

APPLICATION AS NOTIFIED

**SECOND STAR LIMITED
(RM210784)**

Submissions Close 14 October 2021

FORM 12

File Number RM210784

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:

Second Star Limited

What is proposed:

Land use consent is sought to construct a series of stand-alone buildings, including a lodge for visitor accommodation for up to 24 guests, accommodation pod for the owner, together with associated lodge management buildings, infrastructure, landscape treatment, water features and meditation space.

Access is proposed from Wanaka-Mount Aspiring Road.

Earthworks of 36,800m³ (cut and fill) is proposed over an area of 73,700m², with the maximum depth of cut being 7.3m and the maximum depth of fill being 3.5m.

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

Lot 1 DP 337193, Wanaka-Mount Aspiring Road, Wanaka.

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 RM210784 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Sarah Gathercole, who may be contacted by phone at 03 441 0465 or email at sarah.gathercole@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:

Thursday 14 October 2021

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

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

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

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

You must serve a copy of your submission to the applicant as soon as reasonably practicable after serving your submission to Council. The applicant's contact details for service are:

C/- Michael Holm
mike.holm@ahmlaw.nz
AHM Law
PO Box 1585,
Shortland Street,
Auckland 1140

QUEENSTOWN LAKES DISTRICT COUNCIL



(Signed by Richard Campion, Team Leader Resource Consents, pursuant to a delegation given under Section 34A of the Resource Management Act 1991)

Date of Notification: Thursday 16 September 2021

Address for Service for Consent Authority:

Queenstown Lakes District Council	Phone	03 441 0499
Private Bag 50072, Queenstown 9348	Email	rcsubmission@qldc.govt.nz
Gorge Road, Queenstown 9300	Website	www.qldc.govt.nz

TechnologyOne ECM Document Summary

Printed On 15-Sep-2021

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Form 9	6987697	1	31-Aug-2021
PUB_ACC	AEE	6987698	1	31-Aug-2021
PUB_ACC	Appendix 1- Record of Title	6987696	1	31-Aug-2021
PUB_ACC	Appendix 1A - Conservation Covenant 6029663.5	6987695	1	31-Aug-2021
PUB_ACC	Appendix 1B - Consent Notice 6122592.1	6987694	1	31-Aug-2021
PUB_ACC	Appendix 1C - Bond Document 6164035.1	6987693	1	31-Aug-2021
PUB_ACC	Appendix 1D - Covenant for Right of Way EI 9499183.2	6987692	1	31-Aug-2021
PUB_ACC	Appendix 2 - Architectural Plans	6987691	1	31-Aug-2021
PUB_ACC	Appendix 3 - Landscape Assessment	6987690	1	31-Aug-2021
PUB_ACC	Appendix 4 - Landscape Plans	6987689	1	31-Aug-2021
PUB_ACC	Appendix 5 - Ecological Assessment	6987688	1	31-Aug-2021



APPLICATION FOR RESOURCE CONSENT OR
FAST TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



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

PLEASE COMPLETE ALL MANDATORY FIELDS* OF THIS FORM.

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



APPLICANT //

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

*Applicant's Full Name / Company / Trust:

(Name Decision is to be issued in)

All trustee names (if applicable):

*Contact name for company or trust:

*Postal Address:

*Post code:

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

*Email Address:

*Phone Numbers: Day

Mobile:

*The Applicant is:

Owner

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

Occupier

Lessee

Other - Please Specify:



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

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



CORRESPONDENCE DETAILS //

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

*Name & Company:

*Phone Numbers: Day

Mobile:

*Email Address:

*Postal Address:

*Postcode:



INVOICING DETAILS //

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

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

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

Applicant:

Agent:

Other - Please specify:

Email:

Post:

*Attention:

*Postal Address:

*Post code:

*Please provide an email AND full postal address.

*Email:



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

Owner Name:

Owner Address:

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

Date:

Names:



DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

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

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

Details are the same as for invoicing

Applicant:

Landowner:

Other, please specify:

*Attention:

*Email:

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



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

*Address / Location to which this application relates:

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

District Plan Zone(s):



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

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

YES NO

Is there a dog on the property?

YES NO

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

YES NO

If 'yes' please provide information below



PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

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

Yes

No

Copy of minutes attached

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



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

Land use consent

Subdivision consent

Change/cancellation of consent or consent notice conditions

Certificate of compliance

Extension of lapse period of consent (time extension) s125

Existing use certificate



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

Controlled Activity

Deemed Permitted Boundary Activity

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



BRIEF DESCRIPTION OF THE PROPOSAL //

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

*Consent is sought to:



APPLICATION NOTIFICATION

Are you requesting public notification for the application?

Yes

No

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



OTHER CONSENTS

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

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

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

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

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

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

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

Otago Regional Council

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

Yes

N/A



INFORMATION REQUIRED TO BE SUBMITTED //

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

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

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

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

A site plan at a convenient scale.

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

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



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



PRIVACY INFORMATION

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



FEES INFORMATION

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

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



FEES INFORMATION // CONTINUED

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

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

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

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

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

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](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 – BKNZ22)

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

*Reference

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

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

*Date of Payment

Invoices are available on request

APPLICATION & DECLARATION

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

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

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

OR:

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

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

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

PLEASE TICK

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

Full name of person lodging this form

Firm/Company

Dated

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



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

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

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

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

2 INFORMATION REQUIRED IN ALL APPLICATIONS

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

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;
- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

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

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

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

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

Information provided within the Form above

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

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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



ASSESSMENT OF ENVIRONMENTAL EFFECTS

Clause 6: Information required in assessment of environmental effects

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

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

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



UNDER THE FOURTH SCHEDULE TO THE ACT:

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

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

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

[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

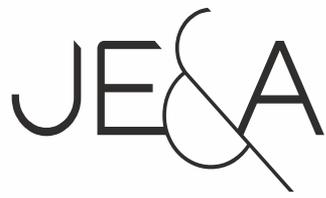
Geotechnical Report

Wastewater Assessment

Traffic Report

Waste Event Form

Urban Design Report



ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

**Construct a Luxury Lodge, Owner's Pod and Associated
Buildings, Infrastructure and Landscaping**

Wanaka-Mount Aspiring Road, Wanaka

For Second Star Limited

August 2021

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1.0 INTRODUCTION

This Assessment of Effects on the Environment (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;
- A description of the proposal;
- A description of the consents sought;
- An assessment of environmental effects;
- Identification and assessment of relevant objectives and policies of the Operative and Proposed District Plan; and
- A conclusion.

1.1 Overview

The applicant seeks consent to construct a series of stand-alone buildings for visitor accommodation, accommodation for the owner, together with associated lodge management buildings, infrastructure, landscape treatment, water features and meditation space. The site is zoned Rural in the Queenstown Lakes District Council (QLDC) - Proposed District Plan and is currently used as a working farm. The site is located with Damper Bay at the north, and Wanaka-Mount Aspiring Road adjoining the southern boundary. The legal description is Lot 1 DP 337193.



Figure 1- Aerial view of the site in the wider context (outlined in yellow)

As shown in Figure 1, and as referred to throughout the report - land between the site and Wanaka township is 'south-east' of the site; land between the site and Glendhu Bay is 'south-west' of the site. Damper Bay and Lake Wanaka is 'north' of the site; and Roys Peak and Wanaka-Mount Aspiring Road is 'south' of the site.

The activity status is Discretionary Activity.

2.0 SITE DESCRIPTION AND ENVIRONMENT

2.1 Legal Description and Title

The site is legally described as Lot 1 DP 337193 and held in Record of Title 152547 (attached as **Appendix 1**). The site is 193 hectares more or less. **Figure 2** shows an aerial view of the site.



Figure 2- Aerial view of the site (outlined in yellow)

There is a building platform marked 'E' on the title plan, at the coordinates outlined in the Consent Notice. **Figure 3** below shows the location of the building platform. The following instruments are registered on the title:

- The site is subject to Part IVA Conservation Act 1987, and Section 11 Crown Minerals Act 1991.
- 6029663.5 Conservation Covenant- **Appendix 1A**. It is noted these Covenant areas are not applicable to the Damper Bay Site. This Covenant is registered under the Reserves Act 1977 for Crown Pastoral Land Act 1998 purposes. The Covenant covers land marked 'Z' and 'Y' on the title Section 1 SO 332310 which is on Alpha Burn Station across the road from the site. The covenant requires the land must be managed to preserve specific values, including native shrublands, tall tussock lands, mixed short/tall tussock lands and open landscape qualities. The covenant requires no grazing of livestock, no removal of vegetation, no planting of vegetation, control of fencing and buildings, pest control etc., to protect the vegetation and land within this covenant area.
- 6122592.1 Consent Notice- **Appendix 1B**. Registered on the title at the time of subdivision consent (RM030249), requiring:
 - a) Any building erected on the building platform to comply with the following standards:
 - (i) Roof pitch of 22.5 – 37 degrees.
 - (ii) Roofing materials to be dark and recessive and low reflectivity. Materials should be cedar shingles, slate, steel, or other such materials.
 - (iii) All external cladding materials to comprise of timber, smooth plaster, or stone.

- (iv) All exterior joinery to comprise timber, steel, or aluminium. Joinery colours to match roofing, gutter, and spouting colours.
 - (v) Prior to construction, the final colours, and materials to be approved by the Principal: Resource Management (CivicCorp).
 - (vi) Boundary fencing to comprise standard post and wire fencing only.
 - (vii) The building platform to have a ground level no higher than the 368m contour post excavation. The maximum height of any building to be limited to 5m above this ground level.
 - (viii) Veranda forms to be designed to ensure the glazing of all windows that would otherwise receive direct sunlight be in shade, to minimise glare at any publicly accessible location.
- b) At the time a dwelling is proposed, firefighting storage is to be provided.
 - c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards.
 - d) If more than five people are to be accommodated, then QLDC will require commensurate increases in the water supply per person per day.
 - e) The provision of an effluent disposal system is required.
 - f) All ring fenced areas of kanuka plantings to be maintained and protected.
 - g) If koiwi, waahi taoka, waahi tapu or artefact material are discovered, then work should stop, and discovery protocol followed.
 - h) A site management plan is required for earthworks at the time the dwelling is proposed, for the establishment of the dwelling and accessway.
 - i) All earthworked areas are to be resown or otherwise revegetated after construction.
 - j) All residential dwellings on Lot 1 to be located within the building platform shown as 'E' on the title.
- 6164035.1 Bond for a right of way (pedestrian and cycle way)- **Appendix 1C**. A bond was required at the time of issuing title under s.224c for RM030249, for works uncompleted, including submission of as built plans, construction of a water supply, construction of a vehicle crossing, implementation of landscaping and installation of power and telecommunications. The vehicle crossing has been constructed, which is the main entry to the farm building, however all other works are still outstanding, and therefore the bond held with the Council.
 - 9499183.2 Covenant for Right of Way (pedestrian and cycle way)- **Appendix 1D**. This right of way allows the QLDC and its invitees (public) to walk and cycle along the part of the Glendhu Bay Track that traverses the northern boundary of the property.



Figure 3- Aerial of the approximate location of the approved building platform (shown in red)

2.2 Zoning

The site is zoned Rural General in the QLDC - Operative District Plan (ODP), and Rural in the Proposed District Plan (PDP). The PDP is operative as it relates to the zoning of the site, however, there remain some objectives and policies that are still under appeal. Although there are no rules which are relevant in the ODP, it is still necessary to consider the objectives and policies.

2.3 Site Description

The site is on the land side of Damper Bay of Lake Wanaka, as shown in **Figure 1** above.

The site topography is varied. The west of the site is characterised by hummocks, and steep embankments that descend down to the lake at the northern boundary. Central to the site is a large farming paddock that slopes gently down from south to north. On the eastern side of the site are a number of hillock landforms, with schist bluffs and outcrops, and low points between.

The northern boundary adjoins land owned by QLDC that contains the Glendhu Bay Track - a walking and cycling track that extends from Wanaka to Glendhu Bay.

The site is accessed off Wanaka-Mount Aspiring Road, via a farm access that serves the large farming paddock and hay shed towards the central part of the site.

Section 4.0 of the Rough + Milne Landscape Assessment, attached as **Appendix 3**, describes the site in detail, through its geological features, land cover and current land use.

There is a water bore as shown on Sheet 9 of the Landscape Plans at **Appendix 4**, located on the eastern side of the central paddock, which was installed as a condition of consent for RM030249 (explained further at Section 2.5 below). This bore however has never been in use and has proved incapable of providing sufficient water supply.

Wahi Tupuna

The zoning of the site is Rural in the PDP and a Wahi Tupuna overlay extends over much of the central and western part of the site, as shown by the green hatch and outlined in yellow in **Figure 4**:



Figure 4- Wahi Tupuna overlay - PDP Stage 3 Maps

The Wahi Tupuna area is shown in relation to the earthworks on the Earthworks Plan, attached as **Appendix 12**.

Natural Hazards

The QLDC hazards register identifies part of the site is susceptible to liquefaction, with an alluvial fan risk and seismic liquefaction as shown in **Figure 5** below.

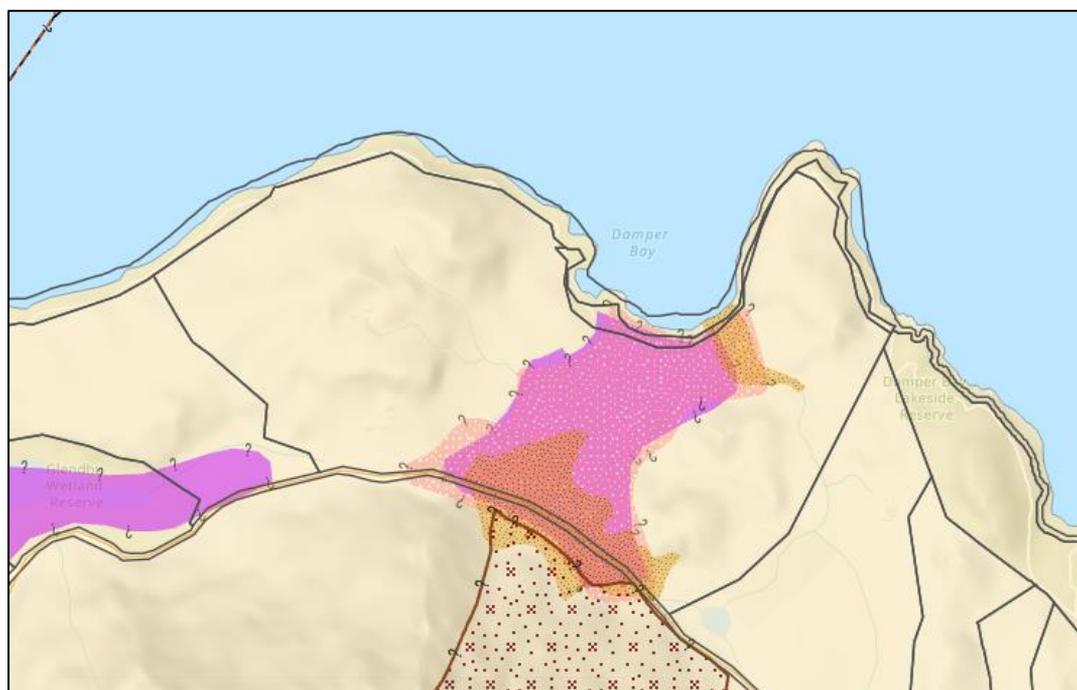


Figure 5- QLDC Hazard Register

Legend:

-  Liquefaction Susceptibility- Susceptible (Opus 2002) Location approximate
-  Alluvial Fans Regional scale- Active, Floodwater-dominated- Location approximate
-  Alluvial Fan- ORC- fan recently active
-  Seismic Liquefaction Otago 2019- A Domain

Land Use

From a land use perspective, the property forms part of 'Wanaka Catchment Group', together with Alpha Burn Station, and many other farms and stations around the area. The subject site was once a part of Alpha Burn Station. This catchment group have developed a Land Environment Plan (Plan), attached as **Appendix 6**. The Plan sets out farming practices and management for the catchment group to adhere to, to ensure a 15kg/ha/yr nitrogen load limit, and for other improvements to the quality of the water flowing into Lake Wanaka. The Plan also contains rainfall and climate information, information on soils, stock, land use capability, land cover information, key requirements for winter grazing, water quality monitoring, challenges, and solutions to farming, all specific to Alpha Burn Station.

2.4 Receiving Environment

A number of sites in the surrounding area, to the south-west, south-east and south form part of the receiving environment. Specifically Alpha Burn Station adjoins the site to the south-west and south across Wanaka-Mount Aspiring Road. There is a relatively small area of land encompassed by Alpha Burn Station to the south-west of the site owned by Department of Conservation, which incorporates a distinct hillock landform, being Glendhu Wetland Government Purpose (Wildlife Management) Reserve (Part Section 5 SO 332310). There are no non-farming buildings on Alpha Burn Station within proximity to the site. Adjoining the eastern boundary of the

subject site is a sheep farm recently subdivided into three lotsⁱ - two of which contain residential building platforms, and one farming lot containing farm buildings only. One of these building platforms contains a dwelling - on the eastern side of the property. The other building platform is still vacant but listed on the title.

Adjoining the northern boundary of the site is the Glendhu Bay track located on QLDC land, with an easement allowing public to walk or cycle along the track. North of the track is the shoreline of Lake Wanaka, and Lake Wanaka itself, owned by the Crown, administered by Land Information New Zealand (LINZ), which form part of the receiving environment. The 'receiving environment' includes those permitted activities listed in 8.2 below where they occur on those neighbouring properties to the south-west, south and south-east.

Rough + Milne elaborate on this further in section 3.1 of the Landscape Assessment, including the geological and landscape features that form the receiving environment.

The environment as described above forms the receiving environment and may be subject to effects resulting from this proposal.

2.5 Consent History

Past Consents

RM030249 - The McRae family subdivided their farm into two lots to create the subject 193 hectare parcel of land, and the adjoining lot 2 to the south-west, which is Alpha Burn Station. In allowing that subdivision, the Council approved a building platform. The subdivision was granted on the 20th of November 2003 and given effect to, and the 1,000m² building platform is registered on the subject title, marked as 'E'. This resource consent included approval for a deer shed to the west of the building platform. This consent was appealed by Upper Clutha Environmental Society on 24th March 2004, however after negotiations between the appellant and applicant, the building platform and deer shed locations were shifted to a location agreed by both the appellant and applicant, which was approved by way of Consent Order, attached as **Appendix 15**.

RM040891- Resource consent was sought by Damper Bay Estates Limited to construct a new dwelling within the approved building platform. Consent was granted; however, this was not given effect to, and has since lapsed.

RM041115 - Consent was granted on the 20th of December 2004 for a minor boundary adjustment along the western boundary of the site (Lot 1) and Alpha Burn Station to the south-west (Lot 2).

RM100512 - Damper Bay Estates Limited applied to subdivide the land into three new allotments, with a building platform on each lot, and a total of six residential units. This was a publicly notified application. The recommendation of the Council was to refuse the application. The decision from the Commissioners was also to refuse the application on the 7th of February 2012. The decision was appealedⁱⁱ by the applicant on 5th April 2012, but the appeal was subsequently withdrawn on 1st June 2012.

RM130417 - On 20th July 2013, rights of way in favour of the QLDC were created over parts of the site to formalise parts of the Glendhu Bay track that were constructed over the private land. These areas are labelled as 'C' and 'D' on the Deposited Plan.

ⁱ RM100798- The Sharpridge Trust

ⁱⁱ ENV-2012-CHC-22

Current Consents- Regional

In 2010, Damper Bay Estate Ltd was granted the following consents:

- Water Permit – Divert RM10.332.01 – To divert water for the purpose of widening an unnamed tributary of Lake Wanaka.
- Discharge Permit – Water RM10.332.02 – To discharge sediment to water for the purpose of widening a stream.
- Land Use Permit – General RM10.332.03 – To disturb the bed of a stream for the purpose of increasing its width and water capacity.

It is believed these consents have lapsed on the 4 October 2020 as it is not clear on site whether they have been implemented, or not. Notwithstanding, they are immaterial to the proposal.

3.0 DESCRIPTION OF PROPOSAL

3.1 Activity

The applicants seek to develop a lodge for visitor accommodation purposes, which comprises three individual structures but constructed as one building, which are described in the landscape assessment as a series of pods. The Owner's Pod, back of house and a meditation pod will also be constructed. All buildings will be constructed near the building platform identified on the title.

The lodge is designed in a manner that integrates the building forms into the context of the landscape and the site whilst providing each guest room with uninterrupted north-facing views towards Lake Wanaka and the Southern Alps.

The lodge location provides the benefits of relative proximity to Wanaka and the shopping, dining and cultural experiences that are available, whilst also providing guests with a sense of remoteness.

The lodge can accommodate up to 24 guests (two per bedroom) and an additional six people in the Owner's Pod. Up to 15 staff will attend the site at peak times, none of whom will reside on site.

An informal walking track is proposed (compacted hardfill subbase with an amenity gravel applied to the top surface) around parts of the property as shown on the Landscape Plans, attached as **Appendix 4**, with specifically located viewpoints where guests can admire the view. The meditation space is proposed as a quiet space away from other buildings, to allow guests to reflect, meditate and take some time out.

3.2 Building Design and Layout

Kengo Kuma & Associates have designed the proposal to blend the buildings in to the undulating landscape that surrounds them. The Architectural Plans, attached as **Appendix 2**, provide a unique series of building forms that introduce a curved design both horizontally and vertically, to appear to bend around the landforms they are located within. All of the buildings include green roofs which extend to the ground of each end of the buildings. The green roofs are to be planted with the same range of plants (and occasional rocks) that occur on the surrounding hillock landforms.

A limited palette of building and cladding materials is required due to the recessed and grass roofed nature of the structures. Walls will be clad in schist (traditional stacked with no visible mortar/ limestone), with Corten steel detailing. Paved external areas will be finished in a dark grey exposed aggregate to avoid glare effects.

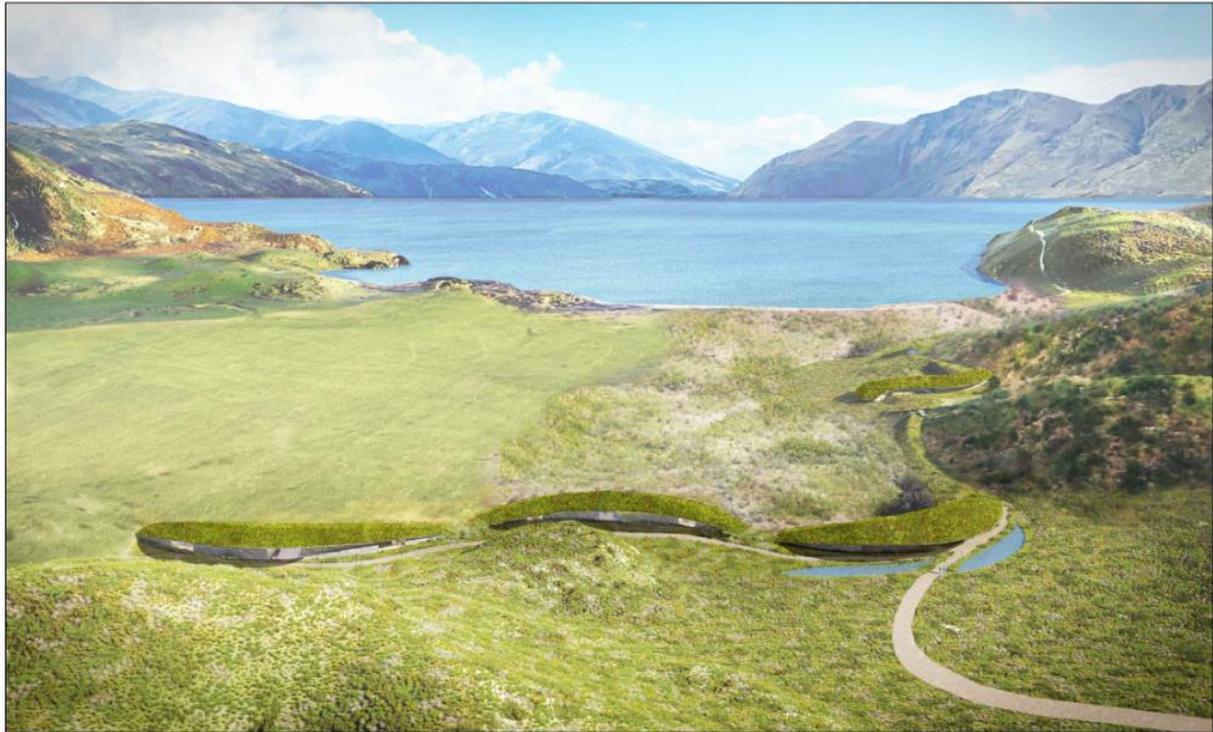


Figure 6- Snip of Architectural renders of buildings within the landscape

The building will have generous eaves for the purpose of external reflectivity/glare, and internal shading.

