

APPLICATION AS NOTIFIED

CPC Trustee Limited

(RM230921)

FORM 12

File Number RM230921

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:

CPC Trustee Limited

What is proposed:

Consent is sought for retrospectively for a canopy shed situated between two shipping containers, in addition it is proposed to install an additional canopy over two shipping containers. The material on the existing canopy is white PVC type material and is proposed to be painted to meet the provisions in the PDP. Each shed has been applied for as farm buildings. Included in the application is for water tanks breaching boundary setbacks and the colour requirements in the District Plan.

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

Wanaka Luggate Highway, Lot 7 Deposited Plan 24216 held in Record of Title OT16B/228

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

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

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

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#public-rc> or via our edocs website using RM230921 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Erica Walker, who may be contacted by phone at +64 03 443 0126 or email at erica.walker@qldc.govt.nz

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

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

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

Friday 18th October 2024

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

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

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

https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other_forms

You must serve a copy of your submission to the applicant as soon as reasonably practicable after serving your submission to Council:

C/- Nicole Malpass
nicole@ipsolutions.nz
IP Solutions
5 Chalmers Street, Wanaka 9305

QUEENSTOWN LAKES DISTRICT COUNCIL



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

Date of Notification: Friday 20th September 2024.

Address for Service for Consent Authority:

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

Phone
Email
Website

03 441 0499
rsubmission@qldc.govt.nz
www.qldc.govt.nz

TechnologyOne ECM Document Summary

Printed On 10-Sep-2024

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Appendix A - Form 9	7843015	1	29-Nov-2023
PUB_ACC	AEE	7843016	1	29-Nov-2023
PUB_ACC	Appendix B - Easement Certificate 872699.9	7843014	1	29-Nov-2023
PUB_ACC	Appendix B - Encumbrance 951009.8	7843013	1	29-Nov-2023
PUB_ACC	Appendix B - Mem of Transfer 824737.12	7843012	1	29-Nov-2023
PUB_ACC	Appendix B - Record of Title	7843011	1	29-Nov-2023
PUB_ACC	Appendix D - Container and Shelter Plans	7843009	1	29-Nov-2023
PUB_ACC	Appendix E - Landscape Graphic Attachment	7843008	1	29-Nov-2023
PUB_ACC	Appendix E - Landscape Report	7843007	1	29-Nov-2023
PUB_ACC	Appendix F - NZTA Correspondence	7843006	1	29-Nov-2023
PUB_ACC	Email from NZTA with Written Approval - 06.12.23	7862217	1	14-Dec-2023
PUB_ACC	NZTA Written Preliminary Approval - Lot 7 DP 24216 - 06.12.23	7862216	1	14-Dec-2023
PUB_ACC	Updated scheme plan	8247177	1	12-Aug-2024



APPLICATION FOR RESOURCE CONSENT OR
FAST TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



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

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

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



APPLICANT //

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

*Applicant's Full Name / Company / Trust: **CPC Trustee Limited**

(Name Decision is to be issued in)

All trustee names (if applicable):

*Contact name for company or trust: **Carolyn Spencer-Bower**

*Postal Address: **PO Box 70 WANAKA**

*Post code:

9343

*Contact details supplied must be for the [applicant and not for an agent acting on their behalf](#) and must include a valid postal address

*Email Address: **Carolyn@wanakahelicopters.co.nz**

*Phone Numbers: Day **021336515**

Mobile:

*The Applicant is:



Owner



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



Occupier



Lessee

Other - Please Specify:



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

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



CORRESPONDENCE DETAILS //

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

*Name & Company: **Nicole Malpass**

*Phone Numbers: Day **02108060084**

Mobile:

*Email Address: **nicole@ipsolutions.nz**

*Postal Address: **5 Chalmers Street, Wanaka**

*Postcode:

9305



INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf. For more information regarding payment please refer to the Fees Information section of this form.

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

Applicant:



Agent:



Other - Please specify:

Email:



Post:



*Attention: **Carolyn Spencer-Bower**

*Postal Address: **PO Box 70 WANAKA**

*Post code:

9343

*Please provide an email AND full postal address.

*Email: **Carolyn@wanakahelicopters.co.nz**



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

Owner Name: **As above**

Owner Address:

Owner Email:

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

Date:

Names:



DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

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

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

Details are the same as for invoicing

Applicant:

Landowner:

Other, please specify:

*Attention: **Carolyn Spencer-Bower**

*Email: **Carolyn@wanakahelicopters.co.nz**

[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:

WANAKA-LUGGATE HIGHWAY RD 2 WANAKA 9382

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

LOT 7 DP 24216

District Plan Zone(s): **Rural**



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



PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

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

Yes

No

Copy of minutes attached

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



CONSENT(S) APPLIED FOR // * Identify all consents sought // ALSO FILL IN OTHER CONSENTS SECTION BELOW

Land use consent

Subdivision consent

Change/cancellation of consent or consent notice conditions

Certificate of compliance

Extension of lapse period of consent (time extension) s125

Existing use certificate

Land use consent includes Earthworks



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

Controlled Activity

Deemed Permitted Boundary Activity

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



BRIEF DESCRIPTION OF THE PROPOSAL // * Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

*Consent is sought to:

Establish two farm buildings at Wanaka-Luggate Highway, Lot 7 DP 24216.



APPLICATION NOTIFICATION

Are you requesting public notification for the application?

Yes

No

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



OTHER CONSENTS

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

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

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

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

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

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m³ per 500m²). Therefore the NES does not apply.

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

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



OTHER CONSENTS // CONTINUED

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

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

Any other National Environmental Standard

Yes

N/A

Do you need any consent(s) from Otago Regional Council?

Yes N/A

If Yes have you applied for it?

Yes No

If Yes supply ORC Consent Reference(s)

If ORC Earthworks Consent is required would you like a joint site visit ?

Yes No



INFORMATION REQUIRED TO BE SUBMITTED //

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

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

- Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants (Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).
- A plan or map showing the locality of the site, topographical features, buildings etc.
- A site plan at a convenient scale.
- Written approval of every person who may be adversely affected by the granting of consent (s95E).
- An Assessment of Effects (AEE).
An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.

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



PRIVACY INFORMATION

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



FEES INFORMATION

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

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



FEES INFORMATION // CONTINUED

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

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

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

MONITORING FEES – Please also note that the fee paid at lodgement includes an initial monitoring fee of \$273 for land use resource consent applications and designation related applications, as once Resource Consent 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](tel:034410499) and ask to speak to our duty planner.

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

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



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

Please reference your payments as follows:

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

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

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

I confirm payment by:



Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZLN22)



Invoice for initial fee requested and payment to follow



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

*Reference **RMCP**

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

\$2310 - Restricted Discretionary Activity (overall consent status)

(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 **TBC**

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 / Agent whose details are in the invoicing section 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.

PLEASE TICK

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 **Nicole Malpass**

Firm/Company **IP Solutions Ltd**

Dated **29/11/2023**

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



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

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

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

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

2 INFORMATION REQUIRED IN ALL APPLICATIONS

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

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

Information provided within the Form above

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

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

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

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

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

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

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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



ASSESSMENT OF ENVIRONMENTAL EFFECTS

Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
 - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:
 - (b) an assessment of the actual or potential effect on the environment of the activity:
 - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:
 - (d) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
 - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
 - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:
 - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

(3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

- (a) oblige the applicant to consult any person; or
- (b) create any ground for expecting that the applicant will consult any person.

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

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

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.



UNDER THE FOURTH SCHEDULE TO THE ACT:

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

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

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

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

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



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

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

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

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

Application Form 9

Assessment of Environmental Effects (AEE)

Computer Register (CFR)

Covenants & Consent Notice

Affected Party Approval/s

Landscape Report

Ecological Report

Engineering Report

Geotechnical Report

Wastewater Assessment

Traffic Report

Waste Event Form

Urban Design Report

November 2023

Queenstown Lakes District Council
Wanaka Office
47 Ardmore Street
WANAKA 9305

Attention: Wanaka Planning Department

1.0 INTRODUCTION

Please find a resource consent application for the establishment of two farm buildings at Wanaka-Luggate Highway, Lot 7 DP 24216.

This application includes a site description, description of the proposed activity and an assessment of how the proposal aligns with the relevant District Plan rules and assessment criteria.

Overall, the proposal will give rise to potential adverse effects that are no more than minor in degree in terms of the environment and less than minor in terms of persons.

2.0 APPLICATION DETAILS

APPLICANT	CPC TRUSTEE LIMITED
SITE LOCATION	WANAKA-LUGGATE HIGHWAY, RD 2, WANAKA, 9382
LEGAL DESCRIPTION	LOT 7 DP 24216
SITE AREA	14.208ha
ZONING (ODP)	RURAL GENERAL
ZONING (PDP)	RURAL

3.0 APPENDICES

APPENDIX A	FORM 9
APPENDIX B	RECORD OF TITLE
APPENDIX C	SITE PLAN
APPENDIX D	CONTAINER SHELTER PLANS
APPENDIX E	LANDSCAPE ASSESSMENT
APPENDIX F	NZTA CORRESPONDENCE

4.0 SITE DESCRIPTION AND DESCRIPTION OF PROPOSAL

4.1 SITE DESCRIPTION

This application seeks Resource Consent for the establishment farm buildings at a site on the Wanaka-Luggate Highway, being Lot 7 DP 24216.

The title comprises 14.191 hectares of rural pastoral land which adjoins and is accessed from the Luggate-Cromwell Highway (State Highway 6), approximately 900m west of the Luggate Township.

Broadly, the site consists of two terraces, both largely characterised by simple open paddocks of pasture with the lower terrace being marginally more enclosed. It is currently being utilised for agricultural purposes, with evidence of livestock grazing and associated fencing. There is no current consented built form.

The area is classified as Visual Amenity Landscape (VAL) under the ODP and Rural Character Landscape (RCL) under the PDP. The site is located in the “Luggate Triangle” – a distinctive area of basin floor land around 83ha and is considered to be highly a modified landscape with a low degree of natural character.

The surrounds are also zoned as Rural with a RCL overlay and contains a variety of land uses including rural production, rural living as well as featuring commercial elements (for example 995B Wanaka-Luggate Highway).

The site currently gains access from SH6 as well as SH8 via existing crossing points.

Figure 1 below illustrates the site and surrounds:



Figure 1: Subject site outlined in blue. Source: QLDC GIS.

4.2 DESCRIPTION OF PROPOSAL

Due to agricultural activity, which is occurring upon the site, there is a logistical requirement for sheltering agricultural / land-based machinery as well as livestock feed / apparatus. As such, a set of buildings were established on site, consisting of four containers and one domed tent-like PVC structure which links the two larger container buildings together. This has led to the formation of the current farm base as visualised on site (but not yet consented). As part of this application, it is proposed that another smaller, domed tent-like structure which would link the two smaller container buildings. Further, as part of this application, it proposed to re-

colour (whether that be paint, or some form of cover, both the shipping containers and PVC dome-like tent structure). Please see the offered conditions within section 6.0 below.

Appendices C-E demonstrate the proposed buildings in plan format whilst Figure 2 below indicates the built form on site as it currently exists (noting that the second smaller domed structure has yet to be established).



Figure 2: Picture of proposed farm building in situ.

The large (40ft) containers and domed shelter structure plans are contained within **Appendix D**. This consists of two 40ft (12.192m) containers with a domed, material structure. The structure is approximately 7.59m at its highest, with the containers being 2.59m in height either side. The total floor area is around 229.088m² (inclusive of the containers).

The two smaller (20ft) containers will be linked via a material structure, and plans illustrating this are attached within **Appendix D**. The structure is approximately 5.59m at its highest, with

the containers being 2.59m in height either side. The total floor area is around 76.109m² (inclusive of the container buildings).

For both of the aforementioned buildings, it is proposed to re-colour/re-cover the built form such that it complies with the standards contained within 28.8.2 of the PDP.

The structure serves to provide shelter for the hay and agricultural machinery whilst the containers provide a solution to the lack of lockable, watertight machinery/other (electric fence equipment, hard feed, machine servicing bench space, mobile irrigation, vet-care products etc) storage onsite.

There are no other lockable buildings used in conjunction with the agricultural activity located on this land. This storage is utilised in association with the agricultural activity for either stock feed/maintenance as well as land based machinery and equipment which is either valuable and / or should not be left open to the elements and animals.

Given the usage of the buildings, they are classed as farm buildings and will be treated as such throughout this AEE.

Access

The farm buildings are proposed to be accessed via SH6 as indicated within **Appendix C**. NZTA have been approached in this respect and necessary upgrading conditions have been recommended. These recommended conditions have been adopted for the purposes of this application and are contained within **Appendix F** as well as Section 6.0 below.

It is noted that this correspondence also addresses a residential building platform (referred to as a proposed dwelling), this element is not applied for as part of this consent and has

therefore not been addressed and associated conditions in this regard have not been adopted.

Servicing

Given the nature of the buildings they are not currently serviced with wastewater, electricity, telecom nor potable water. Stormwater will be disposed of to ground.

Whilst not requiring servicing as part of establishment, this application does not seek to restrict or limit any future connection to services if deemed appropriate by the applicant.

5.0 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING CONTAMINANTS IN SOIL

There will be no earth moving activities in relation to this application nor subdivision or change of use. As a result, NES does not apply.

6.0 CONSENT CONDITIONS

The applicant is agreeable to standard conditions commensurate to the nature and scale of the application. The following conditions are offered in addition to these:

- The existing roof shelter-structure material and container buildings must be replaced or re-coloured/covered within 6 months of the granting of this consent. All external building materials and colours shall be submitted to council for certification prior to installation.

Colours and materials must be tones of grey, brown, and green with a light reflectivity value (LRV) of between 7% and 30% for all external elements including cladding,

spouting, joinery etc., and between 7% and 20% for the roof. The roof shall have a matte or low gloss finish to reduce glare.

- The proposed shelter structure colour and material must be submitted to council for certification prior to installation on the building.

Colours and materials must be tones of grey, brown, and green with a light reflectivity value (LRV) of between 7% and 30% for all external elements including cladding, spouting, joinery etc., and between 7% and 20% for the roof. The roof shall have a matte or low gloss finish to reduce glare.

- The approved structural landscape plan must be implemented within the first planting season post the granting of this resource consent.
- The vehicle crossing to SH6 (coordinates NZTM 1304065, 5039348) shall be upgraded in accordance with the NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) with a radius of 15m and to the satisfaction of the NZ Transport Agency Network Manager.
- Prior to giving effect to the land use consent, the consent holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the state highway, including the upgrading of the vehicle crossing, have been constructed to the NZ Transport Agency standards.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the Waka Kotahi CAR Manager via www.beforeudig.co.nz and/or www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

7.0 SITE HISTORY

The following resource consents are relevant to the site and to this consent:

- RM200946 – Applied for a 5-lot subdivision each with associated building platforms. This consent was publicly notified at the applicants request however, ultimately withdrew the application.

8.0 RELEVANT PROVISIONS OF THE DISTRICT PLAN

8.1 ACTIVITY STATUS (Operative District Plan)

The application is considered to not require consent under the Operative District Plan being that there are no relevant rules deemed operative under S86F.

8.2 ACTIVITY STATUS (Proposed District Plan)

Under the Proposed District Plan the site is zoned Rural and the activity requires the following consents:

- A **restricted discretionary** activity resource consent pursuant to Rule 21.8.1 for the establishment of a farm building which does comply with standards 21.8.1.1 (being on a landholding less than 100ha), 21.8.1.2 (exceeding a density of buildings of 1 per 50ha) and 21.8.1.6 (exceeding 5m in height). Council's discretion is restrict to the following matters:

- a. The extent to which the scale and location of the Farm Building is appropriate in terms of:
 - i. Rural amenity values;
 - ii. Landscape character;
 - iii. Privacy, outlook and rural amenity from adjoining properties;
 - iv. Visibility, including lighting.

It is noted that the existing buildings do not comply with standard 21.8.2 in terms of colour, it should be recognised however that it is proposed as part of this consent that they will comply (if approved) (see section 6.0 above).

Overall, under the Proposed District Plan, the proposal qualifies as a **restricted discretionary** activity.

9.0 ASSESSMENT OF ADVERSE EFFECTS

9.1 PERMITTED BASELINE

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 instance, the permitted baseline includes:

- Farming activities (both arable and the keeping of livestock);
- The keeping of hay bales;
- Use/storage of vehicles and machinery;
- Horticultural and viticultural activities;
- Landscape planting;

- Commercial recreation activities within certain standards;
- Earthworks up to 1000m³, or any amount if in relation to agricultural activity; and
- Fencing.

9.2 EXISTING ENVIRONMENT

The existing environment is also of relevance to the consideration of the proposed activity and consists of consented development. The existing environment includes the fencing and landscaping of the site, the keeping of livestock as well as the accesses and turning area.

9.3 RECEIVING ENVIRONMENT

In addition to the permitted baseline and existing environment, it is important to consider the receiving environment which includes existing and consented development adjacent to and in the vicinity of the application site. The receiving environment includes rural living including residential units, accessory buildings and landscaping on the properties immediately to the south and east. Further to the south is the Luggate Township along with a Rural Industrial subzone located along Church Road and associated activities.

To the north is the Strawberry Farm which contains a cool store building, packhouse, green / tunnel houses and a permanent shop (consented under RM230562). Further north is characterised by the Wanaka Airport and the associated plethora of light-coloured built form.

It is within the context of the permitted baseline, existing and receiving environments that the actual and potential effects of the proposed development will be considered below.

9.4 MATTERS OF DISCRETION

The matters of discretion when considering the establishment of a farm building are as follows:

- Rural amenity values;
- Landscape character;
- Privacy, outlook and rural amenity from adjoining properties;
- Visibility, including lighting.

A landscape assessment is contained within **Appendix E** which traverses the above matters.

This assessment has been drawn upon to inform the below assessment.

Rural Amenity Values

The farm buildings are rural in nature. Whilst being utilitarian (as is typical for many working farms), they are located and restricted to one area of the site, a significant distance from both State highway boundaries (being approximately 126m east of SH6 and 230m south of SH8A), ensuring to preserve the amenity and outlook afforded from public places.

Whilst it is recognised that the buildings will be visible from SH6, and to a lesser extent, SH8A, their proposed clustering, recessive colouring, in conjunction with proposed landscape planting will serve to reduce potential adverse effects.

Within **Appendix E**, it is noted that *“open space over built form is considered a key contributor to rural amenity values”*. In this respect, it is considered that application does not propose built form to a density which is urban in nature with the buildings proposed clearly servicing farming activities, an anticipated activity within the Rural Zone.

The shelters and containers provide much needed cover and consolidation for key machinery and valuable equipment/materials. Without such cover and consolidation, it is highly likely that the apparatus would be onsite (given the lack of storage elsewhere at the owner’s

disposal). This leave the expensive machinery open to the harsh Otago elements in a likely unconsolidated fashion.

