27.5.9 in respect of the following matters:

- a. Location of building platforms and accessways
- b. Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;
- c. Location, scale and extent of landform modification, and retaining structures;
- d. Property access and roading:
- e. Esplanade provision;
- f. Natural and other hazards;
- g. Firefighting water supply and access;
- h. Water supply:
- i. Network utility services, energy supply and telecommunications;
- i. Open space and recreation provision:
- k. Ecological and natural landscape features;
- I. Historic Heritage features;
- m. Easements;
- n. Vegetation removal, and proposed planting;
- o. Fencing and gates;
- p. Wastewater and stormwater management;
- g. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;
- r. Adverse cumulative impacts on ecosystem services and nature conservation values.

It is noted that Rule 27.5.18A states that in the LPSZ, subdivision which does not comply with the minimum net site area specified in Part 27.6 provided that the minimum net site area is not less than 4,000m<sup>2</sup> and the average area of all lots in the subdivision is not less than 1.0ha per lot is a Discretionary Activity. The proposal complies with this rule. It is noted that this rule is subject to appeal

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on the basis that an error has occurred and the 4,000m² should be 6,000m². If that appeal is allowed

the proposal still complies.

Rule 27.5.18B also states that within the LPSZ, subdivision with a minimum net site area less than

4,000m<sup>2</sup> or where the average area of lots in the subdivision is less than 1.0ha per lot is a non-

complying activity. The proposal complies with this rule. The same appeal in respect of Rule 27.5.18A

above also applies to this rule. If that appeal is allowed the proposal still complies.

Rule 27.6 states that no lots to be created by subdivision, including balance lots, shall have a net site

area or where specified, an average net site area less than the minimum specified. The minimum

specified in the LPSZ is 6000m², with a 1.0ha minimum average. The proposal complies with this rule.

It is unknown if this rule is subject to appeal or not.

Rule 27.4.2.1 state that earthworks associated with subdivisions are subject to the earthworks standards

in Chapter 25 (except the maximum total volume, cut and fill standards) and applications for subdivision

involving earthworks shall be assessed against the matters of discretion and assessment matters in

Chapter 25. Rule 25.3.2.5 states:

Earthworks associated with subdivisions under Chapter 27 are exempt from the following Rules:

a. Table 25.2 Maximum Volume:

b. Rule 25.5.15 Cut Standard; and

c. Rule 25.5.16 Fill Standard.

All other rules in the Earthworks Chapter apply to earthworks associated with a subdivision.

Applications for earthworks that are associated with subdivision shall be considered against the

matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

Applications for subdivision involving any earthworks shall be considered against the matters of

discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

Rule 25.5.17 states that earthworks for access ways shall comply with standards 25.5.18.1 to 3. It is my

assessment the proposal requires a restricted discretionary consent under this standard.

Overall the proposal requires a Restricted Discretionary Activity in respect of the matters specified

above.

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### 4.4 Other Consents

As stated above, if necessary, this application seeks a variation under section 127 of the RMA to amend all previous landscaping approved on Lots 3 and 4 (RM170476 and RM190276) to the proposed Structural Landscape Plan. This requires a **Discretionary Activity** resource consent pursuant to section 127 of the RMA.

### 4.5 Scope of Application

This application is for all matters requiring resource consent under the District Plans, rather than for the specific list of consent matters / non-compliances identified by the author. As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this Assessment of Effects on the Environment (**AEE**), it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE.

I note that, if the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the RMA to process the application regardless of the type of activity that the application was expressed to be for.

### 5. Statutory Considerations

### 5.1 Resource Management Act (RMA)

The Council's decision on the proposal must give effect to the purpose and principles of the RMA, as set out in Part 2, and have regard to the relevant matters in sections 104 to 108 of the RMA.

### 5.2 Purpose and Principles of the RMA

The purpose of the RMA, 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."

The broader principles of the Act are set out in sections 6 to 8 of the RMA. Section 6 identifies a number of matters of national importance. These matters include:

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

The subdivision does not include, or affect, any land identified as ONL or ONF.

Section 7 sets out a number of "other matters" to which the Council is required to have regard. These matters include (relevantly):

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:

It is my opinion, that the proposed subdivision does not offend any of the other matters. The subdivision, in my opinion, represents the efficient use of resources, does not adversely affect amenity values, maintains the quality of the environment and does not adversely affect any finite characteristics of resources.

Section 8 requires Council to consider the principles of the Treaty of Waitangi. The proposal, in my opinion, does not offend such principles.

It is my opinion, that the proposed subdivision, meets the purpose and principles of the RM Act.

### 5.3 Section 104 – Matters for Assessment

Of relevance to this application, Section 104(1) of the RMA requires the Council to have regard to the following matters, subject to Part 2 of the RMA:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of
  - (i) a national environmental standard:
  - (iii) a national policy statement:
  - (iii) a regional policy statement or proposed regional policy statement:
  - (iv) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(2) of the RMA 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.

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.

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The proposed application does not trigger any of the above stated standards, regulations, or national policy statements. I do, however, consider the Regional Policy Statement later in my assessment.

5.4 Section 104B and C – Discretionary Activities

Under Section 104D of the RMA, the Council may grant or refuse consent for a Discretionary Activity and should resource consent be granted, then conditions may be imposed on the resource consent under Section 108 of the RMA.

Under section 104C of the RMA, when considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

This is particularly relevant to the PDP status.

The consent authority may grant or refuse the application. However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

### 6. Effects on the Environment

As stated above, the proposed subdivision is a restricted discretionary activity under the Proposed District Plan. The Councils discretion falls broadly within five sub-categories as follows:

(i) Landscape Effects

a. Location of building platforms and accessways

b. Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;

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

n. Vegetation removal, and proposed planting;

o. Fencing and gates;

(ii) Servicing Effects

d. Property access and roading;

e. Esplanade provision;

f. Natural and other hazards;

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- g. Firefighting water supply and access;
- h. Water supply;
- i. Network utility services, energy supply and telecommunications;
- m. Easements;
- p. Wastewater and stormwater management;
- (iii) Recreation Effects
- j. Open space and recreation provision;
- q. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;
- (iv) Ecological Effects
- k. Ecological and natural landscape features;
- r. Adverse cumulative impacts on ecosystem services and nature conservation values.
- (v) Heritage Effects:
- I. Historic Heritage features;

This assessment has been undertaken in accordance with these five sub-categories.

### 6.1 Landscape and Visual Amenity Effects

The subject site falls within the Fitzpatrick Basin Landscape Character Unit of Schedule 24.8 of the PDP. The PDP concludes:

- The landform pattern of the subject site is described in that document as generally a south east
   / east facing basin landform framed by moderately to steeply sloping hills to the north and west.
- more gently undulating hill system throughout the south (adjoining the steep cliff and terraces framing the Shotover River – LCU 3).
- Vegetation patterns are described as fragmented and small pockets of woodlot plantings, exotic shelterbelts (in places) and exotic amenity plantings throughout rural residential lots, mature evergreen vegetation along the Shotover River margins to the south and eastern edges, pasture grasses and weed species dominate larger lots and Scrub / weeds in gullies throughout northern portion of the unit in particular.
- The predominant land use is rural lifestyle/hobby farming type uses with rural residential evident. Larger lots appear to be relatively unproductive (e.g. extensive gorse etc. evident).
- Settlement patterns are described as numerous existing dwellings are evident throughout the
   Fitzpatrick Basin. Buildings variably contained by vegetation and typically located throughout

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the basin floor, the undulating hill system in the southern portion, or along the southern edges to enjoy views of the Shotover River and ONL backdrop.

- The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an
  overall density of residential activity at one-hectare average and settlement patterns that are
  sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
- Key views relate to: the view from the mountain tracks to the north, in which the unit reads as part of a broad swathe of relatively low lying undulating land that extends in a west- east direction across the basin; the view from Tucker Beach (LCU 4), in which the unit reads as a more open area backdropped by the visually complex and relatively intensively inhabited Dalefield slopes. From within the unit, there are attractive long-range views to the surrounding ONL mountain setting. The southern margins enjoy views of the Shotover River (ONL).

Importantly, the PDP assesses the potential landscape opportunities and benefits associated with additional development. With respect to this landscape unit the PDP finds the location is visually contained (in terms of the wider Wakatipu Basin landscape); larger-scaled lots suggest potential for subdivision, riparian restoration and weed management potential, and potential integration of walkways/cycleways etc. Mr Espie considers the proposal does this.

Schedule 24.8 also details the environmental characteristics and visual amenity values to be maintained and enhanced. The schedule anticipates this will be achieved by integration of buildings with landform and/or planting, avoiding built development on the elevated northern slopes that frame the unit, avoiding built development on the Shotover River cliff/terrace (and ONL) edges; maintaining the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin, maintaining a sense of openness in views from Littles Road and the north western and eastern ends of Fitzpatrick Road (that are currently relatively open in character) to the surrounding ONL mountain context. The proposal is consistent with this description.

Overall, the schedule finds that the Fitzpatrick Basin, which the subject site sits within, has **high** capability to absorb additional development.

Mr Espie, in his landscape assessment report appended as **Attachment [C]**, concludes that the Fitzpatrick Basin is considerably contained visually and topographically and reads predominantly as a rural living area. Mr Espie notes, as I have above, that Schedule 24.8 rates the capability of the unit to absorb additional development as high.

In relation to landscape character, Mr Espie concludes that the proposal will continue a rural living form of landscape character across part of the lower northern slopes of the Fitzpatrick Basin. Mr

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Espie considers under the proposal the upper slopes will remain open and sweeps of open space

will be retained, with structures and gardens being tied together in groups by tree planting. Mr Espie

also considers that within the site, natural character will be enhanced in terms of gully and riparian

native vegetation and the lower basin floor part of the Fitzpatrick Basin will begin to take on a more

continuous and coherent rural living character, the northern side of the lower basin mirroring the

southern side.

In relation to visual amenity, Mr Espie concludes that a rural living visual pattern will become plainly

evident across the lower parts of the site and this will be most readily experienced from Littles Road.

Mr Espie considers the rural living activity has been designed so as to follow the intentions of the

Precinct provisions and the density is less than is provided for and dwellings / garden areas have

been grouped together in the less sensitive parts of the site. Mr Espie considers the upper parts of

the site will remain as open space and open sweeps of land will connect this upper area to the lower

areas and the Littles Road frontage. Ultimately, Mr Espie considers, the grouped development and

garden areas will read as considerably green, leafy nodes of rural living activity. Overall, Mr Espie

concludes, the form of visual amenity that characterises the Fitzpatrick Basin will be maintained.

6.2 Servicing Effects

The subject site falls within the Fitzpatrick Basin Landscape Character Unit of Schedule 24.8 of the

PDP. This schedule concludes there is no reticulated sewer or stormwater in this area, but there is a

reticulated water main through part of central area.

Mr McCartney, in his Infrastructure Feasibility Report appended as Attachment [D], further

assesses access, water supply, wastewater disposal, stormwater runoff, power and

telecommunications for the proposed variation. Mr McCartney confirms that it is feasible to provide

the necessary development infrastructure to service the proposed subdivision.

Mr McCartney highlights that no new accesses from the road network are proposed for the

subdivision. Access will be from two existing accessways from Littles Road. The existing road widths

of the ROW are satisfactory for the proposed number of allotments.

Mr McCartney also notes that the allotments have been connected to a new private water supply

that was constructed as part of the neighbouring subdivision (RM170478). This water is sourced

from the underlying groundwater aquifer.

I concur with Mr McCartney's findings and adopt them as my own.

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6.3 Recreation Effects

The subject site falls within the Fitzpatrick Basin Landscape Character Unit of Schedule 24.8 of the

PDP. This schedule concludes there no walkways or cycleways through this area.

An easement is proposed from Littles Road to the northern corner of Proposed Lot 7 to enable a

future walkway/cycleway linkage through to Mountain View Road.

It is hoped that the proposed easement may one day encourage a link through the land on the

southern side of Littles Road down a gully to the Shotover River trail which is within the Shotover

Conservation Area. However, such a link, is outside the scope of this application.

Overall, the proposed easement will positively start to consider trail connectivity within the Fitzpatrick

Basin to existing and proposed pedestrian networks through the use of easements.

6.4 Ecological Effects

The subject site falls within the Fitzpatrick Basin Landscape Character Unit of Schedule 24.8 of the

PDP. This schedule concludes there is potential landscape opportunities and benefits associated

with riparian restoration and weed management.

Mr Espie notes that a number of small gullies run down the eastern slopes of Malaghans Ridge and

bisect the paddocks. Mr Espie considers these gullies are less maintained with elderberry, hawthorn

and briar rose being prevalent, particularly in the upper parts of the site.

The Landscape Planting Plan attached to Mr Espie's assessment report further identifies this

network of gullies and topographically low areas are to support proposed native riparian vegetation.

This includes a mix of species and densities as detailed on the Structural Landscape Plan.

Overall it is concluded that the proposal will result in significant ecological benefits.

6.5 Heritage Effects

The subject site falls within the Fitzpatrick Basin Landscape Character Unit of Schedule 24.8 of the

PDP. This schedule concludes that there is one heritage building / feature identified in PDP. That

heritage building / feature is not located on the subject property. No adverse heritage effects are

therefore anticipated.

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### 6.6 Summary

The above assessment has considered the restricted discretionary activity status afforded under the PDP. It is note that the ODP the proposal is a full discretionary activity, which an emphasis on landscape and visual amenity values. In my opinion, the assessment does not need to address anything further. Overall, it is my assessment that the proposal is consistent with the PDP, weight can be attributed to the PDP and the effects on the environment are minor.

### 7. Policy Framework

### 7.1 Operative District Plan (ODP)

The District-wide objectives and policies in Chapter 4 of the ODP are relevant to this application and are assessed in the following:

### (i) District Wide Nature Conservation Values

Objective 4.1.4 Nature Conservation Values and relevant policies read:

"The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District. Improved opportunity for linkages between the habitat communities.

The protection of outstanding natural features and natural landscapes.

#### Policies:

- ...
- 1.13 To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.
- 1.16 To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.
- 1.17 To encourage the retention and planting of trees, and their appropriate maintenance."

Mr Espie notes that a number of small gullies run down the eastern slopes of Malaghans Ridge and bisect the paddocks. Mr Espie considers these gullies are less maintained with elderberry, hawthorn and briar rose being prevalent, particularly in the upper parts of the site.

The Landscape Planting Plan attached to Mr Espie's assessment report further identifies this network of gullies and topographically low areas are to support proposed native riparian vegetation. This includes a mix of species and densities as detailed on the Structural Landscape Plan.

Overall it is concluded that the proposal will achieve this Objective and associated policies.

### 4.2 Landscape and Visual Amenity



Objective 4.2.5 Landscape Objective 1 and relevant policies read:

### "4.2.5 Objective 1:

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

### 1 Future Development

- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.
- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detraction 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.

...

### 4. Visual Amenity Landscapes

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

...

### 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.

. . .

### 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

٠.



### 15. Retention of Existing Vegetation

To maintain the visual coherence of the landscape and to protect the existing levels of natural character by:

- (a) Encouraging the retention of existing indigenous vegetation in gullies and along watercourses;
- (b) Encouraging maintenance of tussock grass-lands and other nature ecosystems<sup>3</sup> in outstanding natural landscapes.
- (c) 3 to Section 4.1 on nature conservation values.

...

### 17. Land Use

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

The landscape character that Mr Espie has placed weight on is the Wakatipu Basin's LCUs that lie within the Precinct is such that the PDP provides for rural living subdivision and activity within them; i.e. in general terms, these LCUs can absorb rural living activity of this sort without character being degraded (provided design is done appropriately so as to accord with the relevant assessment matters).

