Reference	25.036
Date	30 April 2025
Location	35 Smith Road, Wānaka
Legal Description	Lot 1 Deposited Plan 575250 held in Record of Title 1054764
Applicant	Charles and Philip Cochrane and Jordana Hill
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative and Proposed
Zoning	Rural General (Operative) and Rural (Proposed)
Proposal	Resource consent is sought to vary Conditions (a), (h)(i), (h)(iii), (h)(vi) and (h)(x) of Consent Notice 12506552.3 as it relates to Lot 1 DP 575250 to enable the maximum height of the building to be 4.75m above the slab, for slightly lighter cladding and roofing reflectivity, and for the water tanks to be partially buried and located entirely outside of the platform. Resource consent is sought to erect two water tanks outside of the building platform and to construct a dwelling with roof material that will have a light reflectance value (LRV) of greater than 20%.
Activity Status	Discretionary Activity - Resource Management Act (1991) Discretionary Activity – Proposed District Plan

1.0 INTRODUCTION

1.1 This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent

include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 1 Deposited Plan 575250 held in Record of Title 1054764. A copy of the Record of Title and the relevant interests are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION

3.1 The site is located at 39 Smith Road. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The site is 8,247m^2 in area with a 25m by 30m (750m^2) building platform located in the middle of the site. The site is currently vacant and vegetated with grass.

3.3 Access to the site is provided from Smith Road via a gravel Right of Way (ROW) along the southern edge of the lots. There is a duck pond to the north of the development, directly in front of Lot 1. The structural landscaping approved with the development includes indigenous planting to the north of the building platforms and exotic trees including maples, oaks, elm and poplars to the south and west. There are also planting restrictions on each lot in relation to what future owners can plant where.

3.4 The wider environment is comprised of large farming blocks screened from views from the road by established shelter belts. Ninety hectares of the large farming blocks are protected by a covenant that restricts further development, residential use or subdivision for the next 60 years. Smith Road runs north to south through the middle of the farm block and Mount Barker Road is to the north. The Criffel Woolshed, previously used for weddings and events, is approximately 640m to the west of the application site. Mount Barker, which is identified as an Outstanding Natural Feature (ONF) is located approximately 869m to the west. The Criffel Mountain Range rises up above the paddocks to the south of the application site.

3.5 There have been a number of resource consents on the site and wider Criffel Station property, as follows:

- Land Use Consent RM110267 granted on 17 October 2011 to undertake events at the Criffel Woolshed.

- Land Use Consent RM181095, granted on 19 November 2018, to enable visitor accommodation use of the homestead and the shearer's quarters, as well as glamping activities around and above the woolshed.

- Subdivision Consent RM181596, granted on 23 May 2019, which created five small rural living allotments and is the underlying subdivision in relation to this application. Variation Consent RM210584 was later granted on 7 October 2021 to vary a number of conditions in relation to the structural landscaping and curtilage areas.

- Subdivision Consent RM200067, which separated the area subject to subdivision RM181596 from the wider farm lot.

- Subdivision Consent RM210600 approved a three-lot subdivision on 24 November 2021 to separate three bulk lots, one of which was for future development.

- Subdivision Consent RM210953 granted on 19 May 2022 for a 28 lot rural lifestyle subdivision.

In addition to above, the construction of a dwelling on the application site with a maximum height of 4.75m was approved on the site by Resource Consent RM220755 on 16 December 2022. As this consent was granted prior to titles for the sites being issued, it was a variation to the conditions of the underlying subdivision consent, rather than a variation to the registered Consent Notice.

4.0 PROPOSAL

4.1 Resource consent is sought to erect water tanks outside of a building platform, construct a dwelling with lighter materials than required, and to vary Conditions (a), (h)(i), (h)(iii), (h)(vi) and (h)(x) of Consent Notice 12506552.3 as it relates to Lot 1 DP 575250 to enable the dwelling to have a maximum height of 4.75m above the slab, as well as to enable the water tanks to be located outside of the building platform and partially instead of fully buried. A copy of the proposed plans has been included as **Appendix B** to this application.