The design is efficient, economical, and very effective for purpose.

Overall, given that the proposed buildings are rural in nature being used in conjunction with a rural activity, as well as its careful placement in order to preserve the expanse of rural land, as well as offered conditions of consent, it is considered that the potential adverse effects upon rural amenity will be less than minor in degree.

Landscape Character

The subject site is classified as Rural Character Landscape under the Proposed District Plan. The subject landscape is described within **Appendix E** and this description is adopted for the purposes of this application.

Overall, it is considered that the landscape possesses an open yet human modified character given the general lack of built form interspersed with evidence of rural living, the keeping of commercial livestock on the property including electric fencing, outdoor equipment as well as the livestock themselves etc.

When considering the application and associated Landscape Character effects, **Appendix E** notes that the *“chief landscape effect will the exchange of pasture for the farm buildings”*. This effect however is considered to be less than minor due to the following factors:

- Existing character of the site;
- Nature of proposed built form;
- The proportion of application site land involved (0.2%);
- No change to the underlying landform; and

- No change to land use surrounding the buildings.

Whilst being situated between the Clutha River and Criffel Range ONLs, neither directly adjoin the site and views to either ONL are not affected.

Overall, due to the location and rural nature of the proposed farm buildings in relation to the existing environment, it is considered that the adverse effects of this proposal on landscape character will be minor.

Visibility Including Lighting

The buildings are situated far from public boundaries, being approximately 126m east from SH6 and 230m south of SH8A. Whilst they may be able to be seen from the SH6 and SH8A, the conditions stipulated within section 6.0 (i.e. the recessive colour and structural landscaping) are considered to soften the views of the built form to an extent that they are acceptable and not a dominant feature in the landscape.

Further to consider in this regard is the speed and environment from which this built form will be visualised. To this extent, they will be viewed in the peripheral view of road users of SH6/SH8A which is a high-speed environment with no public footpaths. If they are viewed, they will appear as rural farm buildings situated upon agricultural land.

The location of the buildings capitalises on the existing crossing point from SH6 and associated internal accessway, situated along the southern boundary so as to interrupt the site as little as possible. There is no lighting proposed.

Overall, due to the location, visually recessive colours (as proposed) and rural nature of the farm buildings in relation to the existing environment, it is considered that the adverse effects of this proposal on visibility will be of a minor degree.

10.0 ADVERSE EFFECTS ON PERSONS

Properties subject to this assessment are detailed below:



Figure 2: Aerial image of subject site (highlighted in blue). Properties subject to the below assessment highlighted with an orange star. QLDC GIS.

Owners/Occupiers of the Strawberry Farm (995B Wanaka-Luggate Highway)

The owners/occupiers of the Strawberry Farm land are situated to the north of the subject site, north of SH8A. Due to the proposed farm buildings having a large setback distance from the northern boundary (approximately 340m), as well as the proposed planting and undulating topography of the subject site, the views of the proposal from the Strawberry Farm land are considered to be limited. If/where they are available, it is considered that they will not cause interruption of expansive views across the 'Luggate Triangle' and beyond.

From a privacy perspective, it is unlikely that the farm buildings will cause any adverse effects. The proposed buildings are, as discussed, rural in nature and scale, as well as being a large distance between the proposed building and the boundary the Strawberry Farm land.

Overall, due to the nature and scale of the building in relation to the subject site as a whole, as well as the distance at which the proposed building will be viewed, any adverse effects on the owners/occupiers of the Strawberry Farm land are considered to be less than minor.

Owners occupiers of properties to the East, beyond SH6

Due to topography, the owners/occupiers of the residences to the east look out over the subject site. Whilst it is likely that they will be able to have visuals of the proposed farm buildings, due to the distance, and the lack of any notional boundaries upon the sites to the east (being used for cultivation and/agricultural purposes) it is not anticipated to cause any adverse effects in relation to privacy.

In terms of outlook it is important to consider that their overwhelming expansive view is of Luggate Triangle, the Clutha River from some angles as well as the mountain range beyond within their vista. As such, the proposed farm buildings are not only likely to make up a very subordinate component of their outlook, being that there are no platforms consented which directly overlook the subject site, no notional boundaries are considered to be present nor effected by the proposal. As a result, it is determined that the likely adverse effects in relation to outlook will be less than minor.

The proposed farm buildings, as discussed are rural in nature and scale, encompassing just 0.2% of the site, preserving as much of the open space of the site as is possible. Despite the containers being situated on the outside of the roofing structure the painting of these to

complement the proposed recessive roofing colour will serve to homogenise the overall outcome, whilst the storage serves to consolidate this area of the working agricultural area.

Overall, considering their views are expansive and extend across Luggate Triangle and beyond, whilst accounting for the positive effects in terms of consolidation and storage, it is considered that on balance, the adverse effects will be no more than minor upon the owners/occupiers of properties to the east, beyond SH6.

Owners/Occupiers of 1153 Wanaka-Luggate Highway

1153 Wanaka-Luggate Highway is situated to, and adjoins the subject site to the south. Whilst there is a small stand of trees which can be relied upon as structural planting, approved/implemented under RM170388, the proposed farm buildings are likely to be viewed from this vantage and notional boundary, albeit at a setback of approximately 60m.

In consideration of this, structural planting has been proposed as part of this application to both screen/soften, and to provide a somewhat recessive backdrop of the proposed buildings. This is demonstrated within **Appendix E**.

It is also important to consider the permitted baseline when assessing the adverse effects from this vantage. Without the storage and shelter, the likelihood of intermittent storage of machinery and other agricultural paraphernalia is high, and considering the existing access arrangements, this location would likely be the location for such activity. In this regard, it is considered that, the proposal is providing required storage and associated consolidation.

Overall, considering the views/outlook afforded from 1153 Wanaka-Luggate Highway are expansive and extend across the subject site towards the mountain ranges beyond, whilst accounting for the positive effects in terms of consolidation and storage in conjunction with

the proposed conditions, it is considered that on balance, the adverse effects will be no more than minor upon the owners/occupiers of 1153 Wanaka-Luggate Highway.

Owners/Occupiers of 74 Shortcut Road

74 Shortcut road adjoins the subject site in the north eastern corner and is situated on the lower terrace. Due to topography and large setback distance of the proposed buildings, it is not anticipated that the proposed buildings upon the subject site will be overtly visible from this property.

If they were visible from any particularly vantage, it is considered that the structural planting (consented to be maintained in perpetuity under RM170388), would considerably obscure these views, which would be concealed further via their proposed recessive colouring and associated proposed planting.

As a result, it is determined that the likely adverse effects in relation to outlook and privacy will be less than minor.

Owners/Occupiers of Lot 3 DP 532503

Lot 3 DP 532503 is located to the south of the subject site, sharing a boundary. Whilst this land also is categorised by two terrace formations, the building platform is located on the upper terrace, directly south, but significantly setback from, the proposed farm buildings.

In between the building platform upon Lot 3 DP 532503 and the proposed farm buildings, is 1153 Wanaka-Luggate Highway. Situated within this vista, is not only the building platform of 1153 but extensive structural planting established under RM170388.

Due to the location, nature and scale of the proposal in relation to the notional boundary of

Lot 3 DP 532503, the proposed farm buildings are unlikely to be overtly visible to the owners/occupiers for the majority of the time. If/when they are visible, they will appear recessive (due to conditions of consent) as well as congruous with the agricultural use and setting of the property. Consequently, the adverse effects on the owners/occupiers of Lot 3 DP 532503 is likely to be less than minor.

Overall, it is considered that the potential adverse effects on persons is less than minor.

11.0 OBJECTIVES AND POLICIES OF THE OPERATIVE & PROPOSED DISTRICT PLAN

Operative District Plan (ODP)

The relevant objectives and policies are situated in Section 4 (District Wide Issues) and Section 5 (Rural Areas).

Section 4 of the ODP acknowledges that development, when appropriate, is required to have regard for indigenous biodiversity, the life supporting capacity of air, water and soil and the Districts' visual amenity resources. As assessed in depth within the above section and within **Appendix E**, it is not considered that the proposed development, will have a negative impact on the Districts' visual amenity and therefore, it is determined that the proposal is consistent with the relevant objectives and policies found in Part 4 of the Operative District Plan.

Objective 1 and the associated policies of Section 5 seek to maintain and encourage the protection of the character and landscape values of the Rural Zone. This objective and the related policies looks to control and/or mitigate adverse effects of development whilst encouraging productive activity conducive to the principles of the Rural Zone.

This application is in association with a legitimate farming activity. The Rural Zone provides for activities such as these. The farm buildings are pivotal to ensuring the agricultural activity

can be maintained and continue to operate effectively and efficiently. As discussed in above of this report, it is considered that due to the nature, scale and location of the buildings, the proposal will not adversely affect the character and landscape values of the area. The development is therefore in line with this objective and the associated policies.

Objective 3 and the associated policies seek to avoid, remedy and mitigate adverse effects on rural amenity whilst encouraging a varied range of land uses of which are typical of that found close to urban development in the Rural Zone. The receiving environment caters for farming, associated commercial/industrial activities as well as a level of rural living. As discussed above, the works are not out of character for the environment with all elements of the application being rural in nature. The density of the development (encumbering just 0.2% of the subject site) aligns with the rural amenity of the area as it exists.

Overall, it is considered that the development is consistent with the objectives and policies of the ODP.

Proposed District Plan (PDP)

The relevant objectives and policies are situated in Chapter 3 (Strategic Direction), Chapter 6 (Landscapes and Rural Character) and Chapter 21 (Rural).

The strategic direction policies of chapter 3 encourage the continuation of farming activities and facilitate the evolution of rural land beyond traditional activities. It looks to ensure that development within the Rural Zone is managed whilst maintaining the rural farming, landscapes, conservation values and Ngāi Tahu values. The application wholly provides for a farming activity involving the keeping of livestock. It seeks to protect the land and rural operation through the provision of equipment storage for the livestock and farming activity.

The policies of chapter 6 concern the rural character of the landscape. They seek to manage activities in the rural zone through avoiding inappropriate urban densities, managing lightspill, avoiding vegetation clearance, avoid degradation of landscape values as well as visual amenity, and encouraging development to promote indigenous biodiversity. It is noted that this proposal does not seek lighting in associated with these buildings. Furthermore, as explored within the above section and **Appendix E**, the proposal is not considered to adversely affect the landscape nor biodiversity values of the subject site to a more than minor degree. It is considered that due to the placement of the buildings and well-thought out landscaping proposal, the application seeks to maintain the open space character which is currently exhibited by the subject site. Overall, it is considered that the application is consistent with the relevant objectives and policies within chapter 6 of the PDP.

The objectives and policies within Chapter 21 (Rural) seek to provide for a range of land uses, including farming, whilst protecting ONFs and ONLs, maintaining landscape character of RCLs and visual amenity values as well as the maintenance of nature conservation values (21.2.1). Objectives 21.2.2 and 21.2.3 also seek to ensure that life supporting capacity of soils and water are sustained.

As stated above, the subject site is utilised for agricultural activity. The buildings comply with the setback standards indicated as appropriate within the Rural Zone, with their location being somewhat determined by the existing access arrangements and preservation of the majority of the land for agricultural pursuits. Whilst it is recognised that the height and area standards are not met, the proposed recessive colour, setback and proposed mitigation planting, as explained and assessed within **Appendix E** and above, ensure that potential adverse effects in regard to landscape character and amenity are to be no more than minor. The approval of such an application will ensure the ongoing effective and efficient farming operation, in turn supporting the ongoing, long term maintenance of landscape and rural amenity values.

For the aforementioned reasons it is considered that this proposal aligns with the objectives and policies of the proposed district plan.

12.0 NATIONAL POLICY STATEMENT – HIGHLY PRODUCTIVE LAND

The NPS-HPL came into effect on 17 October 2022 and has an overarching objective to protect Highly productive land for use in land-based primary production, both now and for future generations. In seeking to achieve this objective, desktop mapping has been produced which identifies areas initially deemed as highly productive or other (those classified as highly productive have a category of Land Use Capability (LUC) 1-3). Figure 4 below shows the subject site and the relevant Land Use Capability classes it encompasses (note that this is shown at the greatest scale available).



Figure 4: LUC Mapping with subject site shown. Source: <https://ourenvironment.scinfo.org.nz> Light green being LUC 3..

This national statement requires specific consideration given the subject site's classification as Land Use Capacity categorisation 3.

This categorisation is noted as 'Arable' meaning *"very good multiple-use land, slight limitations, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry"*.

Mapping is currently rudimentary, being a scale of 1:25,000. The ORC have yet to ground test/accurately map the highly productive land in the region nor has it updated its District

Plan in response to the NPS-HPL, therefore, the extent to which the current mapping can be relied upon is minimal.

Despite this, it is considered that the application is for the purposes of supporting the agricultural productivity of the land and therefore in line with clauses 3.9(1) 3.9(2)(a)) as well as 3.9(3)(b). The proposal is also considered to meet 3.9(2)(g) as it is small scale land use activity (occupying 0.2% of the site area) which has no impact on the productive capacity of the land. The location of the buildings are on the peripheral of the site, being situated a suitable distance from SH6, whilst capitalising on existing access arrangements and therefore preserving the majority of the land for productive purposes. As such, it is considered that the proposal also meets 3.9(3)(a).

Overall, the proposal is considered consistent with the intention of NPS-HPL.

13.0 PART II OF RMA 1991

In consideration of the relevant principles outlined in Sections 6, 7 and 8 of the Act, it is considered if approved, the proposal will achieve the purpose of the Act as presented in Section 5.

14.0 CONCLUSION

This application seeks Resource Consent for the establishment of two farm buildings at Wanaka-Luggate Highway, Lot 7 DP 24216.

When aligned against the relevant assessment criteria of the District Plan, it is considered that the proposal will promote outcomes encouraged by the rules, assessment criteria, objectives and policies of the Rural Zone.

As demonstrated throughout this report, the proposal will not give rise to any adverse effects which are more than minor. It is therefore respectfully requested that Council approve this proposal subject to appropriate conditions of consent on a non-notified basis.

Kind Regards,



Nicole Malpass
IP Solutions Ltd

Reviewed by



Dan Curley
Managing Director
IP Solutions Ltd

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

EC

872699/9

EASEMENT CERTIFICATE

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

I/~~WE~~ NORMAN WILLIAM PITTAWAY of Wanaka Farmer

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Dunedin on the _____ day of _____ 19____ under No. 24216 ✓ are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
 DEPOSITED PLAN NO. 24216 ✓

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement "ST"		Dominant Tenement Lot No.(s) or other Legal Description "DT"	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right to Convey Water	Lot 4	A - B	Lot 7 ✓	ST 16B/226 DT 16B/228
" "	Lot 1	C - E ✓	Lots 2, 3, 4, & 7 ✓	ST 16B/223 DT 16B/224 DT 16B/225 DT 16B/226 DT 16B/228
" "	Lot 2	D-E-F, E-H ✓	Lots 1, 3, 4 & 7 ✓	ST 16B/224 DT 16B/223 DT 16B/225 DT 16B/226 DT 16B/228
" "	Lot 3	F - G /	Lots 1, 2, 4 & 7 ✓	ST 16B/225 DT 16B/223 DT 16B/224 DT 16B/226 DT 16B/228
" "	Lot 4	G - B - C /	Lots 1, 2, 3 & 7 ✓	ST 16B/226 DT 16B/223 DT 16B/224 DT 16B/225 DT 16B/228

Norman Pittaway

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

~~XXXXXXXXXXXX~~

The following are in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

M.W.P.

1 INTERPRETATION

In this instrument unless the context otherwise requires:

"**the Certificate**" means this easement certificate (including these conditions) as it may be varied from time to time.

"**these conditions**" means these conditions as they may be varied from time to time.

"**costs**" means the costs of the installation, creation, establishment, operating, repair, maintenance, reconditioning, replacing, upgrading and serving of any article, property or facility used or needed for the proper exercise of the rights created by this Certificate.

"**dominant land**" in relation to any easement means the land described in the first schedule to which the relevant easement is appurtenant.

"**easement**" means an easement recorded by this Certificate.

"**the Grantee**" in relation to each easement means the registered proprietor for the time being of the dominant land which the relevant easement is appurtenant.

"**the Grantee and other authorised persons**" in relation to any easement means the Grantee and the agents, employees, contractors, tenants, licensees and invitees of the Grantee and all other persons authorised or invited by the Grantee to enjoy the relevant easement and, where the context so admits, means any of such persons.

"**the Grantor**" in relation to each easement means the registered proprietor for the time being of the servient land which is subject to the relevant easement.

"**the Grantor and other authorised persons**" in relation to any easement means the Grantor and the agents, employees, contractors, tenants, licensees and invitees of the Grantor and all other persons authorised or invited by the Grantor to enjoy the relevant easement and, where the context so admits, means any of such persons.

"**the plan**" means deposited plan No. 24216 Otago Registry.

"**servient land**" in relation to any easement means the land described in the first schedule which is subject to the relevant easement.

"**specified area**" means any part of the land specified in the first schedule as being subject to an easement.

"**water supply area**" means that part of the land described in the first schedule as being subject to a water supply easement.

"**water supply easement**" means the rights recorded by this Certificate in relation to each water supply area.

2 GENERAL PROVISIONS RELATING TO EASEMENTS

The following provisions are applicable to the easements recorded by this Certificate and the parties covenant accordingly:

- (a) Each grant shall be for all time



- (b) No power is implied in respect of any easement for the Grantor to determine the easement for breach of any provision in this Certificate (whether express or implied) or for any other cause, it being the intention of the parties that each easement shall subsist for all time unless it is surrendered.
- (c) It is intended that the Scheme be for the benefit of all the land described in the Schedule and the parties covenant that they will not exercise or attempt to exercise or authorise or permit any other person to exercise or attempt to exercise any rights or powers contained in this Certificate otherwise than in accordance with the covenants in this Certificate. The Covenants contained in this Certificate shall be mutually enforceable inter se by the Grantor and Grantees.
- (d) The parties shall pay all costs incurred in connection with the easements created by this Certificate in the proportions to be determined by agreement between the parties (which agreement may be recorded in a Deed of Covenant or other instrument registered against the Title to the servient and dominant lands) and failing such agreement the costs shall be borne in such shares as are reasonable having regard to the irrigable area of the servient land, the nature of farming activity carried on and the usage of water. The proportions shall be determined by arbitration in accordance with the provisions of Clause 5 hereof. If however, the incurring of costs was caused by the deliberate act or omission of either the Grantor or the Grantee then the party responsible shall be liable for the costs so incurred.

3 WATER SUPPLY EASEMENTS

The following provisions shall apply to each water supply easement:

3.1 Right to Convey Water

The Grantee and other authorised persons have the right (in common with the Grantor and all others having the like right) to convey and lead water in free and unimpeded flow (except during any periods of necessary cleaning, renewal and/or repair) through pipes and conduits laid or to be laid under the surface of and through the soil of the water supply area to the dominant land.