In broad terms, Mr Espie considers the proposal will continue a rural living form of landscape character across part of the lower northern slopes of the Fitzpatrick Basin. The upper slopes will remain open and sweeps of open space will be retained, with structures and gardens being tied together in groups by tree planting. Within the site, natural character will be enhanced in terms of gully and riparian native vegetation. The lower basin floor part of the Fitzpatrick Basin will begin to take on a more continuous and coherent rural living character, the northern side of the lower basin mirroring the southern side.

With respect to visual amenity, Mr Espie concludes a rural living visual pattern will become plainly evident across the lower parts of the site. This will be most readily experienced from Littles Road and some private dwellings. The rural living activity (and hence the visual pattern that will emerge) has been designed so as to follow the intentions of the Precinct provisions. Density is less than is provided for. Dwellings and garden areas have been grouped together in the less sensitive parts of the site. The upper parts of the site will remain as open space and open sweeps of land will connect this upper area to the lower areas and the Littles Road frontage. Riparian vegetation and considerable tree planting will mean that ultimately, the grouped development and garden areas read as considerably green, leafy nodes of rural living activity. Overall, Mr Espie considers the form of visual amenity that characterises the Fitzpatrick Basin will continue.

In my opinion, Lifestyle Precinct zoning under the PDP is to some extent at odds with Policy 4 which seeks to protect views from public places. In this regard, I agree with Mr Espie, that weight should now be placed on the Lifestyle Precinct zoning given the subject zone is not subject to appeal and there are

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no appeals seeking the entire Lifestyle Precinct be deleted. It is acknowledged that there are some appeals on the provisions of the Lifestyle Precinct, but none of those appeals seek to disenable rural residential development within the zone. The are in the main technical appeals which do not change the intent of the zone.

### Section 5: Rural General Zone

Objectives 1 and 3 are, in particular, relevant to the proposal.

### "Objective 1 - Character and Landscape Value

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

### Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.
- 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.
- 1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation.
- 1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
- 1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes."

I have previously discussed landscape effects above.

### Objective 3 - Rural Amenity Avoiding, remedying or mitigating adverse effects of activities on rural amenity. Policies:

- 3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.
- 3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values
- 3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.
- 3.5 Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.

Rural activities are unlikely to occur on the property in the future as it is develops in accordance with the Lifestyle Precinct provisions.

### Part 15 Subdivision

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Objectives 1, 2, 4 and 5 are particularly relevant to the proposal.

### Objective 1 - Servicing

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

### Policies:

- 1.1 To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.
- 1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.
- 1.3 To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.
- 1.4 To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.
- 1.5 To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
- 1.6 To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.
- 1.7 To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.
- 1.8 To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.
- 1.9 To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.
- 1.10 To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.
- 1.11 To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.
- 1.12 To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.

### Objective 2 - Cost of Services to be Met by Subdividers



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

### Policies:

- 2.1 To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:
- roading and access;
- water supply;
- sewage collection, treatment and disposal;
- stormwater collection, treatment and disposal;
- trade waste disposal;
- provision of energy;
- provision of telecommunications.
- 2.2 Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.

Mr McCartney has detailed how the proposed subdivision is to be serviced in his report. The proposal complies with these objectives and policies.

### Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

The recognition and protection of outstanding natural features, landscapes and nature conservation values.

### Policies:

- 4.1 To take the opportunity to protect outstanding natural landscapes and features, nature conservation values and ecosystems through the subdivision process.
- 4.2 To ensure works associated with land subdivision and development avoid or mitigate the adverse effects on the natural character and qualities of the environment and on areas of significant conservation value.
- 4.3 To avoid any adverse effects on the landscape and visual amenity values, as a direct result of land subdivision and development.
- 4.4 To use opportunities through the subdivision/development process to improve the level of protection for the natural character and nature conservation values of the lakes and rivers with reference to section 230 of the Resource Management Act 1991.

Mr Espie has detailed the positive effects associated with the proposed ecological enhancement. No adverse effects on any ONL or ONF's are likely to occur.

### Objective 5 - Amenity Protection



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

### Policies:

- 5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.
- 5.2 To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.
- 5.3 To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.
- 5.4 To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.
- 5.5 To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.
- 5.6 To encourage the identification of archaeological sites and sites of cultural significance.

...

The proposed lot sizes comply with both the average and minimum lot sizes for the Lifestyle Precinct zone consistent with this objective. The proposal provides for efficient and pleasant functioning of the anticipated rural residential land uses and well as identifying trees to be protected for amenity purposes. There are no known archaeological or cultural significance sites on the property.

### 7.2 Proposed District Plan (Stage 1)

The Rural Lifestyle zoning over the subject site has now been replaced with LPSZ (Stage 2, Variation #1).

In my opinion, the conclusion that the proposal would still be in accordance with these objectives and policies is still valid, particularly the Chapter 27 objectives and policies with respect to landscape, visual and servicing effects.

### **Part 3 Strategic Directions**

Objectives 3.2.1 – 3.25 are relevant to the proposal.

### 3.2 Strategic Objectives

3.2.1 The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)

3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.

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- 3.2.1.2 The Queenstown and Wanaka town centres1 are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
- 3.2.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
- 3.2.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.
- 3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres2, Frankton and Three Parks, are sustained.
- 3.2.1.6 Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
- 3.2.17 Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)
- 3.2.1.8 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. (also elaborates on S.O.3.2.5 following)
- 3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

Policy 3.2.1.8 is of particularly relevance to the proposal as it relates to diversification in land use beyond traditional farming activities provided landscape character is maintained. The effect of this diversification of land use on the character of rural landscapes has been assessed by Mr Espie who places weight on the Wakatipu Basin's LCUs that lie within the Precinct is such that the PDP provides for rural living subdivision and activity within them; i.e. in general terms, these LCUs can absorb rural living activity of this sort without character being degraded (provided design is done appropriately so as to accord with the relevant assessment matters).

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

- 3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.
- 3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.

### 3.3 Strategic Policies

### Landscapes

- 3.3.29 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps. (relevant to S.O.3.2.5.1)
- 3.3.30 Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)
- 3.3.31 Identify the District's Rural Character Landscapes on the District Plan maps. (relevant to S.O.3.2.5.2)



3.3.32 Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)

It is understood that policies are not relevant to the Wakatipu Basin Amenity Zone.

### Part 27 Subdivision

Objectives 27.2 to 27.2.5 are relevant to the proposal.

### 27.2 Objectives and Policies - District Wide

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

- 27.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.
- 27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.
- 27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.
- 27.2.1.4 Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing: a. desirable urban design outcomes; b. greater efficiency in the development and use of the land resource; c. affordable or community housing.
- 27.2.1.5 Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

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

### **Policies**

- 27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
- 27.2.2.2 Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.
- 27.2.2.3 Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.
- 27.2.2.4 Urban subdivision shall seek to provide for good and integrated connections and accessibility to:
- a. existing and planned areas of employment;
- b. community facilities;
- c. services;
- d. trails;
- e. public transport; and

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- f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.
- 27.2.2.5 Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.
- 27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.7 Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.
- 27.2.2.8 Manage subdivision within the National Grid Corridor or near to electricity distribution lines to facilitate good amenity and urban design outcomes, while minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.

# 27.2.4. Objective - Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

- 27.2.4.1 Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces where that will maintain or enhance biodiversity, riparian and amenity values.
- 27.2.4.2 Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.
- 27.2.4.3 Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wāhi tapu and other taonga.
- 27.2.4.4 Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to: a. whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection; b. where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.

# 27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

### **Policies**

### Transport, Access and Roads

- 27.2.5.1 Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling. For the purposes of this policy, reference to 'expected traffic levels' refers to those traffic levels anticipated as a result of the zoning of the area in the District Plan.
- 27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.
- 27.2.5.3 Provide linkages to public transport networks, and to trail, walking and cycling networks, where useful linkages can be developed.
- 27.2.5.4 Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.
- 27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:



- a. the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;
- b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;
- c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;
- d. the provision and vesting of corner splays or rounding at road intersections;
- e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;
- f. the provision of appropriate tree planting within roads;
- g. any requirements for widening, formation or upgrading of existing roads;
- h. any provisions relating to access for future subdivision on adjoining land;
- i. the provision and location of public transport routes and bus shelters.

### Water supply, stormwater, wastewater

27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

#### Water

- 27.2.5.7 Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
- 27.2.5.8 Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.
- 27.2.5.9 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.
- 27.2.5.10 Ensure appropriate water supply, design and installation by having regard to:
- a. the availability, quantity, quality and security of the supply of water to the lots being created;
- b. water supplies for fire fighting purposes;
- c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- d. any initiatives proposed to reduce water demand and water use.

### Stormwater

- 27.2.5.11 Ensure appropriate stormwater design and management by having regard to:
- a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
- b. the capacity of existing and proposed stormwater systems;
- c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- d. the location, scale and construction of stormwater infrastructure;
- e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.
- 27.2.5.12 Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.

### Wastewater



- 27.2.5.13 Treat and dispose of sewage in a manner that:
- a. maintain public health;
- b. avoids adverse effects on the environment in the first instance; and
- c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.
- 27.2.5.14 Ensure appropriate sewage treatment and disposal by having regard to:
- a. the method of sewage treatment and disposal;
- b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system:
- c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.
- 27.2.5.15 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

### **Energy Supply and Telecommunications**

- 27.2.5.16 Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:
- a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;
- b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;
- c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

### **Easements**

27.2.5.17 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

Mr McCartney has detailed how the proposed subdivision is to be serviced in his report. The proposal complies with these objectives and policies.

### 7.3 Proposed District Plan (Stage 2, Variation #1)

The proposal has therefore been assessed in accordance with Council's decision on the Wakatipu Basin Amenity Zone (WBAZ) and the Lifestyle Precinct Sub-Zone (LPSZ) objectives and policies.

Under Variation #1 decision the subject site is zoned LPSZ sub-zone. The purpose of the LPSZ, as stated in the commissioner's recommendation, is:

"... to identify areas within the broader Rural Amenity Zone that have the potential to absorb rural living and other development, while still achieving the overall purpose of the Rural Amenity Zone. The balance of the Rural Amenity Zone is less enabling of development, while still providing for a range of activities suitable for a rural environment."

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The key objectives under the Council's decision, in my opinion, are Objectives 24.2.1 and 24.2.5 as they are specific to the LPSZ. Further, in my opinion, Objective 24.2.5 takes precedence over Objectives 24.2.1 to 24.2.4 as it is more specific to the LPSZ as therefore should be considered first.

24.5.2 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.

The proposal enables rural living opportunities within the LPSZ, whilst maintaining existing landscape character and visual amenity values consistent with this objective.

24.2.5.1 Provide for rural living, subdivision, development and use of land where it maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.

Schedule 24.8 states the following for the Fitzpatrick Basin:

Landscape Character Unit	2: Fitzpatrick Basin
Potential landscape opportunities and benefits associated with additional development	Visually contained nature of the location (in terms of the wider Wakatipu Basin landscape).  Larger-scaled lots suggest potential for subdivision.  Riparian restoration potential.  Weed management potential.  Potential integration of walkways/cycleways etc.  Close proximity to Queenstown.
Environmental characteristics and visual amenity values to be maintained and enhanced	Integration of buildings with landform and/or planting.  Avoiding built development on the elevated northern slopes that frame the unit.  Avoiding built development on the Shotover River cliff/terrace (and ONL) edges.  Maintaining the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin.  Maintaining a sense of openness in views from Littles Road and the north western and eastern ends of Fitzpatrick Road (that are currently relatively open in character) to the surrounding ONL mountain context.
Capability to absorb additional development	High.

The proposed subdivision does not affect the integrated nature of existing buildings with existing planting, and maintains a sense of openness consistent with this schedule. The proposal is not contrary to this policy.

24.2.5.2 Promote design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.

Mr Espie has addressed this policy in his report where he concludes that in terms of design and layout, the commentary in Appendix 1 of this report shows that design generally accords well with the intentions of the individual assessment matters. Importantly, Mr Espie considers the proposal upholds the landscape character of LCU2 as it is set out in Schedule 24.8.



24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.

No non-residential activities are proposed as part of this application.

24.2.5.4 Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development.

Both the minimum and average lot sizes are compiled with. The zone provisions control building size and external appearance (in addition to the proposed consent notice conditions).

24.2.5.5 Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone.

The proposed subdivision does not result in any building platforms in close proximity to the zone boundaries.

24.2.5.6 Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.

Mr Espie has addressed this in his landscape report and Structural Landscape Plan (in the form of existing trees to be maintained).

Objective 24.2.1 states:

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

This objective is to be met by 12 policies which are discussed in turn below:

24.2.1.2 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.

The proposed subdivision minimises the number of accesses onto Littles Road by using two private roads, the location and design of such have been previously consented.

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24.2.1.3 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 – Landscape Character Units.

Mr Espie has addressed this policy in his report where he concludes that in terms of design and layout, the commentary in Appendix 1 of this report shows that design generally accords well with the intentions of the individual assessment matters. Overall, Mr Espie considers the proposal upholds the landscape character of LCU2 as it is set out in Schedule 24.8.

- 24.2.1.4 Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:
- a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;
- b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.

With respect to part (a) of the policy, those elements are all proposed to be managed through this consent application and can be enforced through conditions and consent notices. None of the features listed in (b) are relevant to this proposal.

- 24.2.1.5 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.
- 24.2.1.6 Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.
- 24.2.1.7 Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 24.2.1.8 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.

These policies are not relevant to this proposal.

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24.2.1.9 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.

Earthworks are detailed in Mr McCartney's report and have been assessed as part of the proposal in Mr Espie's report.

24.2.1.10 Enable residential activity within building platforms created prior to [insert date decision notified] subject to achieving appropriate standards.

Not relevant to this proposal.

24.2.1.11 Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.

Not relevant to the subject landscape unit.

24.2.1.12 Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.

The subdivision consent could include a consent notice condition to this effect.

24.2.1.13 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.

Regard has been given to Chapter 5. The riparian vegetation planting in particular

### 11.3 Partially Operative Regional Policy Statement

Section 104(1)(b)(v) also requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. The RPS provides an overview of the resource management issues for the region, including land use, and so regard must be had to those provisions in consideration of this application. The Otago RPS is under review. Council released its decisions on Saturday 1 October 2016. Most appeals on the document have now been resolved, though some provisions are still subject to legal processes. Accordingly, Council has resolved to make the document partially operative. This decision also revokes parts of the Regional Policy Statement for Otago 1998.

Given the nature of this proposal I consider the proposal is consistent with the relevant objectives and policies of the RPS.

In my opinion, all of the objectives and policies within the RPS are covered by the relevant Objectives and Policies in the ODP and (more specifically) the PDP. Nevertheless, I have provided a brief assessment as follows.

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### Policy 1.1.19 Economic wellbeing

Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

The proposal will provide for the economic wellbeing of the Applicant and future residents, and I consider that adverse effects on the environment can be managed.

### Policy 1.2.112 Integrated resource management

Achieve integrated management of Otago's natural and physical resources, by all of the following:

- a) Coordinating the management of interconnected natural and physical resources;
- b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;
- c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;
- d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary;
- e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.
- f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.
- g) Promoting healthy ecosystems and ecosystem services;
- h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits

I consider that the proposal represents integrated management. Clause (e) of the above policy recognises that the effects on the whole of a resource should be considered. This is important when considering the proposal, given that it provides a comprehensive and integrated approach to the management of the site, and the effects on landscape values should not be considered independently of the effects on nature conservation values.

## 8. Other Matters

There are no other matters considered relevant.