Buildings

4.2 The proposed dwelling will be comprised of two gable roofed pavilions that run perpendicular to each other, with one on the northern side of the platform and the second along the western side of the platform. The pavilions will be linked with a small portion of flatter roof. The peak of both gables will extend 250mm above the 4.5 height limit stipulated in the Consent Notice. The roof the shed will also extend to 4.75m above the slab.

4.3 The northern pavilion will accommodate the living, dining and kitchen areas, the master bedroom and ensuite, as well as the mudroom and den. The western pavilion will accommodate two bedrooms, the laundry and a carport that then connects to a separate sleepout with ensuite.

4.4 A 11.8m by 7.5m shed is proposed in the southeast corner of the platform with bays opening towards the west. The shed will be clad in sandstone grey to the east, west and north and timber to the south, and constructed with a gable roof

4.5 A deck and spa pool are proposed to the north of the dwelling.

4.6 Glazing will occupy 37% of the north facing elevation and 1% along the south facing elevation. With the exception of the flat portions of the roof, the pitch of the roof will be 27.5^{o}.

4.7 Two 30,000 liter plastic water tanks are proposed to the east of the building platform. The tanks will be partially buried with 1m above the ground.

4.8 The colours and material for the proposed dwelling are as follows:

Element	**Material**	**Colour**
Dwelling		
Walls	Nordic Pine Cladding	Dryden wood oil '*Dune*'
Roof	Vertical metal tray	*Sandstone Grey* with matte finish or similar (LRV 27%)
Flashing, fascia, spouting and downpipes		To match roof
Shed		
Walls	Vertical metal tray	*Sandstone Grey* with matte finish or similar (LRV 27%)
roof	Vertical metal tray	*Sandstone Grey* with matte finish or similar (LRV 27%)
Water Tanks	plastic	Beige

Earthworks

4.9 A site scrape will be required to accommodate the dwelling, with a small amount of fill to ensure the finished floor level complies with Condition d) of Consent Notice 1250655.3.

Servicing

4.10 The residential building platform has a connection to water from the existing irrigation water supply. Telecommunications and electricity connections have been extended to each building platform as well. Wastewater and stormwater will be disposed of on site. Designs will be submitted through the building consent process.

4.11 A static firefighting water supply is proposed to be supplied by two partially buried 30,000 ltr tanks, located to the east of the building. A lateral with couplings will be extended to the driveway so that it can easily be accessed by a fire appliance.

Access, Parking and Maneuvering

4.12 Access to the building platform is already formed. Upon completion of the dwelling, the applicants will form the parking and maneuvering areas in accordance with Council's standards.

Landscaping

4.13 Structural landscaping was approved by subdivision consent RM181596 and is currently being implemented. This landscaping includes native plantings around the platform, including Norway Maples, Red Oaks and Chinese Elm. No additional landscaping is proposed as part of this consent application.

Residents' Society Approval

4.14 Verbal approval for the design has been provided by the Rock's Residents' Society. Written approval will be forward to Council when it is received.

Consent Notice Variation

4.15 It is proposed to vary the conditions of Consent Notice 12506552.3 as follows (added text **bold underlined**):

a) *All future buildings shall be contained within the Building Platform as shown as Covenant Areas AA, AB, AC, AD and AE as shown on Deposited Plan 575250,* ***with the exception of the water tanks on Lot 1 DP 575250, which shall be in accordance with plans approved by RM25XXXX****.*

h) *Design Controls:*

(i) *All buildings, accessory buildings, vehicle courtyards and water tanks are to be located within the building platform,* ***with the exception of the water tanks approved by RM25XXXX****. All water tanks both inside and outside of the building platforms are to be fully buried,* ***with the exception of the tanks approved by RM25XXXX which shall be partially buried with 1m of the tank extending above ground****.*

(iii) The building height shall be a maximum of 4.5m from slab to top of roof (excluding chimney), ***with the exception of the dwelling approved by***

Resource Consent RM25XXXX, which shall be in accordance with the approved plans.