3.2 Access

The Grantee may, for the purposes of complying with any obligation of the Grantee under this Certificate:

- (a) Enter the servient land with or without Agents, Employees and Contractors with all necessary tools, implements, machinery, vehicles or equipments; and
- (b) remain of the servient land for such time as is reasonable for the purposes of performing such obligation; and
- (c) in exercising any rights under this subclause the Grantee shall:
 - (i) cause as little damage, disturbance, inconvenience and interruption to the servient land and use of the servient land as is reasonably necessary; and
 - (ii) forthwith make good any damage done to the servient land and to the occupier of the servient land.

4 DEFAULT

If any party ("The Defaulting Party") neglects or refuses to perform or join with the other party ("The Other Party") in performing any obligation under this Certificate the following provision shall apply:



- (a) The other party may serve upon the Defaulting Party a written notice ("**A Default Notice**") requiring the Defaulting Party to perform or to join in performing such obligation and stating that, after the expiration after seven days from the service of the Default Notice the Other Party may perform such obligations;
- (b) If at the expiration of the Default Notice the Defaulting Party still neglects or refuses to perform or join in performing the obligation the Other Party may:
 - i. perform such obligation; and
 - ii. for that purpose enter the relevant servient land or dominant land and carry out any work.
- (c) The Defaulting Party shall be liable to pay to the Other Party the costs of the Default Notice and the specified proportion of the costs incurred in performing such obligation;
- (d) The Other Party may recover from the Defaulting Party as a liquidated debt any monies payable pursuant to this subclause.

5 ARBITRATION

- 5.1 All disputes and differences which may arise between the parties in relation to this Transfer, or as to any matter arising under this Transfer, or in relation to the parties' rights or obligations under this Transfer, or in relation to the work to be carried out under this Transfer, shall be referred to arbitration in accordance with the Arbitration Act 1908.
- 5.2 The arbitration shall be commenced by either party giving to the other notice in writing stating the subject matter and details of the dispute or difference and that party's desire to have the matter referred to arbitration.
- 5.3 The arbitration shall be by one arbitrator if the parties can agree upon one and, if not, then by two arbitrators, one to be appointed by each party and their umpire to be appointed by the arbitrators before they begin to consider the dispute or difference.
- 5.4 The award in the arbitration shall be final and binding on the parties.



~~ALL TERMS, CONDITIONS, AGREEMENTS, OR RESTRICTIONS IN RESPECT OF ANY OF THE ABOVE AGREEMENTS~~

Dated this 19th day of December 1994

Signed by the above-named
NORMAN WILLIAM PITTAWAY

N.W. Pittaway

in the presence of *[Signature]*

Witness

Occupation

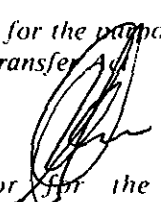
Address

[Handwritten signatures and text for witness, occupation, and address]

EASEMENT CERTIFICATE

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

Correct for the purposes of the Land Transfer Act


Solicitor for the registered proprietor

The within easements, when created will be subject to Section 243 Resource Management Act 1991

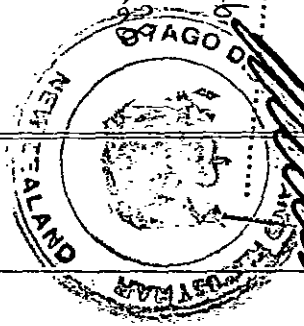
~~Handwritten signature~~
A.R.

JUL 20 2016 9:4

87269919

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY OTAGO
ASST. LAND REGISTRAR

166/223 166/226
166/224 166/228
166/225



CHRIS STEVEN
Barrister and Solicitor
Wanaka

FILE COPY





**MEMORANDUM OF ENCUMBRANCE
FOR SECURING A SUM OF MONEY**

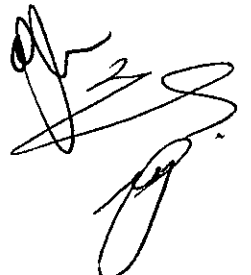
NORMAN WILLIAM PITTAWAY of Wanaka, Farmer ("the Proprietor") being registered as the proprietor of an estate in fee simple in all that parcel of land, subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon, containing: 248.7392 hectares more or less being Section 37, part Sections 38 and 39 Block VIII Lower Hawea District and Section 17 and Part Sections 57 and 58 Block VI Tarras District and also being contained and described in Certificate of Title 17B/320 (Otago Registry); 23.0165 hectares more or less being Lot 5 on Deposited Plan 24216 and also being contained and described in Certificate of Title 16B/227 (Otago Registry); 14.208 hectares more or less being Lot 7 on Deposited Plan 24216 and also being contained and described in Certificate of Title 16B/228 (Otago Registry); 1.2991 hectares more or less being Lot 1 on Deposited Plan 25265 and also being contained and described in Certificate of Title 17B/319 (Otago Registry) ("the said Land") and desire to render the said Land available for the purposes of securing to and for the benefit of **CONTACT ENERGY LIMITED** together with its subsidiaries and all their assigns and successors in title ("Contact") the rent charge mentioned below **DO HEREBY ENCUMBER** the said Land for the benefit of Contact with the rent charge of \$1.00 to be raised and paid at the time and in the manner following, that is to say -

In one annual sum on the first day of March in each year thereafter provided always that if during the twelve months immediately preceding the first day of March in any year there shall have been no breach of any of the obligations of this Memorandum then the rent charge payable on the first day of March shall be deemed to have been paid.

NOW THEREFORE WE COVENANT AND AGREE AS FOLLOWS:

1. **THAT** I will forbear from objecting on the basis of noise, visual impact, injurious affection or other adverse conditions to the presence of a power station on land adjacent to the said Land for which Contact (or its subsidiaries or associated companies) is or will be registered as a registered proprietor of an estate in fee simple in all that parcel of land subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon, containing 15.5313 hectares or thereabouts being Lots 1-8 inclusive on Deposited Plan 22247 and being comprised and described in Certificate of Title Volume 15A/550 Otago Registry ("Contact Land") or to the building of a new station or demolition of any existing station on the Contact Land or to any rebuilding, modifications or alterations to any power station whether existing or future on the Contact Land.

2. **THAT** I shall upon written request from Contact from time to time provide at a reasonable cost of Contact, support, co-operation and/or assistance of whatever nature reasonably required by Contact in respect of any application or requests for consent or renewal of consent that Contact may make from time to time of or incidental to its electricity related activities from time to time, on or about the Land, for the purposes of the Resource Management Act 1991 or any such amendments thereto or any statutory modification or re-enactment for the time being in force **PROVIDED ALWAYS** that I shall not be required to provide such support, co-operation or assistance in the event that I do not take any steps to oppose any such application, request for consent or renewal of consent.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, located in the bottom right corner of the page.

3. **THAT** I will not sell, lease or otherwise dispose of the said Land without first notifying the purchaser, lessee or other person taking an interest in the said Land of the existence of Contact's rights reserved by this Memorandum.

4. **THAT** Section 64 of the Property Law Act 1952 applies to this Memorandum of Encumbrance but otherwise (and without prejudice to Contact's rights of action at common law as a rent charge):
 - (a) Contact shall be entitled to none of the powers and remedies given to mortgagees by the Land Transfer Act 1952 and the Property Law Act 1952; and

 - (b) No covenants on the part of myself or my successors in title are implied in this Memorandum other than the covenant for further assurance implied by Section 154 of the Land Transfer Act 1952; and

 - (c) Contact shall have the right to protect its interest evidenced herein by registration of the within Memorandum against the title to the said Land.

TO THE END AND INTENT that this Memorandum shall run with the said Land and bind myself and my successors and assignees in title.

5. **THAT** in the event that I wish to enter into a mortgage or mortgages of the said Land to have priority to this Memorandum and not being in default of my obligations under the provisions of this Memorandum I shall be entitled in all things to a Memorandum of Priority granted by Contact in favour of any such mortgage or mortgages **PROVIDED THAT** the mortgagee consents to and acknowledges that it is bound by the covenants of this Memorandum for the purposes of Section 105 of the Land Transfer Act 1952.

A handwritten signature in black ink, appearing to be 'A. J. ...', is located in the bottom right corner of the page.

IN CONSIDERATION OF THESE PRESENTS CONTACT HEREBY COVENANTS AND AGREES:

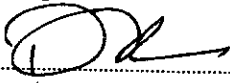
- 6. **CONTACT** shall consent to the registration of any document whether by way of mortgage or other encumbrance or interest whatsoever and shall agree that any such instrument presented for registration shall take priority over its own encumbrance. Contact shall not charge any fee for such consent nor for the endorsement of its consent on any document nor for the execution of any such document and Contact shall pay its own costs and expenses incurred in giving consents and executing such documents.

- 7. **CONTACT** will release this encumbrance as soon as reasonably practicable after the expiration of the last date for objecting to any application brought by Contact for such consent as may be necessary for the construction of the power station may commence provided that the Proprietor has complied with the provisions of this Deed.

IN WITNESS WHEREOF this Encumbrance has been executed this 22nd day of May 1998

SIGNED by)
NORMAN WILLIAM PITTAWAY)
in the presence of:)


.....
Signature


.....
Signature

.....
Full Name **Raymond Murray Blake**
Solicitor
Wanaka

.....
Address

.....
Occupation



EXECUTED by)

CONTACT ENERGY LIMITED)

by its attorneys:

Anita Jane Mazzoleni

Full Name

[Signature]

Signature

Tina Jane Symmans

Full Name

[Signature]

Signature

In the presence of:

[Signature]

Signature MALCOLM JAMES MURDOCH STAN

Wellington

Address

Solicitor

Occupation

correct for the purposes of the Land Transfer Act
[Signature]
Solicitor for the Proprietors.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We, Tina Jane Symmans, Corporate Support Services Director of Wellington and Anita Jane Mazzoleni, General Counsel of Auckland, certify:

1. **THAT** by Deed dated 21 December 1996 Contact Energy Limited appointed us as its attorneys on the terms and conditions set out in that Deed.
2. **THAT** a copy of that Power of Attorney is registered at various District Land Registries as follows:

Wellington	No. B556943.1
North Auckland	No. D114265.1
South Auckland	No. B402688
Taranaki	No. 439574
Gisborne	No. G214525.1
Hawkes Bay	No. 653200.1
Nelson	No. 365857.1
Canterbury	No. A285999/1
Otago	No. 925564
Westland	No. 106874
Marlborough	No. 189664
Southland	No. 240815.1

3. **THAT** at the date hereof we have not received any notice or information of the revocation of that appointment by Contact Energy Limited.

SIGNED at Wellington on the 22nd day of May 1998


Tina Jane Symmans


Anita Jane Mazzoleni



F5000000590198

MWP_0010193

FILE COPY

9.26 14.JUL 98

PARTICULARS ENTERED
LAND REGISTRY OTAGO
ASST. LAND REGISTRAR.



824737/12

MEMORANDUM OF TRANSFER

326.25
CHECK.

I, NORMAN WILLIAM PITTAWAY of Wanaka Farmer (the Transferor)

being registered as the proprietor of an estate

in fee simple

subject however to such encumbrances liens and interests as are notified by memoranda underwritten or endorsed hereon in all piece of land containing

be the same a little more or less

in all that parcel of land containing 15.5313 ha or thereabouts being Lots 1-8 (inclusive) on Deposited Plan 22247 being the land comprised and described in *SAR* Certificate of Title Volume 15A Folio 550 (Otago Land Registry) subject to the reservations and conditions imposed by Section 8 Mining Act 1971 and Section 5 Coal Mines Act 1979, Electricity Agreement 599286/8, and Land Improvement Agreement 696900 (hereinafter called "the land first described") and Electricity Agreement 469056 *DA*
AND

in all that parcel of land containing 359.6808 hectares being Section 37, Part Sections 38 & 39 Block VIII Lower Hawea District and Sections 17, 18, 57, Part *DA* Section 58 and ~~XXX~~ Section 59 Block VI Tarras District being the land comprised *DA* and described in Certificate of Title Volume 15A Folio 551 (Otago Land Registry) subject to the reservations and conditions imposed by Section 8 Mining Act 1971 and Section 5 Coal Mines Act 1979, Electricity Agreement 599286/8, and Land Improvement Agreement 696900 (hereinafter called "the land second *DA* described") and Electricity Agreement 469056 *DA*, Mortgages 457274/2 and 515703

NEW ZEALAND STAMP DUTY
24/07/9200099001 DUTY 326.25

IN CONSIDERATION OF the sum of \$32,625.00

paid to them by

ELECTRICITY FARM LAND HOLDINGS NO.1 LIMITED at Wellington

the receipt of which sum they hereby acknowledge and DO HEREBY TRANSFER to the said

ELECTRICITY FARM LAND HOLDINGS NO.1 LIMITED

all their estate and interest in the said pieces of land firstly described

RESERVING HOWEVER to the TRANSFEROR the full free and uninterrupted rights liberties and privileges to the intent that the same shall be easements forever appurtenant to the land secondly described (hereinafter called the "dominant tenement") and each and every part thereof;

1. **To conduct electric power** whether by underground cable or overhead wire including the free uninterrupted and unrestricted right liberty and privilege for the transferor and any other authorised persons (in common with the transferor and all other persons have the like right) from time to time and at all times
 - 1.1 To receive transmit and conduct electric power as aforesaid together with any necessary junction box or distribution sub station in a free and unimpeded flow along those portions of the land firstly described (being the servient tenement) and marked "A" on Deposited Plan 22247 and marked "B" on the plan attached hereto;
 - 1.2 To maintain and use the power cables junction box and other necessary fittings already laid placed or installed under or on or over the surface of the specified portions of the land firstly described;
 - 1.3 To lay place or maintain or to have laid placed or maintained any power cables junction box or other fittings in replacement or in substitution for all or any of those power cables junction box or other fittings; and
 - 1.4 Together with his servants workmen and agents and with or without vehicles laden or unladen and with tools machinery and equipment, from time to time and at all times as occasions shall require, to enter upon the servient tenement and construct equip maintain repair alter renew and operate on the specified portions for the purposes of laying erecting

A M E N D E D
ORDER OF LAND VALUATION TRIBUNAL

LVP NO: 94/91

IN THE LAND VALUATION
TRIBUNAL AT THE DISTRICT
COURT AT DUNEDIN

IN THE MATTER OF AN APPLICATION
UNDER THE LAND SETTLEMENT PROMOTION
AND LAND ACQUISITION ACT 1952 FOR
CONSENT TO A SALE/LEASE OF LAND

BETWEEN NORMAN WILLIAM PITTAWAY and DOROTHY
JOSEPHINE PITTAWAY and JOHN GRAHAM TODD

Vendor/~~Lessor~~

AND ELECTRICITY FARM LAND HOLDINGS No.1 LIMITED

Purchaser/~~Lessee~~

BEFORE THE OTAGO LAND VALUATION TRIBUNAL

On the application of Norman William Pittaway
for the consent of the Land Valuation Tribunal to the sale/~~lease~~
In respect of the land described in the schedule hereto
It is ordered that the consent of the Land Valuation Tribunal be granted to the
transaction pursuant to Part II of the Land Settlement Promotion and Land
Acquisition Act 1952

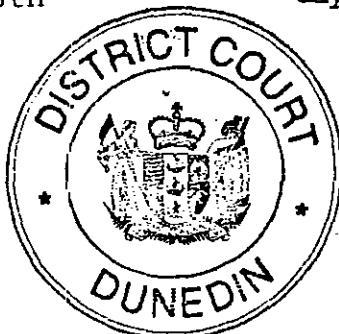
SCHEDULE

- (i) Containing 1.6 hectares or thereabouts subject to survey being Part S.7 Block-VIII-Lower Hawea Survey District and being part of the land comprised in Certificate of Title 5A/540 (Otago Land Registry).
 - (ii) Containing 18.5 hectares or thereabouts subject to survey being Part Ss.38 and 39 Block VIII Lower Hawea District and Part Ss.57 and 58 Block VI Tarras District being part of the Land in C. of T. 10B/974 (Otago Land Registry)
- Pursuant to an agreement dated 15 March 1991
Situated in the County of Queenstown-Lakes District Council

<u>CONSIDERATION:</u>	\$	C
36,000		00
36,000		00

LEASE DETAILS: Annual Rental - \$ N/A

Dated at Dunedin this 28th day of May 19 91



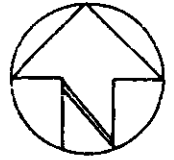
[Signature]
Deputy Registrar

Copies to:
Chris Steven
Box 161
WANAKA

Office of Crown Lands
CPO Box 170
WELLINGTON
Branch Manager
Valuation Department
Box 215
DUNEDIN

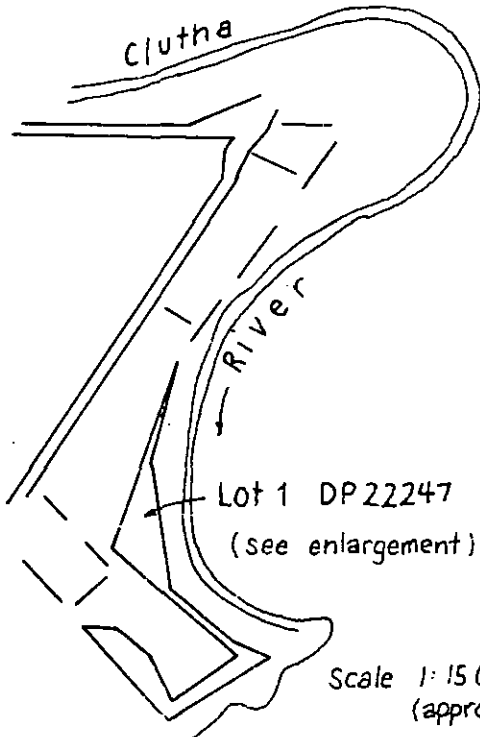
Luggate Tarras Road

(S.H. 8A) Legal



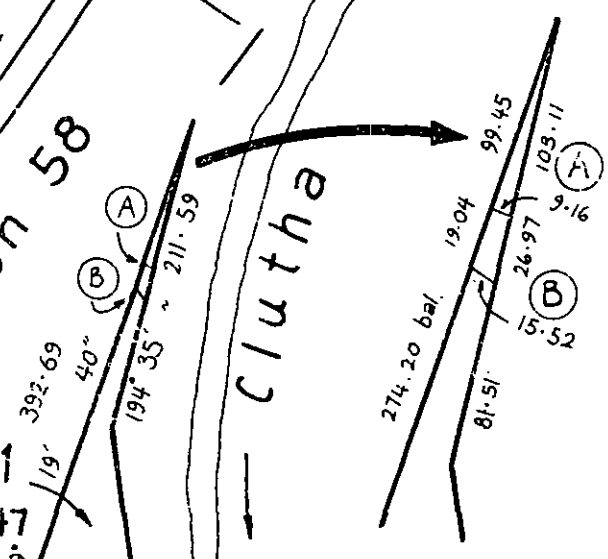
Luggate Hawea Road
 Pt. Section 58
 Lot 1 DP22247

Clutha River



Lot 1 DP22247
 (see enlargement)

Scale 1:15000
 (approx)



MEMORANDUM OF EASEMENTS			
Shown	Purpose	Dom. Ten.	Sery. Ten.
(A)	Right to convey WATER	Pt. Sec 58	Lot 1 DP22247
(B)	Right to convey ELECTRICITY	Pt. Sec 58	Lot 1 DP22247

APPROVED

 Chief Surveyor
 8/3/93

Scale 1:5000 T 824737

WORKS
 Consultancy Services

TITLE: PLAN SHOWING RIGHTS TO CONVEY
 WATER & ELECTRICITY OVER LOT 1, DP22247,
 BLK VI, TARRAS SD.