The proposal will be made up of four buildings, as follows:

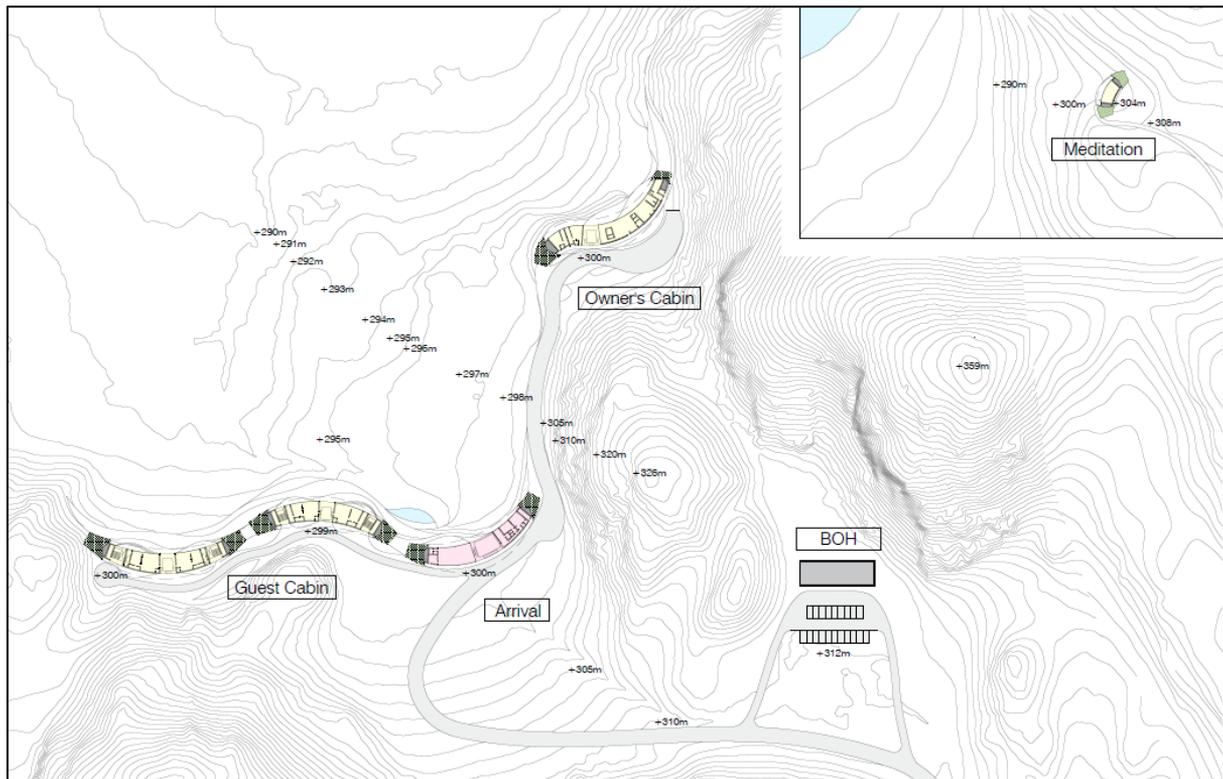


Figure 7- Snip from Architects Plans, showing site layout

3.3 Lodge (Pods A – C)

The lodge is one building split into two levels. This building appears as three separate pods, which responds to the different 'wings'- the Arrival Wing (Pod A), and two Accommodation Wings (Pod B and Pod C). The ground floor has a footprint of 945m². Below these pods is a basement level which continues for the length of Pod B and Pod C and between. The footprint of the basement level is 985m².

3.3.1 Pod A

Guests arrive at the site from a new driveway that is located to the south of the buildings. A small vehicle access and temporary parking area is located on the southern side of Pod A, out of view from any public place. Upon arrival of guests, the access brings them to the arrival/reception pod, which is single level and incorporates the reception/library, kitchen/dining area, and spa treatment rooms.

Pod B

At ground floor level, this part of the building incorporates two guest rooms, each one bedroom, bathroom, and lounge/kitchen/dining. Both guest rooms are 100m² each.

Pod C

At ground floor level, this part of the building incorporates two guest rooms, each one bedroom, bathroom, and lounge/kitchen/dining. Both guest rooms are 100m² each.

Basement

The basement includes six guest units, including four one-bedroom units either 100m² or 140m², and two two-bedroom units, 160m² each. There is also a communal pool, pool lounge and changing room at basement level.

3.4 Owner's Pod (Pod D)

The Owner's Pod is proposed to the north of the lodge buildings and has a ground floor and basement level. At ground floor, there are three bedrooms and kitchen/living/dining. At basement level, is a theatre lounge, office, and spa. The gross floor area of the pod is 565m², and the footprint is 385m².

3.5 Meditation Pod (Pod M)

A relatively small building of 40m² is proposed to the north-east of the Lodge and Owner's Pod, to provide for an area within nature for mindfulness. The location of this is clearly shown on the Landscape Plans and is located at 305 metres above sea level (masl) in a small gully to the north-east of the accommodation pods.

3.6 Back of House (BOH)

The BOH building is not yet designed, but the location is shown on the Architectural Plans, to the east of the accommodation buildings and behind a natural landform, concealing it from view from any public views, from the neighbouring landowner to the south, and from the Lodge and Owners Pod buildings. It is proposed that on the front (south) of the BOH building is the car parking area for guest arrival. To the rear (north) of the BOH building is the utilities area to contain rubbish collection, water tanks and treatment sheds, and any other required infrastructure.

The design will be provided for approval by the QLDC after consent is granted, however will be of similar concept to the Lodge and Owners Pod on the site, being integrated into the surrounding landscape and incorporating recessive design philosophies. It is not proposed to have a green roof however, given the limited visibility of the

building location. The application provides the following parameters for any BOH structures to be designed within:

- Maximum height: 5m above ground level;
- Maximum building footprint: 300m²;
- Roofing materials to be dark and recessive and have a light reflectance value (LRV) of no more than 10%;
- External cladding materials to be dark and recessive and have a LRV of no more than 20%;
- All exterior joinery to comprise timber, steel, or aluminium. Joinery colours to match roofing, gutter, and spouting colours.

3.7 Landscaping

The Landscape Plan package prepared by Rough + Milne Landscape Architects is attached as **Appendix 4**. A site-wide landscape approach has been taken in consultation with an ecologist to ensure the most appropriate long term management strategy can be adopted.

The landscape has been designed to incorporate substantial areas of planting, including shrublands, native forest revegetation, riparian, and wetland planting; and retiring parts of the property from pastoral farming and cropping and fencing those areas to allow them to naturally regenerate. The total area of new plant coverage area proposed is 87.58 ha, broken down into the following areas:

- 3.93 ha of native forest located around the northern boundary of the site where it adjoins the lake and extends the existing areas of mature kanuka.
- 26.47 ha of shrub vegetation located in various areas around the entire site as shown on Sheet 18 of the Landscape Plan package.
- 48.1 ha of retired farmland (pest fenced and pest management procedures out in place) left to revegetate naturally, located around the steeper extents of the hillslopes to the west of the site; and a large area within the north-eastern area of the site.
- 9.08 ha of riparian and wetland planting, encompassing:
 - The fencing and regeneration of three wetlands (noted as 'Wetland 1', 'Wetland 2' and 'Wetland 3' on the Landscape Plans) to the west of the site and their tributaries. These wetlands have previously been drained, so are currently damp areas that are not acting as wetlands;
 - A constructed wetland (artificial watercourse) which is formed by existing drainage ditch to the north of the built form;
 - The fencing and riparian planting alongside the main natural water course that traverses the north-east of the site (noted as 'permanent stream' on the Landscape Plans);
 - The fencing and extension of the existing wetland planting in the south-eastern corner of the site. The wetland is located within the neighbouring site to the south-east.

Further details about the landscape proposal are explained in the Landscape Assessment.

3.8 Access and Car Parking

A new vehicular access is proposed to enter the site in the south-eastern corner of the site, extend along the eastern boundary, and then traverse into the site to join with the BOH, where valet parking will park the vehicles within the car parking area to the front of the BOH building. It is proposed that golf carts will meet guests at the car parking area to transport guests to the reception and guest cabins. On site turning is easily achieved. The Access and Intersection Design is attached as **Appendix 9**.

The access is designed to the PDP standards (Chapter 29) and follows the natural lay of the land. The intersection with the access and Wanaka-Mount Aspiring Road is designed to Diagram 9 of Chapter 29 in the PDP. It is noted however as required by Diagram 9; the road is not proposed to be widened opposite the entrance to the site due to the presence of a culvert beneath the road. The entrance also does not meet the permitted sight lines of 250m along Wanaka-Mount Aspiring Road (south-east and south-west) due to topography and a bend in the road.

3.9 Infrastructure

3.9.1 Water Supply

Water will be provided to the proposal from a new water take from Lake Wanaka, pumped up to 12 storage tanks, located mostly in the enclosed gully to the east of the BOH building, in the 'utility area'. Those tanks that are not located in the BOH area, are as shown on in the document titled Water Proposal and attachments A-C, prepared by Ken Higgie of Central Water, attached as **Appendix 7, (with Appendix 7A – 7C)**. The take falls within the permitted activity allowance of the Otago Regional Council, of 1,000,000L/day, including Plan Change 7 of the Regional Plan: Water.

Drinking water will be treated to drinking water standards through filtration and sterilization with chlorination as an option if required in the future. 60,000L of treated potable water storage will be provided (2 x 30,000L tanks) within the utility area, along with the treatment plant shed, which measures 10m^2 (3m length x 2m wide x 2.4m high).

Stock water will be delivered to a 30,000L tank located nestled in amongst the landscape at RL 330.5 to the south of the built form, which will enable gravity flow to troughs across the site.

Water for the water features around the buildings will be provided from a rising/falling main to balance tanks (sumps) with float valves to allow for replacement of evaporation and seepage losses.

For irrigation water for planting, 20 ha of area would be able to be fully irrigated from the 1,000,000L/day water take. This will be stored in 3 x header tanks on a north-western facing slope to the north-east of the built form, as shown on the Water Proposal Site Plan **Appendix 7B**. These tanks will be partially buried PVC tanks with planting around them as shown in the Landscape Plans.

The water intake structure, wet well, and pipes (250mm diameter) into the site are all located on Crown land - administered by LINZ, and the pipes will pass under QLDC reserve land. All these components will be fully buried. The wet well will require a rectangular lid that will be flush to ground level for access to the equipment inside. The Site Plan showing the water proposal indicates an area the intake could be located; however, this area is quite rocky, and therefore at detailed design stage, the most appropriate location will need to be identified, based on water level and ease of burying equipment and pipes and locating the wet well in a discrete location. This can be provided to the Council at detailed design stage.

Within the property, the Water Proposal Site Plan (**Appendix 7B**) shows a 'typical irrigation connection direct to main booster pump with potential for watering', which would be housed within a small shed of 1m^2, with a height of 1.8m. This is not considered a 'building' in the PDP, and can be nestled in amongst planting, rather than in the open as shown on the Water Proposal Site Plan.

The structures and underground pipes are designed to fall within permitted activities under the QLDC ODP and PDP and ORC Water Plan, for the structure on the lakebed, wet well, and structures within the site. Given all pipes will be underground, these fall into the permitted activity realm in the PDP, including where they will cross waterways, as shown on the Site Plan. These 'waterways' (wetland tributary, and water feature) are proposed, and the underground pipes will be installed prior to these waterways being created. The permitted activity status is supported by correspondence with ORC, attached as **Appendix 8**. Easements will be required for underground pipes and the intake structure to be located/cross over LINZ and QLDC land, however this will be pursued after consent is granted.

3.9.2 Wastewater

A wastewater disposal field is proposed on the western side of the built form into the open landscape. The suitability of ground disposal is supported by Geosolve in their on-site wastewater disposal investigation included in the Geotechnical and Hazard Assessment attached as **Appendix 11**. The specific wastewater system design will be designed at engineering approval stage, after consent is granted. The location of the disposal field is located in excess of 50m from the overland flow path identified by Geosolve that traverses Appendix A, Figure 1a of the Geosolve assessment; and any other proposed and obvious existing waterways on the site. It is likely the field will be within 50m from the existing bore on the property as identified on Sheet 9 of the Landscape Plans, although this bore is not utilised for taking water, and water cannot be obtained from the bore. It is proposed to remove it as condition of consent, prior to the wastewater system being installed.



Figure 8- Approximate location of wastewater disposal field

3.9.3 Stormwater

Stormwater from buildings will be disposed of on site, however it is noted the green roofs greatly reduce runoff as the stormwater is utilised within the green roof itself, rather than running off the roof. The access will be the largest area of impervious surface, however there is a large area of open space either side of the access for the runoff to disperse into without having ponding or off-site effects. It is anticipated the runoff will be directed to the wetland features through grass-lined swales where possible.

3.9.4 Firefighting

As mentioned in the Water Proposal, sufficient water supply for firefighting is provided, being 180,000L, and stored in 6 tanks of 30,000m³ plastic tanks within the utility area. This will provide sufficient fall to the buildings. Appropriate couplings will be provided, distance to hardstand, with access and hydrants installed as per the Water Proposal.

3.9.5 Power and Telecommunications.

Aurora have provided an electrical supply availability letter (attached as **Appendix 16**) which confirms a point of supply can be made to the site for the proposal.

Telecommunications, although not a requirement of resource consent, will be provided via wireless means.

3.10 Earthworks

Earthworks are required to excavate the buildings into the rolling topography of the area, and to create the access through the site from Wanaka-Mount Aspiring Road. A total volume of 36,800m³ (cut and fill) is proposed, over an area of 73,700m². The breakdown of this is shown in the Earthworks Plan prepared by JEA, attached as **Appendix 12**. The maximum depth of cut is 7.3m located north-east of Pod D; however, the majority of excavation is around 3.0m in depth. The maximum depth of fill is 3.5m around the southern side of the buildings. The earthworks figures may appear substantial, however this is due to excess fill being deposited and spread out within the site itself, to avoid any transport effects on the roading network. As a result of the earthworks rule interpretation, the earthworks figures are double-counted where material is moved within a site.

The three areas of fill deposition include a grazing paddock to the west of the built form, and two mounds to the west of the Pods.

Sediment and erosion control measures will be in place for the duration of the works.

4.0 CONSENTING FRAMEWORK

4.1 National Planning Standards & Regulations

4.1.1 National Policy Statements (NPS)

The only NPS's of relevance are the National Policy Statement for Freshwater Management 2020 and the Draft National Policy Statement for Indigenous Biodiversity, November 2019.

NPS for Freshwater Management

The objective of the NPS for Freshwater Management is to:

“ensure that natural and physical resources are managed in a way that prioritises:
(a) first, the health and well-being of water bodies and freshwater ecosystems
(b) second, the health needs of people (such as drinking water)
(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”

The policies support this objective in managing the effects on fresh water.

The proposal does not seek to have any adverse effect on fresh water. On the other hand, the proposal seeks to improve the current situation on and off site in regard to freshwater by fencing off waterways from stock, restoring three wetlands on the western side of the property, creating a new wetland to the front of the buildings, and undertaking riparian planting. This will in turn have a positive impact upon freshwater of the lake and tributaries.

Draft NPS for Indigenous Biodiversity

The main objectives of the NPS for Indigenous Biodiversity seek to maintain and improve the integrated management of indigenous biodiversity, take into account the Treaty of Waitangi in the management of indigenous biodiversity, restore biodiversity, and enhance the ecological integrity of ecosystems, and recognise

the role of landowners, communities and tangata whenua as kaitiaki of indigenous biodiversity. These objectives are intended to be achieved through Policies 1 – 15.

The proposal has and will continue to seek tangata whenua input into the proposal, to provide for their involvement of the management of indigenous biodiversity through the proposal. Both the terrestrial and aquatic biodiversity has been assessed and a proposal sought to enhance the ecosystem in this regard. The proposal will improve the indigenous biodiversity between sites and the wider area through the cross boundary benefits of wetland enhancement and consistent and appropriate planting.

The recent PDP process saw the QLDC's advisors identifying Significant Natural Areas (SNA) across the district. No SNA was identified on the site. Additionally, no significant natural areas have been identified on the site by the Ecologist, however through the entire site ecological enhancements, the indigenous biodiversity will be vastly improved and protected long term through conditions of consent. The proposal will seek to provide for the restoration and enhancement of the environment which Mr Dungey- Ecologist assesses to be important for maintaining indigenous biodiversity.

Overall, the proposal is consistent with the relevant NPS's.

4.1.2 *National Environmental Standard for Freshwater Regulations 2020*

Part 3 of the National Environmental Standard for Freshwater Regulations 2020 (NESFW) is relevant to this application. Section 38 states the application with regards to the creation of the wetlands would be a permitted activity given the application proposes to restore natural wetlands. No land disturbance, changes to the water (damming, discharge, or diversion) or vegetation removal is proposed around the wetland areas, but native revegetation is proposed, therefore complying with the conditions set out in Sections 38 and 55. Specifically Section 55(9) as it relates to planting around the wetlands will apply, and the contractors undertaking the works will be advised to comply with these conditions. The species to be planted are set out by ecologist Ross Dungey, who has surveyed the site in respect of appropriate plant species. As such the application is a permitted activity under the NESFW.

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

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil) apply to activities if the land is covered by the NES Soil, i.e. if any activity or industry on the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or is more likely than not to have been undertaken on the piece of land.

A Preliminary Site Investigation (PSI) has been undertaken by WSP, attached as **Appendix 13**, which concludes that as no HAIL activities are noted to have occurred on the site, the NES Soil does not apply to the proposal. Additionally, it is considered highly unlikely that there will be an unacceptable risk to human health associated with the proposed land use change.

4.1.4 *National Environmental Standards for Sources of Human Drinking Water Regulations 2007*

The National Environmental Standards for Sources of Human Drinking Water Regulations 2007 (NES Drinking Water) provides for safe drinking water standards and manages any discharges that have the potential to affect safe drinking water. In this case, there are no usable drinking water sources nearby to the proposal or wastewater discharge sites. Drinking water for the proposal will be obtained from Lake Wanaka and filtered and treated as required to ensure it complies with the drinking water standards.

4.1.5 *Proposed National Environmental Standards for Wastewater Discharges and Overflows*

At the time of writing the AEE, this piece of legislation was under development and not yet in effect.

4.2 Regional Policy Statement and Plans

The relevant documents prepared by the Otago Regional Council (ORC) that require consideration under section 104 include the partially operative Otago Regional Policy Statement (ORPS), proposed Otago Regional Policy Statement (pORPS) and the Regional Plan: Water.

4.3 Partially Operative Otago Regional Policy Statement (operative 15 March 2021)

The relevant objectives and policies are in Part 1 - Resource management, Part 2 - Kai Tahu values and interests, Part 3 - Ecosystems and natural resources and Part 5 - Built environment.

Regarding Part 1, the proposal will provide for the economic wellbeing of the community and Otago as explained in Section 5.3 below. The proposal will recognise and provide for Kāi Tahu values as explained below, and the diverse needs of the community; will avoid adverse effects on human health and will promote good quality infrastructure to service the proposal. Overall, the proposal will achieve integrated management of the natural and physical resources as explained throughout the application.

Regarding Part 2, consultation with Kāi Tahu has begun and will continue to be consulted with through the processing of the application through Aukaha and Te Ao Marama Inc (TAMI). It is intended that this consultation will mostly be simultaneous to the Council's process.

With regards to Part 3, water quality for the site will be improved through the ecological and landscape projects across the site, which applies to the lakes, rivers, streams, and their margins. Ecosystems and indigenous biological diversity will improve, and the environment enhanced through these projects; and water supply will remain within permitted standards of the ORC. The outstanding natural landscape and natural character values of this landscape has been assessed by Rough + Milne as being maintained, and enhancement of the landscape will result from the overall project.

With regards to Part 5, public access to the lake front is maintained. There is no known historic heritage that will be affected by the proposal. The proposal will enable the retirement of a large area of farming, however much of the working farm will remain as is, which will continue to provide for the primary production of the site and surrounds. Through the ecological works and some mitigation planting proposed, the adverse effects on physical resources are minimised, and enhanced.

Overall, the proposal aligns with the relevant objectives and policies of the operative ORPS.

4.4 Proposed Otago Regional Policy Statement (notified 26 June 2021)

The recently notified pORPS is currently open for submissions. The submission period ends on 3 September 2021.

The relevant objectives and policies are in the Mana Whenua chapter, integrated management chapter, land and freshwater chapter, visions, and management chapter- specifically the Upper Lakes Rohe, land and soil chapter, hazards and risks chapter and the natural features and landscapes chapter.

Regarding Mana Whenua, the assessment below in Section 5.8 recognises Kai Tahu values and assesses the application against the values understood to be of importance. Overall, the proposal seeks to protect, maintain, and enhance those elements of the environment that are of importance to iwi, which are reflected through the objective and policies of the Mana Whenua chapter of the pORPS.

It is not considered the proposal will be subject to climate change risks considering the nature of the site, location, and proposal.

With regards to land and freshwater and the visions and management of the Upper Lakes rohe, similar principles and environmental outcomes apply in the ORPS; and as assessed in Section 4.3 above, the water quality for the site and consequentially off site will be improved. The natural and physical resources of the site will be managed,

and the environmental outcome will be a positive one. Wetlands will be restored, enhanced, and created, and the waterbodies on the site will be protected through fencing off stock and riparian planting.

The stability of the site and other natural hazards have been assessed in Section 5.12 below, and the productive soils of the site will be managed and maintained.

The effect of the proposal on the natural landscape has been assessed by Rough + Milne, and below at Section 5.5, which concludes the adverse effects on the landscape, including the Outstanding Natural Landscape will be no more than minor.

Overall, the proposal aligns with the relevant objectives and policies of the pORPS.

4.5 Otago Regional Plan – Water (operative 16 May 2020)

The relevant objectives and policies are in Chapter 4 - Kai Tahu, Chapter 5 - Natural and human use values of lakes and rivers, Chapter 6 - Water quantity, Chapter 7 - Water quality, Chapter 8 - Beds and margins of lakes and rivers, and Chapter 10 - Wetlands.

As above, Kāi Tahu will continue to be consulted with, and the applicant will work together with Kāi Tahu to resolve any concerns that may arise. It is anticipated through the reestablishment of wetlands, fencing off waterways to inhibit stock directly accessing water, provision of water troughs, regeneration of native planting areas and retirement of some farmland in favour of native revegetation, Kāi Tahu's values as they relate to water, mauri, and the environment will be protected. Further discussion points may result from the continuing consultation, which will be addressed at the time.

The ecological works proposed will ensure consistency with the objectives and policies set out in Chapters 5, 6 and 7. As with the water take proposal and wastewater dispersal, these will remain within permitted allowances and meet the permitted conditions.

Chapter 8 seeks to ensure the beds and margins of lakes and rivers are not adversely affected. The proposal seeks to improve the margin of the lake through significant regenerative planting around the boundary of the site, and no works are proposed within the lake or river margins with the exception of riparian planting. The waterway margins will be improved through fencing off and riparian planting, hereby ensuring consistency with the principles of this Chapter. Similarly, Chapter 10 seeks to maintain or enhance the district's wetlands. The proposal seeks to establish two additional wetlands that were not already present on site, which will in turn have cascading positive benefits to the tributaries into the lake.

The proposal is consistent with the relevant objectives and policies of the Otago Regional Plan - Water.

4.6 Operative District Plan

The site is zoned Rural General under the ODP and is within an Outstanding Natural Landscape (ONL). It is considered that due to the progress of the PDP that it is no longer relevant or necessary to consider the ODP rules in respect of Chapters 5- Rural, 14- Transport, or 22- Earthworks.

4.7 Proposed District Plan

The zoning of the site is Rural, and the site is wholly within an ONL, however there are no identified Outstanding Natural Features (ONFs) on the property. The relevant PDP chapters and associated rules are identified below. Those with an '*' are currently under appeal.

4.8 Activity Status and Required Consents

Consent is sought for the following:

Chapter 21- Rural

1. Rule 21.4.9 - Discretionary activity for the use of the land and proposed building for residential purposes - the Owner's Pod is proposed to be used for residential purposes.
2. Rule 21.4.11 - Discretionary activity for the construction of buildings including the physical activity associated with buildings, including roading, access, lighting, landscaping, and earthworks. The proposal seeks to construct four buildings - one for visitor accommodation and reception/arrival, back of house operations, one for residential (Owner's Pod), and one for meditation/wellbeing. 12 x 30,000L plastic water tanks are also proposed - one for stock water, two for drinking water storage, six for firefighting static storage, and three header tanks for irrigation and the water features around the buildings. The location of these tanks is shown on the Water Supply Site Plan in **Appendix 7B**.
3. *Rule 21.4.19- Discretionary activity for Visitor Accommodation outside of a Ski Area Sub-Zone. Visitor accommodation is proposed within one of the buildings, and the associated back of house building is within a separate building.

Note this rule is under appeal, which relates to the status of a rule breach. The appeal seeks to change from Discretionary Activity to a Controlled Activityⁱⁱⁱ.

4. *Rule 21.7.3- Restricted discretionary activity for Building Size - The arrival/guest cabin building has a ground floor area (being the basement) of 1165m², which exceeds the permitted 500m² by 665m².

Note this rule is under appeal, which seeks to reduce the permitted ground floor area to 350m^{2iv}.