(vi) *Roof colours should have an LRV of less than 27%,* ***with the exception of the colour of the roof approved by RM25XXXX, which shall be 'Sandstone Grey' or similar with an LRV of 27%****. Roof materials shall be restricted to one material from the following materials only:*

- *Steel tray cladding in Resene (or similar) 'All Black; or 'Dark Grey' with matte finish only; or*
- *Timber Shingles left to weather or natural slate;*
- *Corrugated Iron, in Resene (or similar) 'All Black' or 'Dark Grey' with Matte finish only.*

(x) *All materials shall be resilient and durable in nature. External wall materials shall be limited to two materials on any single elevation, with an LRV of less than 27%* ***with the exception of the development approved by RM25XXXX which shall be 'Sandstone Grey' or similar with an LRV of 27%****. Exterior wall materials shall be restricted to the following materials only:*

- *Natural timber cladding, left to weather in dark browns or greys;*
- *Stained timber cladding in Resene (or similar) 'Pitch Black', 'Dark Ebony' or 'English Walnut'.*
- *Steel tray cladding in Resene (or similar) 'All Black, 'Cocoa Brown', Charcoal' or 'Dark Grey' with a matte finish.*
- *Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive;*
- *Locally sourced schist stone, laid horizontally.*

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

5.1 The subject site is zoned Rural in the Proposed District Plan and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 21.7.2.1 as the proposed roof will have a LRV greater than 20%. Council's discretion is restricted to the following matters:
  - external appearance;
  - visual prominence from both public places and private locations;
  - landscape character;
  - visual amenity.
- A **discretionary** activity land use consent pursuant to Rule 214.11 for the erection of water tanks outside of an approved building platform

5.2 Overall the proposed development requires a **discretionary** activity consent under the Proposed District Plan.

Operative District Plan

5.3 The site is zoned Rural General under the Operative District Plan however none of the Proposed District Plan rules under which resource consent is required are subject to appeal. As such all relevant Proposed District Plan rules are operative pursuant to s86F of the Act and the corresponding Operative District Plan rules are inoperative. The proposed development does not therefore trigger a consent under the Operative District Plan.

Resource Management Act 1991

5.1 The proposed development also involves the variation of Conditions (a), (h)(i), (h)(iii), (h)(vi) and (h)(x) of Consent Notice 12506552.3 which requires the following resource consent:

- A **discretionary** activity consent pursuant to s87B, and in accordance with s221, of the Act which states that the cancellation of a consent notice must be processed in accordance with s88 to s121 and s127(4) to s132 of the Act.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this case the permitted baseline includes the following:

- The construction of a dwelling within an approved platform provided it complies with the relevant standards and consent notice restrictions. In this instance this includes:
    - A dwelling with a size of up to 450m^2 and a maximum height of 4.5m and cladding with an LRV of 26.9% or less.

Existing Environment

6.3 The existing environment includes existing and consented development on the application site. In this instance this includes the development approved by Resource Consent RM22075, which includes a height exceedance of 250mm associated with the middle gable of the approved dwelling.

Receiving Environment

6.4 The receiving environment includes built and consented development within the surrounding area. In this instance, the receiving environment includes the development consented on 37 and 39 Smith Road by Resource Consents RM250134 and RM250006 respectively, both of which approved water tanks outside of the building platforms.

Actual and Potential Effects on the Environment

6.5 It is proposed to construct a dwelling with a maximum height of 4.75m and a roof and shed cladding that is lighter than enabled by the consent notice and the District Plan. It is also

proposed to locate the associated water tanks outside of the building platform. It is considered that the potential adverse effects are as follows:

- Landscape and Amenity Effects
- Servicing and Infrastructure
- Access and Parking
- Earthwork
- Consent Notice Matters

Landscape and Amenity Effects

6.6 The proposed residential dwelling would be located entirely within the approved residential building platform and, with the exception of height, would comply with the Rural Zone bulk and location standards. No landform modification is proposed.

6.7 While the bulk of the roof will extend to 4.75m rather than 4.5m above the slab, the dwelling will be located over 200m from Mount Bark Road and set in amongst the structural landscaping that is already in place. The construction of a dwelling within the platform is enabled by the plan and some built form is anticipated in this location and the height exceedance at 250mm, is minimal and will be difficult to discern from outside the site. Therefore, it is considered that the height of the building will have no discernible effects on views, landscape values or visual amenity values when viewed from outside the site.