This drawing and its contents are the property of Works and Development Services Corporation (NZ) Ltd. Any unauthorised employment or reproduction, in full or in part is forbidden.

JOB / / CODE SHEET

SCALE: 25 shown FILE: DECEMBER 1991

REVISION

W. G. Whiting
 Registered Surveyor

inspecting repairing maintaining and removing such cables junction box or other fittings or any part thereof but subject to the condition that as little disturbance as possible is caused to the surface of the land of the transferor and that the surface is restored as nearly as possible to its former condition and any other damage done by reason of the aforesaid operations is repaired

- 2. A right to convey water as defined in the Seventh Schedule to the Land Transfer Act 1952 over that part of the land firstly described marked "B" on Deposited Plan 22247. ✓
- 3. A right to convey water as defined in the Seventh Schedule to the Land Transfer Act 1952 over that part of the land firstly described marked "A" as shown on the plan annexed hereto. ✓

low ✓ AND THE TRANSFEREE HEREBY COVENANTS WITH THE TRANSFEROR that the transferee will not place any buildings or erections or plant or allow or suffer to grow any tree or shrub on the said portion of the land and will not at any time hereafter do permit or suffer to be done any act whereby the rights powers licences and liberties hereby granted to the **TRANSFEROR** may be interfered with or affected in any way.

fen ✓ AND THE TRANSFEREE HEREBY FURTHER AGREES to be bound by a Fencing Covenant as defined by the Fencing Act 1978.

IN WITNESS WHEREOF these presents have been executed this **23rd** day of **June** 1992

Signed by the abovenamed

NORMAN WILLIAM PITTAWAY

as transferor in the presence of:

Witness's Signature

Occupation

Address

[Handwritten signatures and text for witness: Occupation: W. Manaka, Address: ...]

[Handwritten signature: N.W. Pittaway]

THE COMMON SEAL of ELECTRICITY FARM LAND HOLDINGS NO.1 LIMITED was hereunto affixed in the presence of:



[Handwritten signature: A.J. Cross] Director

[Handwritten signature: G. Guman] Director/Secretary

MEMORANDUM OF TRANSFER

of LAND

N.W. PITTAWAY Transferor

ELECTRICITY FARM LAND Transferee
 HOLDINGS NO.1 LIMITED

THE EASEMENTS MARKED A and B ON DP.22247
 ARE SUBJECT TO SECTION 309 (1)(a) LOCAL
 GOVERNMENT ACT 1974

Transfer correct for the purposes of the Land Transfer Act

D.A. Roberts

(Solicitor for) the transferee
 (S. A. Robertson)

I hereby certify that this transaction does not contravene the provisions of Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952.

D.A. Roberts

(Solicitor for) the transferee

(S. A. Robertson)

Particulars entered in the Particulars Schedule of land herein the time stamped below

District Land Registrar
 Assistant of the District of

15A/550
 16B/1220
 16B/1225
 16B/1226
 16B/1227
 16B/1228
 16B/1229

12.07 26.FEB.93
 PARTICULARS ENTERED IN REGISTER
 LAND REGISTRY OTAGO
 824737/12

FR
 CDV



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



R. W. Muir
Registrar-General
of Land

Identifier **OT16B/228** **Part-Cancelled**

Land Registration District **Otago**

Date Issued 20 December 1994

Prior References

OT15A/551

Estate Fee Simple
Area 14.2080 hectares more or less
Legal Description Lot 7 Deposited Plan 24216
Registered Owners
CPC Trustee Limited

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

824737.12 Transfer creating the following easements - 26.2.1993 at 12.07 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Conduct electric power	Lot 1 Deposited Plan 22247 - CT OT15A/550	A DP 22247	Lot 7 Deposited Plan 24216 - herein	Section 309(1)(a) Local Government Act 1974
Conduct electric power	Lot 1 Deposited Plan 22247 - CT OT15A/550	B Transfer 824737.12	Lot 7 Deposited Plan 24216 - herein	Section 309(1)(a) Local Government Act 1974
Convey water	Lot 1 Deposited Plan 22247 - CT OT15A/550	B DP 22247	Lot 7 Deposited Plan 24216 - herein	Section 309(1)(a) Local Government Act 1974
Convey water	Lot 1 Deposited Plan 22247 - CT OT15A/550	A Transfer 824737.12	Lot 7 Deposited Plan 24216 - herein	Section 309(1)(a) Local Government Act 1974

872699.9 Easement Certificate specifying the following easements - 20.12.1995 at 10.59 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Lot 1 Deposited Plan 24216 - CT OT16B/223	C-D DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991
Convey water	Lot 2 Deposited Plan 24216 - CT OT16B/224	D-E-F DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991
Convey water	Lot 2 Deposited Plan 24216 - CT OT16B/224	E-H DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991
Convey water	Lot 3 Deposited Plan 24216 - CT OT16B/225	F-G DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991
Convey water	Lot 4 Deposited Plan 24216 - CT OT16B/226	A-B DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991
Convey water	Lot 4 Deposited Plan 24216 - CT OT16B/226	G-B-C DP 24216	Lot 7 Deposited Plan 24216 - herein	Section 243 (a) Resource Management Act 1991

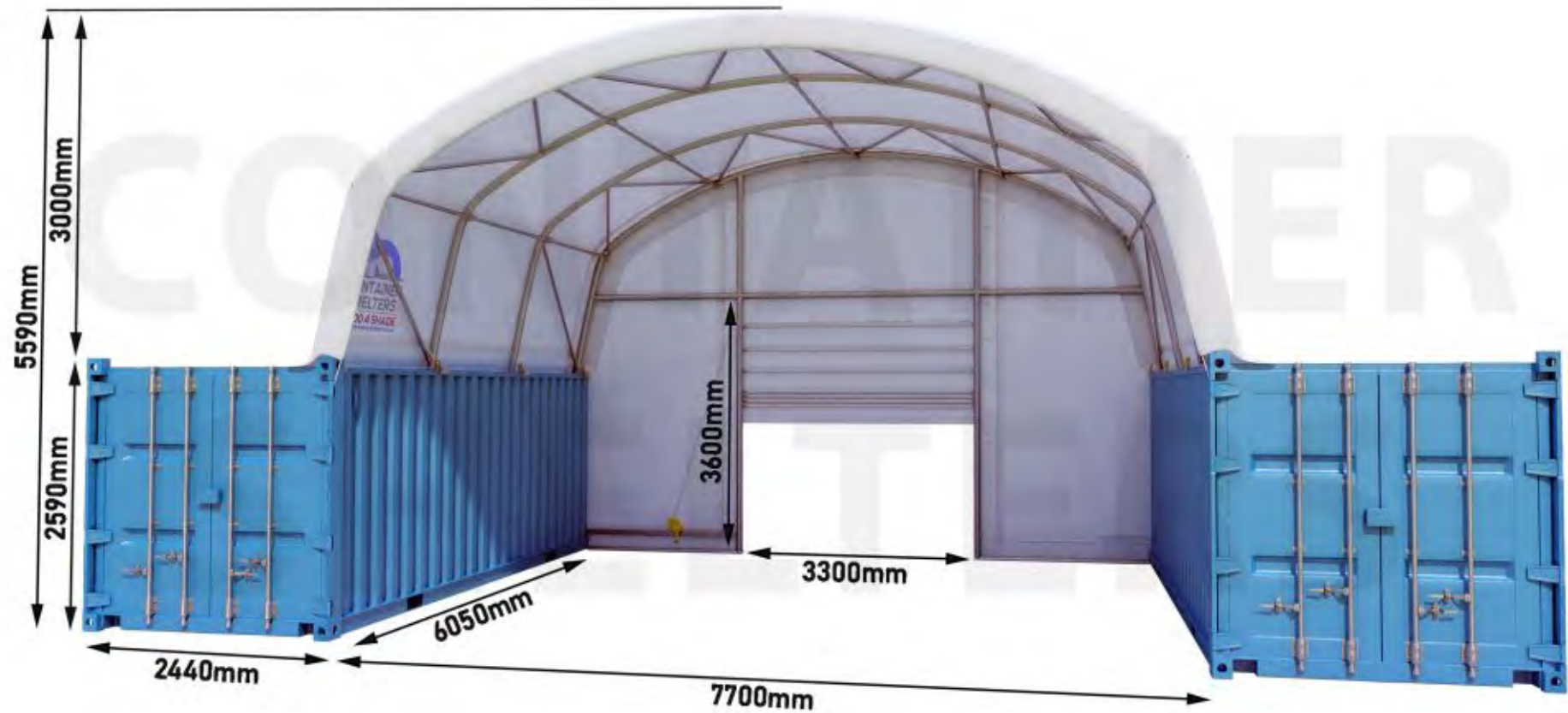
948001.1 Gazette Notice 1998 p636 declaring part of the within land marked B SO Plan 24157 (170m²) is acquired for road which shall form part of State Highway No. 8A and shall vest in the Crown - 18.5.1998 at 2.57 pm

951009.8 Encumbrance to Contact Energy Limited - 14.7.1998 at 9.26 am

12267511.3 Mortgage to ANZ Bank New Zealand Limited - 5.11.2021 at 3:26 pm

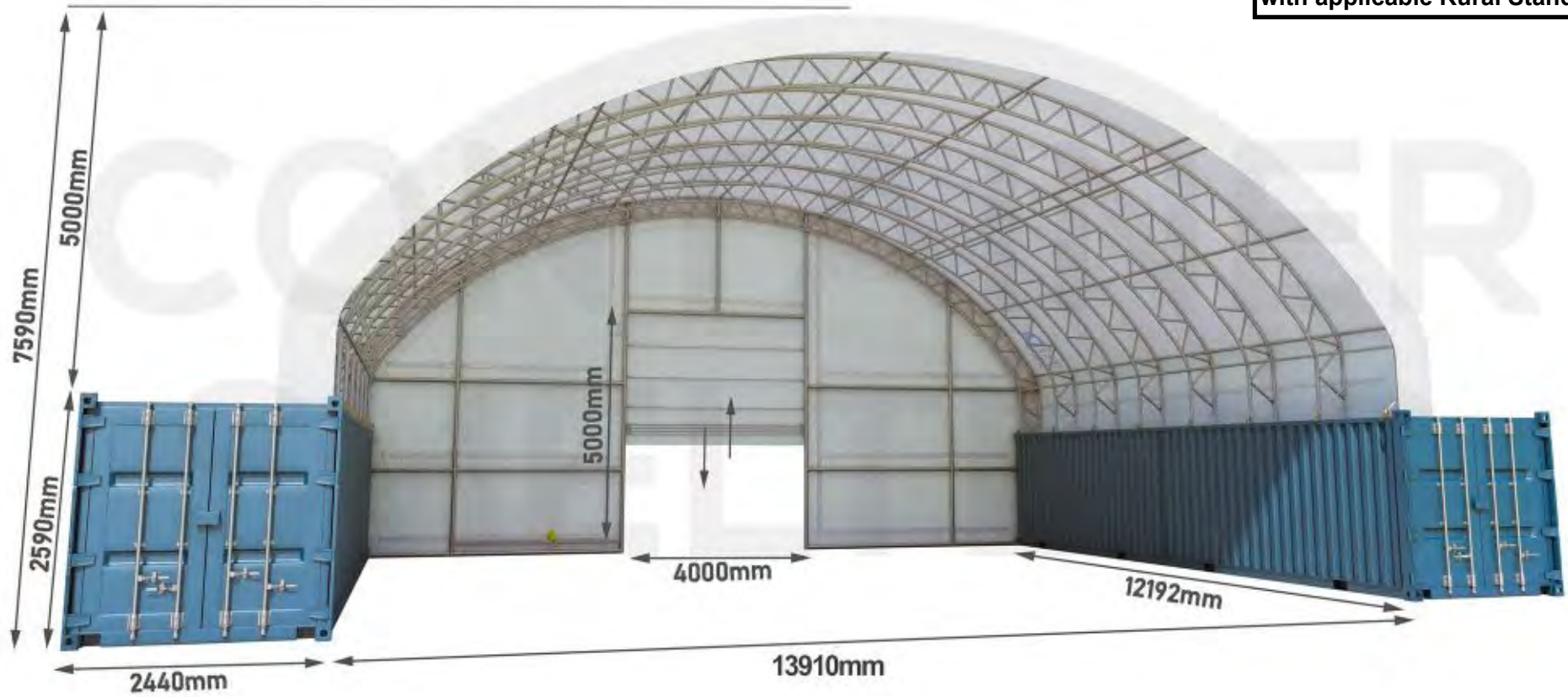
Please note that plans are not reflective of colours on-site nor colours proposed within resource consent application.

Containers and domed shelter will be re-painted / recovered as per offered conditions within consent application, such that they comply with applicable Rural Standards.



Please note that plans are not reflective of colours on-site nor colours proposed within resource consent application.

Containers and domed shelter will be re-painted / recovered as per offered conditions within consent application, such that they comply with applicable Rural Standards.



Graphic Attachment – Landscape

Land use resource consent application

at: 1153 Luggate / Wanaka Road (SH6)

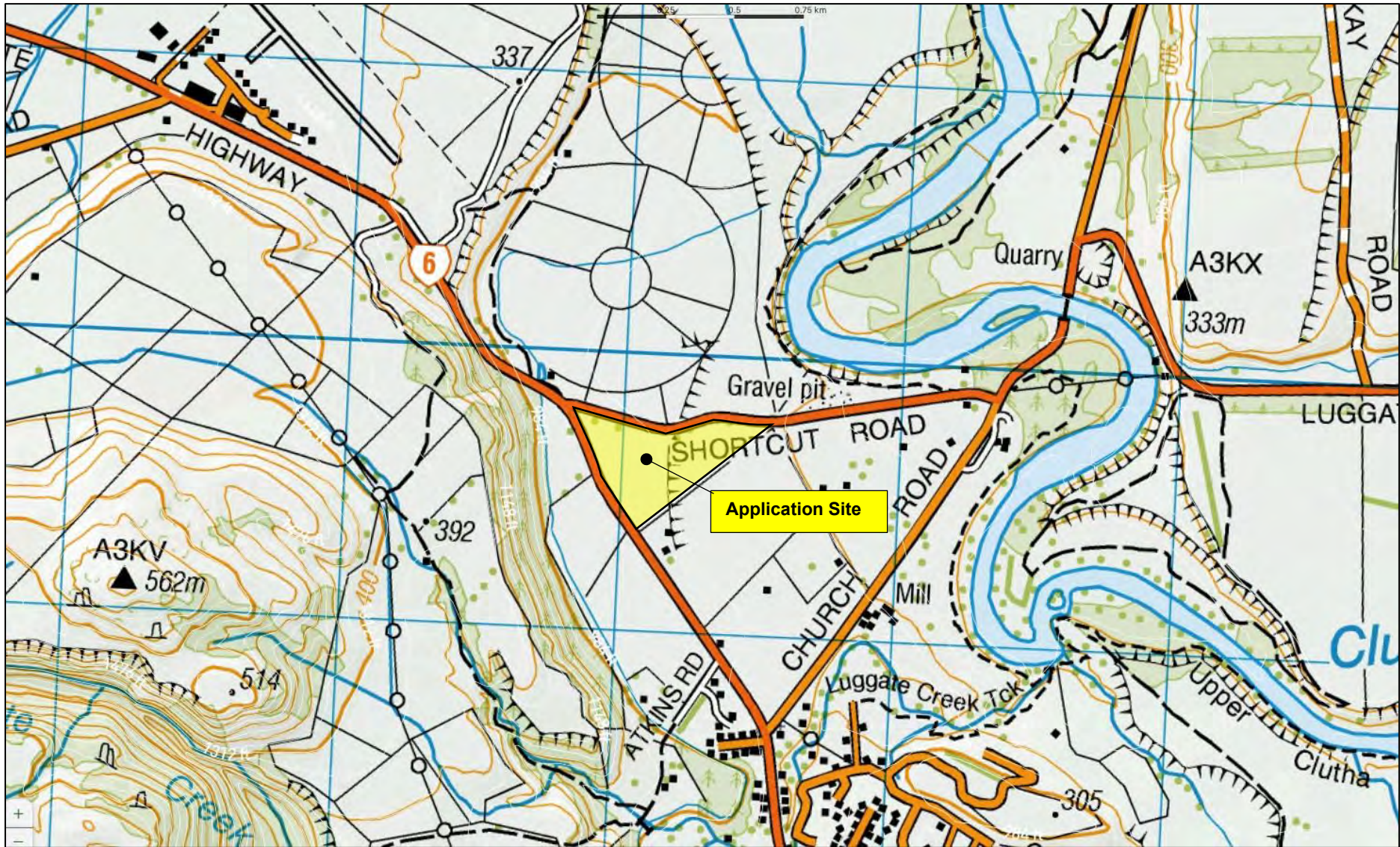


Figure 1 Application site location



Figure 3 Aerial photograph – close up showing activity area.