Chapter 25- Earthworks

5. Rule 25.4.2 - Restricted discretionary activity for earthworks exceeding the permitted volume of 1,000m³. The proposal involves 18,400m³ of excavation, and 18,400m³ of fill; totalling 36,800m³ volume of earthworks on site.
6. Rule 25.4.6 - Discretionary activity for earthworks within a Wahi Tupuna overlay. As shown in the earthworks plan, the excavation for the Lodge, Owner's Pod and meditation building all fall within the Wahi Tupuna overlay, as does the placement of fill within the grazing paddock.
7. Rule 25.5.11 - Restricted discretionary activity for earthworks exceeding 10,000m² on a contiguous area of land where the slope is less than 10°. The earthworks are also likely to occur on land with a slope exceeding 10°, therefore for completeness both Rule 25.5.11.1 and 25.5.11.2 are triggered.
8. Rule 25.5.15 - Restricted discretionary activity for the depth of cut exceeding 2.4m. The maximum depth of cut is 7.3m, required for the excavation of the lower level of the Owner's Pod, however all other cuts are around 3m in depth.
9. Rule 25.5.16 - Restricted discretionary activity for the height of fill exceeding 2m. The maximum height of fill is 3.5m.

Chapter 29- Transport

10. Rule 29.5.16 - Restricted discretionary activity as the vehicle crossing design does not comply with Diagram 9 due to a swale and culvert on the southern side of the road inhibiting the seal widening on the opposite side of the road to the proposed access.

ⁱⁱⁱ ENV-2018-CHC-127 Queenstown Park Limited

^{iv} ENV-2018-CHC-56 Upper Clutha Environmental Society Incorporated

11. Rule 29.5.18 - Restricted discretionary activity for maximum sight distances from vehicle access onto the road - the south-east and south-west sight distances not achieving the required 250m. The access provides for 203m site distance to the south-east; and 212m site distance to the south-west.

Permitted Activity Notes:

- a) *Compliance with Rule 21.7.4 - Building Height - is demonstrated on drawing No. 15/07/2021 of the Architectural Plans.*
- b) *Rule 25.5.19 (Earthworks) of the PDP does not apply to the bulk of the earthworks as shown on the Earthworks Plan, as the 'water body' in proximity to the earthworks is an artificial drainage ditch that does not flow to the lake. There will be small crossings over the permanent watercourse, however if any earthworks are required for these crossings, they will be limited to 5m³ or less in total volume, ensuring compliance with Rule 25.5.19.*
- c) *The water take, intake structure on the lakebed, water pipe within the lake and underground pipe outside of the lake conveying water supply to the proposal is considered a permitted activity under both the regional (as confirmed by the ORC in **Appendix 8**) and District Plan (Rule 30.5.1.4 and 30.5.1.5 and Part 25.3.2.9(c)). The district plan definition of utility covers pipes and structures/equipment associated with the supply and drainage of water and is permitted by Chapter 30. It is noted however that easements will be required for placing the pipes beneath Council land and LINZ land, which will be progressed outside of the resource consent process after consent is granted.*
- d) *The single span footbridges over the permanent stream for the purpose of the internal walkway to the meditation pod and viewing platforms are a permitted activity, as they will be designed to accord with Rule 13.2.1.7 of the Otago Regional Plan: Water.*
- e) *A bridge is proposed upon arrival to the accommodation buildings. This bridge is to span an artificial water course, which does not form the definition of 'River' in the Otago Regional Plan: Water, therefore the Rules in Chapter 13 of the Plan do not apply, and consent is not required.*
- f) *The restoration and creation of the wetlands are a permitted activity under the NESFW.*
- g) *The wastewater disposal field is proposed to be in excess of 50m from any water body and will be designed to comply with Rule 12.A.1.4 of the Otago Regional Plan: Water. It may be within 50m of an existing bore, however this bore is to be removed prior to installation of the disposal field.*

4.9 Statutory Considerations

Overall, the consent status of the proposal is **discretionary**.

Sections 104 and 104B set out the relevant assessment matters for resource consent applications carrying the discretionary activity status and applications for changes to conditions of consent:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - a) *any actual or potential effects on the environment of allowing the activity; and*
 - b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application*

*104B Determination of applications for discretionary or non-complying activities**After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**5.1 Introduction**

The effects of the proposal are discussed below. The effects are considered to be:

- Positive Effects
- Amenity
- Landscape Effects
- Lighting and Reflectivity
- Ecological Effects
- Wahi Tupuna
- Vehicle Access, Traffic and Transport
- Earthworks
- Provision of Services
- Natural Hazards
- Construction Effects

5.2 Permitted Baseline

Under section 104(2) of the RMA, Council may disregard an adverse effect of a proposed activity on the environment if a plan permits an activity with that effect. Such activities form part of the permitted baseline. Case law has established that the permitted baseline is broader than as stated in s104(2) and is comprised of the following three categories of activities:

- What lawfully exists on the site at present;
- Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain a resource consent;
- Activities that can be carried out under a granted, but as yet unexercised, resource consent.

What lawfully exists on the site at present.

The site is an established farm, with clusters of natural vegetation.

There is a hay barn located on the western side of the property adjoining the existing farm access. The 1,000m² building platform is established in the same area the built form is proposed, and a deer shed was also approved as part of RM030249, to the west of the building platform. The location of these building platforms are shown on the Consent Order document (**Appendix 15**). As part of the consent process for the building platform, an access was proposed across the farm paddocks, from the existing access onto Wanaka-Mount Aspiring Road, at the western side of the site.

Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain a resource consent.

The PDP does not provide a permitted activity status for any building or associated activity not relating to farming, and limits permitted activities to those activities related to farming that are not fanciful, which could include:

- the management of stock;
- the planting of shelter trees;
- cropping on the valley floor;
- viticulture and
- fences or walls of 2m in height.
- earthworks which do not breach site standards 25.5.6, 25.5.15 and 25.5.16, are permitted, including up to a volume of 1000m³ per annum, per site with a maximum depth of cut not exceeding 2.4m, and for trails no greater than 1.5m; fill height no greater than 2m; any earthworks a distance of 10m from a water body.
- Earthworks for accessways in the Rural zone are permitted provided no upslope batter or cut greater than 1m; cuts and batters no greater than 65 degrees, and the maximum height of any fill does not exceed 2m.
- Tree Planting anywhere within a property is permitted, with the exception of some wilding tree species.

Therefore, the permitted baseline is limited to the activities, such as those (set out above), which are permitted by the ODP and PDP. When comparing the effects of the proposal with the permitted baseline, effects of earthworks over the 1000m³ allowance can be considered, and those over and above the specified cut and fill allowances. All proposed planting and ecological enhancements are permitted within the site, as no wilding tree species are proposed. As there is no permitted baseline for any buildings or visitor accommodation, the effects associated with these activities will need to be considered without comparison to a permitted baseline.

Activities that can be carried out under a granted, but as yet unexercised, resource consent.

Resource Consent [RM030249] enables a residential unit and residential flat (150m²) to be established on the approved building platform as a permitted activity provided no one building exceeds 500m² and meet the standards for external surfaces. The PDP provides for an 8m height limit, however the underlying consent that established the platform restricts the height to 5.0m. Consent Notice 6122592.1 requires other conditions to be complied with also. A homestay and residential visitor accommodation could operate from these buildings as a permitted activity.

5.3 Positive Effects

5.3.1 Visual and Design

The architecture of the proposed lodge is unique. The careful design and placement of buildings into the landscape is thoughtful and recognises the landscape setting. The sympathetic design will use a green roof that will employ the same naturally rustic planting palette of the hillocks that they will be located within.

From a visual and design perspective, the proposal will integrate in to surrounds in a manner that is intended by the ODP and PDP.

At a national level, the proposal is well aligned with the Part 2 matters of the Resource Management Act as explained in Section 8.0 below.

It is acknowledged the buildings will be visible from a limited number of reasonably distant public viewpoints as explained by Rough + Milne in the Landscape Assessment, rather than seeking to hide the proposal away, it is considered appropriate that the exceptional visual quality of the architecture does not need to be wholly concealed. Not only is the applicant providing a uniquely designed proposal to respond to the surrounding landscape, but also providing the benefits to the community, economy, water, landscape, and ecology as outlined below.

5.3.2 Ecological

The Ecological Assessment attached as **Appendix 5** sets out the existing ecological values of the site, and the benefits the proposal will have on the site. The applicant proposes:

- **Ecological/biodiversity enhancements:**

- Expansion of existing kanuka grove along the northern boundary from 0.76 ha to 3.93 ha of native forest which extends along the northern boundary of the site where the site adjoins Damper Bay on Lake Wanaka. This area will be fenced to keep pests and stock out. This native forest is to remain in perpetuity, as offered by condition of consent.
- Restoration of three wetlands on the western side of the property. These areas are currently boggy areas, one of which has reasonably permanent water that stock drink from, and traipse through. The wetlands will be fenced off from pests and stock, cleared of any debris, and appropriate species identified by Ecologist Ross Dungey planted in and around the wet areas, to create functioning wetlands. The northern-most wetland (Wetland 1) will have a stream connection to the lake, which will be planted in riparian species and fenced off, and the western-most wetland (Wetland 2) will provide a connection to the northern-most wetland. Wetland 3 will not require planting or clearing but will benefit greatly from fencing off from stock. These wetlands and tributary will be maintained as wetlands in perpetuity.
- Extension of wetland planting in the south-eastern corner of the site. The neighbouring property to the south-east has a wetland in the south-western corner and some of the planting extends over the boundary into the subject site. It is proposed to extend this planting to the north-east.
- Riparian planting along the permanent watercourse that runs east to west, at the north-eastern side of the site. This watercourse is currently open to stock and has some discarded rubbish throughout. It is proposed to clear the rubbish, replant the riparian extents of the watercourse and fence to prohibit stock and pests entering the water and riparian areas.
- Creation of ponds, water features and a constructed wetland around the buildings. These features are directly west, south, and north of the proposed buildings, where there is a drainage ditch which dampens the land. This drainage ditch does not extend to the lake. The water features are proposed to direct this water course into specifically designed ponds and wetland areas, with appropriate riparian plant species, creating a biodiverse area of the property that is not present currently. Overall, including the wetlands and all other riparian planting, the applicant proposes to create 9.08 ha of riparian planting.
- Retiring of farmland- It is acknowledged the site has some steeper areas that are currently farmed, however may have a more appropriate use as native shrublands, and therefore have been proposed to be retired as farmland. A total of 48.1 ha of retired farmland is proposed to be fenced off and left to regenerate naturally.
- A total of 26.47 ha of shrub vegetation is proposed to be actively planted around the entire site to add to the biodiversity around the site, and provide ecological linkages and opportunities between vegetated areas, and the neighbouring sites.
- Mitigation and other native planting is proposed around the buildings, which will incorporate species that naturally occur in the landscape, including on top of the building roofs.

- **Water quality enhancements**

The applicant is committed to undertaking a variety of site protection enhancements which are aligned with ORC requirements in the Regional Plan: Water, NESFW and Pest Management Strategy for Otago. These enhancements are likely to include but are not limited to:

- Fencing off waterways from stock: the permanent and intermittent water features, both existing and proposed will be fenced off from stock, which will benefit water quality;

- Construction of pipelines to new water-troughs placed in areas that will avoid stock drinking from and hence fouling streams and watercourses;
- Replanting and regeneration of riparian margins to return the waterways to their natural state, and consequentially improve the water quality entering Lake Wanaka; and
- Pest control around the riparian margins.

5.3.3 *Economic/Tourism*

- As explained in the Tourism Report by Horwath, attached as **Appendix 14**, the national and regional tourism strategies all point towards the benefits to the wider economy of encouraging high quality longer stay tourism.
- This particular proposal will provide that intended form of visitor accommodation, where there is an identified shortage in the district.
- The lodge will bring economic benefit to the region, as visitors support local business of all kinds, including airports, road travel, food, beverage, local retail, and activities- such as recreation, spas, tours, arts, and cultural experiences.
- The proposed lodge and associated works will create employment, both for the duration of the physical works (earthworks, construction, planting); and for the functioning of the lodge once complete (food and beverage, cleaning, trades, concierge and reception and on-going maintenance).
- Horwath explain the luxury travel market is projected to be the first segment of the global travel market to recover from the Covid 19 pandemic, ensuring the luxury accommodation market will be a necessary feature within the New Zealand economy.
- Horwath identify that luxury travellers share their experiences of Wanaka and the lodge with their networks, which provides more opportunity for future guests.

5.3.4 *Sustainable Design*

The buildings introduce elements of sustainable design through the following aspects:

- Green roof, including the soil depth and planting on top.
- Northern orientation of the buildings and outlook for maximum solar gain.
- Natural materials such as stone/wood walls will contribute to thermal insulation (less energy consumption).
- The large eave overhang around the northern and western elevations of the buildings,

The detailed design of the buildings will enable further sustainable design to be incorporated into the architecture.

5.3.5 *Summary of Positive Effects*

The proposed planting and ecological enhancements will create a biodiversity connection between the site and the neighbouring sites, including Lake Wanaka, improving the ecological state of the area, and resulting in wider positive effects than just for the subject site. Much of the site will be returned to its natural state through the retirement of farming, whilst retaining its open nature in the more visible areas, and creation of riparian margins and wetlands. The maintenance and enhancement of these native ecosystems together with controlling pests (ORC requirement) and weeds (which will form part of the landscape plan details), will result in positive outcomes that will contribute to the sustainable management of the district's resources. In addition, the proposed lodge will create high end accommodation in the region, whereby the economic benefits reach across the district and beyond.

5.4 Amenity

The proposal has been designed by world-class architects in Japan, Kengo Kuma & Associates, who have specifically designed the buildings to fit and blend into the landscape through the shape, orientation, location, external materials, and green roof. The overall result will be a sought-after, high amenity proposal that will be attractive to view, from both inside and outside the site. The internal arrangement of the accommodation will be such that it will provide high-end luxury, and private spaces.

Overall, the proposal will provide a high level of amenity for guests. The proposed lodge will not result in any external adverse amenity effects.

5.5 Landscape Effects

The PDP is the predominant District Plan to assess, given the District Plan review has progressed through to appeal stage. It is noted however that the assessment matters are all under appeal^v. These assessment matters have been utilised below, however given the current appeal status, the ODP assessment matters remain relevant. To avoid repetition, the ODP assessment matters have been incorporated into the assessment, being:

5.4.2.2(2) - ONL (District Wide):

- (a) *Potential of the landscape to absorb development* (addressed in assessment matter 21.21.1.1 below)
- (b) *Effects on openness of landscape* (addressed in assessment matter 21.21.1.3 below)
- (c) *Cumulative effects on landscape values* (addressed in assessment matter 21.21.1.6.3 below)
- (d) *Positive effects* (addressed in Section 5.3 above)
- (e) *General- Nature Conservation values* (addressed in Section 5.7 below)
- (f) *Natural hazards* (addressed in Section 5.12 below)

As set out in Section 21.21 of the PDP, the following assessment matters require consideration for sites within an ONL:

21.21.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

The ONL status does not in itself make buildings and development in the Rural zone inappropriate. The overall application is a discretionary activity.

In determining the potential of the landscape to absorb development, Rough + Milne confirm that the approved building platform establishes that this part of the site can absorb development. The building platform has not been constructed upon, and therefore this part of the landscape remains able to absorb the change.

Rough + Milne assess the proposal as being 'reasonably difficult to see' from beyond the boundaries of the site. The visual assessment provides analysis from 18 different public viewpoints and reaches the conclusion that this particular landscape can absorb the change resulting from this application.

^v Sought to be deleted by a number of parties and amended by a number of parties as outlined in the Appeals Version of the PDP.

This proposal is an exceptional case due to the following factors:

- The site is unique given the enclosure of the proposed lodge site, provided by the undulating and varied topography.
- The environment contains a range of land management factors including active farmland, native shrub land, regenerating area of native shrub land and wetland areas.
- The site will result in a net environmental and ecological gain by implementing the extensive list of positive effects identified in Section 5.3 above. There are many opportunities for improvement to the ecology and water quality of the site, which are incorporated into the proposal.
- The design of the built form is such that although partially visible from some limited aspects, will be a pleasing and interesting proposal to view. The pod elements wrapping around the slopes behind and nestling into the surrounding landscape create a unique outcome. The green roofs designed to accommodate the natural and surrounding planting, to further blend the buildings into their surroundings all year round.
- The location of the built form at the foot of the large hummocks, providing an immediate backdrop, with a wider, mountainous backdrop beyond, reducing the visual scale of the proposal within the vast landscape.

Due to these reasons, the proposal is not inappropriate, as this is an exceptional case, the landscape can absorb the change.

21.21.1.3 Effects on landscape quality and character

The Landscape Assessment undertaken by Rough + Milne assesses the effects on landscape quality and character, including physical attributes, visual attributes, appreciation and cultural attributes, and possible degradation of the landscape quality and character.

Rough + Milne identify there is a high level of openness, due to the grey scrub land cover and limited tree cover, with the exception of the large patch of kanuka along the Glendhu Bay track boundary. This open nature will be maintained by the proposal.

The proposed Kanuka planting will not adversely impact on openness as viewed outside the site, because this planting provides an extension to the naturally occurring kanuka forest along the northern boundary. Other planting is restricted to parts of the site that already contain some vegetation, and the wetland areas. The majority of the site will continue to operate as managed farmland, and the open character of the site that it is characterised by, and the central pastoral land will be retained.

Rough + Milne consider the wet well lid (which is flush to the ground on the lake front), to have a moderate effect on the natural character of this area. This assessment is based on the current location as shown on the Water Proposal Site Plan at **Appendix 7B**. However, at detailed design stage, the water take, and wet well will be moved to a more appropriately located area where the pipes can be adequately buried, and the wet well located in a discrete area that will be unavailable and concealed from any public view, including those users of Glendhu Bay track.

The Landscape Assessment concludes that ‘the unique architecture of the proposed development will ensure that the proposal will be in harmony with the landscape quality and character, i.e., the proposal will fit the scale, landform and pattern of the landscape, and as mentioned the revegetation scheme will enhance natural character’. Any adverse effects on landscape quality and character will be adequately avoided and mitigated.

21.21.1.4 Effects on visual amenity

Visual amenity has been assessed in detail by Rough + Milne^{vi}. The assessment concludes, at most, the effect on visual amenity is Low-Moderate. Although the buildings will be visible from a few limited viewpoints around the Glendhu Bay track, and one point on Wanaka-Mount Aspiring Road, the following points are taken into consideration in assessing these effects:

- Context of the site - where the buildings are nestled in amongst hillocks and landforms that provide an important and widespread, mountainous backdrop;
- Location of the buildings, being at the foot of those hillocks, behind, and curved around the landforms at distant locations from that viewing position;
- Design of the buildings with the horizontal and vertical elements, and green roof which blends the buildings in to the surrounding landscape;
- The fleeting views from the road and along the track, and the likelihood of viewers eyes being drawn to the site as opposed to the track ahead of them, or the lake and mountain views to the north-west. Public views of the built form will be mainly peripheral;
- Native forest planting along the lake boundary, which will mitigate the views from the track. The timeframes of which are explained by Rough + Milne; and
- The BOH building will be potentially visible from Roys Peak walkway, however only the roof will be visible, and the roof will be a recessive colour, with a maximum LVR of 10%. With the height and distance afforded by the elevation of the walkway, the BOH building will appear like a farm shed and will not have an adverse effect on the visual amenity of the site and landscape.

The Rough + Milne's assessment confirms that the effects on visual amenity will be Low-Moderate, equating to a minor adverse effect.

21.21.1.5 Design and density of Development

The proposed access is in a new and more appropriate location, the current proposed access is in a much less sensitive location and will follow the lay of the land through the landforms, compared with the effect on the landscape the previous access would have resulted in. Rough + Milne consider the building site can absorb change, and in fact this is demonstrated through the approval of the building platform in the similar location. The buildings are clustered around this area, which is considered the most appropriate for development given the approval of the building platform previously.

The access and built form is located in the areas of the site that are feasible to be constructed upon due to hazards and topography, that are least visible from public and private views; and will have the least impact on landscape character, given their bespoke and well-considered design. Rough + Milne conclude the overall character of the rural landscape will not be adversely diminished as a result.

21.21.1.6 Cumulative effects of subdivision and development on the landscape

With the exception of a hay barn at the western entrance to the site there is no other existing buildings on the property.

The approved residential building platform that is registered on the title will be surrendered if consent to the lodge is granted.

The proposed built form is to be clustered around the one area at the foot of the hillocks. For these reasons it is not considered any cumulative effects will result from the proposal on the site.

^{vi} Section 7.2 of the Landscape Assessment

In the wider context, there are other developments (residential, lodge, wedding venue, vineyard buildings) located within that part of the ONL along the northern side of Wanaka-Mount Aspiring Road from Wanaka, that is visible from the Glendhu Bay track and Lake Wanaka, however the context and orientation of the proposal is different to these other developments, in that the proposed buildings will be difficult to see (more so over time) given their location at the base of the hillocks, the green roof, and their orientation facing north-west. Therefore, the built form will not be seen in the same context as the other buildings visible around the lake front and will not result in a cumulative effect in that regard. Further, Rough + Milne assess there will be no adverse cumulative effects arising from the proposal, and that the proposal will enhance the landscape quality, character, and not detract from visual amenity values.

21.21.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

The proposal is consistent with this assessment matter and involves a series of specifically designed pods that will nestle into the surrounds (to incorporate the site constraints, landscape, and visual effects) rather than a generic building platform.

21.21.3.2 Whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

The buildings themselves and activity are not a rural activity, however given the design of the proposal, the retention of the main area of farmland, including central paddocks which maintain the character of the landscape, they are appropriately located in this rural environment. On balance, the proposal seeks to retire large areas of farmland to enhance the quality and character of the landscape where it is appropriate.

21.21.3.3 Positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development

The positive effects of the application are explained in Section 5.3 above, which will result in a net positive result for the property, taking into account the development and the ecological and environmental enhancements on and consequentially off the site.

An esplanade reserve is already in place around the site boundary, as is public access to Lake Wanaka, with a walking and cycling track along the northern boundary of the site. Public access from Wanaka-Mount Aspiring Road is provided via Lake Road 1.2km to the south-east, and also Ruby Island Road (3.8km to the south-east). Given the topography of the site, and the nature of the proposal including the central paddock being actively farmed, any additional access from the road to the lake is not considered practical or necessary given the presence of these linkages to the south-east.

The proposal will enhance the character of the landscape through the substantial planting proposed around the site, and the retirement of land from farming. Indigenous biodiversity values will be substantially increased through the wetland restoration and creation, and significant amount of planting. The fencing off of the waterways from stock, riparian planting and farmland retirement will all have substantial positive net improvement on indigenous biodiversity values, as explained in the Ecological Assessment (**Appendix 5**). This also aligns with the draft NPS on Indigenous Biodiversity, as explained in Section 4.0 above.

The assessment matter 'd' (*any opportunities to retire marginal farming land and revert it to indigenous vegetation*) seeks any opportunities to retire marginal farming land and revert it to indigenous vegetation. The proposal seeks to retire a significant 28.75 ha of farmland. This will be fenced off, actively pest managed and monitored, and left to naturally revegetate. The remainder of the site, including the central paddock is proposed to remain as productive farmland, which will retain the open nature and rural character of the site. This is consistent with assessment matter 'f', (*whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character*) in that the proposal will

retain the remainder of the land use in low intensity farming to maintain the valued landscape character, as described in detail by Rough + Milne.

The adverse effects as outlined in this assessment are avoided and mitigated through design and location of the buildings; proposed planting and the aforementioned ecological works that will ultimately result in a net improvement of the site and surrounds.

5.6 Lighting and Reflectivity

Rough + Milne have assessed the lighting and reflectivity effects^{vii}, and consider there to be at most, a very low adverse effect. The built form has been designed in such a way to limit glare and reflectivity through the following design components:

- Overhanging eaves - the green roof will overhang the north-west facing elevations by 2-3m, which will block light and reflectivity from the glazing.
- Low-reflectivity glass - Glazing will be specifically chosen for the west and northern elevations that reduce the risk of reflection and glare; or alternatively a laminate can be applied to glazing to reduce the glare/reflectivity risk. These low-reflectivity options are designed to limit reflectivity from a range of 2% - 12%.
- Glazing on the north-western elevations is limited and broken up by timber screens which will double as privacy screens to visitors inside the buildings.
- The limited visibility of the site from private dwellings will ensure night-time lighting is low risk.
- External lighting will be designed to the Council's standards.

Given these factors, the risk of reflectivity and glare from lighting is limited and has been adequately mitigated.

5.7 Ecological Effects

The Ecological Assessment (**Appendix 5**) identifies the existing ecological values of different areas and features within the site, whereby there are a number of important flora and fauna, and many opportunities to improve biodiversity across the site. Overall, the assessment concludes the proposal will have a number of positive effects, and a net positive result in the ecological state of the site, including the improvement to water quality and species within the water features. Mr Dungey states: 'The Damper Bay proposal holds a major promise for regional indigenous faunal and floral community welfare'.

The ecological effects are only positive, and no adverse ecological or biodiversity effects will result from the proposal.