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# **Attachments**

- [A] Title
- [B] Subdivision Plan
- [C] Landscape and Visual Effects Assessment
- [D] Engineering Assessment



### RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 **FREEHOLD**

Search Copy



Identifier

812461

Land Registration District Otago

**Date Issued** 

11 February 2019

### Prior References

857915

Estate

Fee Simple

Area

70.8925 hectares more or less

Legal Description Lot 1, 10 Deposited Plan 518523

**Registered Owners** 

Wakatipu Investments Limited

### Interests

Subject to a right to convey water over part Lot 1 DP 518523 marked AN on DP 518523 created by Transfer 619321 - 2.8.1984 at 11:16 am

Appurtenant hereto is a right to convey water created by Transfer 683321.2 - 22.7.1987 at 2:31 pm

The easements created by Transfer 683321.2 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to convey water over part Lot 10 DP 518523 marked A on DP 518523 created by Transfer 723694.1 - 8.3.1989 at 09:14 am

The easements created by Transfer 723694.1 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right to convey water specified in Easement Certificate 741557 - 6.11.1989 at 9:17 am

The easements specified in Easement Certificate 741557 are subject to Section 309 (1) (a) Local Government Act

Subject to a right to take and carry water over part Lot 1 DP 518523 marked Y and over part Lot 10 DP 518523 marked AC all on DP 518523 created by Transfer 814774.2 - 24.9.1992 at 9:44 am

Subject to a right to convey water over part Lot 10 DP 518523 marked AD & AF and a right to store water in storage tank over part Lot 10 DP 518523 marked AE all on DP 518523 created by Transfer 846109.1 - 11.1.1994 at 9:19 am

Land Covenant in Transfer 846109.1 - 11.1.1994 at 9.19 am (affects Lot 10 DP 518523 part formerly Section 28 Block IV Shotover Survey District)

Appurtenant hereto is a right of way specified in Easement Certificate 881135.4 - 2.5.1995 at 9:25 am

Land Covenant in Deed 883667 - 7.6.1995 at 9.27 am

Land Covenant in Deed 972473.1 - 2.8.1999 at 9.11 am

Subject to a right to convey water over part Lot 10 DP 518523 marked A on DP 518523 created by Transfer 5153785.3 - 14.2.2002 at 9:00 am

The easement created by Transfer 5153785.3 is subject to Section 243 (a) Resource Management Act 1991

Subject to a right to take and convey water over part Lot 1 DP 518523 marked Y and over part Lot 10 DP 518523 marked AC all on DP 518523 created by Easement Instrument 7502066.5 - 14.8.2007 at 9:00 am

The easements created by Easement Instrument 7502066.5 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to convey water created by Easement Instrument 9289199.1 - 17.1.2013 at 1:16 pm

Transaction Id Client Reference 57561211

WIL 1426

Search Copy Dated 20/06/19 12:16 pm, Page 1 of 2

Register Only

### Identifier

### 812461

Subject to a right to convey water over part Lot 1 DP 518523 marked X & Y and over part Lot 10 DP 518523 marked AC all on DP 518523 created by Easement Instrument 9844270.3 - 26.9.2014 at 11:59 am

Land Covenant in Easement Instrument 10360879.2 - 30.3.2016 at 2:10 pm

10761194.3 Mortgage to Westpac New Zealand Limited - 27.4.2017 at 4:05 pm

10761194.4 Mortgage to Triumph Nominees Limited - 27.4.2017 at 4:05 pm

10845554.1 Variation of Mortgage 10761194.3 - 13.7.2017 at 3:18 pm

Land Covenant in Easement Instrument 11172342.7 - 18.9.2018 at 10:12 am

Appurtenant hereto is a right to convey electricity, a right to take and convey water created by Easement Instrument 11172342.10 - 18.9.2018 at 10:12 am

The easements created by Easement Instrument 11172342.10 are subject to Section 243 (a) Resource Management Act 1991

11172342.11 Encumbrance to (now) Southern H20 Company Limited - 18.9.2018 at 10:12 am

11172342.12 Mortgage Priority Instrument making Encumbrance 11172342.11 first priority, Mortgage 10761194.3 second priority and Mortgage 10761194.4 third priority - 18.9.2018 at 10:12 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 518523)

Subject to a right (in gross) to convey water over part Lot 1 DP 518523 marked AT in favour of Southern H20 Company Limited created by Easement Instrument 11031198.3 - 11.2.2019 at 12:30 pm

The easements created by Easement Instrument 11031198.3 are subject to Section 243 (a) Resource Management Act 1991

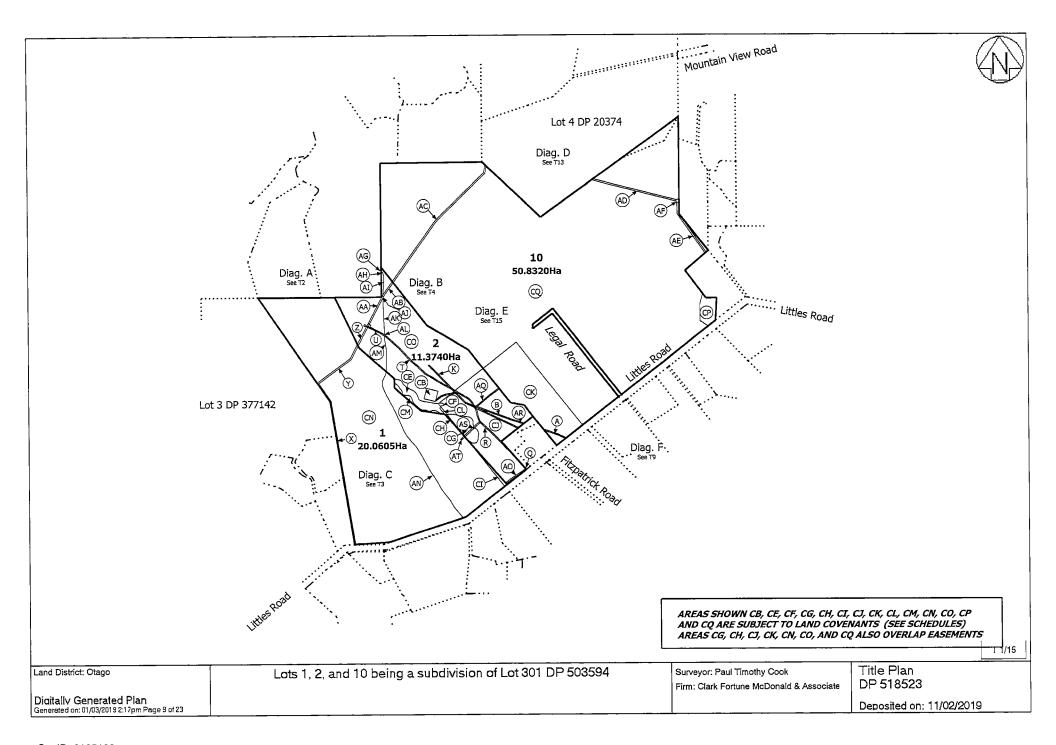
Subject to a right to convey water over part Lot 1 DP 518523 marked AT on DP 518523 created by Easement Instrument 11031198.4 - 11.2.2019 at 12:30 pm

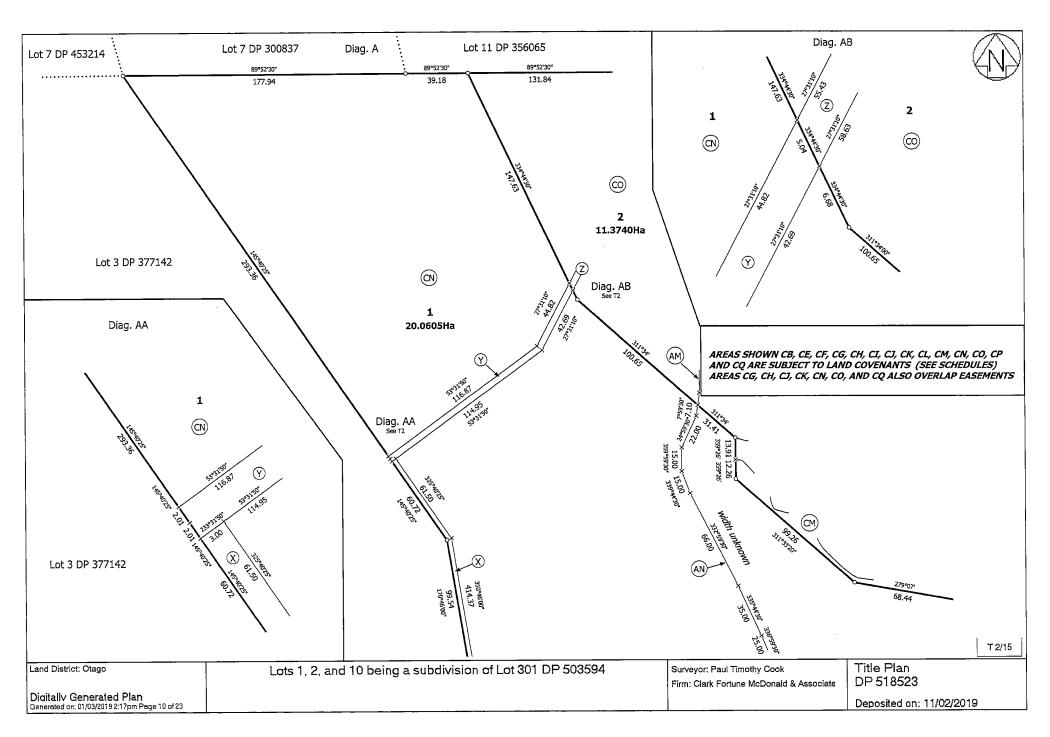
Appurtenant hereto is a right to convey and store water created by Easement Instrument 11031198.4 - 11.2.2019 at 12:30 pm

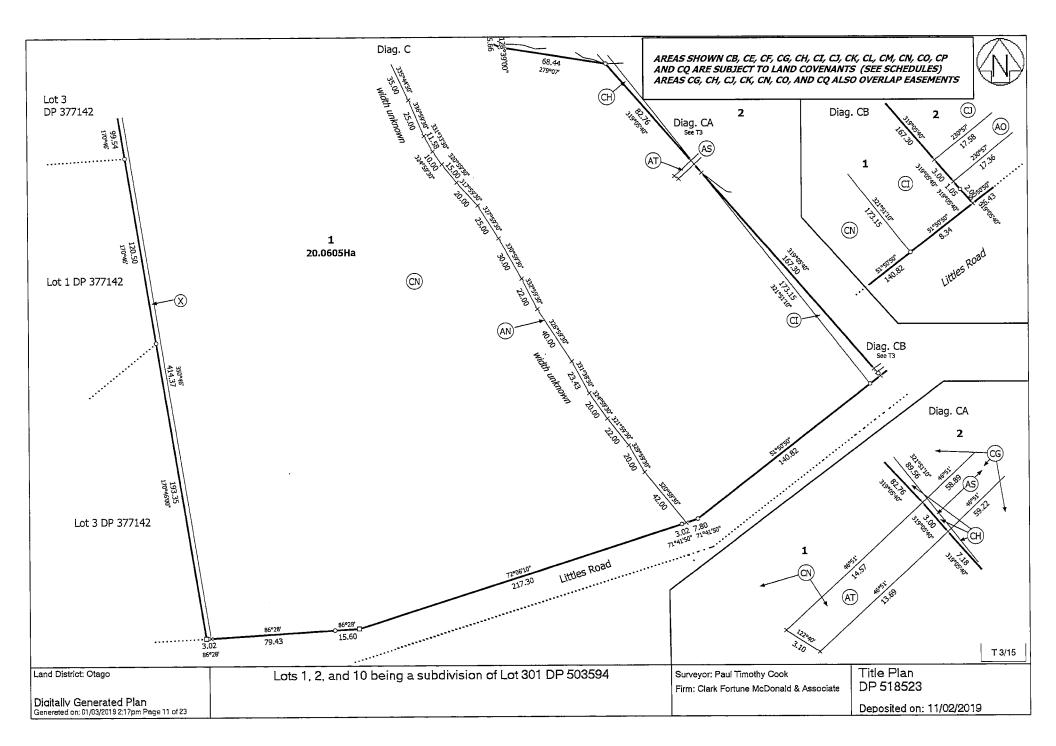
The easements created by Easement Instrument 11031198.4 are subject to Section 243 (a) Resource Management Act 1991

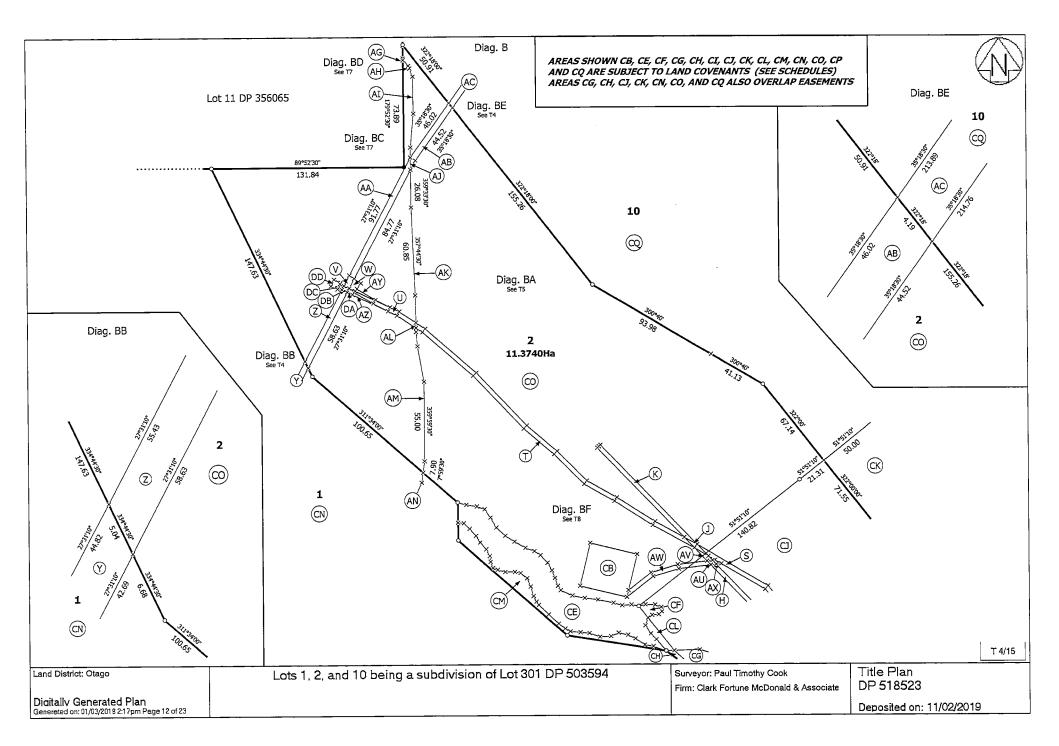
Land Covenant in Covenant Instrument 11360914.3 - 23.4.2019 at 3:23 pm