Figure 4 The existing building



Proposed Storage Structures

Scale: 1:1000 @ A4 Date: 29 November 2023

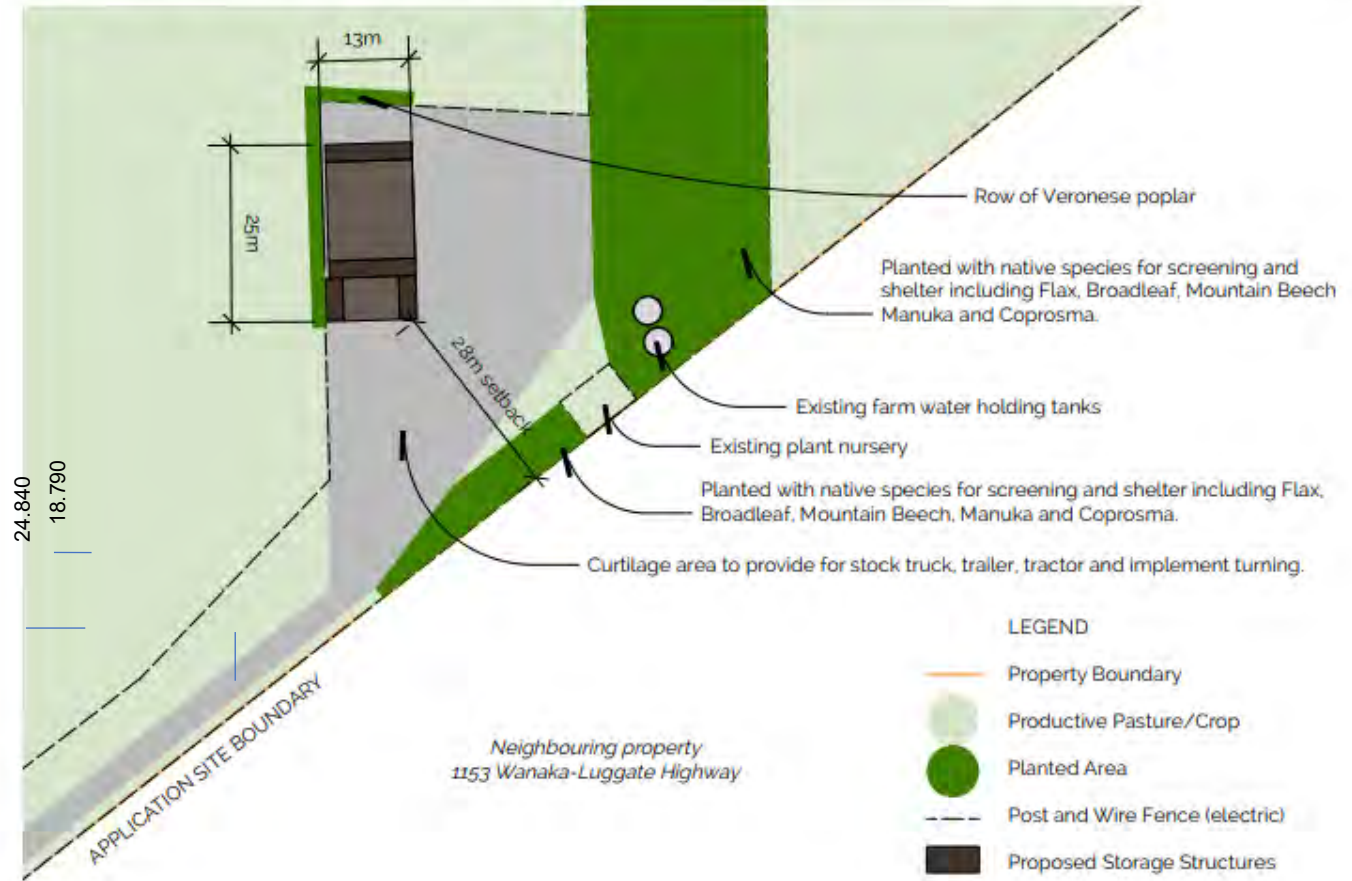


Figure 5 Site plan showing the building and curtilage layout

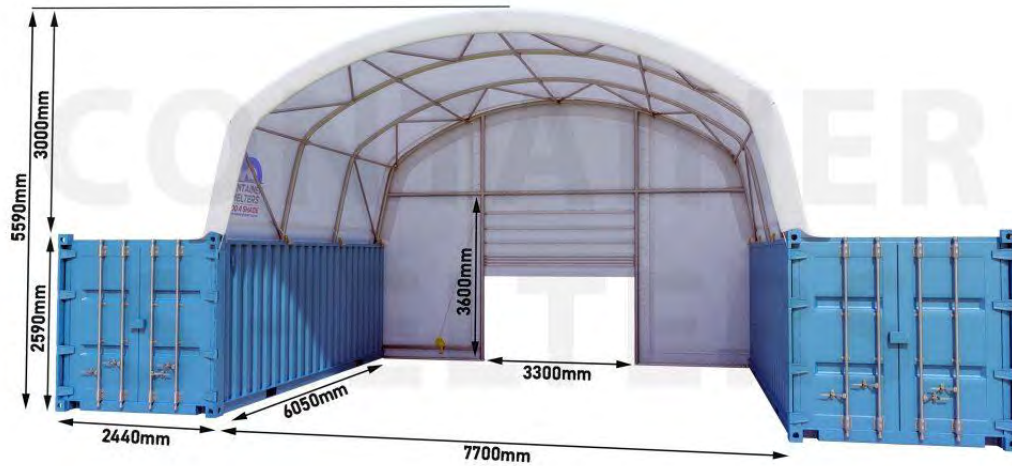
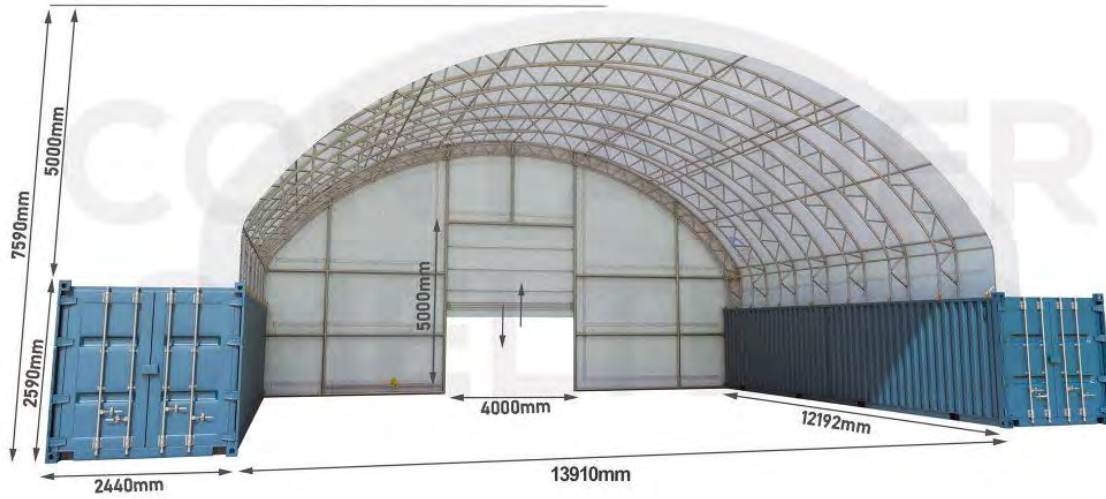
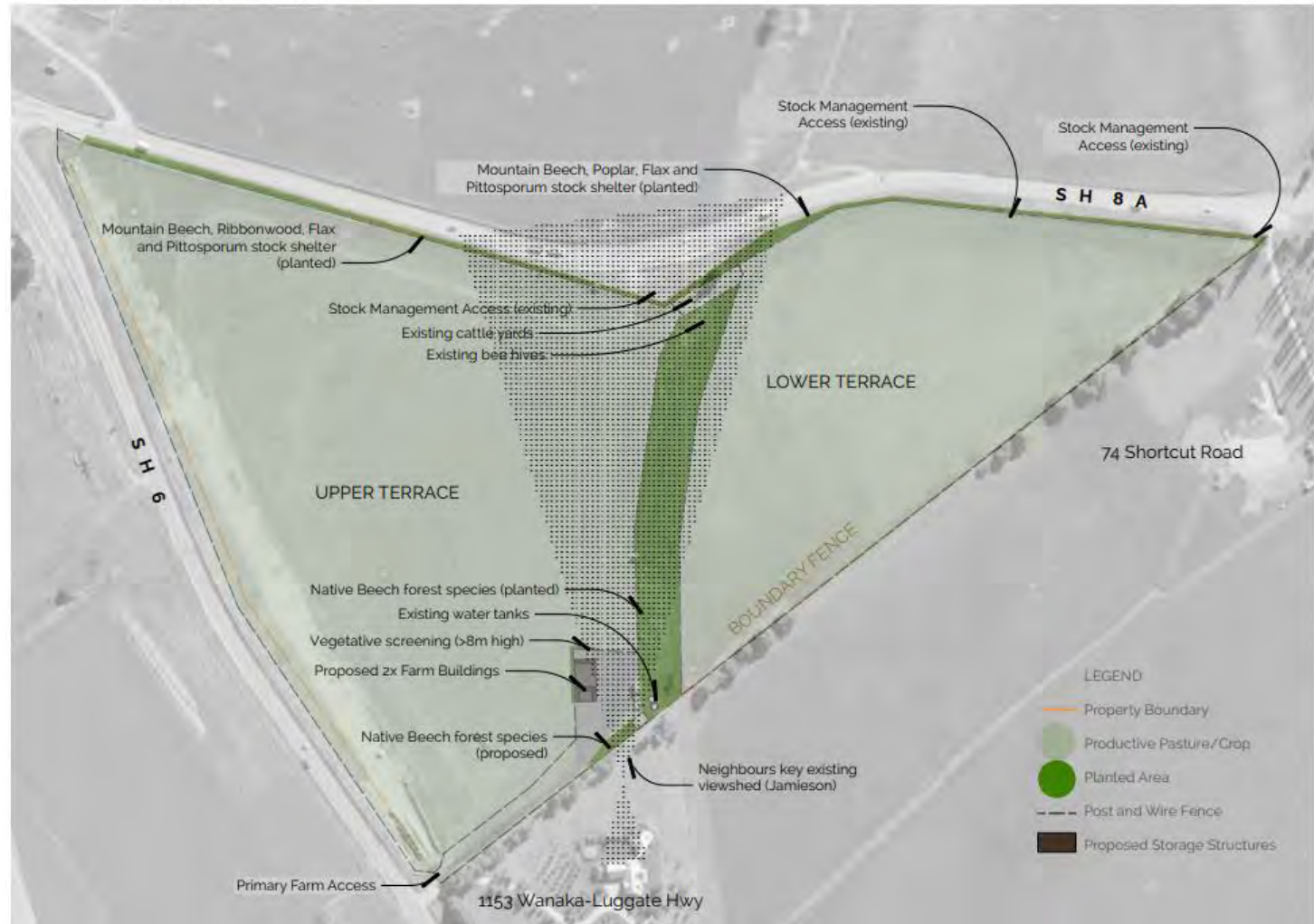


Figure 6 Perspective illustrations showing dimensions and structural character of the two temporary buildings.

Application Site Context

Scale: 1:3000 @ A4 Date: 29 November 2023



Plan prepared by the applicant

Figure 7 View shaft map – showing extent of views from neighbouring dwelling located south of the Site.

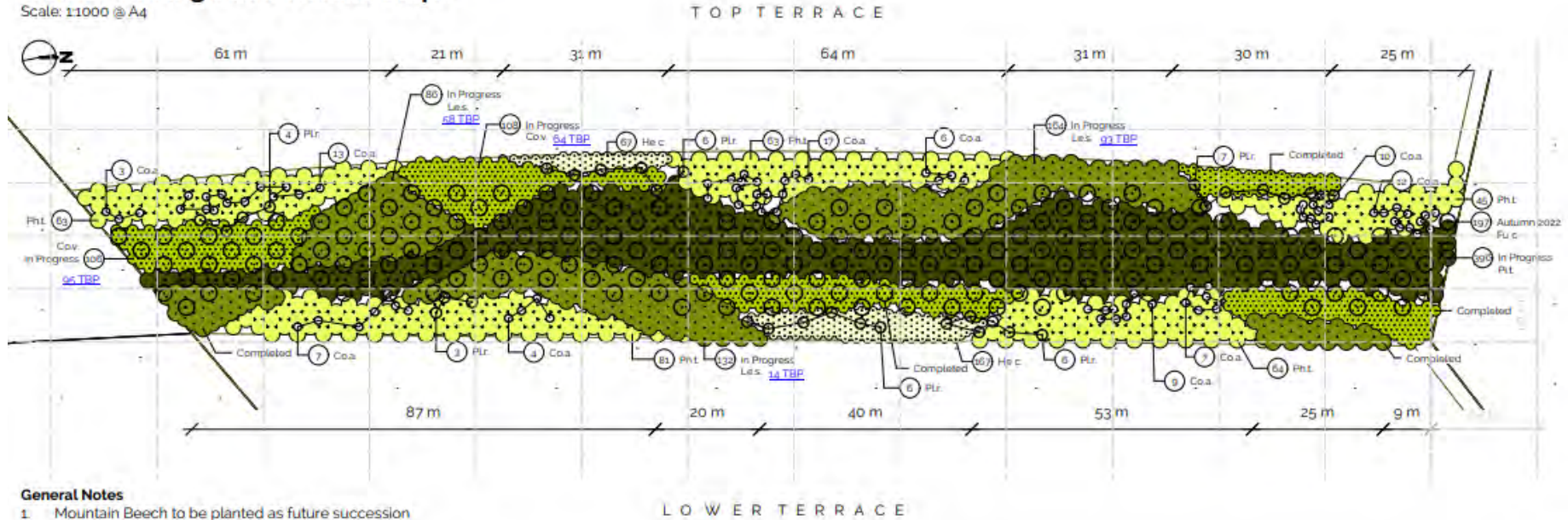


Figure 8 Showing the neighbouring dwelling located south of the Site

The Triangle

ISSUE Planting Plan: Terrace Slope

Scale: 1:1000 @ A4



General Notes

1. Mountain Beech to be planted as future succession planting to shrubs.
2. Follow Plant List for species spacing.
3. Set out plants prior to digging holes and planting.
4. No plant located within 3m of gateway/entrances

Plant List - Terrace Slope

ID	Qty	Botanical Name	Common Name	Pot Size	Remarks
Co.a	88	<i>Cordyline australis</i>	Cabbage tree / Ti Kouka	RT/7cm	Plant in groups, as shown
Cov	510	<i>Coprosma</i> spp	cheesemaniai, dumosa, intertexa, rigida, crassifolia, propinqua, virescens, cotoneaster	7cm/1L	Plant at 1.2m centres
Fu c	197	<i>Fuscospora cliffortiodes</i>	Mountain Beech	RT/7cm	Plant at 5m centres
He c	234	<i>Hebe</i> spp.	Cupressoides, salicifolia	1L	Plant at 2m centres
Le s	343	<i>Leptospermum scoparium</i>	Tea Tree/Manuka	1L/7cm	Plant at 2m centres
Ph.t	316	<i>Phormium tenax</i>	Flax	RT/7cm	Plant at 2.8m centres
Pl.r	32	<i>Plagianthus regius</i>	Ribbonwood / Manatu	RT/7cm	Plant in groups, as shown

Figure 9 Landscape plan for terrace. Prepared by the applicant.



The Triangle

ISSUE Planting Plan: North Boundary

Scale: 1:2500 @ A4

North Boundary Typical

Scale: 1:100 @ A4

General Notes

1. Trees alternate every 5m in a zig-zag pattern. Ribbonwood to the north side, mountain beech 3m towards the south.
2. Pittosporums planted at 2.8m spacings, 1.8m from northern boundary.
3. Flaxes planted at 2.8m spacings, 1.5m from southern fenceline.
4. No plant located within 3m of gateway/entrances

Plant List - North Boundary Native

ID	Qty	Botanical Name	Common Name	Pot Size	Remarks
Fu.c	69	Fuscopora cliffortiodes	Mountain Beech	RT/7cm	10m spacings or 5m grouped
Ph.c.	248	Phormium cookianum	Mountain Flax / Wharariki	RT/7cm	Plant at 2.8m centres
P.L.	246	Pittosporum tenuifolium	Kohuhu	RT/7cm	Plant at 2.8m spacings
PLr.	70	Plagianthus regius	Ribbonwood / Manatu	RT/7cm	10m spacings or 5m grouped
	0				

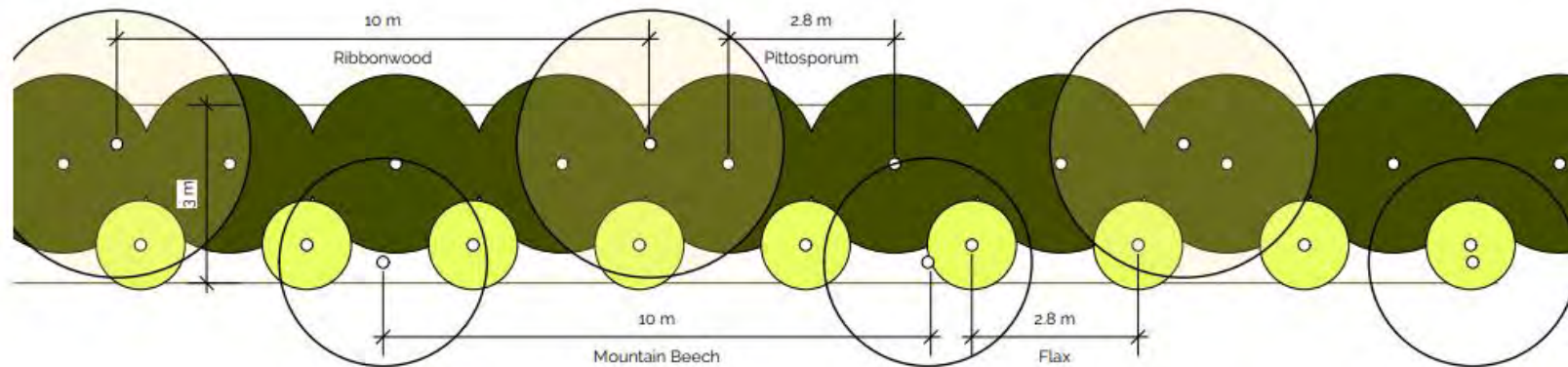


Figure 10 Landscape plan for SH8A frontage

The existing building



Figure 11a The existing building as seen from SH6 looking east toward the junction of SH6 and 8A.

The existing Building



Figure 11b Showing the existing building re-coloured so as to better blend in with its surroundings. The building(s) will be further screened by proposed planting subject to recommended condition 3.



Figure 12a Photograph of building looking along driveway off SH 6



Figure 12b Showing the existing building re-coloured as viewed from SH6 vehicle entry point

The applied for building



Figure 13 Photograph of building looking south from SH8A



Figure 14 The application site within the context of the *PDP Decisions Version Map 8*



Figure 15 Showing how the lower portion of the existing building is screened by the rising land in the foreground as viewed from SH6



Figure 16 Showing the full extent of the existing building as viewed from SH8A. The recently planted foreground vegetation will eventually screen the building(s) as will tree planting immediately adjoining them.



Figure 17 Number and distribution of existing buildings within the Luggage Triangle.

Assessment of Environmental Effects

Landscape

Land use resource consent application

at: 1153 Luggate / Wanaka Road (SH6)

Assessment prepared by: Andrew Craig *Landscape Architect*

For: *Applicant*

Date: November 2023

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1 INTRODUCTION

The purpose of this report is to assess landscape and visual effects arising from the presence of one existing farm building and another to be constructed, located at 1153 Wanaka / Luggate Road (SH6).