5.8 Wāhi Tūpuna

The PDP Maps identify the property as Site 7, being the area surrounding Te Poutu Te Raki, where a kaika mahika kai where tuna (eels), kāuru (cabbage tree root), weka, kākāpō and aruhe (bracken fernroot) were gathered. The values are identified as Urupā (burial place), kāika (settlement), mahika kai (gathering of food and natural materials), nohoaka (seasonal settlements) and archaeological values. The potential threats to these values are:

- Activities affecting water quality
- Earthworks

^{vii} Section 7.3 of the Landscape Assessment

- Buildings and structures
- Energy and Utility activities
- Activities affecting the ridgeline and upper slopes
- Subdivision and development

In this case the proposal involves earthworks, and buildings and structures.

The majority of Chapter 39 [Wāhi Tūpuna] is under appeal, and there are no assessment matters to assist in assessment of the earthworks and buildings and structures within a wāhi tūpuna area. It is acknowledged that Manawhenua are the most appropriate party to identify an understanding of the potential effects on Manawhenua values, and specifically what these values are. Prior to lodgement, the applicant has initiated consultation with Kāi Tahu, and the consultation will continue to progress through Aukaha and Te Ao Marama Inc (TAMI), however this will be simultaneous to the Council's processing of the application. To assist in this consultation, the application has been viewed with regards to the relevant policies of Kai Tahu ki Otago Natural Resource Management Plan 2005, and Te Tangi a Tuira - The Cry of the People 2008. The main policies are listed below, and comments made to assist in this consultation.

5.9 Kai Tahu ki Otago Natural Resource Management Plan 2005

- *Policy 5.3.4 and Policy 10.2.3- Wai Māori*

Comment: An ecological assessment has been undertaken, which includes aquatic assessment of in-stream values. It is the intention of the application to protect and restore the mauri of all water through the ecological improvements proposed such as fencing off streams and waterways, inhibiting stock access, riparian planting and sediment and erosion control during works.

The water extraction from the lake will be metered and reported on as required by the ORC, and the proposal seeks to remain within permitted standards for water take. The water take will be more within the first 5 years of consent being granted for the establishment of the planting, however after this, the amount of water taken from the lake will reduce as necessary.

No dams/diversions, river or in-stream works, willow removals, gravel extractions are proposed. For the stormwater and wastewater discharge to ground, it is proposed to undertake this >50m from any waterway, to comply with the ORC requirements. Stormwater will be treated prior to discharge through the green roof natural filtration, and swales for the access. The wastewater system will be regularly serviced and well maintained.

Three wetlands are proposed to be restored and replanted, and a new wetland created; and it is proposed to exclude stock from waterways. Riparian management will be promoted throughout the site which links to the neighbouring catchments.

- *Policy 5.4.2- Wāhi Tapu*

Comment: There is no obvious evidence of an Urupā, however it is acknowledged that once earthworks and construction commence, evidence may be presented beneath the ground. The applicant is open to an accidental discovery protocol for the duration of earthworks and construction and are supportive of working with iwi if anything of interest was discovered.

- *Policy 5.5.4 and Policy 10.4.3- Mahika Kai and Biodiversity*

Comment: The applicant is open to identifying mahika kai sites and species of importance to Kai Tahu ki Otago. The ecological assessment outlines the aquatic and terrestrial species that exist on the site, which will assist with this identification. Through the protection and enhancement of the waterways, any fish species will be promoted and protected. The wetlands will be enhanced and protected, and the reinstatement and fencing off of these wetlands will occur to assist in this protection. Fish screens will be installed in the water intake structure on the lakebed.

- *Policy 5.6.4 and Policy 10.5.2- Cultural Landscapes*

Comment: The applicant welcomes the opportunity to consult with Kāi Tahu to ensure the areas of earthworks and built form are not affecting cultural landscape. There are no obvious nohoaka, and the built form is proposed on the lower areas of the site, rather than within the landforms. The buildings have been designed to blend in with the landforms surrounding them, rather than conflict with the ONL and landscape features. The Landscape Assessment makes a thorough assessment of the proposal on the landscape, which will be of use to Kāi Tahu in this regard.

The management and protection of visitor and recreational activities on the land will be part of the culture of the development and its operations.

The earthworks have been designed and will be managed to ensure adverse impacts will not occur on significant landforms and indigenous vegetation. Erosion and sediment control will be in place for the duration, and the geotechnical recommendations adhered to with respect to stability of land.

The applicant is open to its employees attending a Ka Papatipu Runaka cultural awareness and remain aware of any relevant cultural information. Adequate provision will be made in the utilities area for storage and collection of litter and refuse, and it will be disposed of in an appropriate manner.

5.10 Te Tangi a Tuira - The Cry of the People 2008

- *Policy 3.4.8- Access and Tourism*

Comment: The proposal involves a new access into the site, and consultation will continue with tangata whenua regarding this access, as with the entire application. No building will protrude above ridgelines. Landscape and geographical features have been at the forefront of this proposal in consideration. In stream values have been considered and protected through the ecological improvements proposed. Education around the cultural importance of mountains and other landforms may be able to be incorporated into the tourism activity in the future, given the main outlook of the accommodation is out to the mountains and other landforms. The applicants are supportive of accidental discovery protocols during earthworks and construction activity.

- *Policy 3.4.9- General Water Policy and Mahinga Kai, Biodiversity and Biosecurity*

Comment: The proposal seeks to protect and enhance the mauri of the waterways, through the improvements proposed - fencing, inhibiting stock access, riparian planting and sediment and erosion control during works. No indigenous flora or fauna will be removed; and much indigenous vegetation will be planted to improve biodiversity of the site and surrounds over time. Pest control is proposed, specifically around the proposed planting. As part of the consultation with Kāi Tahu, the applicant continues to welcome discussion around strategies to ensure pest control avoids adverse impacts on mahinga kai species.

- *Policy 3.4.12- Mahinga Kai – Mahi Ngā Kai*

Comment: The proposal promotes the protection, restoration, and enhancement of indigenous biodiversity. Fish passages will be maintained and enhanced within the waterways linking to Lake Wanaka. No dams, culverts, weirs, or any other water abstraction is proposed.

Whilst the following policies appear relevant through their activity, this legislation only relates to these activities in the Southland Plains (Part 3.5 of Te Tangi a Tuira), in which case they are not relevant to this application - Policy 3.5.8 - earthworks, Policy 3.5.10 - general water policy, Policy 3.5.11 - rivers, Policy 3.5.13 - water quality, Policy 3.5.17 - biodiversity, Policy 3.5.18 - repo-wetlands, Policy 3.5.19 - riparian zones. There are no listed archaeological sites in Te Tangi a Tuira.

Overall, the proposal seeks to protect, maintain, and enhance those elements of the environment that are of importance to iwi as outlined above.

5.11 Vehicle Access, Traffic and Transport

The access has been designed to comply with the ODP and PDP and Code of Practice; including the gradients set out in Rule 29.5.17 of the PDP and passing bays will be provided every 100m (approximately).

The access alignment has been specifically designed to follow the natural shape of the land, and to be concealed as much as possible from Wanaka–Mount Aspiring Road and neighbouring sites by existing landforms. The previously approved access through resource consent RM030249 at the west of the property would have resulted in a very visible and obtrusive access as viewed from Wanaka-Mount Aspiring Road where it was not concealed within the landscape. As part of this current proposal, the alignment will result in a much improved outcome on the landscape, and additional wetland planting in the south-eastern corner will assist in mitigating this visibility further.

The access intersection is located to achieve maximum visibility along Wanaka-Mount Aspiring Road, to the north and south. The sight lines fall short of the 250m standard (Rule 29.5.18 of the PDP) in both directions due to the vertical and horizontal alignment of the road. There is approximately 203m of sight distance to the south-east and 212m to the south-west from the access. This has been assessed by Novo Group within the Transport Assessment attached as **Appendix 10**, which concludes the proposed access achieves a 160m sight distance required by Waka Kotahi within a 100km operating speed area. The access adequately achieves this, and Novo Group consider the location of the access to be appropriate for the safe and efficient use of the access.

The proposed access intersection is designed to achieve the objectives of Diagram 9 of Chapter 29 of the PDP, as shown in the Access Intersection Design (**Appendix 9**), however the design does not comply with the diagram, due to the seal widening on the southern side of the road not meeting the required standard. This is due to a culvert and swale on the opposite side of the road to the access, which will limit the opportunity to widen this area of road. Novo Group has assessed the access intersection as proposed and considers there would be no noticeable impact on the through traffic function of the road, given the low traffic generation, good visibility, and no need for vehicles to queue to enter the site.

With regards to traffic generation, it noted the application does not fall into the threshold of high traffic generating activities under the PDP. It is acknowledged approximately 15 staff members will travel to and from the site as there is no staff accommodation proposed on site. Additionally, Novo Group anticipate approximately 5-8 trips during peak hour are anticipated, based on 0.5 – 0.75 trips / room; and one trip during peak hour would be anticipated for the Owner's Pod, and around 7 trips per day.

Wanaka-Mount Aspiring Road is not a state highway. The road provides access to Glendhu Bay, Roys Peninsula, Matukituki Valley, Treble Cone, Mount Aspiring Valley, and private properties between. It is identified as a Collector Road in the roading hierarchy of the PDP. Seasonally the road becomes busier where typically users access Treble Cone ski field in the winter, and Glendhu Bay, boat ramp, Bike Park, and the different valleys for outdoor activities in the summer. The number of vehicles resulting from use of the lodge, including guests, owners and staff is relatively low, and will be absorbed into the public use of the road, with no additional obvious effect.

Overall, Novo Group considers the location and design of the access to be appropriate for the site to operate in a safe and efficient manner. The traffic generation from the proposal is low, and the adjoining collector road will absorb the additional traffic with no additional obvious effect.

5.12 Earthworks

Whilst there are significant earthworks proposed on site, the works and the areas proposed to be disturbed will be fully mitigated through extensive sediment controls, which will be in compliance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region - Auckland Council Guideline Document GD2016/005, as required by Rule 25.5.12 in the PDP. It is acknowledged the land area to be disturbed is large, and there are water courses nearby, therefore the controls will take this into account, to ensure no sediment or erosion affects the nearby waterbodies.

The earthworks have been designed to ensure the cut and fill balances out on site, therefore no earth will be required to be transported along the roading network, which will eliminate the risk of transport effects from truck movements and sediment spill onto the road. The excess fill will be placed within the grazing paddock central to the site, in a relatively thin layer of approximately 300mm across the area. The Council method of calculating earthworks volumes separately counts the volumes of cut and fill; resulting in doubling the earthworks quantity where material is placed elsewhere within the same site.

Geosolve have assessed the earthworks plan^{viii} and note there is risk of seepage and have recommendations to mitigate this risk. They also provide recommendations for batters excavated within wet soils, temporary and permanent batter slopes, cuts in schist bedrock, and staging of the earthworks. A site management plan will be developed after consent is granted but prior to works commencing on site to ensure these risks are adequately mitigated through adopting the recommendations of Geosolve.

Rough + Milne have assessed the visual amenity of the earthworks and consider the works will not adversely affect the character of the land to any more than a very low degree^{ix}.

Overall, with the sediment control measures in place for the duration of the works, although the earthworks are substantial, the effects will be limited to the site, will not result in erosion or seepage, will not adversely affect the landscape, and will not affect the nearby water courses through the mitigating controls.

5.13 Provision of Services

As explained in Section 3.9 above, water supply will be provided from the lake within permitted perimeters; wastewater disposal will be designed at detailed design stage, and the disposal field will be located to the south-west of the built form to ensure substantial distance from any watercourse and viewshafts. Stormwater will be limited given the presence of green roofs and will be adequately dispersed on site within the large extent of land surrounding the proposal. The ground soakage conditions have been tested by Geosolve^x who consider the ground conditions to be suitable to dispose both stormwater and wastewater to ground.

Telecoms and power will be provided to the buildings in due course. The provision of services will not result in any off site effects and will be adequately provided to service the proposal.

In summary, adequate infrastructure can be provided to the buildings to ensure they are appropriately serviced without adverse effects on the environment.

5.14 Natural Hazards

The Council's mapping system identifies the development area as being subject to an alluvial fan, and susceptible to liquefaction and seismic liquefaction.

These hazards have been assessed by Geosolve in their Geotechnical and Natural Hazard Assessment (**Appendix 11**), which concludes the alluvial fan risk is very low to nil, and no mitigation is considered necessary. There are no landslide hazards affecting the built form. The liquefaction risk can be mitigated through foundation design.

^{viii} Section 9.5 of the Geotechnical and Hazard Assessment.

^{ix} Section 7.1 of the Landscape Assessment.

^x Section 10 of the Geotechnical and Hazard Assessment.

Geosolve also identify a rockfall hazard risk to the Owner's Pod (calculated on 'worst case scenario' regarding occupancy of the cabin) and recommend scaling and isolated block removal on the schist outcrops surrounding the buildings be undertaken prior to construction. This is offered as a condition of consent.

Overall, provided the Geosolve recommendations are adhered to, the natural hazard risks affecting the site and proposal can be adequately mitigated.

5.15 Construction Effects

The proposal would be constructed in accordance with the requirements of the relevant New Zealand Standards, including in relation to noise, hours of operation, waste, and construction access. The applicant will provide a management plan to ensure temporary construction effects are kept to a minimum for the neighbouring properties and general public.

Rough + Milne consider the adverse temporary effects on visual amenity during construction to be Moderate, reducing down to minor effects once the construction works are completed^{xi}.

5.16 Conclusion - Effects

Overall, the proposal will result in adverse effects on the environment that will be no more than minor, and acceptable. Effects on neighbours will be less than minor. The visibility and landscape effects of the buildings have been fully assessed by Rough + Milne. The buildings will be reasonably difficult to see from public places and will not be visible from any adjacent residences. It is acknowledged that the buildings will have a low to moderate visual effect on the landscape, specifically from viewpoint 15, as referenced by Rough + Milne. Additionally, the temporary construction effects may have moderate adverse effect on the visual amenity of the area, as viewed from limited public places. Having carefully considered the landscape architects views, I consider this outcome will be acceptable given the design, context, mitigation, temporary nature of the works, and positive effects proposed.

A number of significant positive effects will result from the proposal, including indigenous landscape planting which will enhance the ONL, lake margin and waterways, ecological enhancements including wetland and tributary creation and restoration, and extensive riparian planting, which will all result in biodiversity connections and environmental linkages between sites and sustainable management of the district's resources through waterway enhancement. The proposal also offers to fence off waterways and retire a large area of the land from farming. Ultimately the proposal will provide economic benefit to the region from visitors, and much needed visitor accommodation within the district.

6.0 ASSESSMENT OF OBJECTIVES AND POLICIES

An assessment of the relevant Objectives and Policies from both the ODP and PDP has been attached to this application as **Annexure 1**, where Table 1 assesses the objectives and policies in the PDP, and Table 2 assesses the objectives and policies in the ODP. In summary, it is considered that the proposal is consistent with the overall objectives and policy direction provided for in the ODP and PDP.

7.0 WEIGHTING

The application has been assessed to be consistent with the objectives and policies and assessment matters of both the ODP and PDP. As such, no weighting assessment is required.

^{xi} Section 7.2 of the Landscape Assessment.

8.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

To the extent they require separate assessment, the relevant matters from Part 2 of the Act is reproduced below.

5 Purpose

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

The proposal provides for a wider social, community and economic benefit through the development of a high-quality accommodation to the tourism market in the district.

As explained in the Tourism Report, this form of accommodation is consistent with both national and regional tourism strategies. The report confirms that lodges will often generate a range of employment and training opportunities following construction and can assist with evolving tourism opportunities in the wider community.

The building design is unique and efficient. It enables use and development of the land whilst providing for the protection and enhancement of the natural and physical environment into the future. This proposal will safeguard the life supporting capacity of water, soil, and ecosystems.

In summary, the proposal is consistent with Section 5. The proposal is designed in such a way to avoid (where possible), remedy and mitigate adverse effects on the environment.

6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights, sites, waahi tapu, and other taonga:*

(h) *the management of significant risks from natural hazards.*

Lake Wanaka, the waterways within the site and their margins will continue to be protected for the duration of construction and earthworks, and permanently afterwards. Environmental protection measures will be in place to protect water quality, erosion and avoid any damage to the water margins.

In Environment Court case *Wakatipu Environment Society Incorporated v Queenstown Lakes District Council* (C180/99), the court stated that “*Just because an area is or contains an outstanding natural landscape does not mean that development is automatically inappropriate*”. In the assessment that forms part of this application, the appropriateness of this proposed lodge has been extensively traversed. The ONL will be protected from inappropriate development and is to be enhanced by revegetation with indigenous species and wetlands and riparian margins restored.

Public access along the lake and river margins is provided already and maintained through this proposal. The lake margin will be enhanced through the proposed kanuka/native forest revegetation proposed around the northern boundary of the site.

Lake Wanaka is recognised as an area of Statutory Acknowledgment. The values and qualities of the lake will be protected by significant setback of development from the margins, water take limits, ecological and waterway enhancements. No historic heritage, taonga or customary rights are known that might be affected by the proposal, however the site is partially overlaid with the Wahi Tupuna overlay. The applicant will continue to consult and work with Kāi Tahu to mitigate concerns if any arise.

The risk of natural hazards has been identified and will be mitigated, as recommended by a suitably qualified experienced geotechnical practitioner.

In summary the proposal achieves the principles set out in Section 6 and protects physical and natural resources, and the matters of national importance relevant to the proposal.

7 *Other Matters*

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to —

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

As assessed in full in Section 5.0 above, the proposal will enable the efficient use and development of natural and physical resources under section 7(b) - the servicing and water supply provision to the buildings is within the realms of that anticipated by the ORC and QLDC; and the effects on the landscape are adequately mitigated. The proposal will maintain and enhance amenity values of the site and surrounding area as described in the

assessment above, under section 7(c). It will maintain and enhance the quality of the environment through significant landscape and ecological enhancements under section 7(f) and protect the finite characteristics of the ONL and other natural and physical resources in accordance with section 7(g).

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The site is subject to a Wahi Tupuna overlay over the central and western side of the property. Kāi Tahu will continue to be consulted with to ensure there are no concerns over the proposal and any adverse effects on any natural or physical resource of importance to iwi. Lake Wanaka is the subject of a Statutory Acknowledgement in terms of the Ngai Tahu Claims Settlement Act 1998. All adverse effects on the natural and physical resources associated with the lake have been avoided, remedied, or minimised. Specifically, Lake Wanaka will be protected by water take controls, sediment and erosion controls, and distance of earthworks and buildings to the water margin. Further, the lake will be enhanced through the improvement of water quality from the riparian planting, restoration of wetlands, and fencing off of waterways from stock.

In summary, it is considered the principles of the Treaty of Waitangi have been and will continue to be taken into account throughout this proposal.

Overall, the purpose of Part 2 of the Act has been achieved, by way of the location and design of the proposal, environmental protection measures, landscape design and planting for mitigation and enhancement, economic benefit to the community and district, and ultimately protection of natural and physical resources, all of which ensure that the matters in sections 5 to 8 are achieved.

9.0 NOTIFICATION ASSESSMENT

Pursuant to Section 95(A) of the RMA, the applicant offers public notification for the application.

10.0 CONCLUSION

The applicant - Second Star Limited - seeks to construct a Luxury Lodge, Owner's Pod, Meditation Pod, and associated infrastructure, earthworks, and access, in addition to substantial ecological works across the entire property located on Wanaka-Mount Aspiring Road, which adjoins Damper Bay, on Lake Wanaka.

The above assessment of effects concludes that the effects on the environment will be minor, and the applicant offers public notification.

The assessment of objectives and policies concluded that the proposal is consistent with all objectives and policies of the ODP and PDP. It is acknowledged there will be temporary effects for the duration of earthworks and construction, and the completed proposal will be visible from limited viewpoints around the Glendhu Bay track, Lake Wanaka and one point along Wanaka-Mount Aspiring Road, however this effect will reduce to almost no effect as the proposed vegetation around the site matures.

The proposal is consistent with and achieves the purpose of the Resource Management Act.

AEE – Damper Bay – ANNEXURE 1: DISTRICT PLAN OBJECTIVES AND POLICY ASSESSMENT

Table 1: Proposed District Plan: Relevant Objectives and Policies

Note those with an '*' are currently under appeal.

Clause	Provision	Comment
Chapter 3 – Strategic Direction – Objectives and Policies		
Objective 3.2.1	<i>The development of a prosperous, resilient, and equitable economy in the District</i>	The Tourism Report outlines the benefits the proposed visitor accommodation facility will have on the economy, community, and district. These benefits will also result in socioeconomic benefits across the board.
Objective 3.2.1.1	<i>The significant socioeconomic benefits of well-designed and appropriately located visitor industry places, facilities and services are realised across the District.</i>	The lodge will create local employment for the project longer than just the construction of the lodge (consultants' involvement, planning, project management, earthworks, construction, planting), but will also extend to maintenance of ecological works, maintenance of buildings, and the staffing and continued operation and supply of food and services to the lodge. This provides a diverse economic project that the district will benefit from.
Objective 3.2.1.6	<i>Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises</i>	
Objective 3.2.1.7	<i>*Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled.</i>	Part of the property will remain operational as an active farm, which will maintain the character of the rural landscape as it currently is. The retirement of farmland is proposed on the steeper topography, and headland, which will enhance the character of the rural landscape. On balance nature conservation values will be enabled by allowing the retired farm areas to regenerate into native bush, in addition to the actively planted areas around the site.
Objective 3.2.1.8	<i>*Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.</i>	The site will provide a diversification of land use, including farmland, regenerating landscape, and accommodation buildings, including Owner's Pod, visitor accommodation, and meditation pods. It is not anticipated that Kāi Tahu values, interests and customary resources will be adversely affected by the proposal, however continued consultation will confirm this, and the applicant will work with Kāi Tahu if any concerns are raised.
Objective 3.2.4	<i>The distinctive natural environments and ecosystems of the District are protected.</i>	The Ecological Assessment (Appendix 5) confirms that the proposal will achieve a positive ecological outcome for the site which significantly

Objective 3.2.4.1	<i>Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.</i>	improves the existing biodiversity. The proposal will sustain and enhance the water, soil and ecosystems through the ecological works proposed.
Objective 3.2.4.3	<i>The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.</i>	The natural character of the stream and other waterbodies will be enhanced, through riparian fencing and planting, restoration of the wetlands, and thereafter protection from development. In turn the water quality and functions of the on-site wetlands and other waterways, and consequentially water entering Lake Wanaka will be enhanced.
Objective 3.2.4.4	<i>The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.</i>	Public access to the lake is maintained and unchanged. The Glendhu Bay track adjoins the northern boundary and will remain unaltered and unaffected by the proposal.
Objective 3.2.4.5	<i>Public access to the natural environment is maintained or enhanced.</i>	
Objective 3.2.5	*The retention of the District's distinctive landscapes.	
Objective 3.2.5.1	<i>*The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.</i>	As Rough + Milne have assessed, the landscape and visual amenity will be affected to a 'low – moderate' degree, after taking into account the earthworks, built form, planting and other ecological works. They assess that the natural character of the ONL will be protected from the development, and the landscape can absorb the development. There will be temporary effects of construction that are 'moderate', however some planting around the northern boundary will be put in place prior to the construction to mitigate those temporary effects.
Policy 3.3.20	<i>*Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.</i>	Part of the property will remain operational as an active farm; however, the farming operations will be improved to enhance the waterway and water quality. The remaining farmland will retain the existing character of the rural landscape, being an openness that is predominantly experienced through views from Wanaka-Mount Aspiring Road across the central part of the site.
Policy 3.3.21	<i>*Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.</i>	
Policy 3.3.25	<i>*Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment.</i>	The proposed lodge is a tourism activity, and this particular proposal is appropriately located in the Rural zone. The overall proposal will enhance the landscape and ecological values and qualities of the site. The short-term effects resulting from construction are limited to the earthworks and construction of buildings before all mitigation is completed. It is noted that the earthworks will avoid any transportation of material on the district roads which reduces the timeframes of works. The dispersal of excavated material across the lower farm paddocks will be similar to permitted
Policy 3.3.26	<i>*That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.</i>	

Policy 3.3.30	*Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.	<p>farming. The extension of the foreshore kanuka will be undertaken during the initial stage of works.</p> <p>It is considered that the short-term effects will be of short duration, and only visible from a sufficient distance from the foreshore walking track that such impacts are acceptable in this particular case.</p> <p>Lodge-style accommodation is well suited to a location in the rural environment where guests can be provided with space, outlook, views, privacy, and a connection to the outdoors. Subsequently, there is a functional need for the lodge to be located in the Rural zone; and as outlined above, the proposal will maintain and enhance the rural environment through its planting, retention of open pastureland, and on-site management.</p> <p>The proposal will achieve Policy 3.3.26 by enhancing the water quality. The earthworks will be managed to ensure sediment and erosion does not affect any waterways.</p> <p>In respect of Policy 3.3.30 and 3.2.5.1, the landscape and visual amenity values and natural character will not be adversely affected to a more than minor degree. There will be temporary visual effects of construction that are 'moderate', however planting around the northern boundary will be put in place prior to the construction to appropriately mitigate those temporary effects.</p>
Chapter 6 – Landscapes & Rural Character– Objectives and Policies		
Policy 6.3.4	*Avoid urban development and subdivision to urban densities in the rural zones.	<p>The proposal does not seek to develop an urban density, rather a cluster of buildings with a unique rural appearance, being topped with native planting.</p> <p>As assessed by Rough + Milne, the direction of lighting, and the 2-3m overhanging eaves will ensure night-time glare is kept to a minimum and will not unnecessarily degrade views of the night sky, or landscape character. Remoteness will be retained.</p> <p>Although large areas of farmland will be retired in favour of natural regeneration (Including ongoing pest management), the low intensity pastoral farming will continue for a majority of the site, and particularly of</p>
Policy 6.3.5	Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.	
Policy 6.3.7	*Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character	
Policy 6.3.9	*Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the	