6.8 It is proposed to construct the roof of the dwelling and shed from steel, coloured '*Sandstone Grey*' which has an LRV of 27%. This is 0.1% greater than enabled by the consent notice and 7% greater than provided for by the District Plan. The roof with have a matte finish and be dark grey in colour. While slightly lighter than enabled by the plan and Consent Notice, the roof will still be recessive in colour and not draw the eye. It will appear dark and recessive within the landscape. It is considered that the hue of the roof will not result in noticeable effects on landscape quality or amenity values.

6.9 The shed will also include '*Sandstone Grey*' cladding on the eastern and northern elevations. The grey cladding on the northern elevation will not be visible as it will be largely screened by the dwelling. While the lighter grey cladding will be visible to the east, it will comply with the requirements of the District Plan, and would only exceed the LRV stipulated in the Consent Notice by 0.1%, which would not be noticeable to the trained eye. Therefore any adverse effects in this regard would be less than minor.

6.10 The proposed water tanks will be mostly buried and the plastic will be a dark and recessive colour that will be visually absorbed into the colours in the surrounding landscape.

6.11 The site is not highly visible from any public place. While the tip of the roof and potentially some amenity planting associated with the proposal would be visible from Mount Barker Road, it would only be viewed briefly. The increase in height of the apex of the roof by 250mm would not result in the building being more visible or noticeable in the landscape from this vantage. In addition the dark recessive tone of the roof will ensure that the eye is not drawn to the building.

6.12 The site, and associated built form, would be visible from Smith Road and the Criffel Diggings Track. Smith Road services the Rocks development as well as the Terraces (RM210953). The proposed dwelling would be somewhat screened from views from Smith Road by the consented specimen trees. While the glimpses of the building would be visible from this vantage, the proposed exceedance to the height limit by 250mm would not result in the building being noticeably more visible or dominant.

6.13 Given the elevation of the Criffel Diggings Track to the south of the development, the entire proposed dwelling would be visible on the basin floor. However it would be viewed in the context of the other rural living developments in the area and the increase in the height of the roof and slightly lighter grey colour would not result in noticeable effects from that vantage.

6.14 Further to the above, it is noted that given the wording of the Consent Notice condition, which measures height not from original ground level but rather from the slab, and that earthworks within building platforms are permitted, the level of the site could be raised 250mm-500mm and a complying house of a different or similar design could be constructed on the site. Such a residential unit would be higher and more visible than the proposed residential unit.

6.15 Overall, given the above, it is considered that the proposed variation to the Consent Notice conditions would have less than minor effects on landscape, rural character and rural amenity.

Servicing and Infrastructure

6.16 Water, electricity and telecommunications are available to the building platform as approved by Subdivision Consent RM181596.

6.17 The site is suitable for on-site disposal and any associated adverse effects will be less than minor.

6.18 Two water tanks will be partially buried and located to the south-east of the building platform, with a total static storage of 60,000ltr. Couplings and laterals will be extended to the driveway, which will be sealed to form a hardstand area. This is considered to be more than sufficient to provide water in the event of a fire.

6.19 Overall, adverse effects in relation to servicing are considered to be less than minor.

Access and Parking

6.20 Access to the site is already formed. Parking and manoeuvring areas are proposed to be formed to Council standards, with two car parks and one boat park available within the attached garage, one car park in the carport, and sufficient room within the forecourt area to accommodate additional parking as required. Overall, any adverse effects associated with access and parking are anticipated to be less than minor.

Earthworks

6.21 Only minor earthworks are required to accommodate the proposed building and water tanks. No significant landform modification is proposed. Excess material from the site scrape and the burial of the water tanks (estimated to be around 100m^3) will be spread around the site as part of the domestic landscaping or removed from site. Overall, adverse effects in relation to earthworks are anticipated to be less than minor.

Consent Notice Matters

6.22 It is proposed to vary the conditions of the Consent Notice to enable the water tanks to not be located within the building platform, construct a dwelling with a maximum height of 4.75m above the slab, and use a lighter cladding than required for the shed and roof, as well as to enable the water tanks to be outside of the approved building platform. These conditions were volunteered by the applicant during the processing of RM181596 to reduce the visibility of buildings within the landscape.