It is understood a retrospective consent is sought for the existing building incorporating the proposed second building which will be attached to the first whereby the Council has advised the applicant to submit a landscape assessment of environmental effects.

The location and extent of the application site is shown on the **Graphic Attachment Figure 1** map and **Figure 2** aerial photograph.

The purpose of both the existing and proposed farm utility building(s)¹ is to store machinery, farm goods and materials. As intimated, The building(s) will be adjoining, but perpendicular to each other, and as such will appear unified. Their location and extent are shown on **Graphic Attachment Figure 3** aerial photograph. The activity will be described in more detail later.

It is understood the activity falls within the QLDP definition² of a '*Farm Building*' where, of relevance, '*means a building (as defined) necessary for the exercise of farming activities (as defined)*'. '*Farming Activity*' is also defined, where it '*Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity.*'³

The applicant has indicated that the building(s) will eventually be replaced by a more permanent building sometime in the future. Because of this, both the existing and proposed building(s) comprise transportable shipping containers supporting a PVC canopy – see **Graphic Attachment Figure 4** photograph of existing building and **Figure 6** image of existing and proposed buildings.

¹ From hereon the term 'building(s)' denotes both the existing one and that proposed

² Queenstown Lakes District Plan – **Definitions**

³ Op. cit.

The application site lies within the Rural General Zone. It is not subject to any landscape overlays such as those involving RMA s(6) matters. It does however lie within land subject to Wanaka Airport Approach & Protection Measures, but that is not a landscape effects consideration.

A site assessment was undertaken on 5 October, 2023. This involved familiarisation of the application site and the receiving environment.

In this assessment, the following matters are addressed in accordance with Consolidated Decisions part of the Proposed District Plan (PDP) Assessment matter *21.21.2.6 Landscape assessment methodology*.

1. Identification of the landscape character area and description of the existing environment within the site and its immediate surrounds;
2. A description of the activity.
3. Landscape, visual and cumulative effects arising from the activity incorporating a rating scale for attributes, values and effects⁴;
4. The Consolidated Decisions part of the Proposed District Plan (PDP) where its provisions concern landscape outcomes relating to the site and its zoning;
5. Recommended conditions of consent where they affect landscape outcomes;
6. Conclusion.

2 SITE DESCRIPTION

In this section consideration is given to the landscape character of the application site and the surrounding receiving environment.

⁴ In accordance with PDP / SP 3.3.45 c.

The application site

Essentially the site is devoted to pastoral farming. Consequently, vegetative land cover is predominantly pasture grass. Apart from one pine tree, there are no significant trees or other vegetation. The applicant has however, recently planted native vegetation along the road frontage and terrace face within the site – see **Graphic Attachment Figure 16 photograph** and **Figures 5,9 & 10** landscape plans⁵. To the outsider, the application site will unequivocally appear as a working farm where pasture and grazing is clearly evident from nearby vantage points, such as the highways and neighbouring dwelling.

Apart from the building(s) subject to this consent application, there are no others within the site. The only other structures comprise farm fencing and water troughs for stock. Ephemeral features include stored bailage and a mobile ‘tiny’ home which will be relocated to the proposed building platform⁶ in due course.

Landform consists of two remnant river terraces where the separating embankment or terrace face bisects the site into upper and lower paddocks – see again **Graphic Attachment Figure 2** aerial photograph. The building(s) are located on the upper paddock alongside the terrace embankment. There are no other topographic features of note within the site. Nor are there any natural features such as water bodies / courses, remnant native vegetation or rock outcrops.

Nonetheless, as the landform is relatively intact and vegetation, including pasture, is predominant. Consequently, the site exhibits a moderate degree of natural character, albeit one modified for farming activity. That is to say, while landform is fundamentally unchanged, there are no natural features within the site pre-dating human occupation.

As vegetated open space predominates, the kind of rural amenity derived from this is reasonably high. The site is clearly rural in character, where the proportion of building(s) (including that subject to this assessment) to open space is very low - site coverage is 0.002%⁷ over the 14.191-hectare site.

⁵ Landscape plan prepared by the applicant

⁶ A separate consent application will be lodged in regard to the building platform which will be located on the same application site

⁷ Building footprint is 312.5m²

The building(s), subject to this consent application, are setback some 140 metres from the nearest public road (SH6) – see again **Graphic Attachment Figure 2** aerial photograph. As a result, they do not dominate views from the road. Further they are located relatively close to the internal boundary, thereby retaining the open space character of the application site.

The receiving environment

For the purposes of this assessment the receiving environment extent more or less corresponds to the extent of landscape character and visual effects. The area shown on the **Graphic Attachment Figure 2** aerial photograph encompasses this extent. The landscape character area would extend further where there is a clear demarcation of its extent within the ‘Luggate Triangle’ – that area bounded by SH6, SH8A and Church Road – see **Graphic Attachment Figure 17** aerial photograph. Apart from potential cumulative effects, (to be discussed later) the actual extent of effects is more confined to immediate neighbours and road users.

The landscape character of the receiving environment is essentially similar to that of the application site. The site is surrounded by rural production comprising a mix of pasture, horticulture and cropping. As a result, the surrounding area is modified for the purposes of rural production. Typically land use exhibits the hallmarks of such use – geometric patterns delineated by fencing, shelter belts, roads (SH6 and 8A), driveways and property boundaries. Pivot irrigators are also present in the vicinity, thereby contributing further modification to receiving environment. Buildings are also present made up of farm / rural lifestyle residences and those accessory to rural production such as barns, storage sheds and such like.

Vegetation is almost exclusively exotic, consisting of the aforementioned pasture grass, shelter belts, coniferous woodlots and amenity planting around rural dwellings.

Like the application site, there is little in the way of significant natural features. Nonetheless, the topographic landform is largely intact, consisting of remnant river / glacial outwash terraces and flats. As described, these features incorporate the application site and surrounding environment.

Overall, the receiving environment is generally pleasant. This is derived from its open rural character, abundant open space and the predominance of vegetation. By virtue of encompassing a larger area than the application site, the receiving environment exhibits greater variation, but nonetheless is devoted to rural production. The township of Luggate is 600m to the south east, and is therefore out of sight of the application site and its building(s).

Generally, the receiving environment, like that of the application site, has moderate amenity derived from its generic rural character.

Activity Description

As indicated, one of the building(s) subject to this application exist, while the other adjoining building has yet to be erected. Their appearance is shown in **Graphic Attachment Figure 4** photograph. As is evident the building(s) comprise spaced apart shipping containers spanned by a PVC canopy, currently white in colour. A proposed condition (1) will require the colour be changed to one that is darker, of natural hues and therefore significantly less reflective. The effect of this is shown in the **Graphic Attachment Figure 11a** and **11b** photographs and **Graphic Attachment Figure 12a** and **12b** photographs. As mentioned, there is one existing building which will be the larger of the two. The building(s) will nonetheless be attached, effectively giving the appearance of a single structure as viewed from beyond the site.

The area spanned by the PVC canopy provides shelter and storage for farm vehicles while farm materials and equipment are securely stored in the containers.

The building(s) are not serviced. Nor do they discharge foul water. Stormwater is disposed of to ground.

Dimensionally the two building(s) combined occupy a rectangular footprint measuring 24.840m x 12.580m - amounting to a square area of 312.48m² – see **Graphic Attachment Figure 5** site plan. The highest point of the building(s) is 7.590m where this represents the apex of the curved PVC canopy – see **Graphic Attachment Figure 6** perspective drawing. It is understood the maximum

permitted height under the Consolidated Decisions part of the Proposed District Plan (PDP) is 5m⁸ and building footprint is 300m².

The building(s) are located on a compacted hardfill (gravel) platform or curtilage area – see again **Graphic Attachment Figure 4** photograph and **Figure 5** Site Plan. Its total area is 1908m² including the building footprint. An existing formed farm vehicle track provides access to the site from SH6 which services the farm building(s).

As is evident from the Site Plan, the applicant intends landscaping the southern boundary adjoining the neighbouring property - see again **Graphic Attachment Figure 5** Site Plan. Landscaping will also be located east of the building / curtilage area. Planting will exclusively consist of evergreen native species as indicated on the Site Plan.

There are three reasons for the planting, as follows.

The first is to reinforce visual screening of the building(s) from the neighbouring dwelling to the south. This dwelling is, however, more or less fully screened by existing trees located along the property boundary - see **Graphic Attachment Figure 7 map** and **Figure 8** photograph. Further evergreen native planting is proposed and partially implemented alongside the entire SH8A frontage where it adjoins the application site - see **Graphic Attachment Figure 10** landscape plan. As this matures views toward the site and the building(s) subject to this consent application will be screened from SH8A. Further planting along the terrace face will assist in this regard.

The second reason is to provide a vegetative backdrop to the building(s). The applicant has indicated that permanent buildings will be erected on the same site sometime in the future, in which case the planting will be maturing and growing larger. Consequently, the backdrop function of the planting will therefore increase and maintain effectiveness over time. In principle, the visual bulk of the vegetation will exceed that of the building(s) and so in the longer term will come to dominate them.

The third reason is to generally enhance amenity. As the planting comprises a mix of native species it will appear more natural than the artificial appearance of shelter belts for example. Additionally, such planting will better encourage the presence of native fauna such as lizards and birds.

The only other structures on site are the two pre-existing water tanks – see again **Graphic Attachment Figure 3** aerial photograph.

Landscape and visual effects

These will be addressed when both the relevant assessment matters are considered followed by an analysis of the relevant objective and policies.

District Plan Landscape Matters

Upon Council planning advice, consideration of District Plan matters relevant to landscape outcomes is done so with reference to the Consolidated Decisions part of the Proposed District Plan (PDP). As the application site lies within the Rural General Zone⁹ subject to the Rural Character Landscape (RCL) overlay, Section 21 Rural of the PDP is referred to. In the ODP the site is subject to the Visual Amenity Landscape (VAL) overlay.

It is understood that some aspects of Section 21 are not yet beyond challenge, but those parts relevant to this application appear operative.

Subject to *Table 1 21.4.2 Construction of or addition to farm buildings that comply with the standards in Table 5*. Activity status under this is Restricted Discretionary as the building(s) subject to this consent do not currently comply with the following Table 5 rules:

21.8.1.1 - 100ha minimum landholding

21.8.1.2 - density - one farm building per 50ha

21.8.1.6 - within the RCL height not to exceed 5m and area 300m²

21.8.2.1 – colours confined to browns, greens or greys

⁹ Visual Amenity Landscape overlay in the Operative DP

21.8.2.2 – roof reflectance value not to exceed 20%

21.8.2.3 – cladding finishes reflectance value not to exceed 30%

It is noted however, that rules 21.8.2.1 / 21.8.2.2 / 21.8.2.3 cited above concerning colour and reflectivity will comply following application of a recommended condition of consent (1) requiring the outcomes sought.

Restricted Discretionary activity status applies for departures from rules under 21.8.1 where it is understood that discretion is restricted to:

a. the extent to which the scale and location of the Farm Building is appropriate in terms of:

i. rural amenity values;

ii. landscape character;

iii. privacy, outlook and rural amenity from adjoining properties;

iv. visibility, including lighting.

And under rules 21.8.2. discretion is restricted to:

a. external appearance;

b. visual prominence from both public places and private locations;

c. landscape character.;

d. visual amenity.

These will be addressed shortly when the relevant assessment matters are considered.

It appears that the relevant landscape objective and supporting policies is that pertaining to farming and other rural activities. These state;

21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

The supporting 21.2.9.1 policies are, where relevant to this application;

Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:

c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;

d. maintain or enhance amenity values within the rural environment; and

e. maintain or enhance nature conservation values

The above objective and policies will be discussed in more detail following consideration of the assessment matters below. Otherwise the relevant discretionary matters are addressed in accordance with the following relevant assessment matters.

ASSESSMENT MATTERS

Those assessment matters that refer to the above cited objective (21.2.9) and policies (21.2.9.1) are considered to be of most relevance to the activity and location of the application site with the RCL. Only those assessment matters considered relevant to landscape outcomes are addressed. These are as follows.

21.21.2.3 Design and density of development

As the building(s) are located on a site that is less than the 100ha minimum with a site density that is less than 50ha (ie; one building per 50ha), the following assessment matters apply where relevant to this particular application.

a. the proposal, including access, is designed and located in response to the identified landscape character and visual amenity values;

As described the building(s) are located near a transition point in landform – namely the terrace edge. As a general design principle, it is considered preferable to locate buildings and other structures close to such transitions rather than in the middle of a paddock, where they would appear more prominent. This is because there will be a greater level of contrast.

Further, the terrain transition provides an opportunity for landscaping that emphasises the change in gradient. Or to put it another way, the landform is enhanced.

The vehicle accessway follows the southern tree lined boundary rather than cutting across and visually bisecting the paddock in which the building(s) are located. Consequently, visual coherence of the site is maintained.

c. there is merit in clustering any proposed building(s), building platform(s) and associated physical activity including roading, access, lighting, landscaping and earthworks within areas that are least sensitive to change;

As indicated on the site plan all of the above listed features are clustered into an activity node. As a result, the effects are confined to one corner of the site rather than dispersed across it. And being productive land, it is preferable to concentrate buildings and supporting infrastructure so as to maximise land use.

d. the [extent] design and density of the proposal contributes to adverse cumulative effects on landscape character and visual amenity values.

There are no other buildings on site, and so no cumulative effect arises in that regard. There are however, a number of consented buildings yet to be constructed within the receiving environment. These involve a cool store building, packhouse, green / tunnel houses and a permanent shop. No dwellings are involved. All are located opposite the application site from SH8A¹⁰

The proposed building(s) therefore add to the overall total of them in the receiving environment, resulting in some cumulative effect. It is assessed however, that the collective presence of all buildings in the vicinity of that applied for will not significantly diminish generic rural character and the open space amenity derived from it. Further there is substantial open space between Luggate and the building, with the neighbouring dwelling and one other in between – see **Graphic Attachment Figure 17** aerial photograph showing building distribution and density of all buildings within the Luggate Triangle. So,

¹⁰ At 995b Wanaka / Luggate Road – RM230562

there is no doubt that rural character and amenity will be maintained, albeit at lower densities than that prescribed by the District Plan.

Also, the public would not be surprised to see such a building devoted to farming activity in this rural setting. Or to put it another way, its presence would not be at odds with what would be reasonably expected to occur in what is clearly a working rural environment in such a location as this.

The prospect of further buildings being added to the receiving environment is not permitted as of right. The reason is that the area of all remaining titles is now less than the minimum permitted density standard. The largest title within the Luggate triangle (bound by SH6,8A and Church Roads) is 22.19ha.¹¹ As noted earlier, the minimum landholding is 100ha¹² and density for farm buildings is 50ha.¹³

Given the substantially substandard size of rural lots or titles within the receiving environment, it would appear that the capacity to accommodate additional building is very limited under the current plan standards. This is notwithstanding the possibility that further buildings could be added anywhere within the area subject to its merits or otherwise. And given the varied density standards for dwellings and farm buildings, it would appear the latter are relatively more likely.

No legal instruments are offered with a view to restricting further building activity.

21.21.2.2 Visual amenity values

a. whether adverse visual effects are avoided if the proposal:

- i. 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*
- ii. forms the foreground for an Outstanding Natural Feature or Outstanding Natural Landscape when viewed from public roads;*

¹¹ Source: Otago Regional Council – Rating Area maps

¹² PDP – Consolidated Decisions rule 21.8.1.1

¹³ Op.cit 21.8.1.2

As the **Graphic Attachment Figures 11, 12 & 13** photographs show, the building is visible from State Highways 6 and 8A. Both are frequented by the travelling public. As a result, the building is visible and would be prominent in the absence of any of the proposed mitigation measures. These include the dark natural colour (see recommended condition of consent) of the building which helps it blend in with its vegetated rural surroundings. Other measures include the planting of potentially tall fast-growing trees (*Populus euramericana* 'Veronese') adjacent to the building within the sight lines from the highways. The recently installed landscaping will also assist in this regard.

Apart from the highways, there are no other publicly accessible vantage points visually affected by the presence of the building(s).

As shown on **Graphic Attachment Figure 14** planning map, the site lies between two Outstanding Natural Landscapes (ONL). East of the site is that incorporating the Clutha River and to the west the Criffel Range. None directly adjoin the site. Views to either ONL are not affected.

To the west a pine clad ridge intrudes views from SH8A and backdrops the building - see again **Graphic Attachment Figure 13** photograph. The building therefore does not affect views of the background Criffel Range ONL.

To the east there are no views of the Clutha River itself as seen from SH6. This is because the terrain rises which in itself obscures views of the Clutha ONL – see again **Graphic Attachment Figure 12**. So, no effect on foreground views of the ONL occurs from this vantage point either.

b. not relevant

c. the extent to which the proposal will or is likely to detract from private views;

There are five dwellings in the vicinity of the site and its building whose views are potentially affected. Their location is shown on the **Graphic Attachment Figure 2** aerial photograph.

There is one dwelling in the immediate vicinity of the building(s) located south of it – see again **Graphic Attachment Figures 3 & 7** aerial photographs. Views to the

building(s) from this dwelling are mostly occluded by existing vegetation located along the boundary within the neighbouring property. There are however partial views to the building(s) from this dwelling, particularly from its upper floor. Ground floor views appear to be screened by garden plantings in addition to the boundary trees. While it is understood that reliance cannot be placed on neighbouring vegetation to provide screening, planting within the application site will ensure this does occur - see again **Graphic Attachment Figure 5** Site Plan. Additionally, this dwelling is some 93m distant from the building(s), which means that they would not be potentially dominant.

For these reasons it is concluded that for this nearest neighbour, the visual effects while existent, will be less than minor taking into account retention of existing screening vegetation and that to be planted by the applicant.

The same conclusion is reached regarding the other potentially affected dwellings located in the vicinity of the building(s) – see again **Graphic Attachment Figure 2** aerial photograph. There is a cluster of four dwellings located east of the application site, where the nearest is some 408 metres from the building(s). In itself, this distance has a mitigating effect where the building(s) will appear diminutive within the wider expanse of their landscape setting. This effect is evident in the **Graphic Attachment Figure 11** photograph where the existing building, while prominent, looks quite small within the wider landscape. And with the re-colouring subject to recommended conditions 1 and 2 in combination with the planting subject to recommended condition 3 the building(s) will virtually disappear.

From this dwelling it may be possible to see a corner of the northernmost building. But for the most part the building(s) will be fully screened by intervening boundary planting. The same applies to the remaining three dwellings, where in addition to the boundary planting there exists amenity planting which will screen views. As for the nearest dwelling however, all of the existing screen planting is not located within the application site. Dense evergreen native vegetation within the site – see again **Graphic Attachment Figure 5** Site Plan - will however provide screening, becoming increasingly effective as it matures.