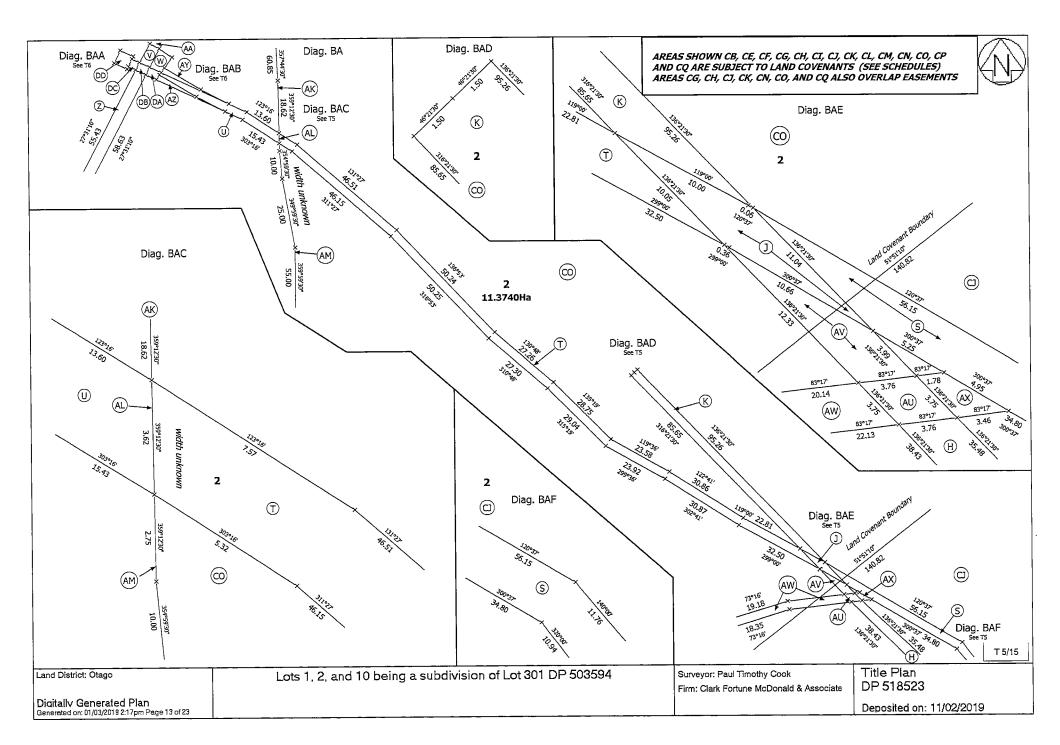
Land Covenant in Covenant Instrument 11360914.7 - 23.4.2019 at 3:23 pm (affects Lot 10 DP 518523)