6.23 The effects associated with these changes have been assessed above and are considered to be less than minor. However, the matter of Consent Notice variations has been subject to multiple High Court proceedings. In general, the Court is of the mind that Consent Notices should not be altered unless there has been a material change in circumstances (e.g. a rezoning or similar) which means that the consent notice obstructs rather than achieves sustainable management .

6.24 In this instance, no rezoning has occurred. However, the site has subsequently been purchased and a dwelling designed to be constructed on the site. The intention of the identification of a building platform is to enable residential use in this location on the site. The proposed dwelling is consistent with that intention and would result in the efficient use of the site for rural living purposes, as intended by the Subdivision Consent RM181596. The built form is contained within the approved residential platform and the design complies with most of the design controls. Therefore, it is considered that the proposed dwelling would result in the sustainable use and management of the site as intended, and that strict adherence to the consent notice conditions in this instance would obstruct the sustainable use of the site.

6.25 Overall, therefore, it is considered that a variation to the consent notice in this instance is appropriate and that any associated effects would be less than minor.

Positive Effects

6.26 The proposed development would enable the applicant to construct a residential unit onsite, thereby enabling them to provide for their well-being.

Summary of Effects

6.27 Overall, it is considered that the actual and potential adverse effects of the proposed development would be less than minor.

7.0 OBJECTIVES AND POLICIES

Proposed District Plan

7.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 3 – Strategic Directions, Chapter 6 - Landscapes and Chapter 21 – Rural and are as follows:

Chapter 3 – Strategic Direction

3.2.5 Objective - The retention of the District's distinctive landscapes.

3.2.5.5 Objective - Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision, use or development are anticipated and effectively managed, through policies and rules, so that:

a. landscape character is maintained; and

b. visual amenity values are maintained or enhanced.

3.2.5.6 In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.

3.2.5.7 In Rural Character Landscapes of the Upper Clutha Basin:

a. Priority Areas of Rural Character Landscapes are identified; and

b. associated landscape character and visual amenity values and related landscape capacity are identified.

7.2 The proposal would maintain the visual amenity values and existing landscape character of the area. The proposal is not in close proximity to any Outstanding Natural Feature or Outstanding Natural Landscapes – both Mt Barker and the Criffel Range are more than 850m away. The site is identified as being within the Cardrona River/Mt Barker Road Priority Area (PA). The values for this landscape have been identified as pastoral use, rural character, framed views of open pasture with rural living subordinate to pastoral use. The proposed rural living development will be viewed in the context of the surrounding working farm and the extension of the roof 250mm above the limit imposed by the conditions, as well as the use of slightly lighter materials, would not change this. Overall, the proposal is considered to be consistent with these Objectives and the provisions of the Strategic Directions Chapter of the Proposed District Plan (PDP).

Chapter 6 – Landscapes

Policies

6.3.2.1 Avoid urban development and subdivision to urban densities in the rural zones.

6.3.2.2 Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.

6.3.2.7 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape.

6.3.4.1 Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.

6.3.4.3 Require that proposals for subdivision or development for rural living in the Rural Zone:

a. take into account all subdivision and development that is in existence or is consented for all land within the relevant landscape character area as at 14 May 2021; and

b. assess the potential for adverse cumulative effects on the landscape character of that area and its wider landscape context.

6.3.4.5 Ensure incremental changes from subdivision and development do not degrade landscape character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.

6.3.4.8 Avoid adverse effects on visual amenity from subdivision, use and development that:

a. is 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);or

b. forms the foreground for an Outstanding Natural Feature or Outstanding Natural Landscape when viewed from public roads.

6.3.4.10 In the Upper Clutha Basin, subdivision and development maintains open landscape character where that is the existing character of the Rural Character Landscape.

7.3 The proposal does not relate to urban development and has been designed so as to not contribute light pollution to the area. The construction of a residential unit within the building platform is anticipated and what is proposed would not have an effect on the integrity of that landscape. Development is anticipated in this location and the height of what is proposed is only slightly beyond what is provided for. The proposed changes will not affect landscape character or amenity. The proposal would not be highly visible from public places and would not affect the open character of the Upper Clutha Basin as it only relates to slight, imperceptible increase in height. Overall, the proposal is considered to be consistent with the provisions of Chapter 6 of the PDP.