For the above reasons, it is therefore concluded, that adverse visual effects from all those dwellings located east of the site will be significantly less than minor.

d. the extent to which mitigation by any proposed method such as earthworks, landscaping and/or new planting could detract from or obstruct views of a Rural Character Landscape from both public and private locations;

As all earthworks are essentially complete it is evident that none have had the effect of obstructing views from both public and private vantage points. Landscaping both proposed and existing has yet to mature. But as there are no especially significant views through the site to scenic features beyond it is not expected that any adverse effect will arise in this regard. Further, because the landscaping is concentrated in the vicinity of the building(s) with an existing backdrop of mature trees, it is not expected that there will be a substantial change or occlusion of views into or across the site. The characteristic openness of the RCL will therefore remain intact.

e. the extent to which the proposed development is enclosed by any confining elements of topography and/or vegetation, and the ability of these elements to reduce visibility from public and private locations;

See the preceding discussion.

f. the extent to which any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will not maintain or enhance visual amenity values, with particular regard to elements that are inconsistent with the existing natural topography, character and patterns of the surrounding landscape;

Roading is already formed as a farm vehicle track and as such is a pre-existing feature. As mentioned, it follows and hugs the property boundary to the south and so does not intrude or interrupt the site in an unexpected way.

No new boundaries are proposed, meaning that no effects will arise in this regard.

No lighting exists or is proposed.

Other than the existing formed building platform and curtilage area no further earthworks are proposed. That existing is planar – that is, essentially flat devoid of elevation meaning that there is no derogation from the prevailing natural landform.

As described, landscaping is almost fully implemented and is complimentary to the existing landform. The terrace face planting comprises entirely native vegetation and aligns with the extent and orientation of this land form. As a recommended condition of consent, additional tree planting will be undertaken along the highway facing facades of the building so as to screen and lessen visual effects. None of this planting will be located in such a way that appears contrary to the landform. Further, it will reflect what commonly occurs in rural settings comprising bold and simple layout – that is, essentially a row of poplars.

g. not relevant

h. if the proposal is proposed to be located within a landscape that exhibits open space or has an open character, the extent to which the proposal:

i. will maintain open space or open character when viewed from public roads and other public places;

See preceding discussion where it is concluded that the building(s) have little effect on the provision of open space commensurate with what is expected to occur within a working farm environment.

ii. is situated on a site that is within a broadly visible expanse of open landscape when viewed from any public road or public place;

As the **Graphic Attachment Figures 11, 12 & 13** photographs show, the activity is located within a broadly visible expanse of open landscape when viewed from the adjoining highways. And because the activity is located against the southern boundary it does not intrude the open space of the site. The 140m setback from the nearest public road – SH6 – also has the effect of significantly diminishing apparent open space. Consequently, there is no substantial lessening of open space when viewed from the adjoining roads.

iii. is likely to affect open space or open character values with respect to the site and the surrounding landscape;

See preceding discussion where it is assessed and concluded that there will be no significant intrusion of open space. Additionally, the current pastoral farming regime will continue unchanged and so its contribution to existing character values will be maintained.

iv. is situated on a site that is defined by natural elements such as topography and/or existing vegetation which may contain and mitigate any adverse effects associated with the development;

See preceding discussion. Additionally, it is noted that from some vantage points the building(s) are either fully screened or partially screened by intervening land forms and vegetation as viewed from the adjoining state highways – see **Graphic Attachment Figure 15**. From other vantage points however, the full extent of the building(s) is apparent - see **Graphic Attachment Figure 16**.

So overall there exist some natural topographic features which contribute varying degrees of screening and therefore visual mitigation. As described, existing and additional planting will result in the building(s) being more or less fully screened in time.

i. the extent to which the proposal will contribute to adverse cumulative effects on the visual amenity values identified in Schedule 21.23, or identified in accordance with SP 3.3.45.

21.21.2.4 Tangata Whenua, biodiversity and geological values

a. whether and to what extent the proposal will adversely affect Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features, and the positive effects any proposed or existing protection or regeneration of these values or features will have.

There are no on-site indications that the site exhibits or harbours Tangata Whenua values. Nor is there any indication in the District Plan that such values exist.

21.21.2.5 Cumulative effects

See earlier discussion regarding cumulative effects under Assessment Matter 21.21.2.3(d).

The objectives and policies

As identified earlier the relevant objective and its supporting policies are:

21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

Policies 21.2.9 are:

Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:

c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;

d. maintain or enhance amenity values within the rural environment; and

e. maintain or enhance nature conservation values

Rural character and visual amenity values

Rural character is derived from two sources – one being generic and the other specific. The former applies to all rural areas and fundamentally is a product of sufficiently low building density resulting in the predominance of open space. If it involves land the open space will likely be vegetated.

Specific character is derived from a particular combination of elements, patterns and processes occurring in any one area. These can be both natural and physical.

For the purposes of this discussion rural character is considered a landscape effect. Put simply, landscape effects are those arising from changes to the landscape irrespective of whether they are visible. Visual effects are those which are visible from vantage points beyond the site which will be discussed in more detail shortly.

Landscape Effects

The chief landscape effect involves the exchange of pasture for the building(s) and their associated curtilage area. As a consequence, there is less greenery and openness which contributes to amenity. There is no significant alteration to landform, where in particular the adjoining terrace face remains intact.

The presence of the building(s) also lessens naturalness in as much that they introduce greater modification to the landscape.

Consequently, the building(s) and their curtilage constitute an adverse landscape effect where a more natural open landscape is preferred. This effect however, is considered significantly less than minor. The reasons are:

1. Such activity as that applied for is not unexpected in a working rural environment such as this (essentially associative landscape effects resting on the question of whether people would be surprised to see such an activity in such a setting).
2. The proportion of application site land involved is very small – as noted, site coverage is 0.002% for the building(s), and so the presence of abundant open space is little diminished.
3. As mentioned, there is no change to the underlying landform.
4. There is no change to land use surrounding the building(s).

5. The natural character of the site is not considered significant due to the prevalence of pastoral land use and absence of major natural features such as water bodies, native vegetation and rock outcrops where the site's naturalness is rated¹⁴ moderate.

The introduction of additional native planting is also a landscape effect. As described, this will enhance amenity while counteracting the effects of building bulk. As a result, it is considered a positive landscape effect.

Visual effects

Currently the PVC canopy is white and therefore highly reflective which results in a high degree of visibility as viewed from publicly accessible vantage points – namely SH 6 & 8A – see **Graphic Attachment Figures 11 & 12** photographs. Consequently, the building(s) are visually prominent, but not dominant. Dominance occurs where a feature looms so large that it significantly diminishes appreciation of the surrounding landscape. It can be a natural feature such as a mountain range or ocean, or something man made such a central city environment. A prominent feature only needs to stand out by way of contrast to its setting, irrespective of size. The applicant will however change the colour the PVC canopy so that it appears more recessive and with low reflectivity – see recommended condition of consent (1).

In this case parties potentially affected visually will principally be road users and residential neighbours. There are no significant publicly accessible vantage points nearby, such as public walkways, recreation areas and viewing areas.

In summary, while the building(s) are presently visually prominent due to their white colour and reflectivity, they are not in themselves visually incongruous within the context of their working rural setting. With the change in colour comprising natural hues and low reflectivity it is expected the building(s) will appear much less prominent and therefore acceptable in their appearance. Additional landscape

¹⁴ The accepted rating scale by the NZILA and case law:
Very high / high / moderate high / moderate / moderate low / low / very low

screening in the form of tree planting will substantially assist in this regard, where a further recommended condition of consent is offered.

Finally, from the point of view of road users, the building(s) are set back sufficiently from the highways adjoining the application site to avoid visual dominance. The backdrop of trees when viewed by those travelling south also assists in this regard.

For road users then, it is concluded that the adverse visual effects arising from the presence of the building(s) is less than minor.

Rural amenity

Rural amenity values¹⁵ are described in the PDP¹⁶ *Part 2 Section 6 Landscapes and Rural Character*. Here the predominance of open space over built form is considered a key contributor to rural amenity values, where it states:

The open space or open character of rural land are key elements of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

In essence this describes the delivery of generic rural character and the open space amenity derived from it as a function of building density.

It however goes on to observe that higher building densities occur in proximity to townships such as Queenstown and Wanaka. This is particularly so for rural living activity, none of which is proposed in this case. The application site is located in such a setting being less than 1 km from the township of Luggate and some 8km from Wanaka. The nearby neighbouring presence of rural lifestyle residences (see again **Graphic Attachment Figure 2** aerial photograph) further contributes to this pattern of development within the receiving environment. Nevertheless, the

¹⁵ Under the heading 'Values'

¹⁶ Consolidated Decisions

application site and its wider setting is unmistakably rural in character in as much the public would not form the view that it exhibits urban densities. That would still apply in this case where the building(s) are clearly serving farm activity, and is not the kind of structure normally associated with urban settings.

Lakes and rivers are also identified under the 'Values' heading as very significant contributors to the District's landscape character and amenity. The Clutha River is some 740m from the building(s), but is not otherwise visible from them. Nor do they impinge on or occupy land subject to ongoing fluvial processes resulting from the presence of the river. Additionally, the site lies outside the ONL (Outstanding Natural Landscape) overlay in which the river is located – see Graphic **Attachment Figure 14** Planning Map. As a result, the achievement of PDP Objective 21.2.12¹⁷ will not be compromised.

RECOMMENDED CONDITIONS OF CONSENT

To follow are recommended conditions of consent. Overall, their purpose is to ensure the building(s) sit harmoniously in their landscape setting while avoiding prominence. Further the aim is to maintain the rural open space character of the site and its surrounds in way that is commensurate with the RCL zone in which the building(s) are located.

1. The existing smart shelter structure material must be removed or re-coloured or covered within 6 months of the granting of this consent and all other external building materials and colours shall be submitted to council for certification prior to installation on the building.

Note: Colours and materials must be tones of grey, brown, and green with a light reflectivity value (LRV) of between 7% and 30% for all external elements including cladding, spouting, joinery etc., and between 7% and 20% for the roof. The roof shall have a matte or low gloss finish to reduce glare.

2. The existing shipping containers must also be re-painted within 6 months of the granting of this consent. Colours and materials must be tones of grey,

¹⁷ 21.2.12 Objective - *The natural character of lakes and rivers and their margins is protected, or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.*

brown, and green with a light reflectivity value (LRV) of between 7% and 30% for all external elements.

3. Trees capable of exceeding 8 metres at maturity and screening the building(s) as viewed from State Highways 6 and 8A must be planted within 6 months of the granting of consent in accordance with that shown on the aerial photograph below.



CONCLUSION

While it is acknowledged that the building(s) are located on a site that is substantially beyond what is permitted, there are overall circumstances that render adverse landscape and amenity effects to be less than minor. In summary these circumstances in combination with the recommended mitigation measures are:

1. The building(s) are clearly associated with farming / rural activity and are therefore not out of keeping with peoples' expectations in this particular setting.
2. The setting is clearly a working farm which the presence of the building(s) support.
3. The site is relatively close to a built up area (Luggate) where, as the PDP acknowledges, higher building densities are expected to occur within nearby rural settings.
4. The building(s) are optimally sited so as minimise visual intrusion of the open space within the application site and surrounds and in so doing maintain prevailing rural character and amenity.
5. There are no significant natural features within the site that are affected by the presence of the building(s).
6. The presence of the building(s) has no landscape character or visual amenity effect on the Outstanding Natural Landscapes in the area.
7. Views from neighbouring properties are largely screened by intervening vegetation.
8. The setback from the adjoining State Highways 6 and 8A is generous thereby avoiding building dominance.
9. Existing and proposed planting, including that required as a condition of consent will screen and 'settle' the building(s) into the landscape of their setting.

10. Subject to implementation of the recommended conditions of consent the presence of the building(s) will not be contrary to relevant objective 21.2.9 and its supporting policies.

11. While it is acknowledged the building(s) contribute cumulative effects, the context of the setting in proximity to Luggate township and for the reasons summarised above, these effects are considered acceptable whereby rural open space continues to prevail.

While there are adverse effects arising from the existing building(s), chief among them being at the moment visual prominence due to the white and highly reflective PVC canopy, these are effects that will be acceptably managed through application of the recommended conditions of consent. These in combination with the circumstances summarised above it is concluded that the adverse landscape, visual and rural amenity effects will be less than minor.



Andrew Craig

Landscape Architect

November 2023

Subject: Re: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000214
Date: Friday, 13 October 2023 at 12:21:59 PM New Zealand Daylight Time
From: Cailin Richardson Hall
To: Nicole Malpass
Attachments: image.png, image001.png, image.png

Kia ora Nicole,

Thank you for your request for Waka Kotahi NZ Transport Agency (Waka Kotahi) written approval regarding the proposed building platform & farm buildings. Waka Kotahi has reviewed the proposal and determined that certain conditions would mitigate any potential effects the on the state highway network.

As part of the previous application, Waka Kotahi sought the applicant upgrade the vehicle crossing off SH6 be upgraded to the NZTA Diagram C standard with a wider radius of 15m. It appears that the access has been formed to this standard however, it has not been completed as it is not sealed to the edge of the road corridor which is the minimum standard Waka Kotahi require. Therefore, as per Condition 1, this vehicle crossing needs to be sealed to ensure no lose material can be tracked onto the SH carriageway creating a safety risk.

As for the existing vehicle crossing off SH8A, Waka Kotahi is comfortable with the use of it to service the proposed dwelling. However, the new construction of driveway from the existing sealed vehicle crossing to the boundary of the subject site will also need to be sealed to prevent gravel migration as per Condition 2.

The proposed building platform on the north-east of the site is located within the Waka Kotahi effects area for noise, which is 60m from the edge of the sealed SH6 carriageway. To address any potential effects on human health for any dwelling or noise sensitive activity within the effects area, this would be achieved through Condition 4.

These conditions are as follows:

Conditions

1. The driveway from the vehicle crossing to SH8A (coordinates NZTM 1304545, 5039766) to the boundary of Lot 7 DP 24216 shall be sealed.
2. The vehicle crossing to SH6 (coordinates NZTM 1304065, 5039348) shall be upgraded in accordance with the NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) with a radius of 15m and to the satisfaction of the NZ Transport Agency Network Manager.
3. Prior to giving effect to the land use consent, the consent holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the state highway, including the upgrading of the vehicle crossing, have been constructed to the NZ Transport Agency standards.
4. Any habitable room or other noise sensitive activity constructed on the building platform within 60m of the edge of State Highway 8A carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB $L_{Aeq}(24hr)$ inside all habitable spaces.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the Waka Kotahi CAR Manager via www.beforeudig.co.nz and/or www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Please consider the above and, if your client agrees, amend the resource consent application to include the above conditions and send this through. Upon receiving the draft application confirming that your client has volunteered the above conditions; Waka Kotahi will continue to process the application with a view to providing affected party written approval (subject to delegated authority).

If you have any queries regarding the above, please feel free to contact me via the details below.

Ngā mihi,

Cailin Richardson Hall

Planner – Environmental Planning (South)

Poutiaki Taiao | Environmental Planning

Email: Cailin.RichardsonHall@nzta.govt.nz

Phone: 03 741 4706

Mobile: 021 241 0235

Waka Kotahi NZ Transport Agency

Christchurch, Level 1, BNZ Centre, 120 Hereford Street

PO Box 1479, Christchurch 8011, New Zealand

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----- Original Message -----

From: Nicole Malpass <nicole@ipsolutions.nz>;

Received: Thu Oct 12 2023 09:28:08 GMT+1300 (New Zealand Daylight Time)

To: Cailin Richardson Hall <cailin.richardsonhall@nzta.govt.nz>;

Subject: Re: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000214

CAUTION: The sender of this email is from outside Waka Kotahi. Do not click links, attachments, or reply unless you recognise the sender's email address and know the content is safe.

Hi Cailin,

Thank you for your response.

Anything you are able to do to speed up the process would be much appreciated.

Thank you,

Nicole

Nicole Malpass

Senior Resource Management Planner

signature_2272796565



5 Chalmers St, Wanaka 9305, New Zealand

P / +64 21 080 60084 | E / nicole@ipsolutions.nz

W / www.ipsolutions.nz

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From: Cailin Richardson Hall <Cailin.RichardsonHall@nzta.govt.nz>

Date: Wednesday, 11 October 2023 at 1:48 PM

To: Nicole Malpass <Nicole@ipsolutions.nz>

Subject: Re: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000214

Kia ora Nicole,

Thank you for your patience. The application is still sitting with our safety and network teams for their comments. I have followed them up and hope to be in touch as soon as possible.

Please let me know if you have any other questions in the meantime.

Ngā mihi,

Cailin Richardson Hall

Planner – Environmental Planning (South)

Poutiaki Taiao | Environmental Planning

Email: Cailin.RichardsonHall@nzta.govt.nz

Phone: 03 741 4706

Mobile: 021 241 0235

Waka Kotahi NZ Transport Agency

Christchurch, Level 1, BNZ Centre, 120 Hereford Street

PO Box 1479, Christchurch 8011, New Zealand

[Facebook](#) | [Twitter](#) | [LinkedIn](#)



www.nzta.govt.nz

----- Original Message -----

From: Nicole Malpass <nicole@ipsolutions.nz>;

Received: Tue Oct 10 2023 15:03:25 GMT+1300 (New Zealand Daylight Time)

To: Cailin Richardson Hall <cailin.richardsonhall@nzta.govt.nz>;

Subject: Re: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387

CRM:0304000214

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Hi Cailin,

Hope you're doing well.

Am I able to have an update on the below please?

Thanks,

Nicole

From: Nicole Malpass <Nicole@ipsolutions.nz>

Date: Monday, 25 September 2023 at 10:18 AM

To: Cailin Richardson Hall <Cailin.RichardsonHall@nzta.govt.nz>

Subject: Re: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000214

Hi Cailin,

I do not have a draft AEE together yet as there is other reporting which I am still awaiting before this can be put together.

I initially sent this to Deborah's email address being that she was the previous NZTA contact for the site without realising that she no longer works there – so it would be great to hear back as soon as is possible.

Thank you,

Nicole

Nicole Malpass

Senior Resource Management Planner



5 Chalmers St, Wanaka 9305, New Zealand

P / +64 21 080 60084 | E / nicole@ipsolutions.nz

W / www.ipsolutions.nz

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From: Cailin Richardson Hall <Cailin.RichardsonHall@nzta.govt.nz>

Date: Monday, 25 September 2023 at 10:13 AM

To: Nicole Malpass <Nicole@ipsolutions.nz>

Subject: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000214

Kia ora Nicole,

Thank you for getting in touch regarding the proposed development on Lot 7 DP 24216, Wanaka-Luggate Highway. The proposal has been sent to me to process.

Do you have a copy of the draft AEE you could please send through?

I will send the proposal off for comments from our safety and network teams and will be in touch as soon as I hear back or if I require any further information.

Please get in touch if you have any queries in the meantime.