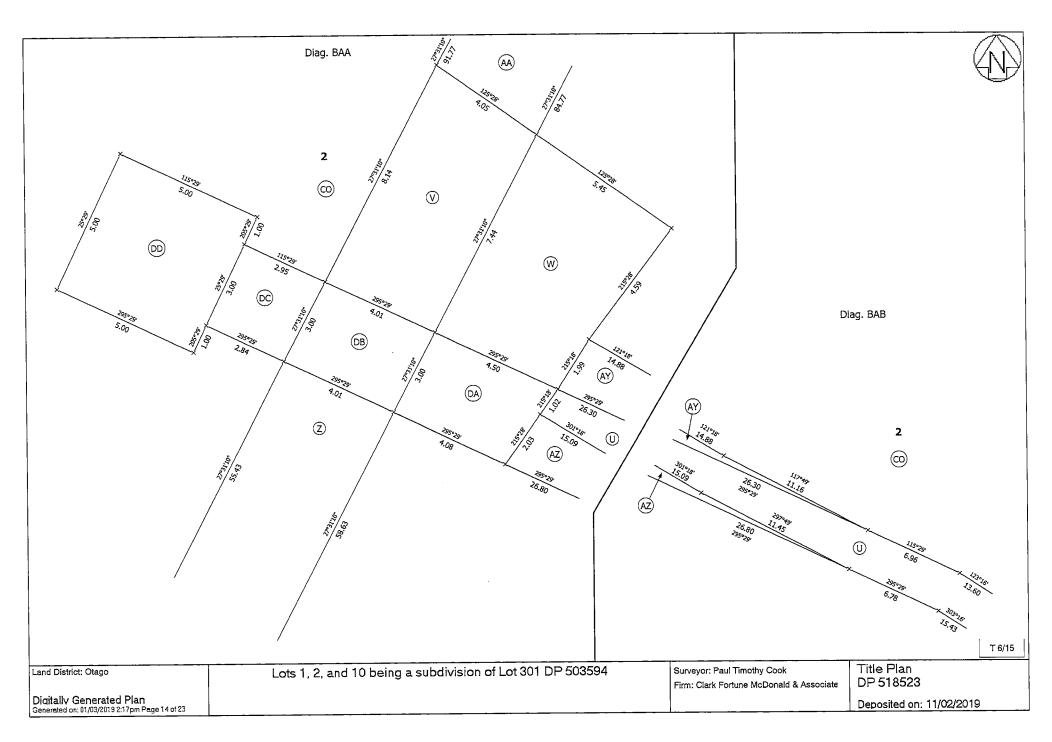


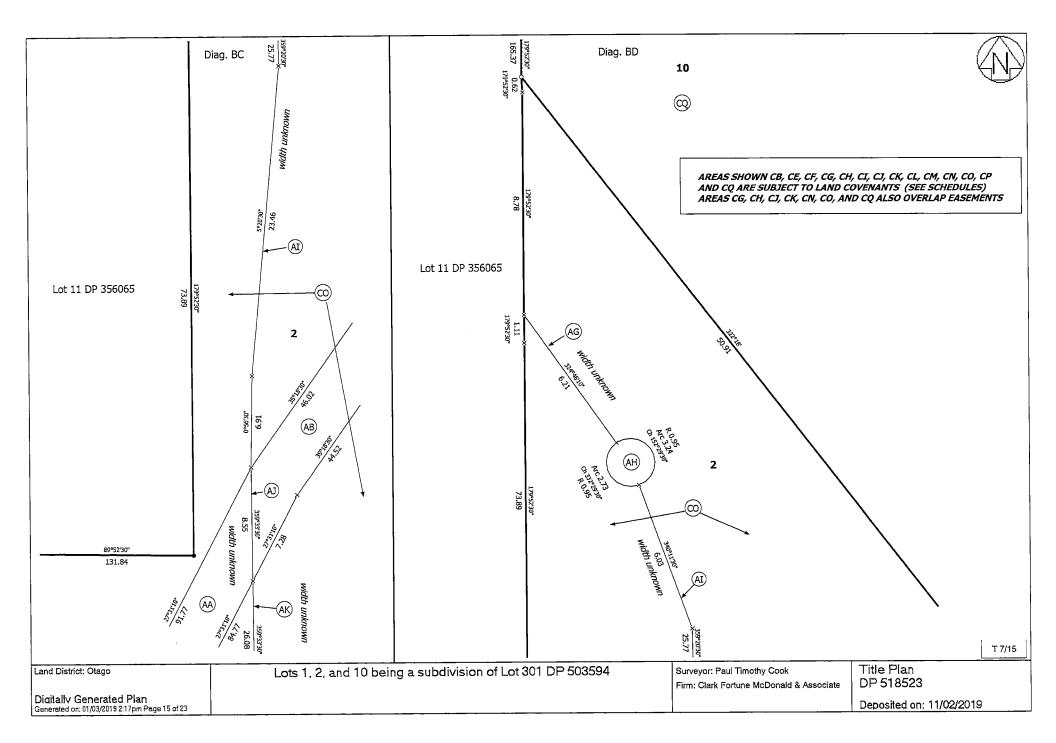


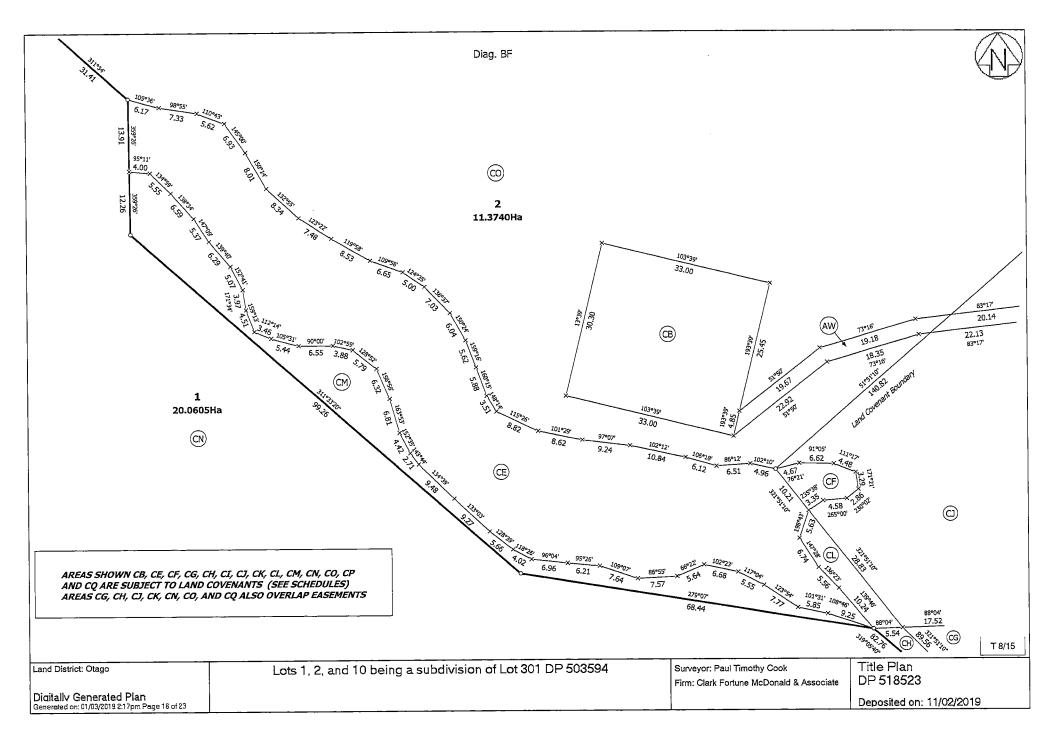


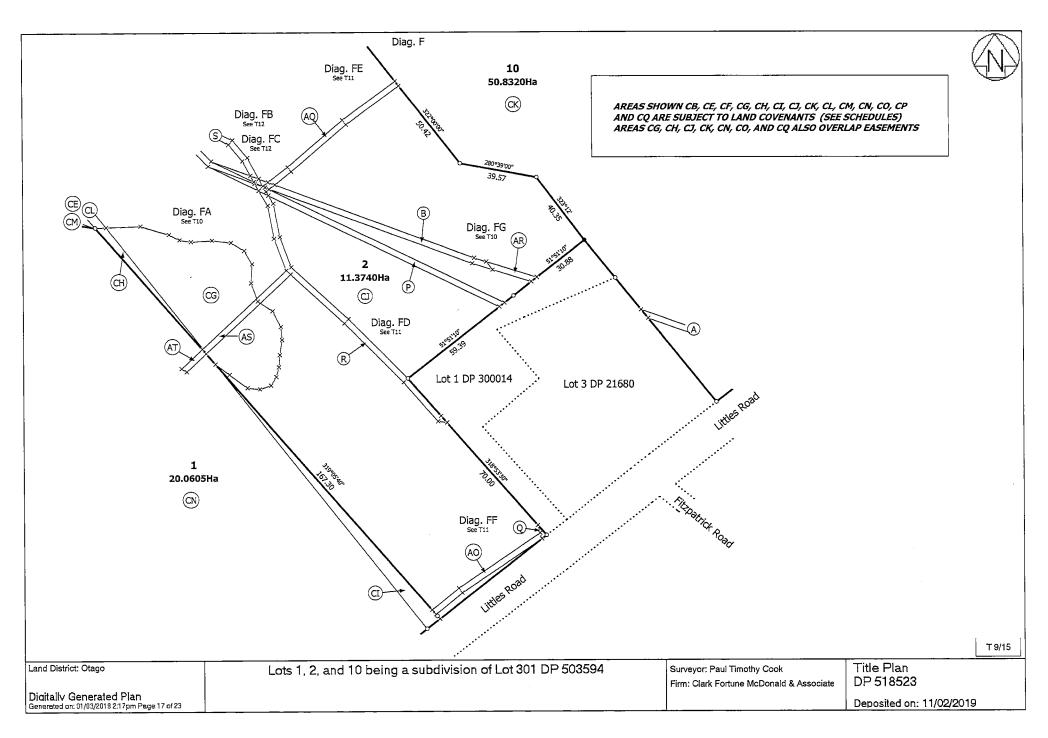


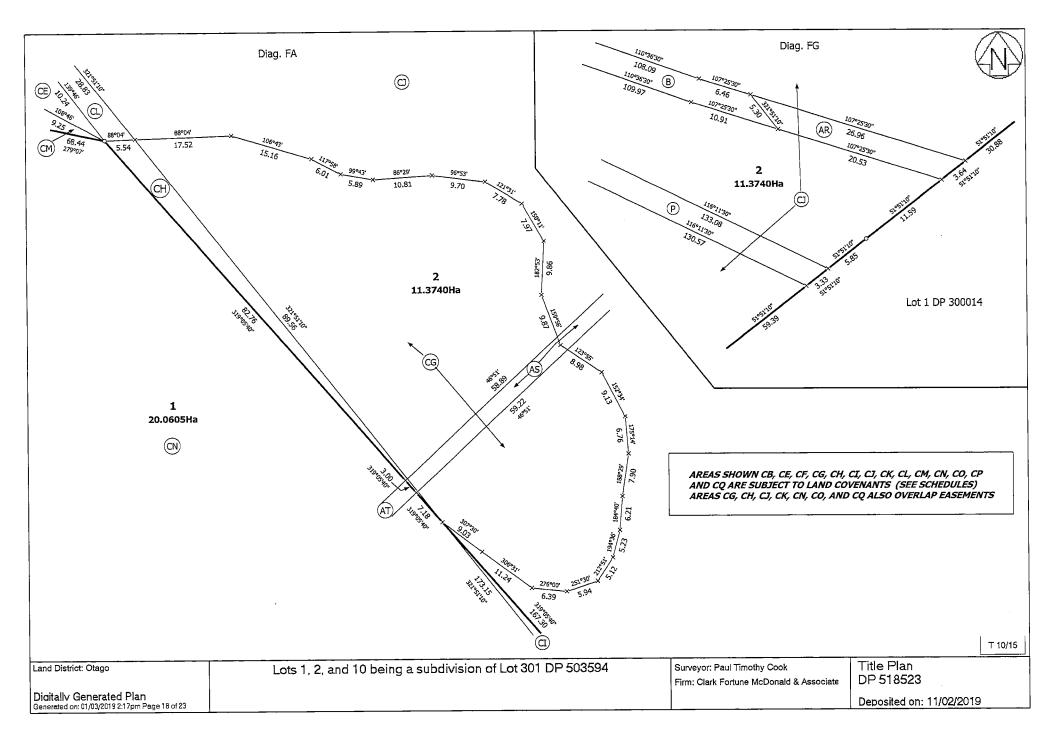


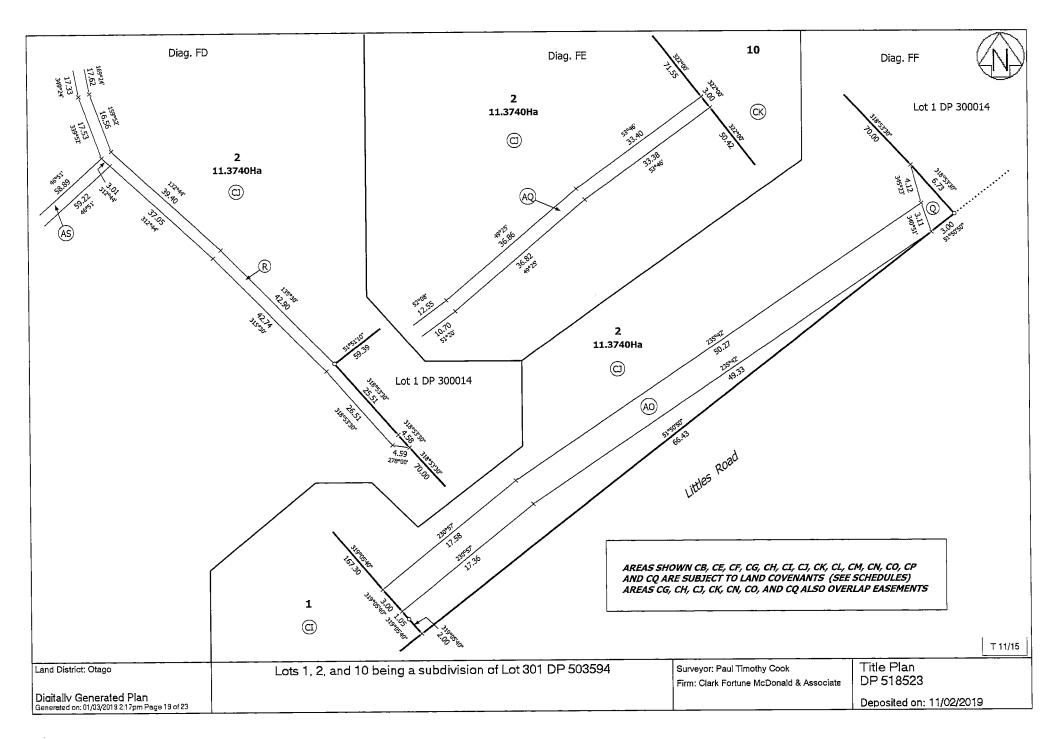


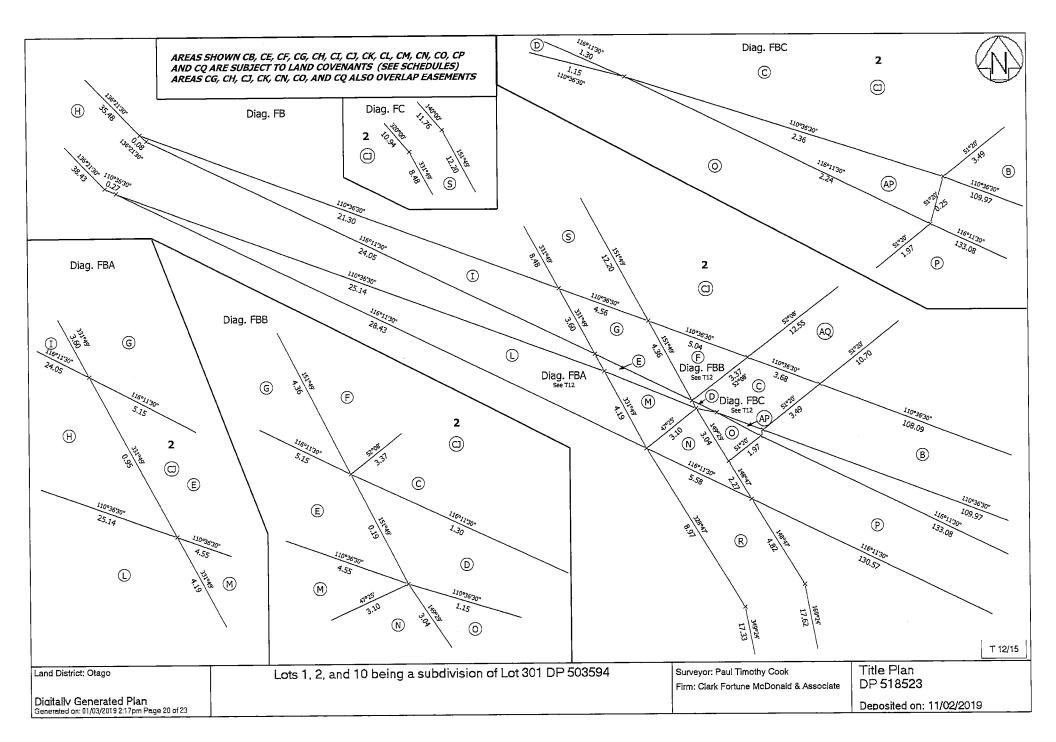


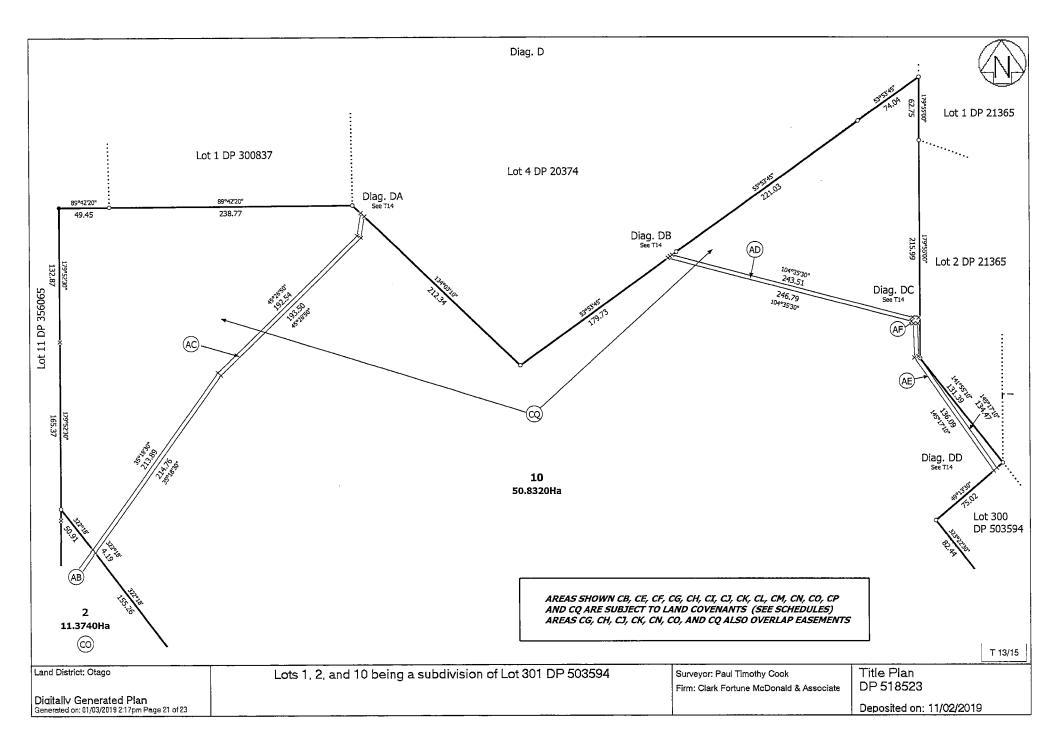


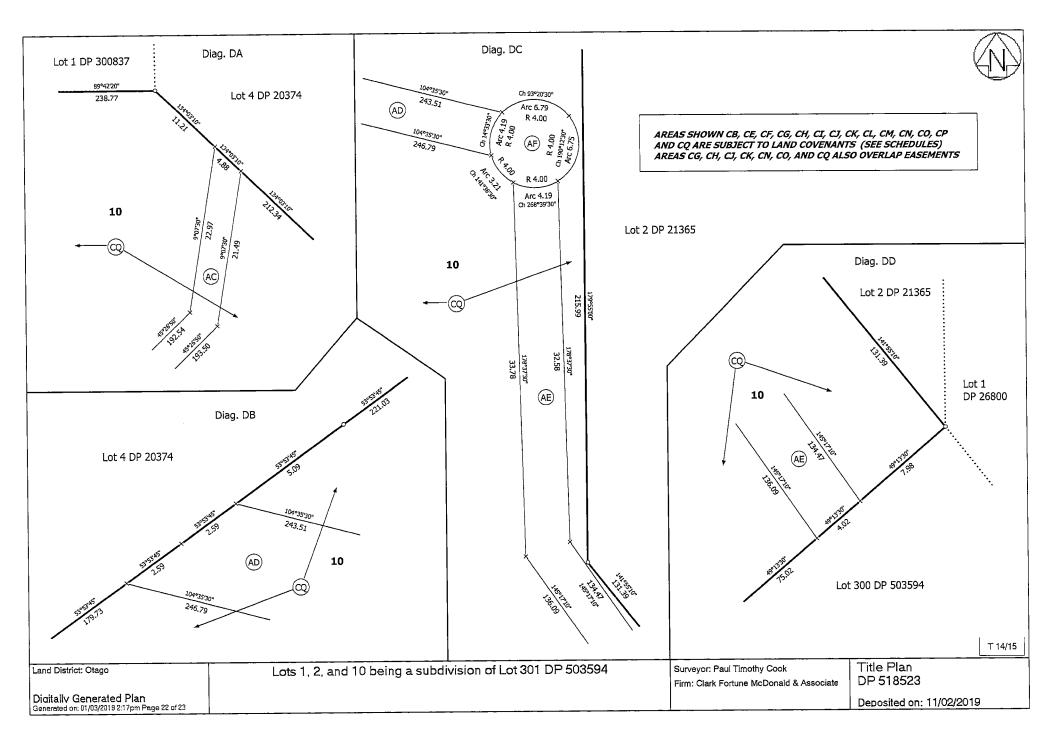


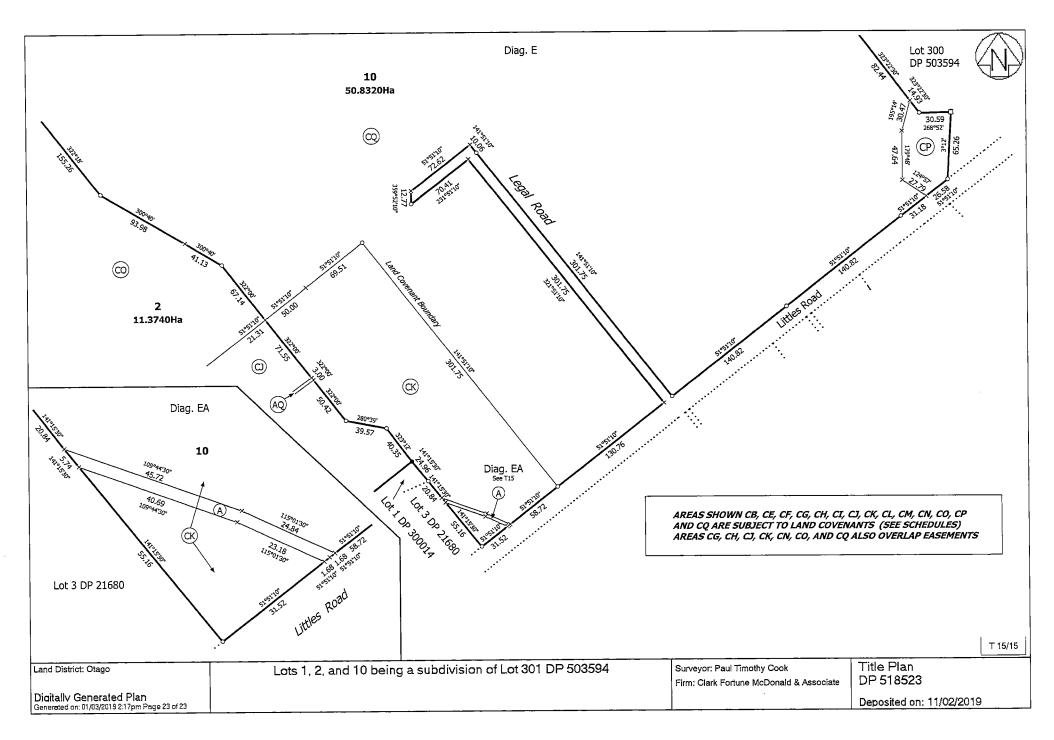














### **View Instrument Details**

Instrument No.
Status
Date & Time Lodged
Lodged By

11360914.3 Registered 23 Apr 2019 15:23 Shack, Tamiko



Instrument Type

Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017

Affected Records of Title	Land District			
812461	Otago			
812462	Otago			
Annexure Schedule: Contain	is 6 Pages.			
Covenantor Certifications				
I certify that I have the author to lodge this instrument	rity to act for the Covenantor and that the party has the legal capacity to authorise me	V		
I certify that I have taken reasinstrument	sonable steps to confirm the identity of the person who gave me authority to lodge this	V		
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply				
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period				
Signature				
Signed by Lloyd Graeme Berr	yman as Covenantor Representative on 23/04/2019 02:17 PM			
Covenantee Certifications				
I certify that I have the autho to lodge this instrument	rity to act for the Covenantee and that the party has the legal capacity to authorise me	V		
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument				
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply				
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period				
Signature				
Signed by Lloyd Graeme Bern	ryman as Covenantee Representative on 23/04/2019 02:17 PM			

\*\*\* End of Report \*\*\*

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Dated 10/05/2019 11:02 am

Page 1 of 1

Annexure Schedule: Page:1 of 6

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### Form 26

### Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor	
WAKATIPU INVESTMENTS LIMITED	
Covenantee	
WAKATIPU INVESTMENTS LIMITED	

#### **Grant of Covenant**

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, grants to the Covenantee (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

### Continue in additional Annexure Schedule, if required

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	DP 518523	Lot 1 (812461)	Lot 1 (812461)
		Lot 10 (812461)	Lot 10 (812461)
		Lot 2 (812462)	Lot 2 (812462)

### Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [ ] and insert memorandum number as required. Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:	
[Memorandum number	
{Annexure Schedule 2}.	

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Annexure Schedule: Page:2 of 6

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# **Annexure Schedule 2**

Page 1 of 5

#### COVENANT PROVISIONS

#### Introduction

It is intended that the Covenants set out in this Covenant Instrument (Instrument) be created in order to provide a scheme for the benefit, enjoyment and protection of all the Lots in the Subdivision to the intent that:

- A. the registered owner for the time being of a Lot being Burdened Land will be bound by the stipulations, obligations and restrictions set out in the Covenants (the registered owner in that capacity is called the Covenantor); and
- the registered owner for the time being of a Lot being Benefited Land and who has the benefit of the Covenants may enforce the observance of any of them against the registered owner for the time being of any other Lot (in that capacity the registered owner is called the Covenantee).

# **OPERATIVE PROVISIONS**

- Definitions and Interpretation
- 1.1 In this Instrument, unless the context requires otherwise:

Covenantor and Covenantee has the meaning set out in the Introduction;

**Development** means any lawfully authorised development being or to be undertaken on the Land, including (but not limited to) the consenting process, earthworks, subdivision, demolition, building, installation of infrastructure and services required to undertake any consenting process, earthworks, demolition, building, installation of infrastructure or other works forming part of the development on the Land;

Lots means all of the Lots set out in Schedule A and Lot refers to any one of the Lots;

Land means an estate in fee simple of all the land comprised in record of title 812461 and 812462 to be subdivided under the Land Transfer Act 2017;

**Relevant Authority** means any local body government, statutory or non-statutory authority having jurisdiction or authority over, or in respect of the Land or any part thereof;

**Covenants** means the stipulations, obligations and restrictions affecting the Lots which are intended to provide a scheme for the benefit, enjoyment and protection of all the Lots;

**Resource Consent** means the resource consent granted by Council for the Subdivision identified under the reference RM170478 (together with any variations) and includes each and every condition of the Resource Consent;

Subdivision means the division of the Land in the manner shown in the Subdivision Plan;

Subdivision Plan means deposited plan 518523;

Wakatipu means Wakatipu Investments Limited and its successors and assigns;

Water Company means Southern H20 Company Limited and its successor or assigns; and

Working Day shall adopt the definition given to that term in the Property Law Act 2007.