<u>Chapter 21 - Rural</u>

21.2.1 Objective - Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

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

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

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

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.1.9 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

7.4 The proposal would not result in inappropriate cumulative effects on ecosystems or nature conservation values. Adequate provision has been made so that fire vehicles can access the site and have access to sufficient water. Overall, it is considered that the proposed development is consistent with the relevant provisions of Chapter 21 of the PDP.

7.5 Overall, it is considered that the proposed development is consistent with the relevant Objectives and Policies of the Proposed District Plan.

Operative District Plan

7.6 The objectives and policies of the Operative District Plan (ODP) of particular relevance to the consideration of the proposed development are contained in Section 4 – District Wide Issues and Section 5 – Rural Areas.

Section 4 – District Wide Issues

7.7 The objectives and policies of Section 4 seek to ensure that development in the District avoids, remedies or mitigates adverse effects on landscape and visual amenity values by providing for development where the landscape can absorb it, to avoid development that is highly visible from

public places including roads, and to avoid cumulative effects. The proposed development is in a location that has been identified as being able to absorb development and would not be highly visible from public places. The proposal would not result in inappropriate cumulative effects. Overall, the proposal is considered to be consistent with the provisions of Section 4 of the ODP.

Section 5 – Rural Areas

7.8 The objectives and policies of Section 5 seek to protect the character and landscape values of the rural area by ensuring that land with productive potential is retained, that the character of the rural areas in not affected by development, by protecting landscape values, avoiding development on prominent slopes and ridges, and by encouraging development in locations where the landscape can absorb change. In addition, Objective 3 seeks to maintain rural amenity. The proposal relates to a development mostly within an approved residential building platform. Therefore it is considered that the landscape can absorb development in this location while also protecting landscape values. The development is not on a slope or ridgeline, and would not breach the skyline when viewed from any location. The proposal will maintain rural amenity. Overall, the proposal is considered to be consistent with the objectives and policies of Section 5 of the ODP.

7.9 Overall, it is considered that the proposed development is consistent with the relevant Objectives and Policies of the Operative District Plan.

8.0 OTHER MATTERS

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

8.1 Given that the proposal involves earthworks, the applicant has elected to address the provisions of the NES by undertaking an assessment of the most up to date information about the site and surrounding area that Council holds. In addition the applicant has undertaken an assessment of any information available from the Otago Regional Council. The findings of this assessment can be summarised as follows:

Otago Regional Council's 'Database of Selected Land Uses'

8.2 The extract below from Otago Regional Council's contaminated land database demonstrates that there are no records of land uses or activities having been or being carried out on the site and the immediately surrounding area that have the potential to contaminate land.