	<i>subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farmland.</i>	note the central paddocks, which will maintain the openness of the landscape character.
Policy 6.3.11	<i>*Encourage any landscaping to be ecologically viable and consistent with the established character of the area.</i>	<p>The proposal promotes indigenous biodiversity protection and regeneration, and overall, the nature conservation values will be enhanced across the entire site. The proposal will not change the intensity of land use but will involve the retirement of some farmland. Notwithstanding, the conservation values will be well maintained and very much enhanced through the ecological works proposed.</p> <p>The proposed landscape species are based on the Ecological Assessment which identifies which species are already existing on the site, and what are appropriate in each different area, ie. riparian, wetland, and forest planting. Therefore, the landscaping will be ecologically viable and consistent with the established character of the area.</p>
Policy 6.3.12	<i>*Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application.</i>	<p>Section 5.5 of the above assessment of effects assesses this policy, and concludes the proposal will be an exceptional case, the landscape can absorb change, and the development will be reasonably difficult to see from the outset, and more and more difficult to see over time as the surrounding and forest vegetation matures.</p> <p>As mentioned above, much of the site is retained as a working farm, which will ensure the rural and open character of the landscape is maintained.</p>
Policy 6.3.14	<i>*Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.</i>	<p>The farming activities associated with this activity will operate as they have done since farming commenced on the site.</p> <p>As assessed in Section 5.5 of the above assessment of effects, there is a high level of openness on the site. This open nature will be maintained by the proposal. Although there is much planting proposed, that would affect openness as viewed outside the site is an extension to the kanuka forest along the northern boundary. Other planting is restricted to parts of the site that already contain some vegetation, and the wetland areas. The majority of the site will continue to operate as managed farmland, retaining the open character, especially the central pastoral land.</p>
Policy 6.3.16	<i>*Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.</i>	<p>Overall, the application is consistent with the Landscapes and Rural Character policies.</p>
Chapter 21 – Rural – Objectives and Policies		

Objective 21.2.1	*Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.	The farming activity, although reduced, will remain enabled for much of the site. The remainder of the site will be ecologically enhanced through retirement of farming, and active revegetation. Additionally, wetlands will be restored and created, and riparian margins enhanced. Ensuring the indigenous biodiversity, ecosystem, landscape, and stream/river/lake margins are maintained and enhanced through these works.
Policy 21.2.1.1	<i>*Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.</i>	As assessed by Rough + Milne, the direction of lighting, and the 2-3m overhanging eaves will ensure night-time glare is kept to a minimum and will not affect other properties, roads or public places, or the views of the night sky.
Policy 21.2.1.5	<i>*Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.</i>	As assessed in the Water Proposal, adequate firefighting water and access will be provided as required by the PDP and Fire and Emergency NZ.
Policy 21.2.1.9	<i>Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.</i>	The lodge will have a genuine link to the natural environment around it through the culture the applicant seeks to achieve. The lodge is designed around the open space and rural nature of the site, the mountain and lake views to provide a sense of calm, awe, and mindfulness. This is also provided within the water features around the buildings, to provide the same sense. This is reflected in the Meditation Pod located to the east.
Policy 21.2.1.10	<i>Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.</i>	The proposal will protect, maintain, and enhance the rural character and landscape values.
Policy 21.2.1.11	<i>*Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.</i>	As assessed in Section 5.9 above, the anticipated traffic created from the proposal will be less than minor within the road environment and will not affect the safe and efficient operation of the road network.
Policy 21.2.1.15	<i>*Ensure traffic from new commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.</i>	
Objective 21.2.2	The life supporting capacity of soils is sustained.	In respect of the effect upon the soil resources the proposal will sustain and enhance the soil resource, through an increase in planting over the site, and retirement of a large area of farmland. This will allow the soil to recover to its natural state overtime, and the plants will enhance the soil resource by enriching the soil, adding organic matter to the soil, and preventing erosion, and providing an opportunity for increased biodiversity.
Policy 21.2.2.1	<i>Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.</i>	On balance, the productive potential of the soil will be maintained by the retained farmland, and particularly the central area of open space, which is grazed or planted in crops.
Policy 21.2.2.2	<i>Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.</i>	
Policy 21.2.2.3	<i>Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.</i>	

		Earthworks are substantial, however temporary; and will be managed, to ensure the quality of the soil resource is unaffected by the proposal. All excavated material will be kept on site. No indigenous vegetation clearance is proposed, and the on-going maintenance of the planting proposal (including pest management) will ensure wilding species will not be able to spread across the site.
Objective 21.2.9	<i>*Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.</i>	The proposal seeks to establish a lodge on the property which will be a commercial, revenue producing activity; and with this proposal comes the ecological and long-term benefits to the landscape and rural amenity through the ecological and landscape works proposed. Without the approval of the lodge, it is highly unlikely the landscape will be enhanced in such a way.
<i>Policy 21.2.9.1</i>	Encourage revenue producing activities that can support the long-term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.	
<i>Policy 21.2.9.2</i>	*Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources	The proposal has been designed around the natural resources being the hillocks behind the buildings, and the natural topography of the site. The buildings are nestled into the foot of the hills, and away from the main open character of the site, ensuring the landscape quality, character, rural amenity and natural resources are maintained. Further, these values will be enhanced through the ecological works proposed.
<i>Policy 21.2.9.3</i>	*Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.	Policy 21.2.9.3 seeks to provide for the establishment of tourism and visitor accommodation located within farms where these enable long term sustainable landscape values and indigenous biodiversity. The proposal seeks to achieve exactly this, with the physical works proposed to improve the biodiversity and landscape of the site and surrounds. The application is considered to be consistent with the relevant objectives and policies of the Rural chapter of the PDP.
Chapter 25 – Earthworks – Objectives and Policies		
Objective 25.2.1	<i>Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.</i>	It is acknowledged the earthworks quantities are substantial, however the works will be managed through on-site mitigation in such a way to avoid any adverse effects on the ONL, watercourses and lake.
<i>Policy 25.2.1.2</i>	<i>Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:</i> <i>a. Protects the values of Outstanding Natural Features and Landscapes;</i>	The site is not located on an aquifer, and the applicant has offered to adopt an accidental discovery protocol, if any sites or artefacts are uncovered

	<p><i>b. Maintains the amenity values of Rural Character Landscapes;</i></p> <p><i>c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;</i></p> <p><i>d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;</i></p> <p><i>Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.</i></p> <p><i>e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;</i></p> <p><i>f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and</i></p> <p><i>g. Maintains public access to and along lakes and rivers</i></p>	<p>during the excavation works. There are no heritage sites, precincts, or landscape overlays to avoid.</p> <p>There will be some disturbance to the public track for a short duration while the water take is being installed and the pipes to be laid beneath the Glendhu Bay track. However, these works will be limited in timeframe, the contractors will work with the QLDC to ensure public access is not interrupted, and public notices will be provided for any users of the track advising of the timing and nature of these works. Ultimately the works and proposal will ensure public access along the lake edge is maintained.</p> <p>The visual effects of the earthworks have been assessed by Rough + Milne, who conclude the earthworks ‘will not adversely affect the character of the landform to any more than a very low degree. Once pasture is established, to all intents and purposes the site will remain a modified rural pastoral landscape with an obvious glacial expression in places’.</p>
Policy 25.2.1.3	<i>Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.</i>	The earthworks will avoid prominent slopes and ridgelines. There will be some excavation on natural landform around the Owner’s Pod, however, once the building works are completed, the development will appear to form part of the landscape.
Policy 25.2.1.4	<i>Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.</i>	
Policy 25.2.1.9	<i>Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.</i>	The earthworks are not proposed to be staged, to result in a faster process of works, and to enable re-stabilisation of the land sooner, to maintain the amenity values and quality of the rural area.
Policy 25.2.1.11	<i>Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.</i>	The accidental discovery protocol is adopted and offered as condition of consent. The earthworks have been assessed by Geosolve, who conclude that provided the recommendations of their assessment are adhered to, the earthworks will not result in any risk to natural hazards.
Chapter 29- Transport – Objectives and Policies		
Objective 29.2.2	<p><i>Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:</i></p> <p><i>a. providing a safe and efficient transport network;</i></p> <p><i>b. compact urban growth;</i></p> <p><i>c. economic development;</i></p>	<p>Novo Group assess the access intersection and sightlines to be appropriate for this proposal. All other aspects of the access is compliant with the PDP and Code of Practice. Novo Group consider there will be no adverse effect on the safe and efficient functioning of the road network as a result of this proposal.</p>

	<p><i>d. facilitating an increase in walking and cycling and the use of public transport; and</i></p> <p><i>e. achieving the level of residential amenity and quality of urban design anticipated in the zone.</i></p>	<p>Given the lack of public transport in this vicinity, and the nature of the lodge and its users, private transport is anticipated to be the sole mode of transport; and therefore, sufficient, and compliant parking will be provided for the activity adjacent to the BOH building.</p>
<p>Policy 29.2.2.1</p>	<p><i>Manage the number, pricing, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:</i></p> <p><i>a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;</i></p> <p><i>b. is compatible with the classification of the road by:</i></p> <p><i>(i) ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling or result in unsafe conditions for pedestrians or cyclists;</i></p> <p><i>(ii) avoiding heavy vehicles reversing off or onto any roads; and</i></p> <p><i>(iii) ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient, and safe operation of roads.</i></p> <p><i>d. provides sufficient parking spaces to meet demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans;</i></p> <p><i>f. is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas;</i></p> <p><i>h. provides adequate vehicle access width and manoeuvring for all emergency vehicles.</i></p>	<p>There are no pedestrian routes along Wanaka-Mount Aspiring Road, and it is not a safe road to be walking alongside given a very limited berm and the 100km speed limit. Therefore, it is not considered a requirement to factor in pedestrians to the access intersection design.</p> <p>The site provides for adequate on site turning, ensuring all vehicles will enter and exit in a forward motion.</p> <p>There is a formed access into the site currently at the west of the property, which is currently used for farming purposes. Each of the properties along the northern side of Wanaka-Mount Aspiring Road have vehicle crossings and accesses off the road - some more visible than others. The access will not be planted out with linear tree line and is proposed in a location that follows the natural topography of the land. Much of the access will not be visible from the public road. For these reasons the access and intersection are considered compatible with the character and amenity of the surrounding environment.</p> <p>The vehicle access width and manoeuvring will be sufficient for all emergency vehicles.</p>
<p>Policy 29.2.2.11</p>	<p><i>Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.</i></p>	<p>The number of vehicle crossings to the site is compliant, given the length of the road boundary. It is anticipated the western access will be retained for farming purposes, and the eastern access retained for the use of the Lodge. The access is not in any proximity to intersections, nor does it adjoin the State Highway. For these reasons mitigation is not considered necessary.</p>

Objective 29.2.3	Roads that facilitate continued growth, are safe and efficient for all users and modes of transport and are compatible with the level of amenity anticipated in the adjoining zones.	The access is designed to the QLDC Land Development and Subdivision Code of Practice (2018).
Policy 29.2.3.1	<p><i>Establish design standards for roads and accesses, including those in Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2018), and require adherence to those standards unless it can be demonstrated that the effects of the proposed design on:</i></p> <p><i>a. the active and public transport networks and the efficiency and safety of the roading network are no more than minor; and</i></p> <p><i>b. amenity values, urban design and landscape values are appropriately mitigated</i></p>	The application is consistent with and achieves the Objectives and Policies of Chapter 29 of the PDP.
Chapter 33- Indigenous Vegetation & Biodiversity – Objectives and Policies		
Objective 33.2.1	The District's indigenous biodiversity is protected, maintained or enhanced.	
Policy 33.2.1.3	<i>Have regard to and take into account kaitiakitanga and the values of indigenous vegetation, taonga species and habitats and biodiversity to tangata whenua.</i>	The proposal will enhance, maintain then protect the indigenous biodiversity of the site, and consequentially across neighbouring sites through biodiverse linkages through the forest planting, wetland restoration, riparian planting, and retirement of farmland to allow for natural regeneration of large areas to return them to their natural state.
Policy 33.2.1.7	<i>Protect the habitats of indigenous fauna, and in particular, birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.</i>	The ecological works proposed will enhance and protect the habitats of fauna across the site, including creating environments which will encourage birds to the restored wetlands and stream/river margins, which in turn will provide these linkages to the lake margin.
Policy 33.2.1.9	<i>Recognise opportunities for subdivision, use and development to enhance biodiversity values.</i>	The proposal seeks to restore large areas of degraded ecosystem to return it to its natural state, including the areas shown on the Landscape Plans to retire from farming, which will be fenced off and left to naturally regenerate. This also includes the riparian margins of the streams, and the wetlands that are in a degraded state. The planting of these areas with appropriate species will facilitate restoration of the natural ecosystems.
Policy 33.2.1.10	<i>Facilitate and support restoration of degraded natural ecosystems and indigenous habitats using indigenous species that naturally occur and/ or previously occurred in the area.</i>	The proposal seeks to retain the indigenous vegetation that exists currently, and further planting is proposed around the existing vegetation to improve the regeneration and biodiversity of these areas.
Objective 33.2.3	Land use and development maintains indigenous biodiversity values.	
Policy 33.2.3.3	<i>Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, or connectivity and particularly where productive values are low, or in riparian areas or gullies.</i>	

Chapter 39- Wahi Tupuna – Objectives and Policies		
Objective 39.2.1	<i>Manawhenua values, within identified wāhi tūpuna areas, are recognised and provided for.</i>	<p>It is acknowledged that Mana Whenua are the most appropriate party to identify values that are of importance. Whilst an assessment of has been made at Section 8.8 above, with reference to Kai Tahu ki Otago Natural Resource Management Plan 2005 and Te Tangi a Tuira – The Cry of the People 2008, consultation remains a necessary part of this process, and will continue during the processing of the application through the Council.</p> <p>The applicant will continue to collaboratively work with Kāi Tahu if there are any concerns around the built form, earthworks, or any other aspects of the proposal.</p>
<i>Policy 39.2.1.2</i>	<i>Recognise that the effects of activities may be incompatible with Manawhenua values when that activity is listed as a potential threat within an identified wāhi tūpuna area, as set out in Schedule 39.6.</i>	
<i>Policy 39.2.1.3</i>	<p><i>Within identified wāhi tūpuna areas:</i></p> <p><i>a. avoid significant adverse effects on Manawhenua values and avoid, remedy or mitigate other adverse effects on Manawhenua values from subdivision, use and development listed as a potential threat in Schedule 39.6;</i></p>	
<i>Policy 39.2.1.4</i>	<i>Encourage consultation with Manawhenua as the most appropriate way for obtaining understanding of the effects of any activity on Manawhenua values in a wāhi tūpuna area.</i>	

Table 2: Operative District Plan: Relevant Objectives and Policies

Clause	Provision	Comment
Chapter 4 – District Wide Issues – Objectives and Policies		
Part 4.2.5 Objective	<i>Subdivision, use, and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.</i>	Rough + Milne have assessed the landscape able to absorb change, as has the previous resource consent which consented a building platform in this location. Given the location and scale of the proposal within the landscape, although visible from limited viewpoints, it will not detract from the landscape and visual amenity values. The landscape and visual amenity is not subject to degradation; however, it is important to protect the character of the landscape, including the open character, which will result from the proposal.
Policy 1	<i>Future Development</i> <i>(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.</i> <i>(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.</i> <i>(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.</i>	As assessed by Rough + Milne, the proposal harmonises with the topography, through the design of the buildings into pods that integrate with and ‘wrap around’ the landforms behind and nestle into the expansive hummocks. The proposed ecological works are designed to harmonise with the existing ecological systems, which will result in a net positive result for the environment and nature conservation values.
Policy 2	<i>Outstanding Natural Landscapes (District-Wide)</i> <i>(a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.</i> <i>(b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.</i> <i>(c) To allow limited subdivision and development in those areas with higher potential to absorb change.</i> <i>(d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.</i>	As assessed by Rough + Milne, and at Section 5.5 above, there is currently a high level of openness on the site. This open nature will be maintained and enhanced by the proposal. The proposed planting is consistent with underlying natural ecological patterns and will not affect openness as viewed outside the site and is an extension to the kanuka forest along the northern boundary. Other planting is restricted to parts of the site that already contain some vegetation, and the wetland areas. The majority of the site will continue to operate as managed farmland, retaining the open character, especially the central pastoral land. As mentioned above, the site has capacity to absorb change, and therefore development is appropriate in this location.
Policy 9	<i>Structures</i> <i>(a) outstanding natural landscapes and features and visual amenity landscapes by:</i>	There is one viewpoint of the proposal from the public road; of which will be a fleeting view for vehicles traveling 100km along this collector road.

	<ul style="list-style-type: none"> • <i>encouraging structures which are in harmony with the line and form of the landscape;</i> • <i>avoiding, remedying, or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;</i> • <i>encouraging the colour of buildings and structures to complement the dominant colours in the landscape;</i> • <i>encouraging placement of structures in locations where they are in harmony with the landscape;</i> • <i>promoting the use of local, natural materials in construction.</i> 	<p>Considering the context, the viewing distance, and the relatively small extent of visible building- this effect is minor. Views from that road perspective will predominantly identify the naturalness of the remainder of the site.</p> <p>The pods are designed to blend in with the landscape behind, in form both horizontally and vertically, through the green roofs, and the use of natural materials. No structures are proposed on the skyline or ridges or hilltops. There will be a cluster of water tanks to the east of the built form requiring elevation above the buildings, which will be visible from inside the site, but not noticeable outside the site, and will be coloured to blend in. All other water tanks are proposed to be located within the utilities area, concealed within the landscape behind the BOH building.</p> <p>The proposed building design will promote the use of local and natural materials.</p> <p>Effects on the open character are assessed above. The proposal will not have any adverse effect on the visual coherence of the landscape given the design and location of the pods where they nestle into the hillslopes behind.</p>
<i>Policy 17</i>	<p>Land Use</p> <p><i>To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.</i></p>	
Part 4.8 Objective 1	<i>Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.</i>	<p>The Geotechnical and Hazard Assessment assesses all known and possible hazards that could affect the site and buildings. Many recommendations are made by Geosolve, which the applicant will adopt through the next stages of the design, earthworks, and construction. As such, the risk of damage to human life, property and other aspects of the environment will be adequately mitigated.</p>
<i>Policy 1.4</i>	<i>To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, or other aspects of the environment.</i>	
<i>Policy 1.5</i>	<i>To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.</i>	
Chapter 5 – Rural – Objectives and Policies		
Objective 1	<p><i>Character and Landscape Value</i></p> <p><i>To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.</i></p>	<p>The proposal overall will enhance the soil resource, through the proposed planting over the site, and retirement of a large area of farmland. This will allow the soil to recover to its natural state overtime, and the plants will enhance the soil resource by enriching the soil, adding organic matter to</p>

<i>Policy 1.2</i>	<i>Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.</i>	the soil, improving opportunities for enhanced biodiversity, and preventing erosion.
<i>Policy 1.3</i>	<i>Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.</i>	On balance, the productive potential of the soil will be maintained by the retained farmland, and particularly the central area of open space, which is either grazed or planted as crops.
<i>Policy 1.4</i>	<i>Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.</i>	As assessed by Rough + Milne, the character of the site will not be adversely affected by the proposal, and the effects on landscape values will be adequately avoided and mitigated.
<i>Policy 1.6</i>	<i>Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.</i>	The proposal will not have any adverse effect on the visual coherence of the landscape given the design and location of the pods where they nestle into the hillslopes behind. The pods and water tanks are all clustered in the same location, which has been assessed as having the potential to absorb change.
<i>Policy 1.7</i>	<i>Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.</i>	



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




R.W. Muir
Registrar-General
of Land

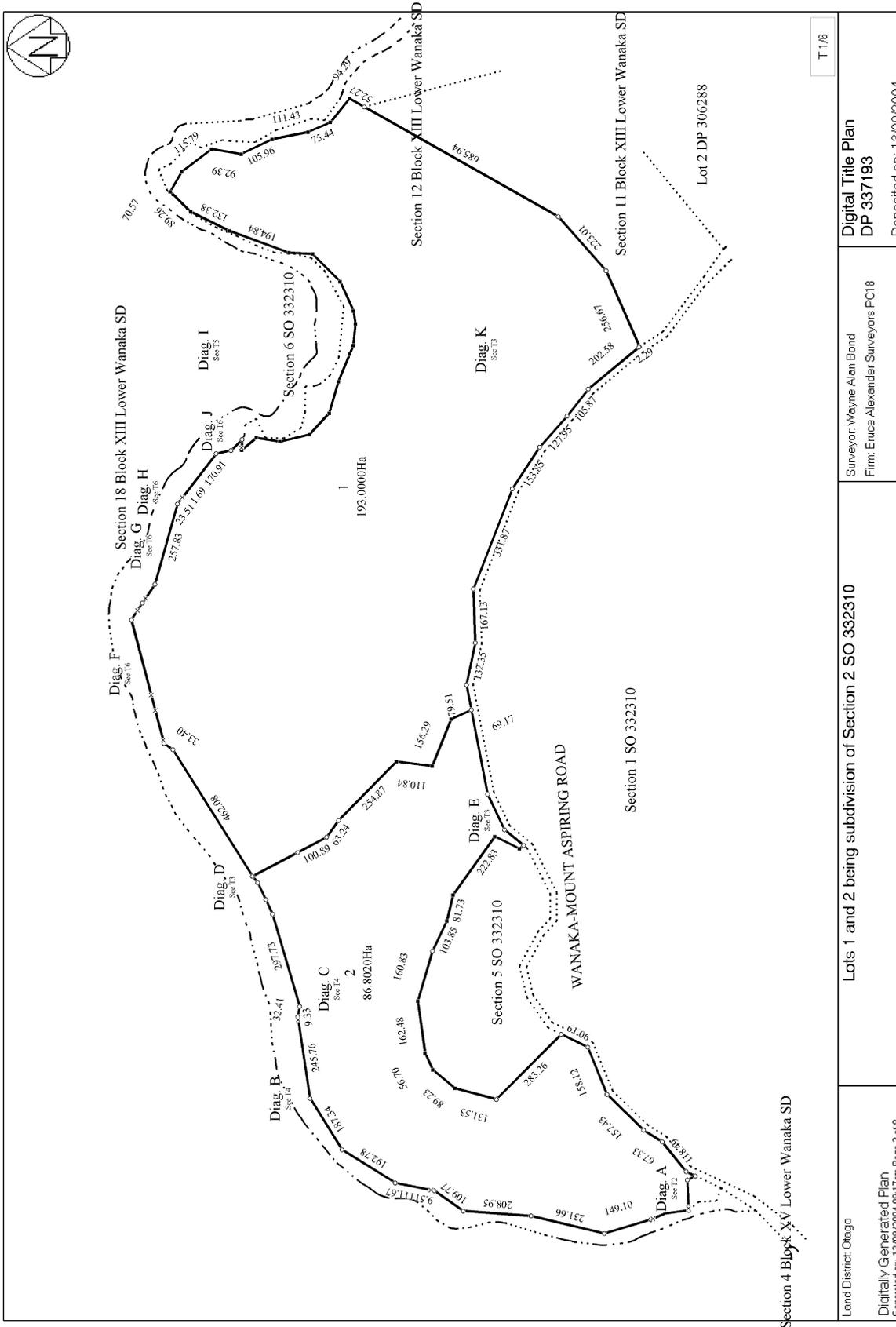
Identifier 152547
Land Registration District Otago
Date Issued 23 August 2004