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Document Set ID: 6165138 Version: 1, Version Date: 24/06/2019

Annexure Schedule: Page:3 of 6

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Annexure Schedule 2

Page 2 of 5

#### Covenants

- 2.1 The Covenantor hereby covenants and agrees that the Covenants set out in this instrument shall forever run with the Burdened Land and enure for the benefit of the Benefited Land, provided however that:
  - (a) the Covenantee will not be required or obliged to enforce all or any of the stipulations and restrictions contained in the Covenants;
  - (b) the Covenantor will not be liable to the Covenantee for any breach of any of the Covenants by any of the other registered owners or occupiers of the Lots; and
  - (c) the Covenantor will, as regards to the stipulations, obligations and restrictions contained in the Covenants be liable only in respect of breaches which occur while the Covenantor is the registered owner of any of the Lots in respect of which any breach occurs.

#### 3. Subdivision

- 3.1 The Covenantor shall not directly or indirectly, and shall not procure any third party to oppose or make any objection to any application by Wakatipu for resource consent or building consent under the Resource Management Act 1991 and/or the Building Act 2004 in respect of the Subdivision or further Development of any part of the Land.
- 3.2 The Covenantor acknowledges that the benefit of any bonds paid in connection with the Resource Consent shall remain for the benefit of and due to Wakatipu and that in the event that any monies are received by the Covenantor in connection with such bonds such monies shall be immediately due and paid in cleared funds to Wakatipu by the Covenantor on demand.
- 3.3 Where any subsequent subdivision of the Land by Wakatipu (being later stages of the Development or otherwise) requires any allotments derived from the Land to vest as road or reserve, any Covenants registered on the record of title to such part of the Land shall automatically expire and be removed as to any allotments that vest as road or reserve on approval of the plan by the Relevant Authority and Land Information New Zealand and the covenants contained in this clause 3.3 shall been taken as the Covenantor's and Covenantee's approval of this.
- Where as part of any subsequent subdivision or Development of the Land by Wakatipu (being later stages of the Development or otherwise) either Wakatipu in its sole discretion requires the Covenants under this Instrument to be varied or Wakatipu is required to do so by the Relevant Authority, the Covenantor shall not oppose or object to any variation of the Covenants under this Instrument and shall sign all documentation necessary to give effect to the variation of the Covenants under this Instrument. Where any Covenantor fails to sign and return any documentation provided to it pursuant to this clause 3.4 within 10 Working Days after receipt of the same, the Covenantor hereby irrevocably appoints Wakatipu to be the true and lawful attorney of the Covenantor and to execute and sign any documentation required by this clause 3.4 and to procure the same to be registered if necessary and for such purposes to use the name of the Covenantor and generally to do, execute and perform any act, deed, matter or thing to give effect to or pursuant to this clause 3.4 as fully and effectually as the Covenantor could do. No person shall be concerned to see or enquire as to the propriety or expediency of any act, matter or thing done or agreed to be done by the Convenator pursuant to this clause 3.4 and the power of attorney within this clause 3.4.

Annexure Schedule: Page:4 of 6

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# Annexure Schedule 2

Page 3 of 5

#### 4. Residential Unit Construction

#### 4.1 The Covenantor shall:

- (a) complete the construction of any building on a Lot within 24 months of commencement of construction, including, without limitation, the planting of all landscaping and paved areas;
- (b) not after the commencement of construction of the building on a Lot at any time allow construction work to cease and to be left without substantial work being carried out on the building for a period exceeding four (4) months;
- (c) not erect or permit to be erected on the Lot any second-hand dwelling, or any building not being of an architectural design and quality in keeping with the design of high-end residential buildings constructed within the Queenstown area;
- (d) not allow the building to be occupied during the construction period;
- (e) with the exception of artwork and sculptures, not allow the erection of any temporary structures on the Lot, other than usual builder's sheds as permitted in clause 5 below, which shall be permitted to remain on the Lot only during the construction period;
- (f) at all times keep the Lot and the building site tidy and clean of rubbish; and
- (g) comply fully with the terms and conditions of all building and resource consents applicable to the construction of the building on the Lot and all requirements of the Relevant Authority.

# 5. No Temporary or Ancillary Buildings

- 5.1 The Covenantor shall not at any time erect or place or permit to be erected or placed upon the Lot any caravan, hut or shed for permanent or temporary use of any kind except as follows:
  - (a) a temporary builder's shed or other utility shed may be erected:
    - (i) that is required during the construction period of the residential unit on the Lot; and
    - (ii) will be removed from the Lot before any person takes occupation of the building on that Lot and in any event no later than 24 months of the commencement of construction of the building.
- 5.2 The Covenantor shall not keep on the Lot any vehicle, equipment or machinery which is unsightly or a nuisance to the Covenantee or the other registered owners or occupiers in the Subdivision.

# Landscaping

- 6.1 At all times in relation to a Lot, the Covenantor shall not:
  - allow any rubbish or noxious substances likely to cause nuisance or annoyance to either the Covenantee
    or the registered owners or occupiers of the neighbouring Lots to accumulate and/or be placed on the
    Lot; or
  - (b) allow grass or weeds on the Lot to exceed 100mm in height or allow rubbish or waste material to accumulate on the Lot or otherwise allow the Lot to become unsightly.

Annexure Schedule: Page:5 of 6

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# Annexure Schedule 2

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#### 7. Resource Consent

7.1 At all times in relation to the Lot, the Covenantor is required to comply with the relevant conditions of all resource consents issued by the Relevant Authority which are applicable to the Lot.

# 8. Animals

8.1 The Covenantor shall not keep any animal on the Lot that shall cause any nuisance or undue noise.

#### 9. Fencing

9.1 The Covenantor acknowledges that the Wakatipu shall not be liable to pay for or contribute towards the expense of erection or maintenance of any fence between the Lot and any contiguous land of Wakatipu. Wakatipu may include a fencing covenant in the transfer of any Lot to this effect.

#### 10. Water Covenants

- 10.1 The Covenantor acknowledges that Wakatipu as the registered owner of Lot 10 Deposited Plan 518523 may grant the Water Company rights to drill a bore and extract, take and convey water from Lot 10 Deposited Plan 518523 over the Land or any part thereof.
- 10.2 The Covenantor shall only use the designated water infrastructure of the Water Company on the Lot in accordance with any agreements with the Water Company for such infrastructure and shall not:
  - (a) be allowed to drill a bore or extract water by any other means from the Lot; or
  - (b) object to any renewal or any application for new consent(s) by the Water Company to extract water to serve the Land and the Lots.
- 10.3 The Covenantor shall support any application made by the Water Company for any additional or replacements bores on the Lots including, without limitation, signing all necessary documentation in respect of the same when requested to do so. Where any Covenantor fails to sign and return any documentation provided pursuant to this clause 10.3 within 10 Working Days of receipt of the same, the Covenantor hereby irrevocably appoints the Water Company to be the true and lawful attorney of the Covenantor and to execute and sign any documentation required by this clause 10.3 and to procure the same to be registered if necessary and for such purposes to use the name of the Covenantor and generally to do, execute and perform any act, deed, matter or thing to give effect to or pursuant to this clause 10.3 as fully and effectually as the Covenantor could do.

# Breach of Covenants

- 11.1 If there shall be any breach or non-observance of any of the Covenants, the Covenantor shall on demand in writing by either the Covenantee or such other person having the benefit of the Covenants:
  - (a) pay to the person making such demand as liquidated damages the sum of \$200.00 (Two Hundred Dollars) per day for every day (or part thereof) that such breach or non-observance continues after the expiry of the period of 20 Working Days from the date upon which written demand has been made;
  - (b) remove or cause to be removed from the Lot any building, house, garage, fence or other such structure erected or placed on the Lot in breach or non-observance of any of the requirements of these Covenants; and
  - (c) do or cause to be done anything necessary to remedy such breach.

Annexure Schedule: Page:6 of 6

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# Annexure Schedule 2

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- 11.2 The Covenantor will be liable for any costs or expenses incurred by the Covenantee and the Covenantee in the enforcement or remedy of the breach. However, damages may not be an adequate remedy and a breach will entitle the Covenantee or its successors to exercise all other legal and equitable remedies available to it.
- 11.3 The Covenantee and the Covenantor acknowledge and agree that:
  - (a) the provisions of this covenant instrument are enforceable by Wakatipu pursuant to Section 12 of the Contract and Commercial Law Act 2017; and
  - (b) if at any time any provision or covenant is or becomes illegal, invalid, voidable or unenforceable in any respect such illegality, in validness, voidability or unenforceability shall not affect the legality, validity or enforceability of the remaining Covenants in this Instrument.

# 12. Disputes

- 12.1 Except as it relates to the exercise of any discretion, opinion, approval or consent requested of the Covenantee under these Covenants, if any dispute arises between the parties concerning the Covenants, then the parties shall enter into negotiations in good faith to resolve their dispute. If the dispute is not resolved within 20 Working Days after the date on which the parties began their negotiations, then the parties shall submit to arbitration. Such arbitration will be determined in accordance with the Arbitration Act 1996 (together with its amendments or any enactment passed in substitution or replacement of the same).
- 12.2 The arbitration will be conducted by a single arbitrator. If the parties cannot agree upon a single arbitrator within 10 Working Days after a party receiving a notice under this clause 12, then the arbitrator will be appointed by the President for the time being of the Otago branch of the New Zealand Law Society on application by either party and his/her decision will be final and binding on the parties as to the appointment of the arbitrator.
- 12.3 The arbitrator's award will be final and binding on the parties. Costs of the arbitration will be shared between the parties unless it is declared by the arbitrator that because of some impropriety or lack of cooperation or unreasonableness on the part of one of the parties, that such party shall bear the whole or such fraction of the costs in excess of one half in which case that party shall bear the proportion of costs determined by the arbitrator.



# **View Instrument Details**

Instrument No.
Status
Date & Time Lodged
Lodged By

11360914.7 Registered 23 Apr 2019 15:23 Shack, Tamiko



Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017

812461 Otago  Annexure Schedule: Contains 5 Pages.  Covenantor Certifications  I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument  I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument  I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply  I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period  Signature  Signed by Lloyd Graeme Berryman as Covenantor Representative on 23/04/2019 02:24 PM  Covenantee Certifications  I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument  I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument  I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument  I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply  I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period  Signature  Signed by Lloyd Graeme Berryman as Covenantee Representative on 23/04/2019 02:24 PM	Affected Records of Title	Land District		
Covenantor Certifications  I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument  I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument  I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply  I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period  Signature  Signed by Lloyd Graeme Berryman as Covenantor Representative on 23/04/2019 02:24 PM  Covenantee Certifications  I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument  I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument  I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply  I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period  Signature	812461	Otago		
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\*\*\* End of Report \*\*\*

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Dated 10/05/2019 11:01 am

Page 1 of 1

Annexure Schedule: Page:1 of 5

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# Form 26

# Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

# Covenantor

WAKATIPU INVESTMENTS LIMITED

# Covenantee

WAKATIPU INVESTMENTS LIMITED

# **Grant of Covenant**

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, grants to the Covenantee (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

# Schedule A

# Continue in additional Annexure Schedule, if required

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	CS	Lot 10 DP 518523	Lot 2 DP 528549
	on DP 528549	(812461)	(854418)

# Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [ ] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

[Memorandum number , registered under section 209 of the Land Transfer Act 2017].

{Annexure Schedule 2}.

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Annexure Schedule: Page:2 of 5

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# Annexure Schedule 2

#### BACKGROUND

- A. The Covenantor is the registered owner of the Burdened Land and the Benefited Land.
- B. The Burdened Land and the Benefited Land are part of a rural lifestyle residential development.
- C. The Covenantor agreed to create the covenants as set out in this Covenant Instrument in favour of the Covenantee in order to ensure that the character of the rural lifestyle residential development is maintained, preserved and enhanced by creating a natural vegetation barrier/screen between the Burdened Land and the Benefited Land.
- D. The parties acknowledge that the Burdened Land may be subdivided in the future and it is intended that this Covenant Instrument will be removed from any land so subdivided which does not include the Covenant Area.

# **OPERATIVE PROVISIONS**

The Covenantor covenants and agrees, with the intention to bind itself and future registered owners of the Burdened Land for the benefit of the Covenantee and future registered owners of the Benefited Land, that the Covenantor will at all times observe and perform the covenants contained in this Covenant Instrument in respect of the Covenant Area to the end and intent that each of the covenants shall forever enure for the benefit of the Benefited Land.

# 1. Definitions and Interpretation

In this Covenant Instrument, the following definitions shall apply, unless the context requires otherwise:

- 1.1 Covenant Area means the area marked CS on Deposited Plan 528549.
- 1.3 Working Day shall adopt the definition given to that term in the Property Law Act 2007.

# 2. Covenants

2.1 The Covenantee acknowledges that the Burdened Land may be subdivided in the future and agrees to do any act, matter or thing or execute any document required by the Covenantor in connection with the removal of this covenant instrument against any part of the Burdened Land not affected by the Covenant Area.

# **2.2** Landscape Protection: The Covenantor:

- (a) shall establish and preserve in accordance with the attached Wetland Landscape Plan prepared by Vivian+Espie dated 30 July 2018, the natural landscape vegetation within the Covenant Area with the following mix of plants:
  - 25% Phormium Tenax;
  - 25% Pittosporum Tenuifolium;
  - 25% Coprosma Propinqua; and
  - 25% Kunzea Ericoides.

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Annexure Schedule: Page:3 of 5

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- (b) shall ensure that all plants will be a minimum height of 45cm at the time of planting;
- (c) will ensure that when planted the plants are protected from animals and pests using a plastic guard or a sheath;
- (d) will not do anything that would prejudice the health of any of such plants within the Covenant Area; and
- (e) will eradicate all noxious plants within Covenant Area.
- 2.3 Buildings Restrictions: The Covenantor shall not erect or place or permit to be erected or placed upon the Covenant Area any building or such other structure for permanent or temporary use of any kind.
- **2.4 Breach of Covenants:** If there shall be any breach or non-observance of any of the covenants, the Covenantor shall on demand in writing by the Covenantee:
  - (a) pay to the Covenantee liquidated damages being the sum of \$200.00 (Two Hundred Dollars) per day for every day that such breach or non-observance continues after the expiry of the period of 20 Working Days from the date upon which written demand has been made;
  - (b) remove or cause to be removed from the Covenant Area any building or other such structure erected or placed on the Covenant Area in breach or non-observance of the covenants; and
  - (c) do or cause to be done anything necessary to remedy such breach.
- 2.5 Enforcement: The Covenantor acknowledges that damages may not be an adequate remedy and a breach of the Covenantor's obligations under this Covenant Instrument will entitle the Covenantee or its successors to exercise all other legal and equitable remedies available to it. The Covenantor will be liable for any costs or expenses incurred by the Covenantee and the Covenantee in the enforcement or remedy of the breach.

# 2.6 Disputes:

- (a) If any dispute arises between the parties concerning the covenants, then the parties shall enter into negotiations in good faith to resolve their dispute. If the dispute is not resolved within 20 Working Days of the date on which the parties began their negotiations, then the parties shall submit to arbitration. Such arbitration will be determined in accordance with the Arbitration Act 1996 (and its amendments) or any enactment passed in substitution.
- (b) The arbitration will be conducted by a single arbitrator. If the parties cannot agree upon a single arbitrator within 10 Working Days of a party receiving a notice under this clause 5, then the arbitrator will be appointed by the President for the time being of the Otago branch of the New Zealand Law Society on application by either party and his/her decision will be final and binding on the parties as to the appointment of the arbitrator.
- (c) The arbitrator's award will be final and binding on the parties. Costs of the arbitration will be shared between the parties unless it is declared by the arbitrator that because of some impropriety or lack of cooperation or unreasonableness on the part of one of the parties, that such party shall bear the whole or such fraction of the costs in excess of one half in which case that party shall bear the proportion of costs determined by the arbitrator.