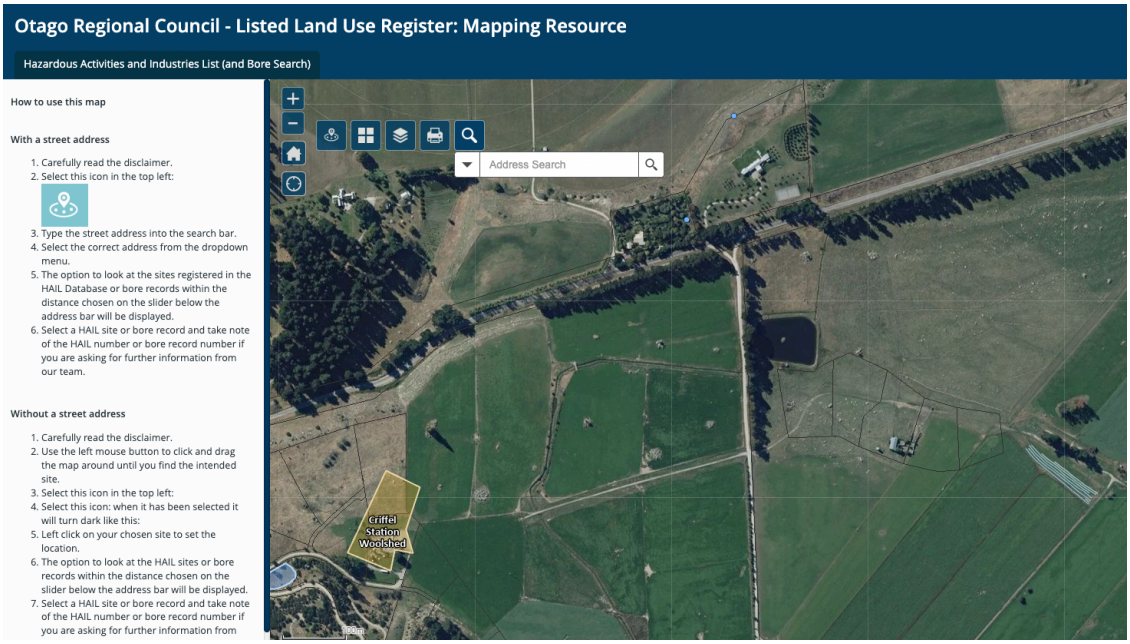


Figure 2 : Extract from ORC's HAIL Database

Queenstown Lakes District Council files

8.3 A revision of the QLDC GIS maps show that there was once a shed and yards in the southern portion of the site. A Preliminary Site Investigation (PSI) was undertaken in relation to Subdivision RM181596. A copy of this report is included as **Appendix C**. The PSI concludes that the shed was a deer shed and there no evidence of HAIL activities having been undertaken on the site. The PSI states that it is highly unlikely that there will be a risk to human health.

8.4 It therefore appears that an activity or industry described in the HAIL, which could have resulted in the contamination of the site, is unlikely to have been undertaken on the site and as such the provisions of the NES need not apply.

9.0 CONSULTATION

9.1 Section 95B of the Act requires that, should the consent authority determine that public notification is not necessary, it must decide whether there are any affected persons in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor) and affected party approval has not been provided.

9.2 The proposed exceedance in height will extend for 20m along the northern pavilion and 25m along the western pavilion. In addition, the shed will extend to a height of 4.75m for a length of 10.8m.

9.3 As discussed above, the height exceedance is 250mm above the 4.5m limit. Maples, elms and poplars are proposed to be planted on the eastern boundary of the proposed Lot 1 between Lots 1 and 2. Given the landscaping as well as the minimal height exceedance, when viewed from Lots 2-5 to east of the application site, it is considered that the exceedance would not be perceivable to the naked eye. Further, when compared with what could be undertaken onsite as of right, which includes additional earthworks to raise the site and a dwelling with a complying height of 4.5m, it is considered that the proposed exceedance would not be noticeable to the owners or occupiers of these lots.

9.4 While the material proposed to be used on the shed for cladding, '*Sandstone Grey*', would be lighter than enabled by the Consent Notice, which requires cladding to have an LRV of less than 27%, the proposed cladding would not appear any lighter and would not result in the dwelling being more visible from any vantage.

9.5 Likewise the proposed use of '*Sandstone Grey*' cladding on the roof would not result in the roof being noticeably less visually recessive than is provided for in the District Plan and the conditions of the Consent Notice. The material will have a matte finish which will make it more recessive when viewed outside the site.

9.6 Any associated effect on views, rural character, landscape values or amenity from the proposed exceedance on the owners or occupiers of Lots 2-5 would be less than minor.