Prior References
156218

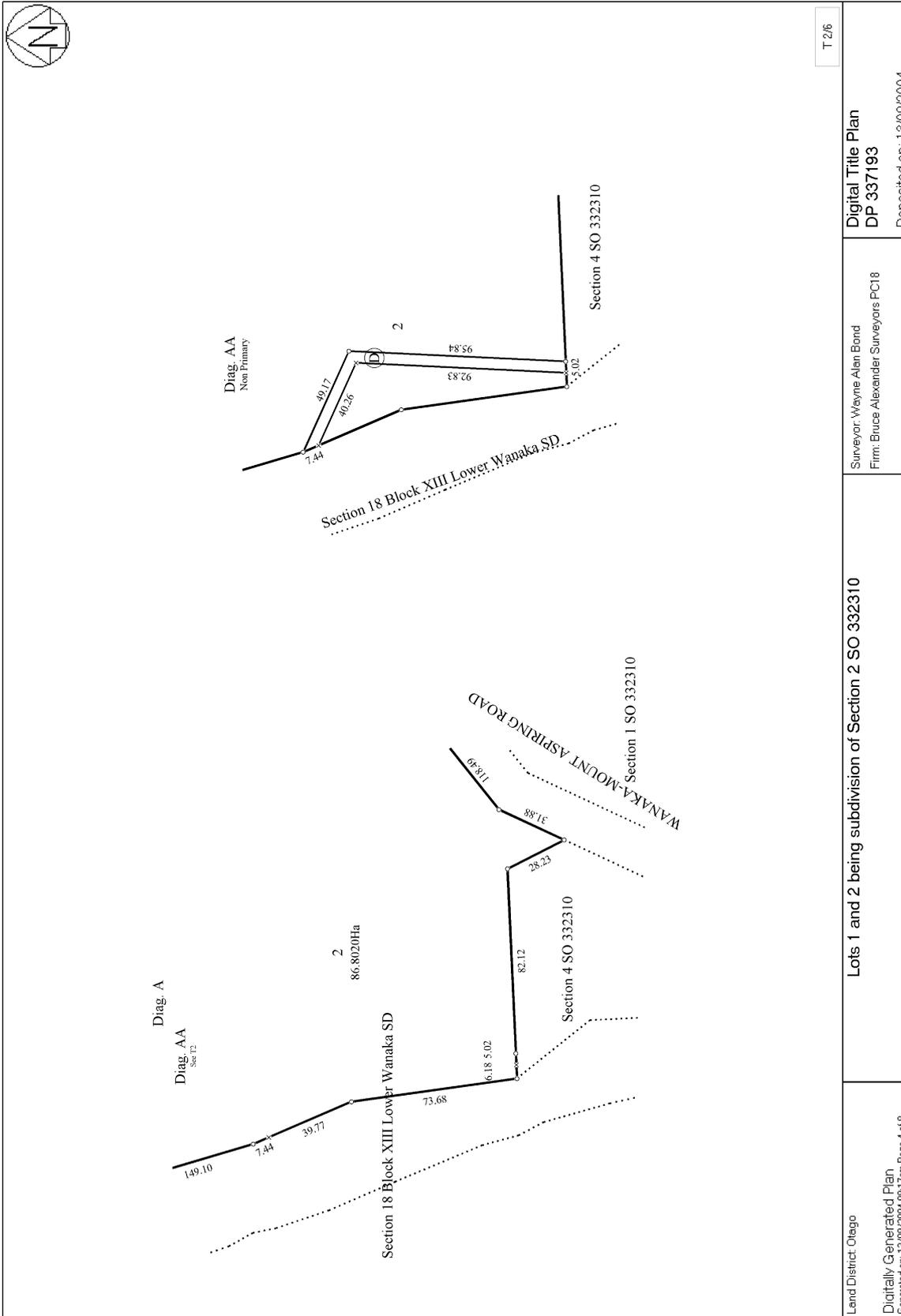
Estate Fee Simple
Area 193.0000 hectares more or less
Legal Description Lot 1 Deposited Plan 337193
Registered Owners
Second Star Limited

Interests

Subject to Part IVA Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991
6029663.5 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 3.6.2004 at 9:00 am
6122592.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 23.8.2004 at 9:00 am
6164035.1 Bond pursuant to Section 108(2)(b) Resource Management Act 1991 - 29.9.2004 at 9:00 am
Subject to a (in gross) right of way (pedestrian and cycle way) over part marked C, D on DP 461633 in favour of the Queenstown Lakes District Council created by Easement Instrument 9499183.2 - 6.9.2013 at 11:06 am
11107129.1 Mortgage to Bank of New Zealand - 16.5.2018 at 3:02 pm



T 1/6	Digital Title Plan DP 337193	Surveyor: Wayne Alan Bond Firm: Bruce Alexander Surveyors PC18	Deposited on: 13/09/2004
Lots 1 and 2 being subdivision of Section 2 SO 332310		Land District: Otago Digitally Generated Plan Generated on: 13/09/2004 05:17:56m Page 5 of 8	



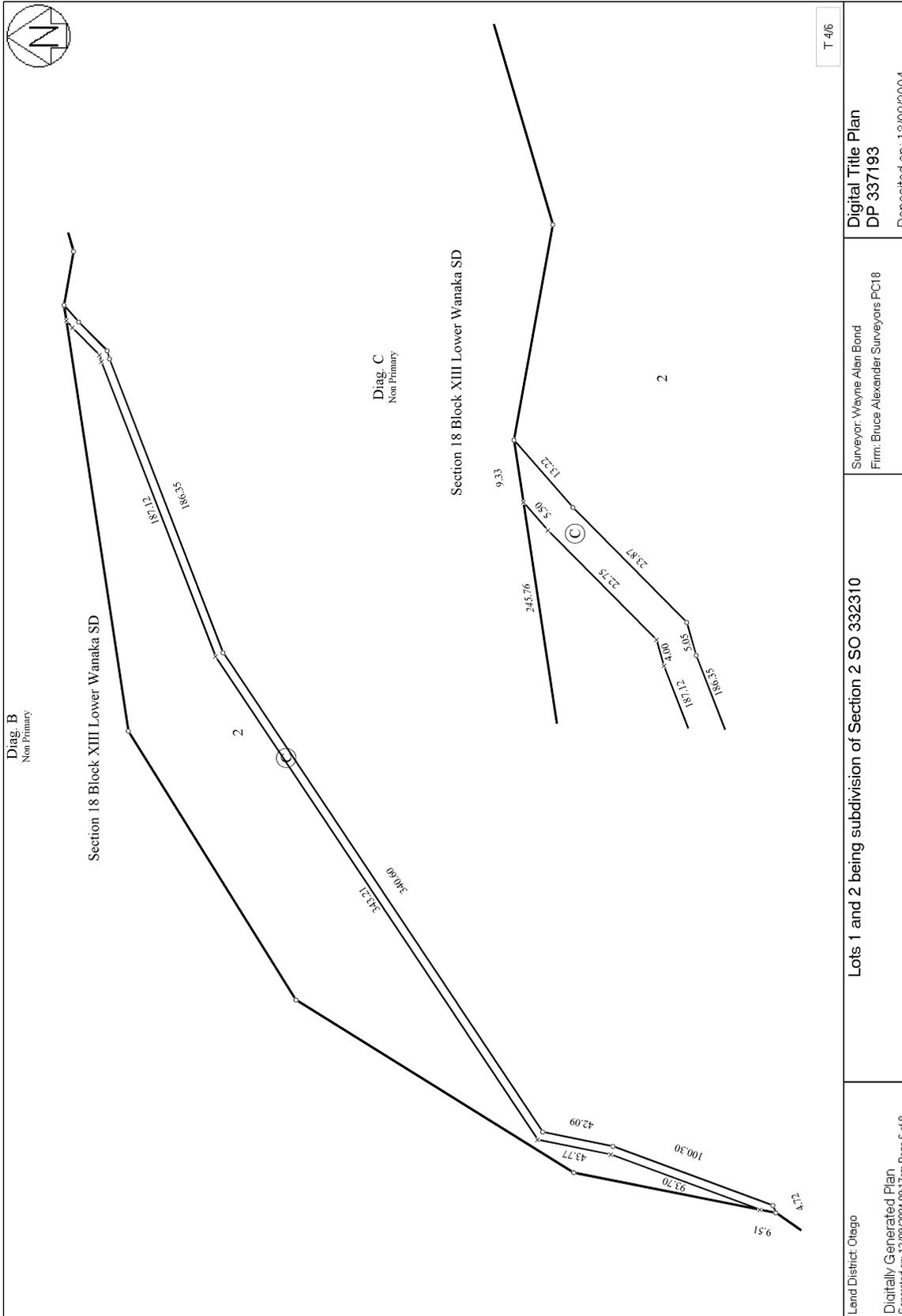
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Digital Title Plan
DP 337193
Deposited on: 13/09/2004

Surveyor: Wayne Alan Bond
Firm: Bruce Alexander Surveyors PC18

Lots 1 and 2 being subdivision of Section 2 SO 332310

Land District: Otago
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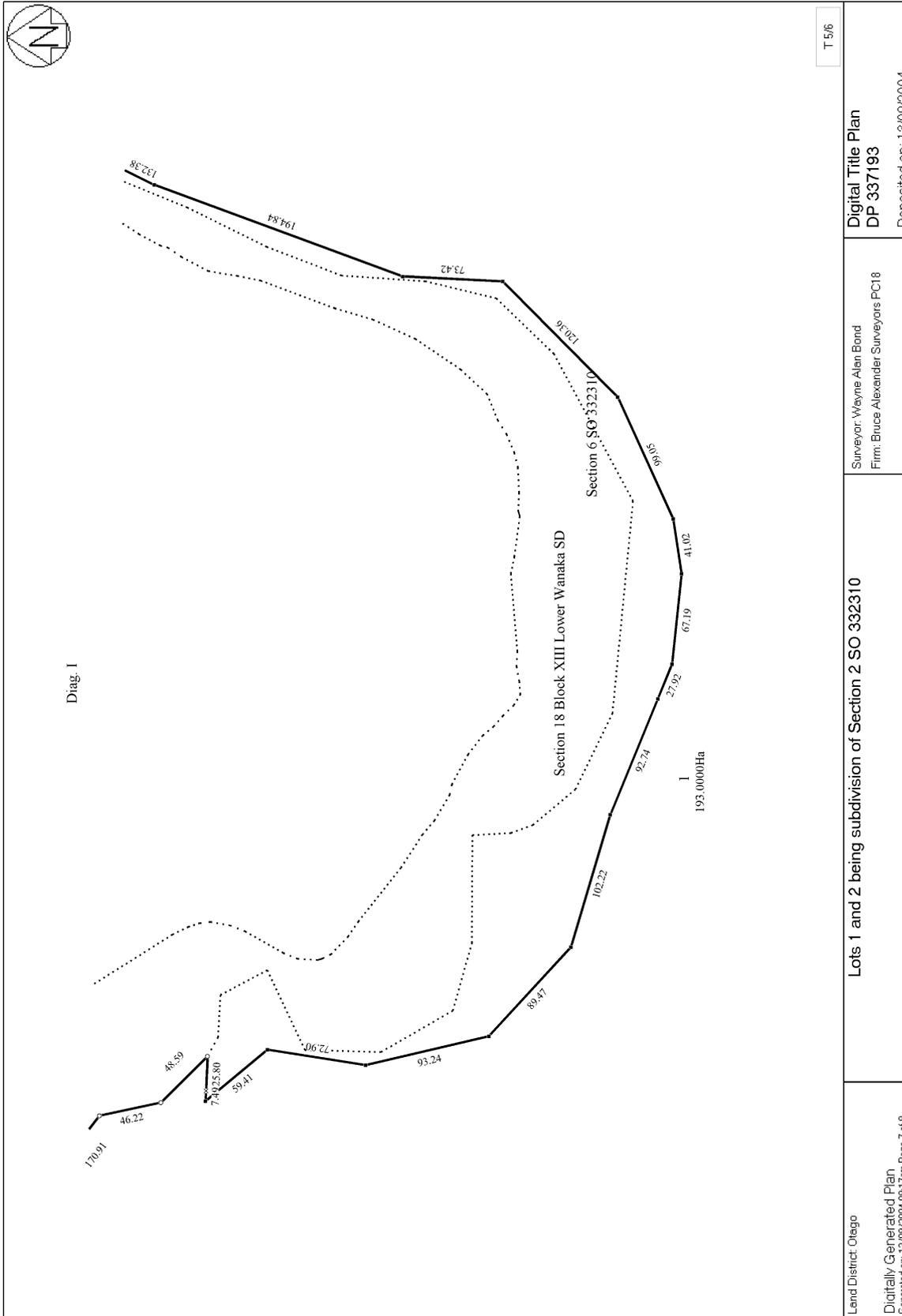
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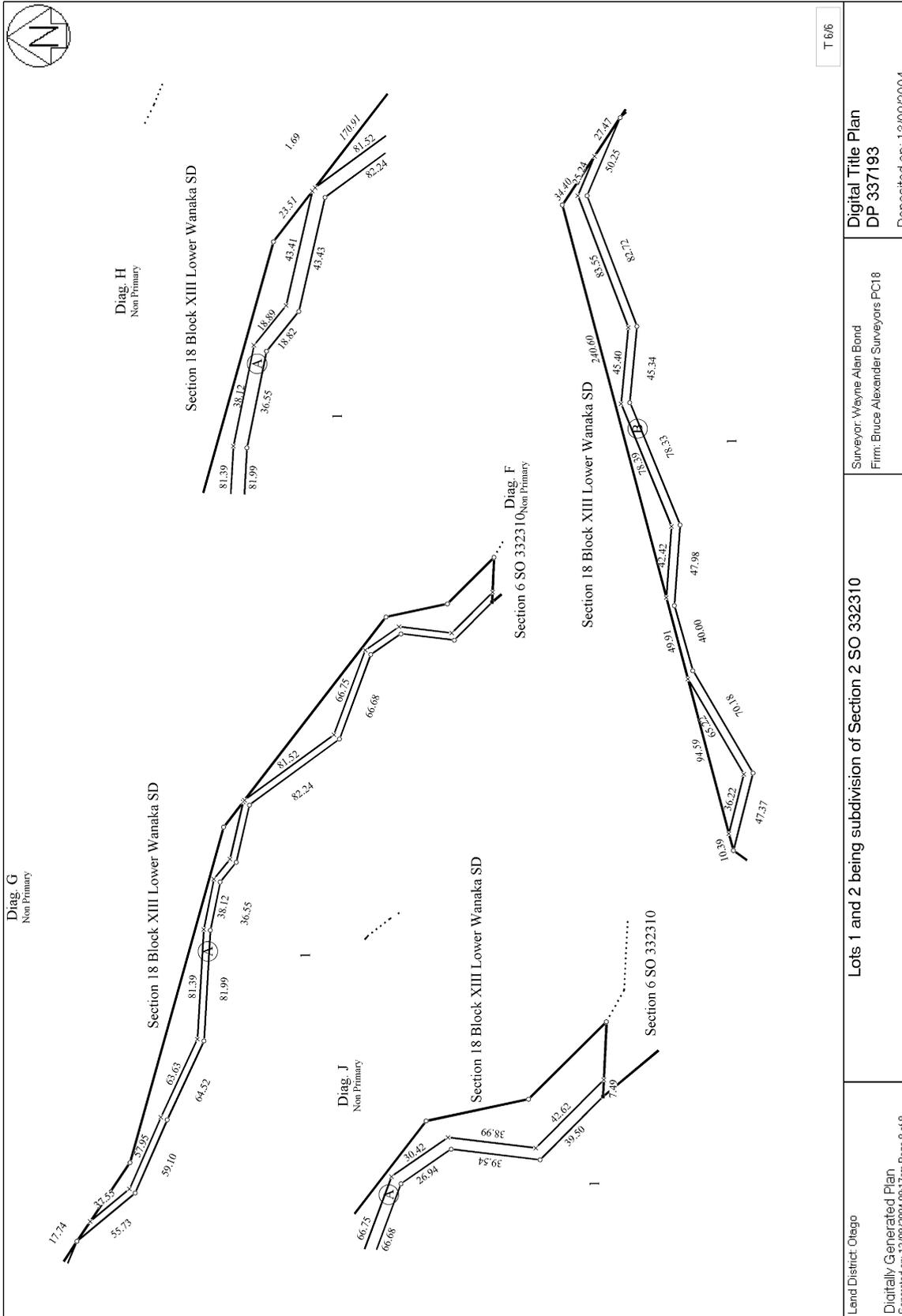
Digital Title Plan
DP 337193

Surveyor: Wayne Alan Bond
Firm: Bruce Alexander Surveyors PC18

Lots 1 and 2 being subdivision of Section 2 SO 332310

Land District: Otago
Digitally Generated Plan
Generated on: 13/09/2004 05:17 am Page 7 of 8

Deposited on: 13/09/2004



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Land District: Otago	Lots 1 and 2 being subdivision of Section 2 SO 332310	Digital Title Plan DP 337193
Digitally Generated Plan Generated on: 13/09/2004 05:17:58m Page 6 of 8	Surveyor: Wayne Alan Bond Firm: Bruce Alexander Surveyors PC18	Deposited on: 13/09/2004



COMMISSIONER OF CROWN LANDS

and

MINISTER OF CONSERVATION

**COVENANT UNDER RESERVES ACT 1977
FOR CROWN PASTORAL LAND ACT 1998 PURPOSES**

gallaway cook allan
LAWYERS

THIS DEED OF COVENANT is made the 1st day of June 2004

BETWEEN COMMISSIONER OF CROWN LANDS acting pursuant to section 80 of the Crown Pastoral Land Act 1998

AND MINISTER OF CONSERVATION

BACKGROUND

- A The Commissioner of Crown Lands is deemed to be the owner of the Land under section 80(5) of the Crown Pastoral Land Act 1998.
- B The Land contains certain Values.
- C The parties agree that the Land should be managed so as to preserve the particular Values specified in Schedule 1, and that such purpose can be achieved without the Minister acquiring a fee simple or leasehold interest in the Land.
- D An approved plan designating the Land as land over which a Covenant under section 77 of the Reserves Act 1977 is to be created has been registered under section 64 of the Crown Pastoral Land Act 1998.
- E The Commissioner of Crown Lands has agreed to grant the Minister a Covenant over the Land to preserve the particular Values specified in Schedule 1.

OPERATIVE PARTS

In accordance with section 77 of the Reserves Act 1977, and with the intent that the Covenant run with the Land and bind all subsequent Owners of the Land, the Commissioner of Crown Lands and Minister agree as follows:

1. INTERPRETATION

1.1. In this Covenant unless the context otherwise requires:

"Act" means the Reserves Act 1977.

"Covenant" means this Deed of Covenant made under section 77 of the Act.

"Director-General" means the Director-General of Conservation.

"Fence" includes a gate.

"Fire Authority" means a Fire Authority as defined in the Forest and Rural Fires Act 1977.

"Land" means the land described in Schedule 1.

"Minerals" means any mineral that is not a Crown owned mineral under section 2 of the Crown Minerals Act 1991.

"Minister" means the Minister of Conservation.

- "Natural Water"** includes water contained in streams the banks of which have, from time to time, been realigned.
- "Owner"** means the person or persons who from time to time is or are registered as the proprietor(s) of the Land. Except for purposes of clauses 3, 5, 7, 8.5, 9 and 10 it also includes the Commissioner of Crown Lands.
- "Values"** means any or all of the Land's natural environment, landscape amenity, wildlife, freshwater life, marine life habitat or historic values as specified in Schedule 1.
- "Working Day"** means the period between any one midnight and the next excluding Saturdays, Sundays, and statutory holidays in the place where the Land is located.

1.2. For avoidance of doubt:

- (a) the reference to any statute in this Covenant extends to and includes any amendment to or substitution of that statute;
- (b) clause and other headings are for ease of reference only and are not to be treated as forming any part of the context or to affect the interpretation of this Covenant;
- (c) words importing the singular number include the plural and vice versa;
- (d) expressions defined in clause 1.1 bear the defined meaning in the whole of this Covenant including the Background. Where the parties disagree over the interpretation of anything contained in this Covenant and in determining the issue, the parties must have regard to the matters contained in the Background;
- (e) any obligation not to do anything must be treated to include an obligation not to suffer, permit or cause the thing to be done;
- (f) words importing one gender include the other gender;
- (g) the agreements contained in this Covenant bind and benefit the parties and their administrators and executors, successors and assigns in perpetuity;
- (h) where clauses in this Covenant require further agreement between the parties such agreement must not be unreasonably withheld.

2. **OBJECTIVE OF THE COVENANT**

2.1. The Land must be managed so as to preserve the Values.

3. **THE OWNER'S OBLIGATIONS**

3.1. Unless agreed in writing by the parties, the Owner must not carry out on or in relation to the Land:

- (a) grazing of the Land by livestock;



- (b) subject to clauses 3.2(a) and 3.2(c), felling, removal or damage of any tree, shrub or other plant;
 - (c) the planting of any species of tree, shrub or other plant;
 - (d) the erection of any Fence, building, structure or other improvement for any purpose;
 - (e) any burning, chemical spraying, top dressing or sowing of seed;
 - (f) any cultivation, earth works or other soil disturbances;
 - (g) any archaeological or other scientific research involving disturbance of the soil;
 - (h) the damming, diverting or taking of Natural Water;
 - (i) any action which will cause deterioration in the natural flow, supply, quantity, or quality of water of any stream, river, lake, pond, marsh, or any other water resource affecting the Land;
 - (j) any other activity which might have an adverse effect on the Values.
 - (k) any prospecting or mining for Minerals, coal or other deposit or moving or removal of rock of any kind on or under the Land;
 - (l) the erection of utility transmission lines across the Land.
- 3.2. The Owner must:
- (a) eradicate or control all weeds and pests on the Land to the extent required by any statute; and in particular comply with the provisions of, and any notices given under, the Biosecurity Act 1993;
 - (b) if it is safe to do so, assist the Fire Authority to extinguish any wildfire upon or threatening the Land;
 - (c) keep the Land free from exotic tree species;
 - (d) keep the Land free from rubbish or other unsightly or offensive material arising from the Owner's use of the Land;
 - (e) subject to consultation between the Owner and the Minister and observance of any reasonable conditions imposed by the Owner, grant to the Minister or authorised agent of the Minister or any employee of the Director-General, a right of access on to the Land, with or without motor vehicles, machinery, and implements of any kind, to examine and record the condition of the Land, or to carry out protection or maintenance work on the Land, or to ascertain whether the provisions of this Covenant are being observed;
 - (f) keep all Fences on the boundary of the Land in good order and condition and, notwithstanding clause 3.1(d), rebuild or replace all such Fences when reasonably required except as provided in clause 4.2.



4. THE MINISTER'S OBLIGATIONS

- 4.1. The Minister must have regard to the objective specified in clause 2.1 when considering any requests for approval under this Covenant.
- 4.2. The Minister must repair and replace to its former condition any Fence or other improvement on the Land or on its boundary which may have been damaged in the course of the Minister or any person referred to in clause 3.2(e) exercising any of the rights conferred by this Covenant.

5. IMPLEMENTATION OF OBJECTIVES

- 5.1. The Minister may:
 - (a) provide to the Owner technical advice or assistance as may be necessary or desirable to assist in meeting the objectives specified in clause 2.1;
 - (b) prepare, in consultation with the Owner, a joint plan for the management of the Land to implement the objective specified in clause 2.1.

6. DURATION OF COVENANT

- 6.1. This Covenant binds the Minister and Owner in perpetuity to the rights and obligations contained in it.

7. OBLIGATIONS ON SALE OF LAND

- 7.1. If the Owner sells, leases, or parts with possession of the Land, the Owner must ensure that the Owner obtains the agreement of the purchaser, lessee, or assignee to comply with the terms of this Covenant, including any agreement by the purchaser, lessee, or assignee to ensure that on any subsequent sale, lease, or assignment, any subsequent purchaser, lessee, or assignee must also comply with the terms of this Covenant including this clause.
- 7.2. If for any reason this Covenant remains unregistered and the Owner fails to obtain the agreement of a purchaser, lessee, or assignee to comply with the terms of this Covenant, the Owner will continue to be liable in damages to the Minister for any breach of the Covenant committed after the Owner has parted with all interest in the Land in respect of which a breach occurs.

8. MISCELLANEOUS MATTERS

8.1. Rights

- (a) The rights granted by this Covenant are expressly declared to be in the nature of a covenant.

8.2. Trespass Act

- (a) Except as provided in this Covenant, the Covenant does not diminish or affect the rights of the Owner to exercise the Owner's rights under the Trespass Act 1980 or any other statute or generally at law or otherwise;
- (b) For avoidance of doubt these rights may be exercised by the Owner if the Owner reasonably considers that any person has breached the rights and/or restrictions of access conferred by this Covenant.

8.3. Reserves Act

- (a) Subject to the terms and conditions set out in this Covenant, sections 93 to 105 of the Reserves Act 1977, as far as they are applicable and with the necessary modifications, apply to the Land as if the Land were a reserve.

8.4. Titles

- (a) This Covenant must be signed by both parties and registered against the Certificate of Title to the Land.

8.5. Acceptance of Covenant

- (a) The parties agree to be bound by the provisions of this Covenant including during the period prior to the Covenant's registration.

8.6. Fire

- (a) The Owner must notify, as soon as practicable, the appropriate Fire Authority and the Minister in the event of wild fire threatening the Land;
- (b) If the Minister is not the appropriate Fire Authority for the Land, the Minister will render assistance to the Fire Authority in suppressing the fire if:
- (i) requested to do so; or
 - (ii) if there is in place between the Minister and the Fire Authority a formalised fire agreement under section 14 of the Forest and Rural Fires Act 1977.

9. NOTICES

- 9.1. A notice to be given under this Covenant by one party to the other is to be in writing and made by personal delivery, by pre-paid post, or by facsimile addressed to the receiving party at the address or facsimile number set out in Schedule 1.
- 9.2. A notice given in accordance with clause 9.1 will be deemed to have been received:
- (a) in the case of personal delivery, on the date of delivery;
 - (b) in the case of pre-paid post, on the third Working Day after posting;
 - (c) in the case of facsimile, on the day on which it is dispatched or, if dispatched after 5.00pm, on the next day after the date of dispatch.
- 9.3. The Owner must notify the Minister of any change of ownership or control of all or part of the Land and must supply the Minister with the name and address of the new owner or person in control.