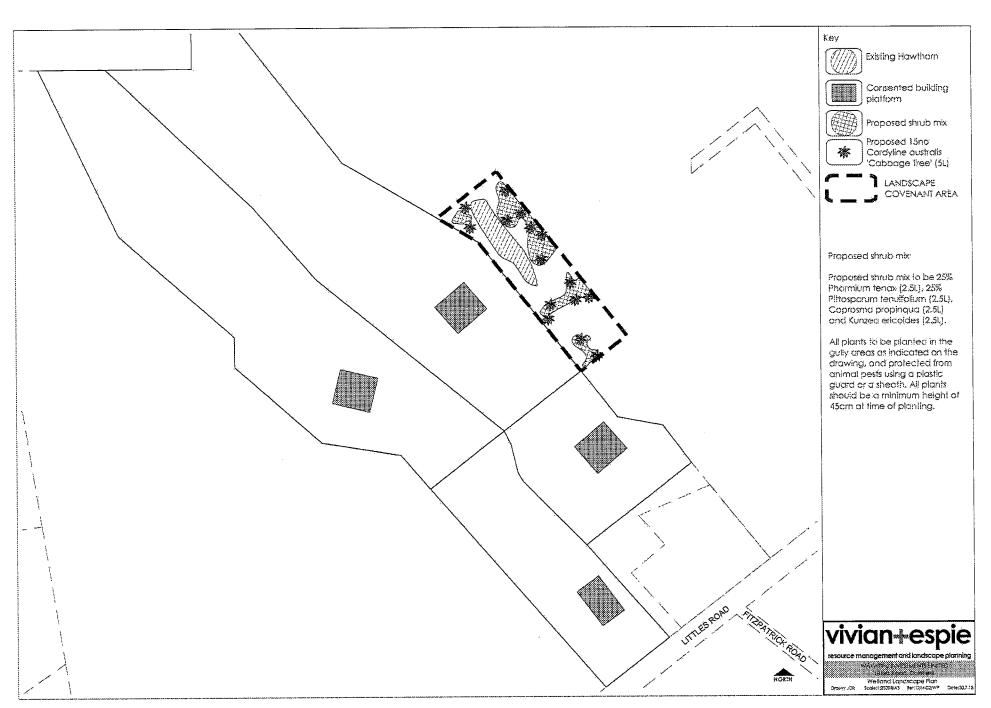
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Annexure Schedule: Page:4 of 5

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2.7	Rem	oval of Covenant Instrument/Power of Attorney:
	(a)	The Covenantee agrees to do any act, matter or thing required by the Covenantor including executing and returning to the Covenantor within 10 Working Days of receipt all documentation required to remove this Covenant Instrument against any record of title created from the subdivision of the Burdened Land which does not include the Covenant Area.
	(b)	The parties agree that each party shall bear their own costs in relation to the removal of the covenant instrument over any part of the Burdened Land which does not include the Covenant Area.
	(c)	In the event that the Covenantee does not execute and return the documentation as referred to in clause 2.7(a) above within the 10 Working Day timeframe, the Covenantee irrevocable appoints the Covenantor to be the Covenantee's attorney for the purpose of doing any act, matter or thing or executing any document on behalf of the Covenantee required in connection with the removal of this Covenant Instrument over any part of the Burdened Land which does not include the Covenant Area.
	(d)	No person shall be concerned to see or enquire as to the propriety or expediency of any act, matter or thing done or agreed to be done by the Convenator pursuant to this clause 2.7 and the power of attorney within clause 2.7(c).

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# LANDSCAPE AND VISUAL EFFECTS ASSESSMENT

PREPARED FOR:

WAKATIPU INVESTMENTS LIMITED

11 JUNE 2019

PROPOSAL TO SUBDIVIDE LOTS 3 AND 4 OF RM170478

LITTLES ROAD, WAKATIPU BASIN



Document Set ID: 6165134 Version: 1, Version Date: 24/06/2019 INTRODUCTION

1 This report identifies and quantifies the landscape and visual effects likely to arise from a proposal

to subdivide two large lots that have been approved by resource consent RM170478. The

proposal seeks to subdivide these lots so as to create a total of 20 lots, each with an identified

building platform.

The site is located on Little Road in the Wakatipu Basin to the immediate north of Fitzpatrick Road.

The consented configuration of the site pursuant RM170478 (and a subsequent variation) consists

of 4 lots. The current application seeks to subdivide Lots 3 and 4 of the consented situation, which

are 35.7ha and 15.5ha respectively. I shall refer to consented Lots 3 and 4 as "the site" and the

extent of the site is shown on Appendix 3 to this report.

3 The methodology for this assessment has been guided by:

• The landscape related Objectives, Policies and Assessment Matters of the Queenstown

Lakes Proposed District Plan (PDP) and the Operative Queenstown Lakes Proposed

District Plan (ODP);

The Guidelines for Landscape and Visual Impact Assessment produced by the UK's

Landscape Institute and Institute of Environmental Management and Assessment<sup>1</sup>;

• The New Zealand Institute of Landscape Architects "Landscape Assessment and

Sustainable Management" Practice Note2;

The landscape assessment guidance of the Quality Planning Resource<sup>3</sup>;

4 Approximately the lower 60% of the site is within the Wakatipu Basin Lifestyle Precinct (the

Precinct) pursuant to the Stage 2 ratified decisions version of the PDP. It is within this part of the

site that all building platforms are proposed. At the time of writing, the appeal period relating to

these decisions is still open, hence full certainty cannot be placed on the provisions of the PDP.

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

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

http://www.qualityplanning.org.nz/node/805

Wakatipu Investments Ltd – Subdivision Proposal – Littles Road, Wakatipu Basin – Landscape &Visual Effects Assessment Report – Ben Espie - vivian+espie

However, I understand that no submissions on the PDP sought that the Precinct be removed from the subject site, and no submissions sought to decrease the amount of development enabled by the Precinct provisions. Therefore, I understand that no jurisdiction exists for an appeal to reduce or remove the development that is provided for by the PDP provisions in relation to the site.

# DESCRIPTION OF THE PROPOSAL

- The details and layout of the proposed activities are set out in the resource consent application.

  The plans appended to this report are also of assistance. By way of summary:
  - The proposed subdivision configuration consists of 20 rural living lots that range between 0.69 and 8.85ha in area. If we exclude the part of the site that is outside of the Precinct, the average net lot size is 1.5ha.
  - Each lot is to include a residential building platform within which buildings form must the
    contained. Additionally, each lot includes an identified garden area. It is proposed that all
    structures (excluding post-and-wire fences), tree planting (excluding trees that are shown
    on the structural landscape plan) and all domestic gardens and associated activities shall
    be contained within the garden areas.
  - Structural landscaping is proposed as is shown on Appendix 2 to this report. Some areas of
    existing willows are to be retained and a framework of mixed tree planting is proposed that
    will ultimately tie the areas of future dwellings and gardens together while providing sweeps
    of open space through the site. A network of gullies and topographically low areas are to
    support proposed native riparian vegetation.
  - Design controls are proposed in relation to future buildings within the identified building platforms. These are:
    - No building or part of any building shall exceed 6m above ground level;
    - Roofs shall be finished in dark recessive natural tones (brown, grey, green or black)
       and shall have a light reflectance value of (LVR) between 5 and 20%;
    - Exterior wall claddings shall be schist, horizontal or vertical timber cladding, solid plaster or concrete. All exterior claddings shall be finished in recessive natural tones (brown, grey, green or black) and shall have an LVR of between 5 and 35%;

3

Any external lighting shall be directed away from adjacent sites and roads and shall

be capped and directed downwards.

**GUIDANCE FROM THE DISTRICT PLAN** 

As mentioned above, I understand that the decisions version of the PDP is the version of the

District Plan on which most weight can be placed. The Objective that applies to the Precinct is:

24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape

character and visual amenity values are maintained or enhanced.

The associated Policies (24.2.5.1 to 24.2.5.6) seek that the landscape character and visual

amenity for each landscape character unit (LCU) of the Wakatipu Basin, as identified in Schedule

24.8 is maintained or enhanced. The Policies also promote design-led and innovative subdivision

design, that lot sizes and building external appearance are appropriate and that vegetation is

retained where it contributes to landscape character and visual amenity.

8 The proposal requires restricted discretionary resource consent pursuant to provision 27.5.9,

since the proposal meets the relevant minimum and average lot size standards that apply to the

Precinct (i.e. a 6,000m<sup>2</sup> minimum lot size, provided that a 1ha average lot size is maintained as a

minimum). The assessment matters of Section 27.9.3.3 of the PDP are therefore the relevant

assessment matters. I address these matters in Appendix 1 of this report.

Schedule 24.8 places the site within the Fitzpatrick Basin LCU (LCU2). I summarise the most

relevant characteristics of this LCU from Schedule 24.8 as:

· Numerous existing dwellings are evident throughout the Fitzpatrick Basin. Buildings variably contained by

vegetation. Buildings and platforms typically located throughout the basin floor, the undulating hill system in the

southern portion, or along the southern edges to enjoy views of the Shotover River and ONL backdrop. Several

consented but unbuilt platforms (25) with many clustered. Typical lot size: generally 20-50ha lots on the north

side of Littles Road; smaller lots on the south side.

The relatively contained landform pattern, in conjunction with the mature evergreen plantings along the Shotover

River margins, means that the unit is not particularly prominent in views from the wider basin study area.

A variable sense of openness throughout the basin. The northern portion is generally more open, with the

southern area reading as more enclosed as a consequence of vegetation and localised landform patterns.

4

Wakatipu Investments Ltd – Subdivision Proposal – Littles Road, Wakatipu Basin – Landscape &Visual Effects Assessment Report – Ben

Espie - vivian+espie

9

Generally a relatively low perception of naturalness as a consequence of the level of rural residential

development (both built and consented but unbuilt).

Generally, the area reads as a predominantly rural residential landscape that, together with the adjacent

Dalefield landscape character unit, forms a discrete enclave, apart from the balance of the Wakatipu Basin study

area.

• Relatively open and exposed nature of the northern and central portion of the unit, albeit with the exposure

effectively confined to the Fitzpatrick Basin and Dalefield catchment (i.e. not the wider Wakatipu Basin

landscape). Elevated and southern aspect of the north portion. Integration with consented but unbuilt

development - potential for adverse cumulative effects.

Visually contained nature of the location (in terms of the wider Wakatipu Basin landscape). Larger-scaled lots

suggest potential for subdivision. Riparian restoration potential. Weed management potential. Potential

integration of walkways/cycleways etc. Close proximity to Queenstown.

Integration of buildings with landform and/or planting. Avoiding built development on the elevated northern slopes

that frame the unit. Avoiding built development on the Shotover River cliff /terrace (and ONL) edges. Maintaining

the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin.

10 Ultimately, Schedule 24.8 rates the capability of LCU2 to absorb additional development as high,

and hence it is included within the Precinct.

LANDSCAPE CHARACTER

**Existing Landscape Character** 

11 Landscape character has been defined as the "distinct and recognisable pattern of elements in the

landscape that make one landscape different from another, rather than better or worse"4. The elements that

give any landscape its character are derived both from nature (geomorphology, ecology,

hydrology) and from human interaction (roads, buildings, human land uses, elements that have

historical or cultural significance).

12 The landscape character of the Fitzpatrick Basin (LCU2) is described above in the words of

Schedule 24.8. It is generally a rural living form of character with variable openness and a

relatively low degree of naturalness.

<sup>4</sup> The Countryside Agency & Scottish Natural Heritage Landscape Character Assessment: Guidance for England and Scotland (2002) at 9.

5

 $Wakatipu\ Investments\ Ltd-Subdivision\ Proposal-Littles\ Road,\ Wakatipu\ Basin-Landscape\ \&Visual\ Effects\ Assessment\ Report-Bender (2011) and the proposal of the propo$ 

Espie - vivian+espie

The site itself is part of the eastern slopes of Malaghans Ridge, being the northern part of the

Fitzpatrick Basin. These slopes are covered in pasture grass and sweeps and stands exotic trees,

particularly willow. The site is in the form of two consented allotments (pursuant to RM170478),

with each lot containing a building platform (being the platforms within proposed Lots 4 and 11).

The gently sloping topography is currently maintained as pastoral paddocks used for grazing. The

stands of existing trees sit well separated by pasture. A number of small gullies run down the

eastern slopes of Malaghans Ridge and bisect the paddocks. The gullies are less maintained with

elderberry, hawthorn and briar rose being prevalent, particularly in the upper parts of the site.

The neighbouring properties that adjoin the southwestern boundary of the site (Lot 3 DP21680

and Lots 1 to 4 DP528549) are also owned by the applicant. Lot 3 DP21680 contains two

dwellings. Lots 1 to 4 DP528549 each contain a building platform. Each of these properties contain

trees and vegetation that are protected by way of resource consent conditions. All of the dwellings

and building platforms within these neighbouring properties sit within the Precinct.

Effects of the activities on Landscape Character

16 Landscape character effects are: 5

"... the effects of change and development on landscape as a resource. The concern here is with how the proposal

will affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its

distinctive character."

15

17 I have considered the assessment matters of Part 27.9.3.3 of the PDP and report on them in

Appendix 1 of this report. Some of these assessment matters relate to landscape character and

visual amenity issues. I set out my comments regarding landscape character below. When

describing effects, I will use the following hierarchy of adjectives:

Negligible;

Very Low;

Low;

Moderate;

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

6

- High;
- Very High;
- Extreme<sup>6</sup>.

The landscape character of the Wakatipu Basin's LCUs that lie within the Precinct is such that the PDP provides for rural living subdivision and activity within them; i.e. in general terms, these LCUs can absorb rural living activity of this sort without character being degraded (provided design is done appropriately so as to accord with the relevant assessment matters). In my understanding, Objective 24.2.5 and Policies 24.2.5.1 to 24.2.5.6 do not seek that the character of the site itself remains unchanged but they do seek that the landscape character of LCU2 (as set out in Schedule 24.8) is maintained or enhanced. This identified landscape character is summarised in my paragraph 9 above.

In broad terms, the proposal will continue a rural living form of landscape character across part of the lower northern slopes of the Fitzpatrick Basin. The upper slopes will remain open and sweeps of open space will be retained, with structures and gardens being tied together in groups by tree planting. Within the site, natural character will be enhanced in terms of gully and riparian native vegetation. The lower basin floor part of the Fitzpatrick Basin will begin to take on a more continuous and coherent rural living character, the northern side of the lower basin mirroring the southern side.

In terms of design and layout, the commentary in Appendix 1 of this report shows that design generally accords well with the intentions of the individual assessment matters. Overall, I therefore consider that the proposal upholds the landscape character of LCU2 as it is set out in Schedule 24.8 and summerised in my paragraph 9.

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

**VIEWS AND VISUAL AMENITY** 

21 Visual effects are:

"the effects of change and development on the views available to people and their visual amenity. The concern here

is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in

the content and character of views as a result of the change or loss of existing elements of the landscape and/or

introduction of new elements".7

The assessment matters of Part 27.9.3.3 of the PDP relate, in part, to visual effects. These

assessment matters are covered in full in my Appendix 1. I give comments in relation to effects

on views and visual amenity in the following paragraphs.

As discussed above, if the current proposal proceeds, the lower basin floor part of the Fitzpatrick

Basin will be more comprehensively covered with rural living activity. The lower parts of the site

itself will be considerably more treed, with rural living activities being clearly evident, as they are

currently in other parts of the basin. Riparian vegetation in the gullies will become discernable

over time. The upper slopes of the site will remain visually open, as will sweeps of open space

between the garden areas, running from Littles Road to the upper parts of the site.