Ngā mihi,

Cailin Richardson Hall

Planner – Environmental Planning (South)

Poutiaki Taiao | Environmental Planning

Email: Cailin.RichardsonHall@nzta.govt.nz

Phone: 03 741 4706

Mobile: 021 241 0235

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From: "Cailin Richardson Hall" <Cailin.RichardsonHall@nzta.govt.nz>
Sent: Wed, 6 Dec 2023 10:57:42 +1200
To: "Nicole Malpass" <Nicole@ipsolutions.nz>
Cc: "Resource Consent" <resourceconsent@qldc.govt.nz>;
"customer@aspiringhighways.co.nz" <customer@aspiringhighways.co.nz>
Subject: Cnr SH6 and Shortcut Road, SH8A - Application-2023-1387 CRM:0304000264
Attachments: 2023-1387 - Written Approval - Lot 7 DP 24216.pdf

Kia ora Nicole,

Thanks again for getting in touch regarding the proposal to construct farm buildings on Lot 7 DP 24216 beside Wanaka-Luggate Highway.

We have reviewed the application and the conditions volunteered by the applicant in the AEE provided.

Please find attached a copy of the written approval and if you have any questions, please let me know.

Ngā mihi,

Cailin Richardson Hall

Planner – Environmental Planning (South)

Poutiaki Taiao | Environmental Planning

Email: Cailin.RichardsonHall@nzta.govt.nz

Phone: 03 741 4706

Mobile: 021 241 0235

Waka Kotahi NZ Transport Agency

Christchurch, Level 1, BNZ Centre, 120 Hereford Street

PO Box 1479, Christchurch 8011, New Zealand

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Waka Kotahi NZ Transport Agency Reference: Application-2023-1387

6th December 2023

CPC Trustee Ltd
C/- Nicole Malpass (Senior Resource Management Planner - IP Solutions)
5 Chalmers St
Wanaka 9305

Sent via: Nicole@ipsolutions.nz

Dear Nicole

Proposed Farm Buildings – Corner of State Highway 6 and State Highway 8A, Luggate – CPC Trustee Ltd

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi). Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- New farm buildings on Lot 7 DP 24216 (RT:OT16B/228) as shown on the site plan (Attachment 1).
- The proposed farm buildings would utilise the existing vehicle crossing onto State Highway 6 (SH6) identified as Crossing Place 1 (CP1).

Assessment

In assessing the proposed activity, Waka Kotahi notes the following:

- SH6 in this location has a 100km/hr speed limit and an annual average daily traffic of 5592 vehicles per day.
- The vehicle crossing from SH6 (CP1) will continue to be used for rural/farm activities. In a previous application, Waka Kotahi sought for the vehicle crossing to be upgraded to the Waka Kotahi Diagram C standard with a modified radius of 15m to allow for farm vehicles (heavy vehicles). The vehicle crossing appears to have been formed but it has not been sealed to the aforementioned requirements from Waka Kotahi. Therefore, per Condition 1, the consent holder has volunteered to seal the vehicle crossing to reduce the risk of loose material tracking onto the state highway.
- The property has two additional accesses onto State Highway 8, however, no additional vehicle movements are proposed through these as part of this application.
- Based on the above and subject to the below conditions, it unlikely this proposal will result in adverse safety effects on the state highway network.

Limited Access Road (LAR)

Your client's site adjoins State Highway 6 which is identified as a limited access road. Per Section 91 of the Government Roadway Powers Act 1989, to access your client's site, they require a crossing place authorised by the Waka Kotahi. In this instance CP1 provides current access to the LAR and this will need to be updated to reflect the land use. Waka Kotahi will prepare the crossing place notices to authorise the use of the existing vehicle crossing by Lot 7 DP 24216. You will be provided with a copy of the crossing place notice in due course.

Conditions

In discussion with Waka Kotahi, your client has agreed to include the following conditions as part of their resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Crossing Place 1 being the vehicle crossing to SH6 (coordinates NZTM 1304065, 5039348) shall be upgraded in accordance with the NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) with a modified radius of 15m, and to the satisfaction of the NZ Transport Agency Network Manager.
2. Prior to giving effect to the land use consent, the consent holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the state highway, including the upgrading of the vehicle crossing, have been constructed to the NZ Transport Agency standards.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, Waka Kotahi provides written approval under section 95E of the Resource Management Act 1991.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the Waka Kotahi CAR Manager via www.beforeudig.co.nz and/or www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from Waka Kotahi.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Cailin Richardson Hall via email at Cailin.RichardsonHall@nzta.govt.nz or you can contact the environmental planning team at the following email address – environmentalplanning@nzta.govt.nz.

Yours sincerely



Cailin Richardson Hall
Planner
Environmental Planning, System Design, on behalf of Waka Kotahi NZ Transport Agency.

cc: Aspiring Highways
Queenstown Lakes District Council

Enclosed:

- Attachment 1: Proposed Site Plan
- Attachment 2: Diagram C

Attachment 1: Proposed Site Plan



Callin Richardson
 Callin Richardson Hall
 Planner – Poutiaki Taiao/Environmental Planning
 System Design
 Waka Kotahi NZ Transport Agency

Notes:
 - Aerial imagery & QLDC services are indicative only.
 - Boundary information has been sourced from DP 24216.
 - Adjoining boundary information sourced from LINZ XML.
 - Additional assessments may be required upon further engineering design and Land Transfer Survey.
 - Areas and dimensions are subject to final Land Transfer Survey.
 - Contour Interval = 0.5m.



MEASURED LAND SURVEYS
 www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz

Rev	Description	Date
A	ORIGINAL	08/09/23
B	BUILDING PLATFORM REMOVED	27/11/23

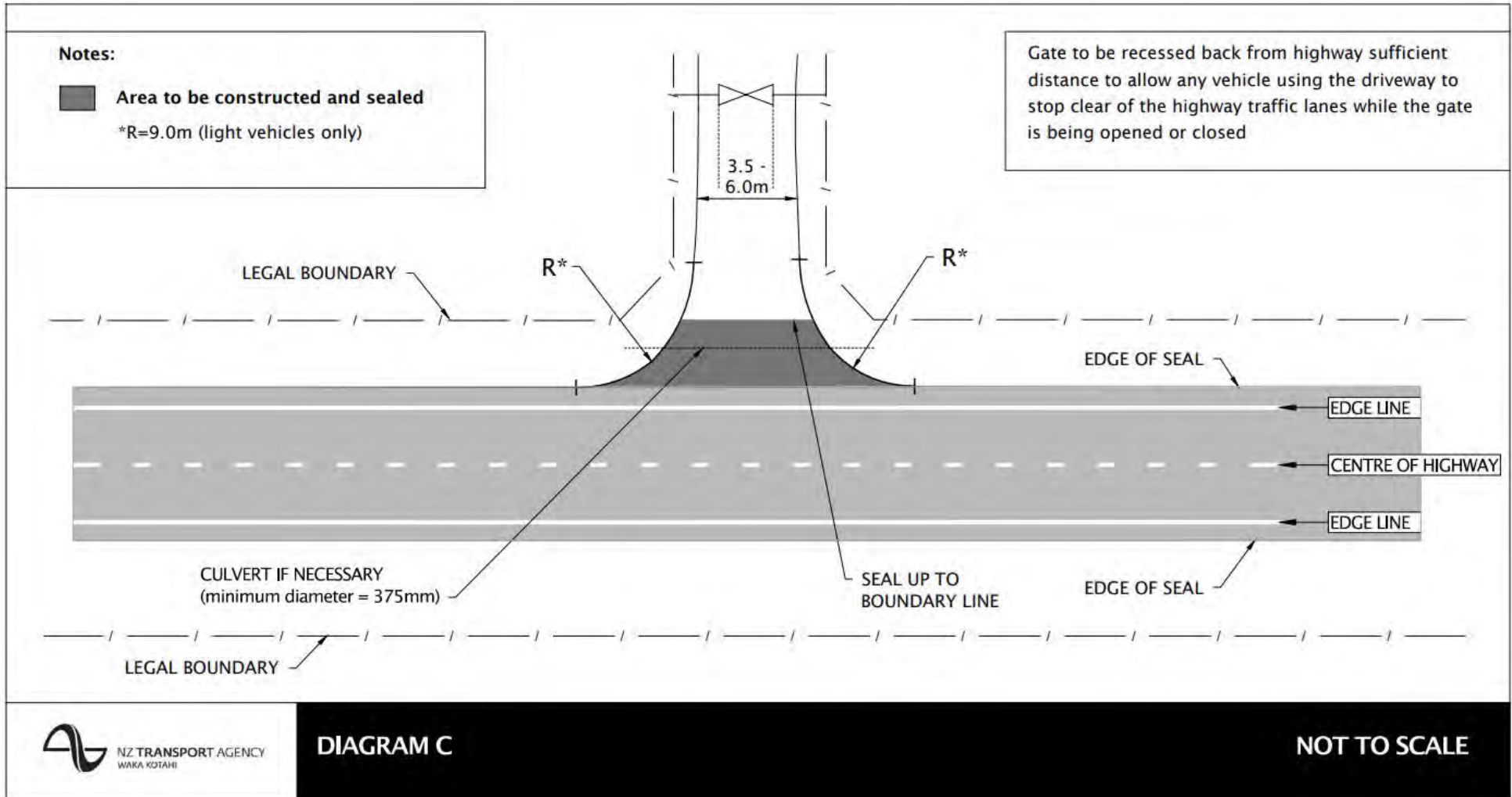
Scheme Plan
Farm Buildings
on Part Lot 7 DP 24216
 (Wanaka-Luggate Highway)

Client: CPC Trustee Limited
 Scale: 1 : 2000 @ A3
 Surveyed: ST 07/09/23
 Drawn: ST 08/09/23

IP solutions
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CSNZ THE CONSULTING SURVEYORS OF NEW ZEALAND
 A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS
 Datum: Linds Peak 2000/DVD 1958

North Arrow
 Sheet: 1 of 1
 Job #: 23087_S1
 Rev: B

Attachment 2: Diagram C Standard – Extract from the Planning Policy Manual



Waka Kotahi NZ Transport Agency Reference: Application-2023-1387

6th December 2023

CPC Trustee Ltd
C/- Nicole Malpass (Senior Resource Management Planner - IP Solutions)
5 Chalmers St
Wanaka 9305

Sent via: Nicole@ipsolutions.nz

Dear Nicole

Proposed Farm Buildings – Corner of State Highway 6 and State Highway 8A, Luggate – CPC Trustee Ltd

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi). Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- New farm buildings on Lot 7 DP 24216 (RT:OT16B/228) as shown on the site plan (Attachment 1).
- The proposed farm buildings would utilise the existing vehicle crossing onto State Highway 6 (SH6) identified as Crossing Place 1 (CP1).

Assessment

In assessing the proposed activity, Waka Kotahi notes the following:

- SH6 in this location has a 100km/hr speed limit and an annual average daily traffic of 5592 vehicles per day.
- The vehicle crossing from SH6 (CP1) will continue to be used for rural/farm activities. In a previous application, Waka Kotahi sought for the vehicle crossing to be upgraded to the Waka Kotahi Diagram C standard with a modified radius of 15m to allow for farm vehicles (heavy vehicles). The vehicle crossing appears to have been formed but it has not been sealed to the aforementioned requirements from Waka Kotahi. Therefore, per Condition 1, the consent holder has volunteered to seal the vehicle crossing to reduce the risk of loose material tracking onto the state highway.
- The property has two additional accesses onto State Highway 8, however, no additional vehicle movements are proposed through these as part of this application.
- Based on the above and subject to the below conditions, it is unlikely this proposal will result in adverse safety effects on the state highway network.

Limited Access Road (LAR)

Your client's site adjoins State Highway 6 which is identified as a limited access road. Per Section 91 of the Government Road Powers Act 1989, to access your client's site, they require a crossing place authorised by the Waka Kotahi. In this instance CP1 provides current access to the LAR and this will need to be updated to reflect the land use. Waka Kotahi will prepare the crossing place notices to authorise the use of the existing vehicle crossing by Lot 7 DP 24216. You will be provided with a copy of the crossing place notice in due course.

Conditions

In discussion with Waka Kotahi, your client has agreed to include the following conditions as part of their resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Crossing Place 1 being the vehicle crossing to SH6 (coordinates NZTM 1304065, 5039348) shall be upgraded in accordance with the NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) with a modified radius of 15m, and to the satisfaction of the NZ Transport Agency Network Manager.
2. Prior to giving effect to the land use consent, the consent holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the state highway, including the upgrading of the vehicle crossing, have been constructed to the NZ Transport Agency standards.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, Waka Kotahi provides written approval under section 95E of the Resource Management Act 1991.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the Waka Kotahi CAR Manager via www.beforeudig.co.nz and/or www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from Waka Kotahi.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Cailin Richardson Hall via email at Cailin.RichardsonHall@nzta.govt.nz or you can contact the environmental planning team at the following email address – environmentalplanning@nzta.govt.nz.

Yours sincerely



Cailin Richardson Hall
Planner
Environmental Planning, System Design, on behalf of Waka Kotahi NZ Transport Agency.

cc: Aspiring Highways
Queenstown Lakes District Council

Enclosed:

- Attachment 1: Proposed Site Plan
- Attachment 2: Diagram C

Attachment 1: Proposed Site Plan



Callin Richardson
 Callin Richardson Hall
 Planner – Poutiaki Taiao/Environmental Planning
 System Design
 Waka Kotahi NZ Transport Agency

Notes:
 - Aerial imagery & QLDC services are indicative only.
 - Boundary information has been sourced from DP 24216.
 - Adjoining boundary information sourced from LINZ XML.
 - Additional assessments may be required upon further engineering design and Land Transfer Survey.
 - Areas and dimensions are subject to final Land Transfer Survey.
 - Contour Interval = 0.5m.



MEASURED
 LAND SURVEYS

www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz

Rev	Description	Date
A	ORIGINAL	08/09/23
B	BUILDING PLATFORM REMOVED	27/11/23

Scheme Plan
Farm Buildings
 on Part Lot 7 DP 24216
 (Wanaka-Luggate Highway)

Client: CPC Trustee Limited
 Scale: 1 : 2000 @ A3
 Surveyed: ST 07/09/23
 Drawn: ST 08/09/23

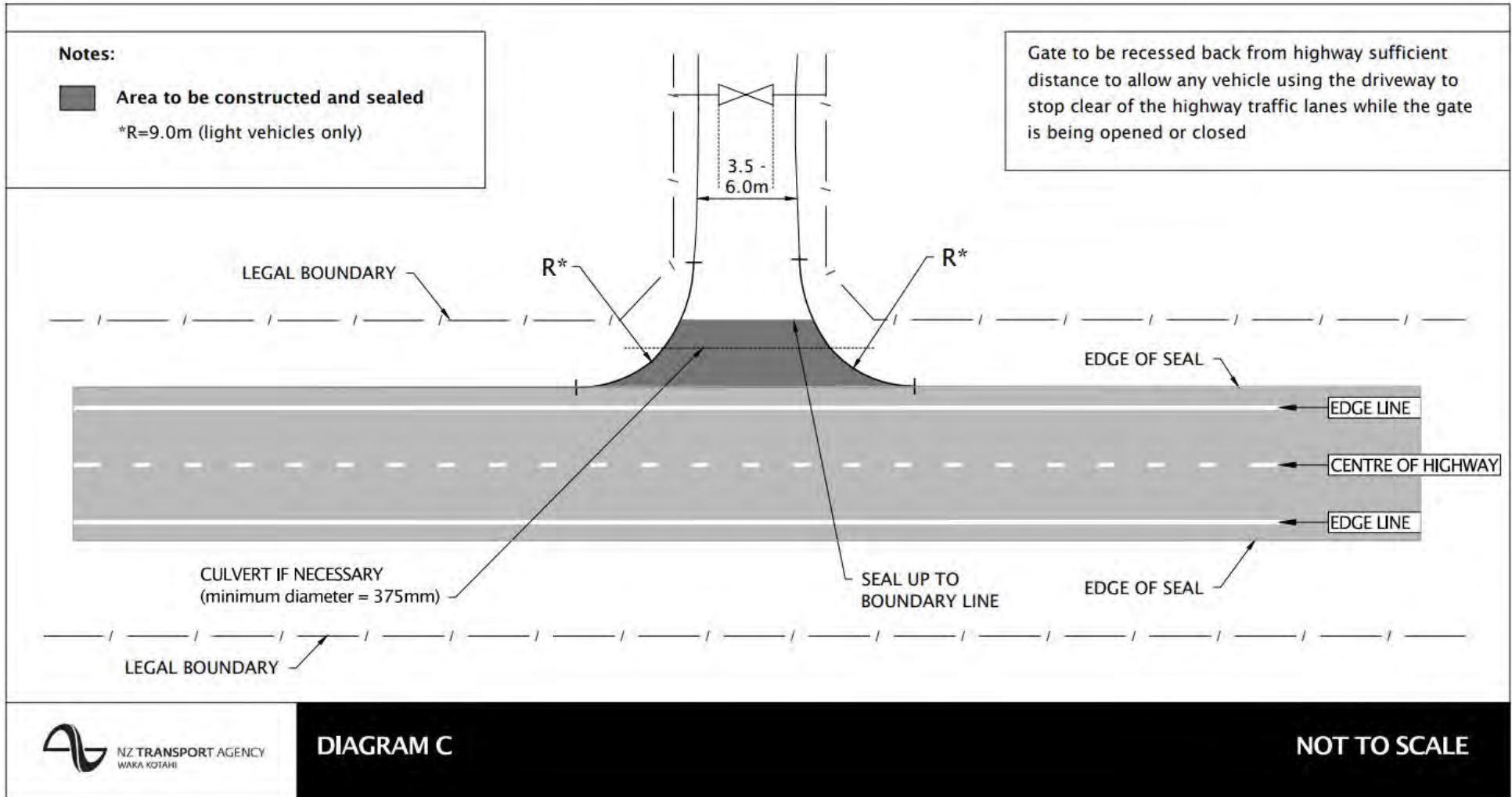
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Attachment 2: Diagram C Standard – Extract from the Planning Policy Manual





Notes:
 - Aerial imagery & QLDC services are indicative only.
 - Boundary information has been sourced from DP 24216.
 - Adjoining boundary information sourced from LINZ XML.
 - Additional easements may be required upon further engineering design and Land Transfer Survey.
 - Areas and dimensions are subject to final Land Transfer Survey.
 - Contour Interval = 0.5m.



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Rev	Description	Date
A	ORIGINAL	08/09/23
B	BUILDING PLATFORM REMOVED	27/11/23
C	Setback and Tank Details added	30/07/24

Scheme Plan
Farm Buildings
 on Part Lot 7 DP 24216
 (Wanaka-Luggate Highway)

Client:
CPC Trustee Limited

Scale:
1 : 2000 @ A3

Surveyed:
ST 07/09/23

Drawn:
ST 08/09/23

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C