10. DEFAULT

- 10.1. Where either the Minister or the Owner breaches any of the terms and conditions contained in this Covenant the other party:
- (a) may take such action as maybe necessary to remedy the breach or prevent any further damage occurring as a result of the breach; and



- (b) will also be entitled to recover from the party responsible for the breach as a debt due all reasonable costs (including solicitor/client costs) incurred by the other party as a result of remedying the breach or preventing the damage.

10.2. Should either the Minister or the Owner become of the reasonable view that the other party (the defaulting party) has defaulted in performance of or observance of its obligations under this Covenant then that party (notifying party) may, by written notice:

- (a) advise the defaulting party of the default.
- (b) state the action reasonably required of the defaulting party to perform or observe in accordance with this Covenant; and
- (c) state a reasonable period within which the defaulting party must take action to remedy the default.

11. DISPUTE RESOLUTION PROCESSES

11.1. If any dispute arises between the Minister and the Owner in connection with this Covenant, the parties must, without prejudice to any other rights they may have under this Covenant, attempt to resolve the dispute by negotiation or other informal dispute resolution technique agreed between the parties.

11.2. Mediation

- (a) if the dispute is not capable of resolution by agreement within 14 days of written notice by one party to the other (or such further period as the parties may agree to in writing) either party may refer the dispute to mediation with a mediator agreed between the parties;
- (b) if the parties do not agree on a mediator, the President of the District Law Society in the region in which the Land is situated is to appoint the mediator.

11.3. Failure of Mediation

- (a) in the event that the dispute is not resolved by mediation within 2 months of the date of referral to mediation the parties agree that the provisions in the Arbitration Act 1996 will apply;
- (b) notwithstanding anything to the contrary in the Arbitration Act 1996, if the parties do not agree on the person to be appointed as arbitrator, the appointment is to be made by the President of the District Law Society in the region in which the Land is situated;
- (c) the parties further agree that the results of arbitration are to be binding upon the parties.

12. JOINT OBLIGATIONS

12.1. The Owner or the Minister may, by mutual agreement, carry out any work or activity or improvements or take any action either jointly or individually to better preserve the Values.



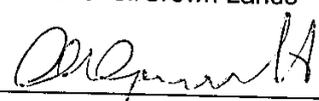
13. SPECIAL CONDITIONS

- 13.1. Special conditions relating to this Covenant are set out in Schedule 2.
- 13.2. The standard conditions contained in this Document must be read subject to any special conditions.

Executed as a Deed

Signed by Grant K Webley acting under a delegation from the Commissioner of Crown Lands in the presence of:



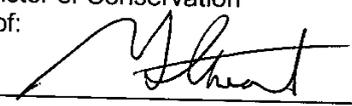
Witness: 

Address: Caroline Anne Gault

Occupation: Barrister/Solicitor Dunedin

Signed by Ian Whitwell exercising his powers under section 117 of the Reserves Act 1977 as designated Commissioner and acting for and on behalf of the Minister of Conservation in the presence of:



Witness: 

Address: Department of Conservation Dunedin

Occupation: Public Servant



SCHEDULE 1

1. Description of Land

The areas marked "Z" (being an area of 318.0000 hectares), and "Y" (being an area of 261.9000 hectares), both within Section 1, SO 332310, Certificate of Title

Note: The covenant area is situated in two discrete areas comprising the headwaters of the Fern Burn and the Alpha Burn. Terrain is very steep adjacent to the Fern Burn and the Alphaburn and moderately steep in the upper reaches of the two areas. Altitude ranges between approximately 500 and 1486 metres above sea level.

2. Address for Service

The address for service (including facsimile number) of the Minister is:

C/- Box 5244 DUNEDIN

Facsimile 03 4778 626

The address for service (including facsimile number) of the Owner is:

P0 Box 73
WANAKA

3. Values of Land to be Protected

The Land contains native shrublands, tall tussocklands, mixed short/tall tussocklands and open landscape qualities.

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SCHEDULE 2

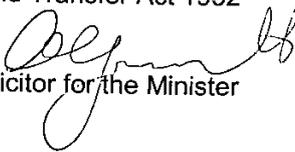
Special Conditions

1. The Minister will pay to the Owner a proportionate share of the following:
 - 1.1 the cost of new Fences or the repair and maintenance of existing Fences on the Land if the Minister has first approved the work or activity;
 - 1.2 the cost of any work or activity under clause 3.2 if the Minister has first approved the work or activity.
2. The proportionate share payable by the Minister is to be calculated having regard to the purpose of the expenditure with the intent that:
 - 2.1 the Minister will bear the cost of work essential for preserving the Values;
 - 2.2 the Owner will bear the cost of work essential for all other purposes;
 - 2.3 when the expenditure is partly for preserving the Values and partly for other purposes, the parties will bear the costs equally or in such other proportion as they may agree, and failing agreement, as may be determined under clause 11.
3. Clauses 3.1(a) and 3.1(j) are deleted from this Covenant.
4. Clause 3.1(e) is deleted from this Covenant and replaced with the words "any burning, or chemical spraying, of native vegetation with the exception that strategic stock tracks may be sprayed to a width of not more than ten metres.



GRANT of

Correct for the purposes of the
Land Transfer Act 1952


Solicitor for the Minister

COVENANT UNDER
SECTION 77 OF THE
RESERVES ACT 1977 FOR
CROWN PASTORAL LAND ACT 1998 PURPOSES

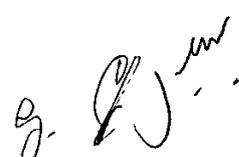
COMMISSIONER OF CROWN LANDS

to

MINISTER OF CONSERVATION

Solicitor
Department of Conservation
DUNEDIN

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IN THE MATTER of Section 221 of the
Resource Management
Act 1991

AND

IN THE MATTER of an Application for
Subdivision Consent by
D & V McRae,
RM030249(a)

CONSENT NOTICE

BACKGROUND

- A. D & V McRae have applied to the Queenstown Lakes District Council pursuant to provisions of the Resource Management Act 1991 for its consent to subdivide land comprised and described in Certificates of Title OT156218 (Otago Registry) ("the land").

- B. Council has granted consent to the proposed subdivision subject to certain conditions which are required to be complied with on a continuing basis by the Owner of the land being those conditions specified in the Operative Part hereof.

OPERATIVE PART

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments:-

(a) Lot 1 DP 337193

CONDITIONS:

- a) **Design Control**
Any building erected on the building platform shall comply with the following standards:
- (i) Roof pitch of 22.5 – 37 degrees. Flat roofs are only permitted as a connection between structures and shall not exceed 20% of the total roof area.
 - (ii) Roofing materials shall be dark and recessive and of low reflectivity. Roofing materials shall comprise cedar shingles, slate, steel or other such materials, and shall exclude zincalume, galvan and other similar matt-finished untreated iron products.
 - (iii) All external cladding materials shall comprise timber, smooth plaster or stone (local schist).
 - (iv) All exterior joinery shall comprise timber, steel or aluminium. Joinery colours (except timber) shall match roofing, gutter and spouting colours.
 - (v) Prior to construction of any building, the final colours and materials shall be submitted to the Principal: Resource Management (CivicCorp) for approval.
 - (vi) Any boundary fencing shall comprise standard post and wire fencing only.
 - (vii) The building platform shall have a ground level no higher than the 368m contour post excavation. The maximum height of any building shall be limited to 5 metres above this ground level.
 - (viii) The verandah forms on the dwelling shall be designed in such a way as to ensure that the glazing of all windows that would otherwise receive direct sunlight be in shade, such that any adverse effects arising from glare from windows at any publicly accessible location is not more than minor.

- b) At the time that a dwelling is proposed on Lot 1, domestic water and fire-fighting storage is to be provided by a standard 23,000 litre tank. Of this total capacity, a minimum of 14,000 litres shall be maintained at all times as a static fire fighting reserve. A fire fighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire Service equipment the fittings are to comply with the following standard. Either:
- 70 mm Instantaneous Couplings (Female) NZS 4505, or
 - 100 mm and 140 mm Suction Coupling (Female) NZS 4505. (hose tail is to be the same diameter as the threaded coupling, e.g. 140 mm coupling has 140 mm hose tail)

The connection shall have hardstand area adjacent to it to allow a fire service appliance to park on it. Access shall be maintained at all times to the hardstand area.

Fire fighting water supply may provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

- c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli, by the management group for the supply, or the owner of the lot, and the results forwarded to the Principal: Resource Management – CivicCorp or the Queenstown Lakes District Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the supply, or the owner of the lot, shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
- d) In the event that the number of persons to be accommodated on Lot 1 is to be greater than five, then the Queenstown Lakes District Council will require commensurate increases in the water supply to that lot at the rate of 200 litres per extra person per day.
- e) The provision of an effluent disposal system. A suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality, such a system will require the following:

- Specific design by a suitably qualified professional engineer.
- A requirement that the system installed on Lot 1 achieves the level of treatment determined by the specific design.
- Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of the system to undertake this maintenance.

Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.

- f) All ring fenced areas of kanuka plantings shall be maintained and protected.
- g) If koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered, then work shall stop to allow a site inspection by the appropriate runanga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to their removal or preservation.
- h) At the time a dwelling is proposed on Lot 1 and prior to the commencement of any works on the site, the owner for the time being shall submit a site management plan for approval to the Principal: Engineering (CivicCorp). The site management shall be implemented in conjunction with any earthworks that are to be undertaken in the establishment of the dwelling and the access way to the dwelling. This plan is to include the following:
 - specific measures that are to be put in place to minimise the spread of dust, and control silt and sediment runoff during rain events;
 - specification of the design of any batter slopes; and
 - descriptions of where excavated material is to be placed on the site, and if it is to be taken off site, where it is to be disposed of

It is noted that these measures will need to be installed prior to the commencement of earthworks and shall remain in place for as long as is necessary for their function to be served.

- i) All earthworked areas are to be resown or otherwise revegetated as soon as practicable following construction.
- j) All residential dwellings on Lot 1 are to be located within the building platform shown as E on DP 337193. The coordinates of the corners of the building platform are:

	Lindis Peak Circuit 1949		New Zealand Map Grid	
	Metres North	Metres East	Metres North	Metres East
NW Corner	707737.27	268129.46	5608637.60	2198112.22
NE Corner	707738.23	268166.45	5608640.14	2198149.19
SE Corner	707711.24	268167.15	5608613.20	2198151.04
SW Corner	707710.28	268130.16	5608610.66	2198114.06

Dated this 29th day of July 2004

SIGNED for and on behalf
Of the QUEENSTOWN LAKES
DISTRICT COUNCIL by its
Principal Administrative Officer /
Authorised Officer



Landonline User ID: macalisterpbqu

LODGING FIRM: Macalister Todd Phillips Bodkins

Address: P O Box 653

Queenstown

SPHJ

Uplifting Box Number: 29

ASSOCIATED FIRM:

Client Code / Ref: 294284.11 - Matt

Dealing / SUD Number:
(LINZ Use only)

Priority Barcode/Date Stamp
(LINZ use only)

Plan Number Pre-Allocated or
to be Deposited:

Rejected Dealing Number:

Other (state)

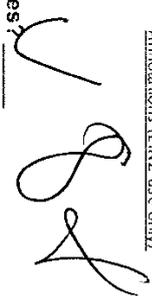
HEREWITH	
Survey Plan (#)	
Title Plan (#)	
Traverse Sheets (#)	
Field Notes (#)	
Calc Sheets (#)	
Survey Report	

FOR DEPOSIT ONLY
20/08/2004 8:43
CHEQUE
000000#4238 0001
\$262.00

Priority Order	CT Ref:	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1		CONO	D & V McRae	50.00							\$50.00
2		OCT	D W & V C McRae					2	\$212		\$212.00
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Original Signatures: 

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Less Fees paid on Dealing #

Cash/Cheque enclosed for

Subtotal (for this page) \$262.00

Total for this dealing \$262.00

\$262.00

Version 1.7: 28 May 2004

DATED

18 August

2004

BON 6164035.1 Bond un

Cpy - 01/03, Pgs - 009, 28/09/04, 09:19



DocID: 110541356

QUEENSTOWN-LAKES DISTRICT COUNCIL

("COUNCIL")

DONALD WITHELL MCRAE

VICTORIA CLAIRE MCRAE
("OWNER")

A.S.B BANK LIMITED

("GUARANTOR")

BOND

Pursuant to Section 108 (2) (b)
of the Resource Management Act 1991

Correct for the purposes of the Land Transfer Act 1952

and
Johnston for the Parties.

MACALISTER TODD PHILLIPS BODKINS

Barristers, Solicitors, Notaries
Queenstown/Alexandra

Ph: (03) 442 8110 - Fax: (03) 442 8116

Email: maildesk@mactodd.co.nz

P O Box 653

QUEENSTOWN

BJ-294384-11-DOC1-V1

BOND

**Pursuant to Section 108 (2) (b)
of the Resource Management Act 1991**

DATED the 13 day of August 2004

BETWEEN **THE QUEENSTOWN-LAKES DISTRICT COUNCIL** a Body Corporate under the Local Government Act 1974 ("Council")

AND **DONALD WITHELL MCRAE** (as to 2/3 share) and **VICTORIA CLAIRE MCRAE** (as 1/3 share)

AND **A.S.B BANK LIMITED** ("the Guarantor")

WHEREAS

- A. The Owner is the registered proprietor of all that land legally described as ~~Sections 1-2 Survey Office Plan 332310, Certificate of Title 156218~~ (hereinafter called "the Land").
Lot 1 Deposited Plan 337193, Certificate of Title 152547
- B. The Owner has made application to the Council for subdivision consent to subdivide the land into two allotments with a residential building platform identified on proposed Lot 1, and land use consent to construct a new residential dwelling within the building platform identified on the proposed Lot 1.
- C. Council has approved the application pursuant to Sections 104 and 105 of the Resource Management Act 1991 ("the Resource Consent"), under Resource Consent RM030249 (a) subject to certain conditions imposed pursuant to Section 220 of that Act (herein together with all other terms, conditions, standards, restrictions and prohibitions applying to Council's Consent referred to as "the Conditions")

BJ-294384-11-DOC1-V1

Handwritten signatures and initials:
WJH
JL
D
VCM
@

- D. By a Consent Order dated 26 April 2004, signed by the Environment Court (the Consent Order) condition 1 of the Resource Consent was amended to record that the proposed residential building platform and proposed deer shed are to be situated in the positions and at the co-ordinates indicated by the plan attached to the Consent Order.
- E. All other conditions of the Resource Consent remain unchanged
- F. Condition 7 of the Resource Consent requires certain works to be carried out prior Council Certification pursuant to Section 224 (c) of the Resource Management Act 1991. Such works are listed in the schedule hereto, and are hereinafter referred to as "the Works".
- G. Council has agreed to certify the Plan of subdivision pursuant to Section 224 (f) of the Resource Management Act 1991 on condition that the Owner and the Guarantor enter into the Bond.
- H. The Owner has agreed that it will not give effect to the land use consent granted by the Resource Consent until such time as the Works are completed to the satisfaction of Council.
- I. The Guarantor has agreed to guarantee payment to the Council of the Bonded sum.

THE OWNER, THE COUNCIL AND THE GUARANTOR HEREBY COVENANT WITH EACH OTHER THAT:

- 1. THE Owner covenants with the Council:
 - (a) That it will complete the Works in a proper and efficient manner to the satisfaction of Council and in compliance with all applicable statutes regulations and by-laws.
- 2. IF the Owner fails to comply with their obligations pursuant to Clause 1:
 - (a) The Owner will upon demand pay to the Council the sum of EIGHTY THOUSAND NINE HUNDRED AND FIFTY THREE DOLLARS AND TWENTY FOUR CENTS (\$80,953.24) inclusive of GST ("the Bonded Sum").

BJ-294384-11-DOC1-V1

- (b) Council may enter on the Land and complete any work necessary to comply with the Conditions or any of them and recover the costs thereof from the Owner out of the Bonded Sum so far as that money will extend;
- (c) Where the cost of any work done by Council exceeds the Bonded Sum the amount of that excess shall constitute a debt due by the Owner to Council;
- (d) On completion of the work done by Council pursuant to Clause 2(b), any money remaining in the hands of Council shall be retained by Council.

3. THE Owner will pay the legal costs and charges incurred by Council of and incidental to the preparation and release of this Bond and any legal charges or costs incurred by Council in the enforcement of this Bond.

4. THE Council will refund payment of the Bonded Sum made pursuant to Clause 2 (a) or Clause 5 (less any money retained by Council pursuant to clause 2(b)) upon completion to Council's satisfaction of the requirements of the Conditions and this Bond shall hereinafter be void. This Bond shall also be void after the owner has carried out and completed the Works to the satisfaction of the Council.

5. THE Guarantor hereby guarantees payment to Council upon demand of the Bonded Sum provided that the liability of the Guarantor shall be terminated and the Guarantee released and returned to the Guarantor upon:

- (a) The Guarantor depositing with the Council the Bonded Sum, less any amount or amounts that may be have previously been paid pursuant to this bond or such lesser amount as may be required by the Council whether or not such has been demanded PROVIDED THAT any amount(s) paid to the Council pursuant to this Clause shall be held by the Council as security for the Owner's obligations pursuant to this bond or:
- (b) Clauses 1(a) or 2(a) being satisfied by the Owner.

6. PAYMENT by the Guarantor or the Owner of the Bonded sum or such lesser amount as may be required by the Council hereof shall not release the Owner from any other of the Owner's obligations under this Bond except the obligation to pay the Bonded sum pursuant to Clause 2(a).

copy of [unclear] [unclear] [unclear] [unclear]

7. SHOULD the Guarantor be notified in writing, purporting to be signed by the Council that the Council desired payment to be made of the whole or any part of parts of the Bonded Sum, it is unconditionally agreed that subject to the notice from the Council complying with Clause 8 of this Bond such payment or payments will be made to the Council forthwith without further reference to the Owner and notwithstanding any notice given by the Owner to the Guarantor not to pay the guaranteed amount.

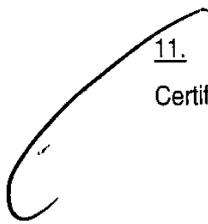
8. ANY demand for payment of any moneys which may become payable by the Guarantor pursuant to the provisions of this Bond shall be deemed to have been sufficiently made if and only if;

- (i) it is made in writing signed by the Council or by any director, secretary, employee or officer of the Council; and
- (ii) it is served personally on, or posted as a registered letter addressed to the Guarantor at its registered office, or its principal place of business in New Zealand, or any other address notified to the Council by the Guarantor. Such demand for payment if sent by registered post shall be deemed to be received by the Guarantor on the third day following the day it was handed into the care of an office of the New Zealand postal system.

9. NOTWITHSTANDING any other provisions of this Bond, the Guarantor may at any time without being required so to do, pay the Council the Bonded Sum less any amount or amounts it may previously have paid under this Bond, or such lesser sums as may be required pursuant to this Bond and thereupon the liability of the Guarantor shall immediately cease and determine.

10. THE owner undertakes that the land use consent issued as part of the Resource Consent will not be given effect to until such time as all the Works are completed to the satisfaction of the Council

11. COUNCIL shall register this bond under the Land Transfer Act 1952 over the land contained in Certificate of Title ~~156218~~ Otago Land Registry.
152547



Handwritten signatures and initials:
AP
D.W. Mc
W.C.M.C.
G

THE SCHEDULE

Schedule of works to be completed – Resource Consent RM 030279 (a)

- 1) Submission of as built plans, and information required to detail all engineering works in relation to, or in association with, the subdivision - Condition 7 (a).
Estimated value of works \$2,500.00.
 - 2) Construct a water supply providing a minimum of 1000 litres per day. Test drilling and casing, 3kw pump and fittings. Switchboard – Condition 6 (b).
Estimated Value of Works \$20,000.00
 - 3) Construct vehicle crossing to Council standards. Undercut shoulders and entrance, supply and place AP65 sub base. Supply and place M4AP40 base course. Apply grade 3/5 seal and road markings – Condition 6 (b).
Estimated Value of Works \$8,522.29
 - 4) Implement landscaping. Provide post and wire fence – Condition 6 (b).
Estimated Value of Works \$1,950.00
 - 5) Condition 7 (c) not applicable. No Cost
 - 6) Install underground power and telecom reticulation and connections to power supply and telecom – Condition 7 (d).
Estimated Value of Works \$ 15,000.00
- | | | | |
|-----|------------------------------------|--------------------|--------------------|
| (7) | Total Value of Works (1 – 6 above) | \$47,972.29 | |
| | ADD 50% (23,986.15) | 71,953.44 | |
| | ADD GST | 8,994.80 | |
| | Total Bonded Sum inclusive of GST | <u>\$80,953.24</u> | (see clause 2 (a)) |

Handwritten signatures and initials:
 JCP
 JCP
 JCP
 JCP

IN WITNESS WHEREOF these presents have be executed the day and year first before written

The COMMON SEAL of the
QUEENSTOWN-LAKES DISTRICT
COUNCIL was hereunto affixed
in the presence of:



Chris Gardner

Mayor

[Signature]

for Chief Executive Officer

SIGNED by
DONALD WITHELL MCRAE and
VICTORIA CLAIRE MCRAE
In the presence of

) *D.W. Mcrae*
) *V.C. Mcrae*
)

odd
Johic. Tol
WMAKA.

Note: If two directors sign, no witness is necessary. If a director and authorised signatory sign, both signatures are to be witnessed. If the director and authorised signatory are not signing together, a separate witness for each signature.

BJ-294384-11-DOC1-V1

J. *[Signature]*
vay. D.W. *[Signature]*

SIGNED for and on behalf of
ASB BANKING LIMITED

by:

In the presence of

[Signature]
Signature
Angela Dorking

Full Name
Auckland
Address

Bank officer
Occupation

[Signature]
Authorised Signatory Craig Anthony Muir
of Auckland, in New Zealand
Manager, Business & Rural Documental
ASB BANK LIMITED

[Signature]
Authorised Signatory
Jason Meihana Paranihi
of Auckland, in New Zealand
Manager, Business & Rural Documentation
ASB BANK LIMITED

CONSENT OF MORTGAGEE

ALPHABURN ADVANCES LIMITED the Mortgagee of the Land under Mortgage No 6029663.6
HEREBY CONSENTS to the foregoing Bond but Without Prejudice to the Mortgagees rights, powers
and remedies under the said Mortgage

SIGNED for and on behalf of
ALPHABURN ADVANCES LIMITED
as Mortgagee

[Signature]
Signature

LOUISE STOKES
Full Name

QUEENSTOWN
Address
PA

[Occupation]
Occupation

BJ-294384-11-DOC1-V1

[Signature]
Mark Andrew Taylor Director

Director

[Handwritten notes]
Sasha
VALLER
[Signature]

Landonline User ID: macalisterpbqu

LODGING FIRM: Macalister Todd Phillips Bodkins

Address: P O Bix 653

Queenstown

SPHU

Uplifting Box Number: 29

ASSOCIATED FIRM:

Client Code / Ref: 294384.11 - EK

HEREWITH

Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Calc Sheets (#)

Survey Report

Dealing / SUD Number:
(LINZ Use only)

Priority Barcode/Date Stamp
(LINZ use only)

Plan Number Pre-Allocated or
to be Deposited

Rejected Dealing Number: 6138015

Priority Order	CT Ref:	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	152547	BON	McRae	50.00							\$50.00
2											
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Original Signatures 

Subtotal (for this page)	\$50.00
Total for this dealing	\$50.00
Less Fees paid on Dealing # 6138015	\$50.00
Cash/Cheque enclosed for	\$0.00

Easement instrument to grant easement or *profit à prendre*, or create land covenant
 (Sections 90A and 90F Land Transfer Act 1952)

2009/6229EF
 APPROVED
 Registrar-General of Land

Grantor
 DAMPER BAY ESTATES LIMITED

Grantee
 QUEENSTOWN LAKES DISTRICT COUNCIL

Grant of Easement or *Profit à prendre* or Creation of Covenant
 The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A			
<i>Continue in additional Annexure Schedule, if required</i>			
Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way (Pedestrian and Cycle Way)	'C' and 'D' DP 461633	Lot 1 DP 337193 CFR 152547	In Gross

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952]~~

[the provisions set out in Annexure Schedule]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

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

[Memorandum number , registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule]

Form L

Annexure Schedule

Page 1 of 7 Pages

*Insert instrument type***Easement Instrument***Continue in additional Annexure Schedule, if required***1. Definitions**

In this instrument unless the context otherwise requires:

- 1.1 "Easement Area" means:
- (a) That part of the Servient Land described in Schedule A of this Instrument and marked "C" and "D" on DP 461633 over which an easement in gross has been granted to the Grantee.
- 1.2 "District Plan" means the Queenstown Lakes District Plan.
- 1.3 "Public Place" means every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any Trail as defined below.
- 1.4 "Right of Access means the rights granted by clause 2.1(a).
- 1.5 "Trail" means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.
- 1.6 "Servient Land" means the land owned by the Grantor and described in Schedule A of this Instrument.
- 1.7 "Grantee" means the Queenstown Lakes District Council and includes tenants, agents, contractors and invitees and any employee or contractor of the Queenstown Lakes District Council and for the purposes of clause 2.1 includes any member of the public.
- 1.8 "Grantor" means the owner, its successors and assigns of the Servient Land described in Schedule A of this Instrument and includes the Grantors tenants and invitees.