24 The area from which these elements in the landscape are potentially visible includes parts of

nearby public roads. Observers within this area that are potentially affected by the proposal

include:

Users of Littles Road and adjacent private land;

Users of Fitzpatrick Road and adjacent private land;

Users of Mountain View Road and adjacent private land.

Appendix 3 of this report consists of a Viewpoint Location and Context Map and Appendix 4

contains several associated photographs. With reference to these appendices I give comments

on the visual effects below.

<sup>7</sup> Landscape Institute and Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment* (3<sup>rd</sup> ed, Routledge, Oxford, 2013) at paragraph 6.1 and Glossary.

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Users of Littles Road and adjacent private land

Users of the main straight stretch of Littles Road extending along the floor of the Fitzpatrick Basin

gain varying degrees of visibility into the site. Moving from west to east (and with reference to

Appendices 3 and 4):

• There is some slight visibility to upper parts of the Lots 7 and 9 building platforms from

the tight bend where Viewpoint 1 is located. Visibility is difficult and (depending on future

house design) may be impossible. The proposed structural tree planting will practically

entirely screen this visibility once some maturity is reached.

• The site then becomes invisible until Viewpoint 2 is reached. From here, roadside

hawthorn hedgerows currently act as a significant screen but glimpses of the platforms of

Lots 12, 13 and 18 to 20 are available through the vegetation. The large stand of willows

on proposed Lot 16 and much of the vegetation on Lot 3 DP21680 and Lots 1 to 4

DP528549 (that is protected by conditions of resource consent) screens much of the

subject site. Proposed structural tree planting, that generally sits to the west and south of

the proposed building platforms will also add screening.

• The above-described visibility continues as an observer approaches the site and the site

becomes more screened as a viewer descends towards it, with the site being invisible as

an observer passes Lot 4 DP528549 and Lot 3 DP21680.

Once an observer passes Fitzpatrick Road and arrives at the southern corner of proposed

Lot 16, the site becomes quite openly visible. The willows on proposed Lot 16 bring some

screening but in the short and medium term most of the proposed building platforms will

be readily visible as an observer passes the subject site until they reach its northeastern

corner. Viewpoint 4 is a good example. Building platforms can be seen in a staggered

pattern on the lower slopes of the subject site. Viewshafts of open space will be apparent

weaving upslope to connect to the open space of the site's upper slopes. Individual

dwellings will appear incrementally over time and will occupy parts of each building

platform. Dwellings will be subject to the design controls set out previously. Over time,

the collective garden areas will become significantly treed such that when observed from

the road, multi-layered sweeps of trees will considerably obscure and visually soften rural

living activity. Open space will be apparent closest to Littles Road and areas of riparian

planting will be evident. However, ultimately a rural living aesthetic will be clearly legible,

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albeit one in which dwellings are set back, of recessive appearance and considerably

visually softened by sweeps of mixed tree planting. A traveller on this 650m stretch of

Littles Road will have the visual experience of passing a rural living land use.

Once an observer reaches the clump of willows at the site's northeasern corner, the site

becomes hidden by development and vegetation on neighbouring sites.

• The site is then partially exposed to views again from the approximately 250m long stretch

of Littles Road in the vicinity of Viewpoint 5. From this stretch of road, vegetation is quite

enclosing, so views are relatively narrow. The upper parts of the site are generally the

most visible parts and these will remain as open space. The lower parts of the site are

visible between areas of vegetation and some future dwellings will be seen. Again,

proposed tree planting will visually soften built form, which will be subject to the proposed

design controls. The site will become akin the what currently exists on the left-hand side

of the road in these views (such as from Viewpoint 5), although with a significant open

space road setback.

In an overall appraisal, I consider that users of the relevant stretch of Littles Road will have the

visual experience of travelling through a rural living area that roughly covers the floor of the

Fitzpatrick Basin. However, the pattern of this rural living area will not be continuous; it will involve

scattered and grouped areas of buildings/gardens interwoven with open space. In time, it will also

become considerably treed. The upper parts of the basin, particularly on the northern side, will

remain as open space; with the open undulating ridgeline being backed by more distant, open

mountain slopes.

28 I consider that the type of visual pattern described above accords with the outcomes that are

sought by the Precinct provisions that are discussed in paragraphs 6 to 10. Rural living will be

provided for (at an average of 1 dwelling per 1.5ha over the Precinct part of the subject site) while

areas of open space will also be retained and the external appearance of dwellings will be

controlled. Dwellings and gardens will be grouped together with visually open space between

them. The upper, elevated and steeper parts of the basin will remain open, with the rural living

activity that covers the basin floor being setback from Littles Road, being vegetated and visually

softened and being contiguous with existing rural living activity that is a prominent part of the

Fitzpatrick basin.

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Users of Fitzpatrick Road and adjacent private land

29 Visibility of the site can be gained from an approximately 250m stretch of the lower part of

Fitzpatrick Road, as represented by Viewpoint 3 and its associated photograph. In these views,

Lots 16 to 20 are generally hidden by vegetation on Lot 3 DP21680 and Lots 1 to 4 DP528549

(that is protected by conditions of resource consent). Approximately Lots 1 to 12 are visible at a

distance of approximately 700m and more. Again, the most visible part of the site is the upper

elevated area that will remain in its current state. Similar northerly views are available from a

number of private dwellings that are accessed from Littles Road and Fitzpatrick Road. Rural living

activity will appear on the lower parts of the site and will be considerably visually softened and

often obscured by trees once some maturity is gained. With reference to Photograph 3, I again

consider that the rural living pattern has been designed so as to follow topography, to avoid

elevated and exposed locations, to tie in with existing development and to accord with the

outcomes sought by the Precinct provisions.

Users of Mountain View Road and adjacent private land

30 Users of approximately the western half of Mountain View Road gain varying degrees of visibility

of the site, Littles Road and its surrounds. Visibility to the south west from Mountain View Road is

intermittently screened by roadside and neighbouring vegetation and changes in topography.

Private dwellings gain similar views to the south and southwest that can include the subject site.

The existing Mountain View Road rural living area is considerably treed so views from individual

dwellings are often quite contained.

31 From the western end of Mountain View Road, a road user can gain views of the site from an

elevated position (refer Viewpoint 6 and its photograph). From this viewpoint and similar ones,

future buildings on Lots 4 to 9 will be relatively easily seen. Again, the lower slopes of the site will

become occupied and visually busy, while the upper slopes will remain in their current open

appearance. The lower mid-ground area in the Viewpoint 6 view will display a visual pattern akin

to that of the Mountain View Road area itself.

32 While this will be a considerable change to views from these specific viewpoints, again I consider

that it accords with the intentions of the Precinct provisions that have been discussed. While a

rural living pattern will emerge, it has been designed so as to group development together on the

lower parts of the site, to retain open space including viewshafts from Littles Road and to retain

open space.

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Summary regarding visual effects

33 A rural living visual pattern will become plainly evident across the lower parts of the site. This will

be most readily experienced from Littles Road and some private dwellings. The rural living activity

(and hence the visual pattern that will emerge) has been designed so as to follow the intentions

of the Precinct provisions. Density is less than is provided for. Dwellings and garden areas have

been grouped together in the less sensitive parts of the site. The upper parts of the site will remain

as open space and open sweeps of land will connect this upper area to the lower areas and the

Littles Road frontage. Riparian vegetation and considerable tree planting will mean that ultimately,

the grouped development and garden areas read as considerably green, leafy nodes of rural living

activity. Overall, the form of visual amenity that characterises the Fitzpatrick Basin will continue.

**CONCLUSIONS** 

A 20 lot rural living subdivision is proposed in the Fitzpatrick Basin within the area of the PDP's

Wakatipu Basin Lifestyle Precinct. This Precinct provides for rural living opportunities at an

average density of 1 dwelling per hectare, provided landscape character and visual amenity

values are maintained or enhanced.

35 The landscape character and visual amenity values of the relevant landscape unit (LCU2) are

described in Schedule 24.8 of the PDP. In summary, the Fitzpatrick Basin is considerably

contained visually and topographically and reads predominantly as a rural living area. Schedule

24.8 rates the capability of the unit to absorb additional development as high.

In relation to landscape character, the proposal will continue a rural living form of landscape

character across part of the lower northern slopes of the Fitzpatrick Basin. The upper slopes will

remain open and sweeps of open space will be retained, with structures and gardens being tied

together in groups by tree planting. Within the site, natural character will be enhanced in terms of

gully and riparian native vegetation. The lower basin floor part of the Fitzpatrick Basin will begin

to take on a more continuous and coherent rural living character, the northern side of the lower

basin mirroring the southern side.

In relation to visual amenity, a rural living visual pattern will become plainly evident across the

lower parts of the site. This will be most readily experienced from Littles Road. The rural living

activity has been designed so as to follow the intentions of the Precinct provisions. Density is less

than is provided for and dwellings / garden areas have been grouped together in the less sensitive

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parts of the site. The upper parts of the site will remain as open space and open sweeps of land will connect this upper area to the lower areas and the Littles Road frontage. Ultimately, the

grouped development and garden areas will read as considerably green, leafy nodes of rural living

activity. Overall, the form of visual amenity that characterises the Fitzpatrick Basin will be

maintained.

Ben Espie

**Landscape Architect** 

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11th June 2019

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# APPENDIX 1: QUEENSTOWN LAKES PROPOSED DISTRICT PLAN ASSESSMENT MATTERS RELATING TO SUBDIVISION IN THE WAKATIPU BASIN RURAL AMENITY ZONE AND THE WAKATIPU BASIN LIFESTYLE PRECINCT

HEADING	ASSESSMENT MATTER	ASSESSED EFFECTS
General	The extent to which the proposal is consistent with objectives and policies relevant to the matters of discretion.	In relation to landscape and visual matters, the proposal achieves consistency with Objective 24.2.5 and the associated Polices. Required minimum and average lots sizes are met and the proposed development has been designed so as to continue the form of landscape character and visual amenity described in Schedule 24.8.
	b. The extent to which the subdivision provides for low impact design that avoids or mitigates adverse effects on the environment.	As has been set out in the body of this report, design has placed controls of the height and external appearance of future buildings and has grouped residential occupation together into treed nodes while maintaining more sensitive parts of the site as open space and allowing views across open areas to the upper parts of the site. Considerable tree and riparian planting is proposed to mitigate potential visual and landscape character effects.



Subdivision Design	c. The extent to which the location of future buildings, ancillary elements and the landscape treatment complements the existing landscape character, visual amenity values and wider amenity values of the Wakatipu Basin Rural Amenity Zone or Wakatipu Basin Lifestyle Precinct, including consideration of:	I.	the retention of existing vegetation and landform patterns;	The proposal uses sweeps of native riparian gully plantings to enhance the legibility and natural character of existing natural landform. In these gully areas, existing weeds will be cleared and native plantings implemented. This will enhance existing landform patterns. Existing vegetation (largely willows) is useful in some parts of the site for visual softening of future development and providing some mature character. Therefore, selected existing willows are to be retained but formatively pruned.
		II.	the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;	The site is broadly open and there is little opportunity to follow strong natural lines in the landscape with property boundaries. However, boundary treatments are restricted to post-and-wire fencing only so that boundary lines will be difficult to perceive.
		III.	earth mounding, and framework planting to integrate buildings and accessways;	No earth mounding is proposed. Spoil form accessway formation will be graded out to align with surrounding landform. Significant mixed tree planting is proposed and has been configured so as to tie together the southeast to northwest running groups of building platforms while maintaining shafts of open ground between these groups. The tree planting will mean that future dwellings will sit within relatively densely treed groups that tie in to the treed pattern of the established Dalefield rural living area. This will serve to integrate future dwellings into their setting.



IV. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;	Native riparian or gully vegetation exists within the Fitzpatrick Basin but is not prevalent. The proposal will create an enhancement of natural character in this regard. The proposed mixed tree planting consists of oaks, ashes, elms, plane trees and some smaller, non-spreading conifers to provide evergreen structure. This species mix is typical of a picturesque, occupied countryside aesthetic that prevails in the parts of the Wakatipu Basin that currently accommodate rural living. The tree planting will create a pattern over the site that accords with that of the more developed part of the Fitzpatrick Basin.
V. riparian restoration planting;	As discussed, native planting areas are proposed within a number of the site's gullies. Some of these gullies contain ephemeral water and some do not. Again, this will be an enhancement in relation to natural character.
VI. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement;	The only parts of the subject site that are at a gradient of more than 15° are small parts of the sides of some of the gullies. These are proposed to be revegetated in natives.
VII. How controls addressing such matters as building height, building colours and materials, building coverage, earthworks, retaining,	Design controls are proposed as discussed in the body of this report. In short, buildings will be confined to the identified building platforms and will be restricted in relation to external appearance. Additionally, all structures, tree planting and gardens will be

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fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed plantings might be incorporated into the development in a manner ensuring ongoing compliance;	confined to the identified garden areas. These controls will form conditions of resource consent, able to be enforced by QLDC.
VIII. the integration of existing and provision for new public walkways and cycleways/bridle paths.	A pedestrian/cycle easement is proposed to allow for a future potential link between Littles Road and Mountain View Road.



d. 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. The two existing building platforms that will be incorporated into proposed Lots 4 and 11 have design controls associated with them via existing resource consent conditions. The design controls that are incorporated into the current proposal will essentially continue these for these two lots.

e. The extent to which the development maintains visual amenity from public places and neighbouring properties.

Effects on views and visual amenity from both public and private places are set out in detail in the body of this report. In summary, a rural living visual pattern will become plainly evident across the lower parts of the site. This will be most readily experienced from Littles Road and some private dwellings. The rural living activity has been designed so as to follow the intentions of the Precinct provisions. Density is less than is provided for and dwellings / garden areas have been grouped together in the less sensitive parts of the site. The upper parts of the site will remain as open space and open sweeps of land will connect this upper area to the lower areas and the Littles Road frontage. Riparian vegetation and considerable tree planting will mean that ultimately, the grouped development and garden areas read as considerably green, leafy nodes of rural living activity. Overall, the form of visual amenity that characterises the Fitzpatrick Basin will continue.



f. Whether clustering of future buildings or varied allotment sizes as part of subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform, vegetation or settlement patterns.	Building platforms and garden areas have been included in the proposal in order to give some certainty regarding the spatial layout of future activities within the proposed lots. The building platforms and garden areas have been configured in order to tie structures and garden/curtilage activities together into groups with sweeps of open space between them. This will maintain views and a physical open space link between Littles Road and the open upper slopes of the site that form a backdrop. In conjunction with the 75m setback from Littles Road, this configuration will maintain an appreciation of spaciousness and open space while providing rural living to an average density of one dwelling per 2.13ha over the entire site.
g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.	The site is well separated from ONLs and ONFs, the nearest being the toe of Mount Dewar approximately 1km to the northwest. No proposed activities will be visually backed by ONI slopes.
h. The extent to which development adversely affects Escarpment, Ridgeline and River Cliff features shown on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Precinct.	The site is well removed from any Ridge/Escarpment Lin- marked on the planning maps. The site will not be seen in the same view as any of these.



Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.	It is intended that proposed planting will be required by way of conditions of consent.
j. Whether the layout of reserves and accessways provides for adequate public access and use.	No reserves are proposed. A public access easement is proposed to provide for a future potential link to Mountain View Road.
k. Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.	I understand that proposed conditions of consent relating to building platforms, garden areas and design controls will form the basis of consent notices to the registered on the titles of future lots.