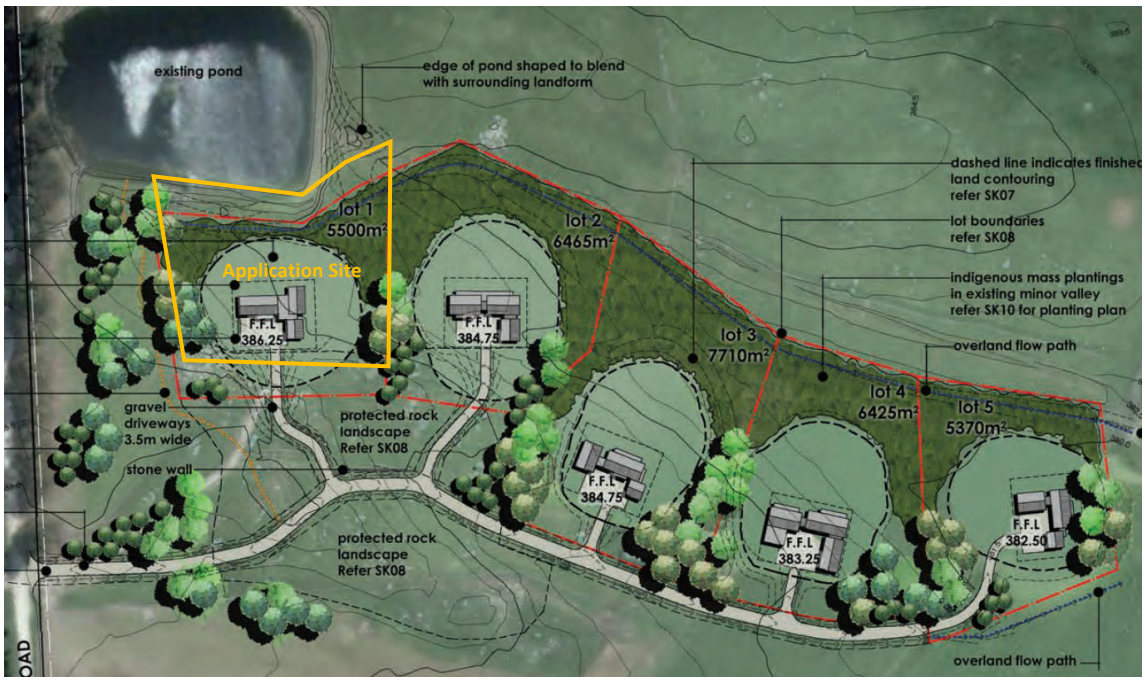


Figure 3 : Application site in relation to adjacent properties

9.7 The Terraces subdivision is located approximately 500m further south. These sites are elevated and the proposed dwelling would be visible from this vantage. However given the distance and the variance in topography, it is considered that the proposed height exceedance and slightly lighter materials proposed to be used would not be noticeable to the naked eye from this vantage.

9.8 The water tanks are proposed to be located outside of the building platform but partially buried. As a result, they will also not be visible from adjacent future lots.

9.9 On that basis it is considered that no party is adversely affected by the proposal and no consultation is required.

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

10.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

> ***5 Purpose***
>
> *(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
>
> *(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
>
> *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
>
> *(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

10.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

10.3 It is considered that the proposal appropriately sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations while avoiding adverse effects on the life-supporting capacity of air, water, soil and ecosystems and adverse effects on the environment generally. It is therefore considered that the proposed development represents the sustainable management of the District's natural and physical resources as defined in Section 5 of the Act.

10.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. Section 6(b) seeks to protect outstanding natural features and landscapes. Given the small scale of the proposal and the distance from the nearest ONF and ONLs, it is considered that the proposal would maintain the values and amenity of the ONL.

10.5 Having had regard to the other matters set out in Section 7 of the Act, the proposal would relate to the efficient development of physical resources (7(b)), being land for rural living purposes, and will maintain amenity values (7(c)) and the quality of the environment (7(g)).

10.6 The proposed development is considered to be consistent with the principles of the Treaty of Waitangi and therefore consistent with Section 8 of the Act. It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

11.0 CONCLUSION

11.1 Resource consent is sought to construct a residential dwelling to a maximum height of 4.75m, use lighter materials than provided for by the District Plan and Consent Notice, erect the water tanks outside of the building platform and vary Conditions (a), (h)(i), (h)(iii), (h)(vi) and (h)(x) of Consent Notice 12506552.3 as it relates to Lot 1 DP 575250. The proposal requires a discretionary activity consent under the Resource Management Act (1991) and a discretionary consent under the Proposed District Plan.

11.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with the relevant objectives and policies of the Operative and Proposed District Plans.

11.3 The proposal is not precluded from public or limited notification under s95A and s95B of the Act however it is considered that the proposal will result in less than minor adverse effect on the environment and therefore can be processed without public or limited notification.

11.4 It is therefore considered that, pursuant to Section 104B of the Act, resource consent can be granted for the development as proposed.

Yours faithfully,

Edgar Planning Ltd,





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Planner

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Planner