2. Right of Access

- (a) The Grantor and the Grantee and its invitees, contractors, employees and anyone else (including the public generally) authorised by the Grantee will have the full, free and unrestricted right, liberty and privilege to go, pass and to re-pass over and along the Easement Area at any time, by bicycle, on foot or any other form of human powered transportation. The rights created by this instrument will continue in perpetuity unless surrendered by the Grantee.

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 2 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- (b) Such Right of Access shall entitle the Grantee to make the Easement Area available to such organisations, groups or professional bodies as the Grantee deems appropriate for competitive, charitable, professional or fund raising events, occasions or concessions subject to the terms of this instrument.
- 2.2 The Grantee and its invitees, contractors and employees will have the full, free, and unrestricted right, liberty and privilege at any time to:
- (a) establish, form, construct, repair, inspect, maintain, replace, upgrade and operate a pedestrian footpath and a cycleway (and any associated equipment, structure and fixtures) on the Easement Area; and
- (b) enter onto the Easement Area and the adjoining land of the Grantor with or without vehicles, plant, equipment and implements for the purposes of:
- (i) undertaking the matters set out in clause 2.2(a); or
- (ii) providing medical or other assistance to any person using the Easement Area.
- 2.3 The Grantee will maintain the Easement Area and will ensure that all reasonable care is taken to avoid damage to the Easement Area.
- 3. Grantees Rights**
- 3.1 The Grantee may dig up the Easement Area for all or any of the purposes referred to above and if necessary may deposit soil, aggregate, and/or any other material upon the Grantor's land adjoining the Easement Area provided that all work will be carried out expeditiously and on completion the surface of any land adjacent to the Easement Area that is affected will immediately be restored as nearly as possible to its former state and condition at the Grantee's sole cost.
- 3.2 In exercising any rights under this instrument, the Grantee will not unduly interfere with any other lawful use of the Grantor's land and will, except in case of emergency, give reasonable notice to the Grantor of the Grantee's intention to carry out any works.
- 4. Assignment**
- 4.1 The Grantee shall not transfer or assign its interest under this Instrument to any other entity without the prior written approval of the Grantor. The Grantee shall only be entitled to transfer or assign its interest under this Instrument where such transfer or assignment is for the better management of or the provision of funding relating to the use of the Easement Area and provided such transferee or assignee maintains the Easement Area for public use;

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 3 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- 4.2 The Grantee may engage a third party to manage the use of the Easement Area provided such third party maintains the Easement Area for public use. For the avoidance of doubt any transfer or assignment agreed to by the Grantor shall be on the basis that any transferee or assignee accepts that the Easement Area is a Trail and is excluded from the definition of Public Place and from Public Place assessment criteria under the District Plan.
- 5. **Grantors Covenants**
 - 5.1 The Grantor will not do nor suffer nor permit to be done any act, matter, or thing whereby the Grantee's rights hereunder may be interfered with or affected and in particular (but not to restrict the generality of this clause) the Grantor will not construct, erect or place (or suffer or permit the same) on the Easement Area any building or structure, or do anything else which may reduce the soil and general stability of the Easement Area.
 - 5.2 The Grantor will not grant any rights or interest in the Easement Area to any other person which conflict with the rights granted by this instrument.
 - 5.3 The Grantor will take reasonable steps to ensure that the Easement Area is free from hazards arising from the Servient Land (excluding the Easement Area) which may pose a risk to users of the Easement Area or the Easement Area itself including taking reasonable steps to prevent spray drift, tree felling, dangerous animals, motor bikes or other vehicles, firearms or other equipment or hazards which may pose such a risk on or near the Easement Area.
- 6. **Grantees Covenants**
 - 6.1 The Grantee will use reasonable efforts to keep the Easement Area free of litter and obstructions.
 - 6.2 The Grantee will establish, and use reasonable endeavours to ensure compliance with, rules relating to the use of the Easement Area. The rules will prohibit deviating from the Easement Area, littering, animals (excluding domestic animals), camping, the use of motor vehicles, carrying dangerous goods or firearms and lighting fires.
- 7. **Reconstruction**
 - 7.1 If the Easement Area or any part of it is destroyed or damaged by land slip, erosion, flood or natural disaster, the Grantor and the Grantee will consider whether it is reasonable to

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 4 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

reconstruct and reposition the Easement Area, or that part of it which is destroyed or damaged, along the closest reasonably practicable route. If the parties agree then the Grantor will do all things necessary and the Grantee will provide such assistance as is necessary to register a surrender and replacement easement instrument against the title(s) to the Land to record the repositioned Easement Area. The Grantee will pay the reasonable cost of reconstructing the Easement Area and registering the necessary instruments.

8. Term

8.1 The Easement created by this Instrument is to be in perpetuity.

9. Temporary Suspension

9.1 The Grantee (not being a member of the public) may, at any time in exercise of its powers, temporarily close all or part of the Easement Area for such period as it considers necessary.

10. Dispute Resolution

10.1 If a dispute arises between the Grantor and Grantee (not being a member of the public) concerning the rights, management and operation created by this Instrument the parties are to enter into negotiations in good faith to resolve it.

10.2 If the dispute is not resolved within fourteen (14) days of written notice by one party to the other it is to be referred to mediation.

10.3 If the dispute is not resolved within twenty one (21) days or such other period as agreed in writing between the parties after the appointment of a mediator, the parties must submit the arbitration of an independent arbitrator appointed jointly by the parties or, if one cannot be agreed writing fourteen (14) days, to an independent arbitrator appointed by the President for the time being of the local branch of the New Zealand Law Society in which the Servient Land is situated.

10.4 The arbitration is to be determined in accordance with the Arbitration Act 1996 and its amendments or any enactment passed in substitution.

11. Notice

11.1 A notice to be given under this Instrument by one party to the other is to be in writing and must:

(a) Be hand delivered to the receiving party; or

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 5 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- (b) Be sent by ordinary post to the receiving party, or
 (c) Be sent by facsimile to the receiving party.
- 11.2 If clause 11.1(b) applies the notice will be deemed to be received by the receiving party on such date on which the ordinary post would be delivered.
- 11.3 If clause 11.1(c) applies the notice will be deemed to have been received on the day on which it is dispatched or, if dispatched after 5.00pm, on the next day after the date of dispatch.
- 12. Special Easement Terms**
- 12.1 The standard easement terms contained above must be read subject to any special easement terms set out below.
- 12.2 The Grantee (not being a member of the public) has the right:
- (a) To mark the Easement Area as appropriate
- (b) To erect and maintain signs informing the public of their rights and responsibilities in relation to the Easement Area.
- (c) To erect, construct and maintain fences, cattle stops, gates, stiles, stairs and walkways and any other means of access to and over the Easement Area as deemed appropriate in the sole discretion of the Grantee to facilitate the terms of this Instrument or to protect the Servient Land.
- (d) For the purposes of undertaking the matters set out in clauses 12.2(a), (b) and (c), the Grantee may access the Easement Area over such tracks, roads, accessways or other routes over the Grantor's land as may be reasonable in the circumstances provided that the Grantor may impose reasonable conditions on such access (except in emergency) but may not unreasonably restrict access to the Easement Area.
- 12.3 The Grantee acknowledges and agrees that:
- (a) subject to clause 12.2(c), the Grantee will only establish, form and construct equipment, structures and fixtures on the Easement Area that are essential to the construction of a pedestrian footpath and a cycleway. For the avoidance of doubt the Grantee will not establish, form or construct any seating, shelter or similar structure on the Easement Area.

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 6 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- (b) the Easement Area is located in an area that may be susceptible to natural erosion and the Grantor is not responsible and is not required to take any action in respect of such erosion to the Easement Area.
- (c) for the purposes of undertaking the matters set out in clause 2.2(b), 3, 12.2(a), (b) and (c), the Grantee must (except in an emergency) give the Grantor reasonable notice and the Grantee must comply with the Grantor's reasonable conditions regarding such access (including the access times and routes over the Servient Land to access the Easement Area).
- (d) it will immediately make good and repair (at its cost) any damage caused to the Grantor's Land from the Grantee exercising its rights under this instrument.
- (e) that the Easement Area is a Trail and is excluded from the definition of Public Place and from the Public Place assessment criteria under the District Plan. For the avoidance of doubt, Queenstown Lakes District Council as the original grantee specifically acknowledges this clause notwithstanding any assignment under clause 4 above.
- (f) that the Grantor has no liability to contribute to construction or maintenance of the Easement Area.
- (g) that the Grantor has no liability resulting from the use of the Easement Area by the general public.

13. Conflict

13.1 Where there is a conflict between the provisions of this instrument, the Fourth Schedule to the Land Transfer Regulations 2002 and the Fifth Schedule to the Property Law Act 2007, any modifications in this instrument will prevail.

14. Public Liability

14.1 The Grantee will obtain and maintain such public legal liability insurance for no less than \$1,000,000, for any one accident whereby the Grantor shall be indemnified against all actions, suits, claims, demands, proceedings, losses, damages, compensation sums of

BJ-382654-206-1-V1:LN

Form L

Annexure Schedule

Page 7 of 7 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

money, costs, charges and expenses to which the Grantor shall or may be liable as a result of the Grantor entering into this Instrument.

A copy of such insurance cover shall be delivered to the Grantor if so requested by the Grantor.

14.2 Subject to the Grantor complying with clause 5 thereof the Grantee shall indemnify the Grantor in respect of any claim loss or liability in respect of the use of the Easement Area or as a result of the Grantor entering into this Instrument.

Wanaka Project

KENGO KUMA & ASSOCIATES

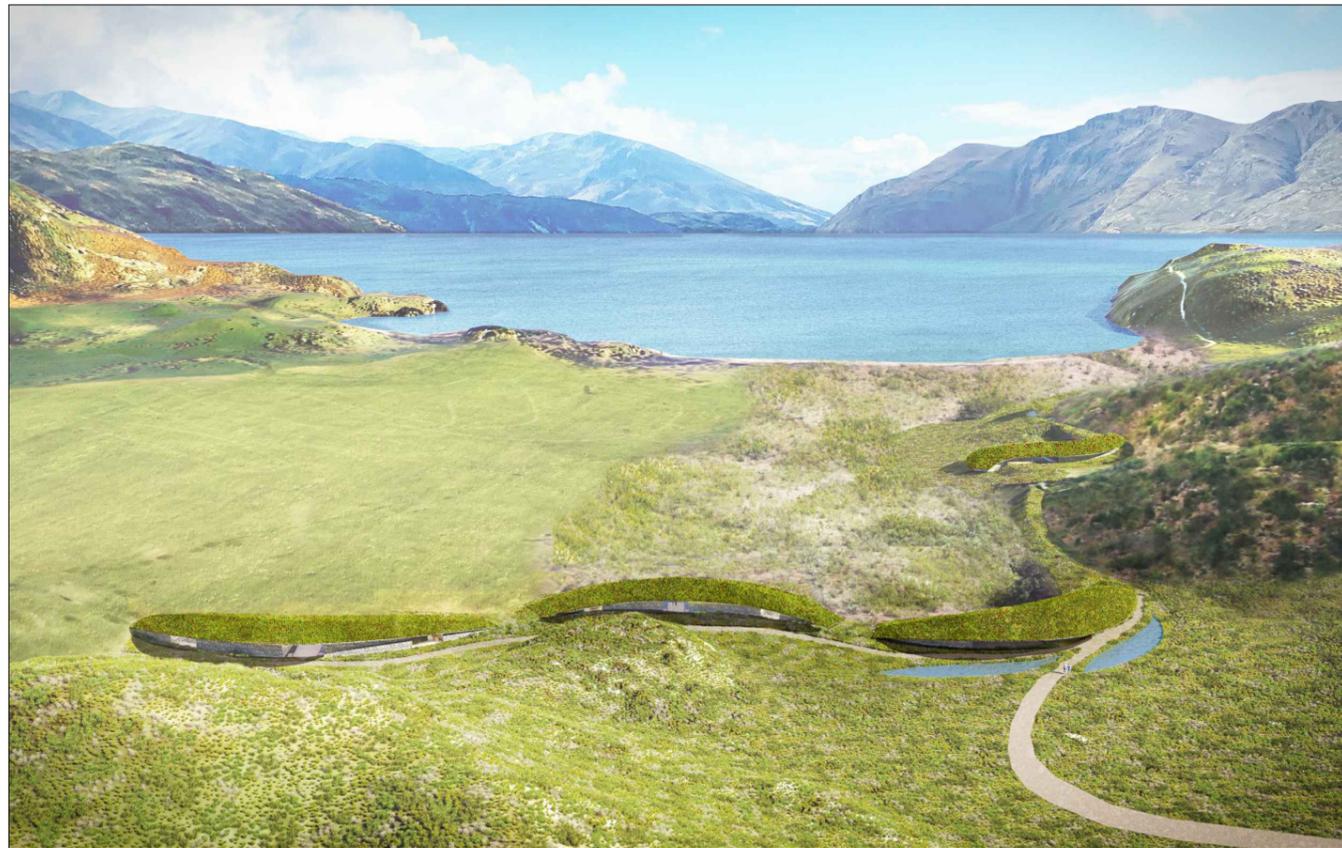


KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN	24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE	Cover	DRAWING No.	A-00-01
	CHECKED	----	DD 50%				SCALE	-	DATE	24/06/2021
	APPROVED	----	DD 100%							
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			Revision B							

Sheet No.	Description	Scale
A-00-01	Cover	-
A-00-02	Drawing List	-
A-00-03	Design Statement	-
A-01-01	Site Plan	1/3000
A-01-02	Detailed Site Plan (1F)	1/1500
A-01-03	Detailed Site Plan (BF)	1/1500
A-01-04	Arrival / Guest Cabin Plan (1F / BF)	1/500
A-01-05	Owner's Cabin Plan (1F / BF)	1/500
A-01-06	Elevation	1/500
A-01-07	Section	1/500
A-01-08	Detail Section	1/20
A-02-01	Rendering	-
A-02-02	Rendering	-
A-02-03	Rendering	-
A-02-04	Rendering	-
A-02-05	Rendering	-
A-02-06	Rendering	-
A-02-07	Rendering	-
A-02-08	Rendering	-
A-02-09	Rendering	-
A-03-01	Floor Area Schedule	-
A-03-02	Material Schedule	-

Drawing List

KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN	24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE	Drawing List	DRAWING No.	A-00-02
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	APPROVED	----	DD 100%							
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		Revision B								



Portland Japanese Garden (KKAAs)



Glass / Wood House (KKAAs)



Singapore Founders' Memorial (KKAAs)



Kitakami Canal Museum (KKAAs)

Design Statement

We are inspired by the grand landscape and native materials in Wanaka. Our objective is to design an organic architecture that fuses into the landscape and respect indigenous nature. Architecture configuration is carefully studied to minimize exposure from the public trail while offering a panoramic view towards Dampier bay. Architecture plan will naturally follow the existing contour, which contributes to merge with the nature. The land-shaped roofs will gently slope down to minimize the elevated appearance and integrate with local vegetation reflecting the surrounding environment. We envision this organic architecture becomes part of the authentic Wanaka landscape.

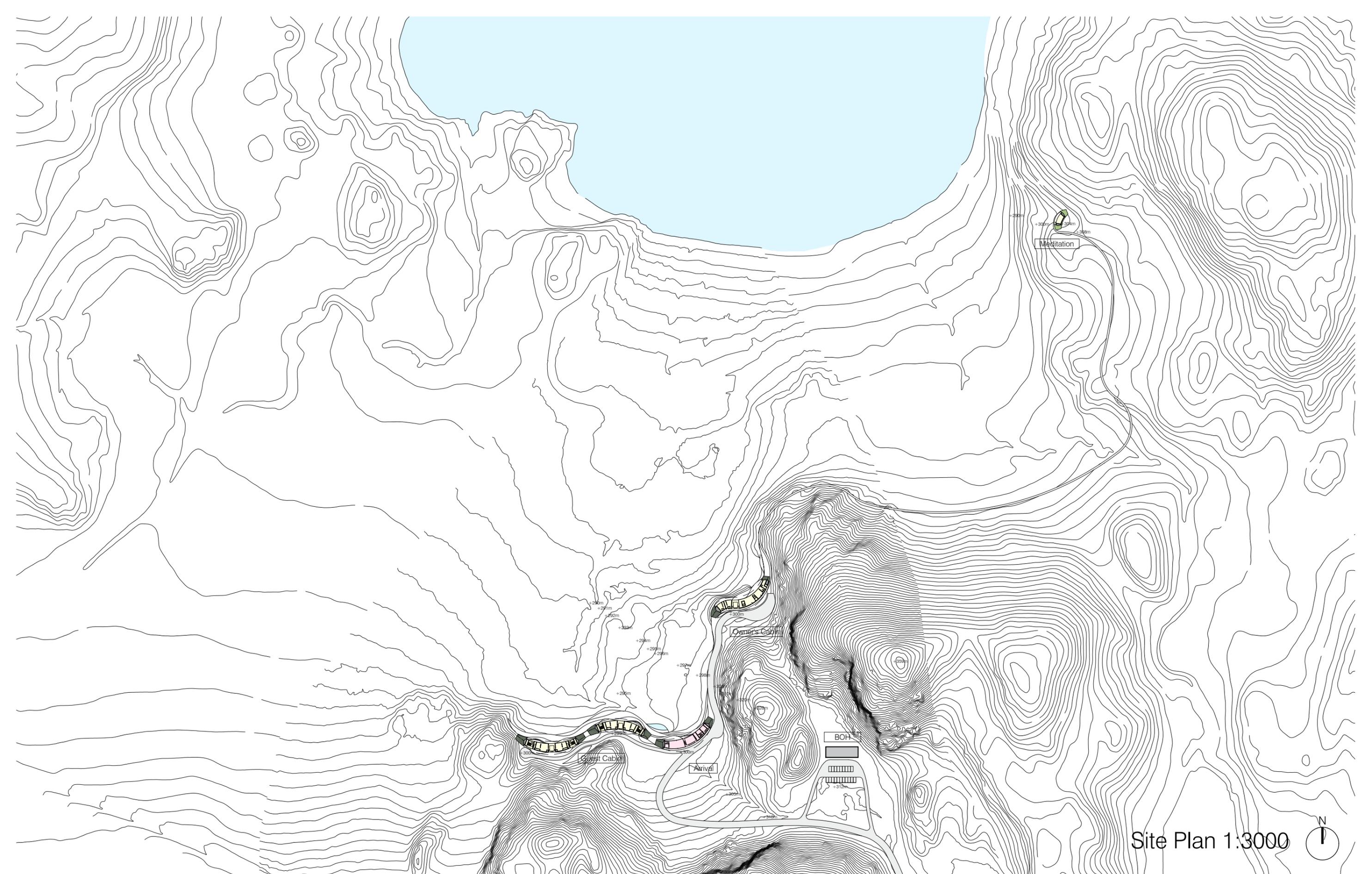
We, Kengo Kuma & Associates (KKAAs) is an award-winning, Tokyo-based partnership led by Kengo Kuma since its establishment in 1990. The team's expertise encompasses architecture, interior, and landscape design. Renowned for their cultural and civic projects, we have also designed and completed installations, experimental pavilions, renovations, and major urban developments. The practice uses architecture as a way to strengthen the connection between human experience and our surroundings, both natural and urban. Human scale is essential, and the continuity to surroundings is of critical importance. Design is merely a way to edit things into place, to adjust as appropriate. Architecture is a medium for relationships; nature is everything.

We approach each project as a unique opportunity and challenge, each with its own parameters, client requests, particular context, climate, and inhabitants. The specificity of a place generates hints for the design, and thus the office prefers to listen first and to not impose anything. Consequently, each work is distinct and tailored. One of the office's hallmark methods is to perform simultaneous investigations and studies across scales, from the macro (terrain/land, city, building volume) to the micro (materials, details, techniques), and in between.

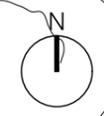
The team at KKAAs follows an updated tradition of Japanese arts and crafts, with deep cultural traits embedded in the manufacturing, construction, and technology. This involves active investigation of possibilities in local techniques and details, as well as in-depth research of area materials, ever aware of tactility and texture. The team's method of study relies on iteration, analysis of options in a cyclical and highly interactive manner. The outcome of this kind of architectural research is a highly specific, tuned response that can happen only at a given time and place.

Our principal, Kengo Kuma is an acclaimed architect of international renown, having plied his trade in Asia, Europe and North America. He offers a unique skill set and perspective, maintaining parallel roles as both a practicing architect and a respected scholar. He completed his formal architectural education in Tokyo, spent two years of further studies as a visiting researcher at Columbia University in New York, and received a Ph.D. from Keio University. He formed thriving design studios in Japan (Kengo Kuma & Associates, 1990) and in France (Kuma & Associates Europe, 2008); has been recognized by numerous awards for his works; has won many design competitions throughout Japan and Europe; and has served as a Professor, Invited Professor, or Lecturer at University of Tokyo (2009), Keio University (1998-99, 2001-09), Columbia University (1994), and University of Illinois at Urbana-Champaign (2008).

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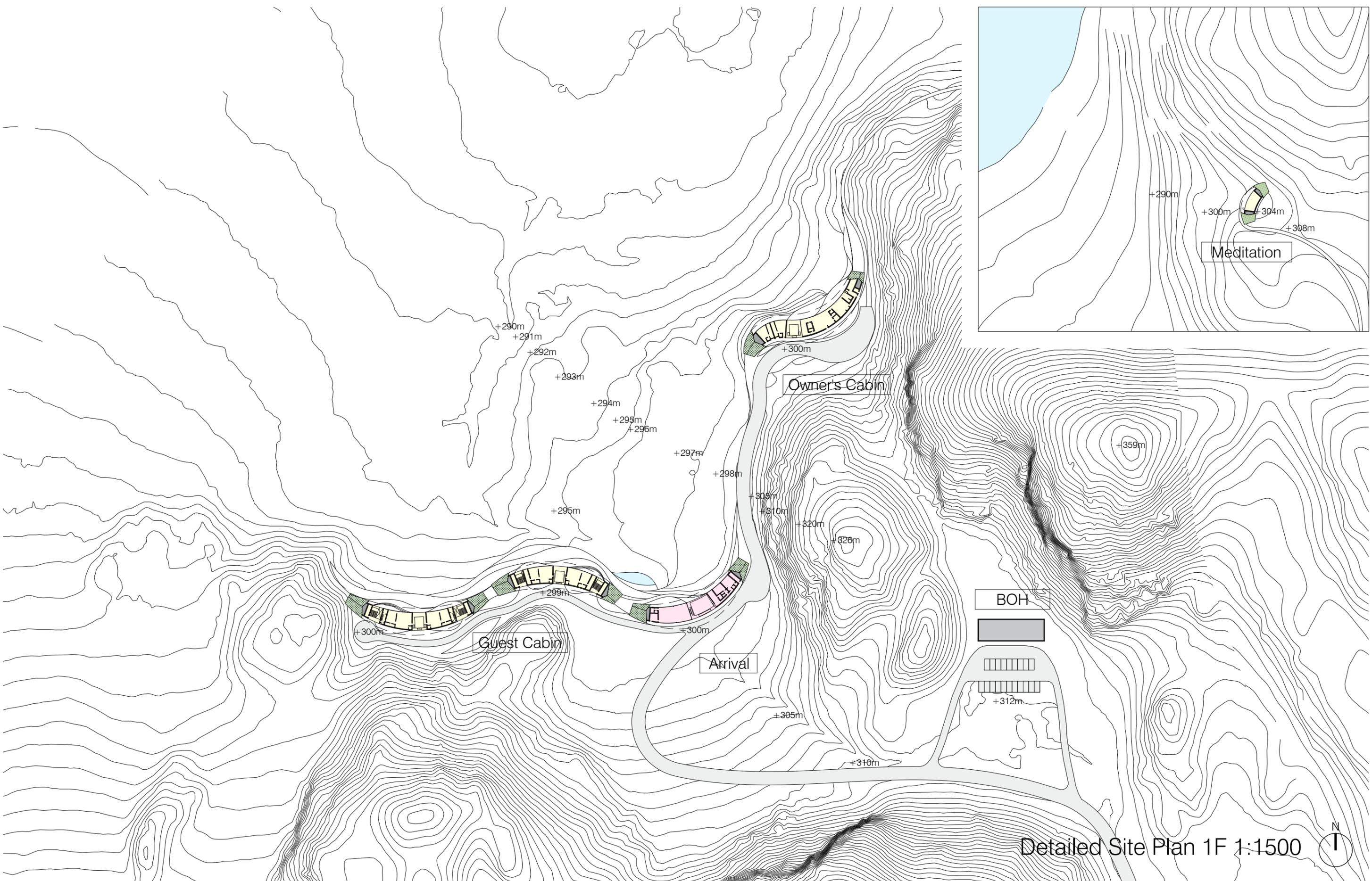
Site Plan 1:3000



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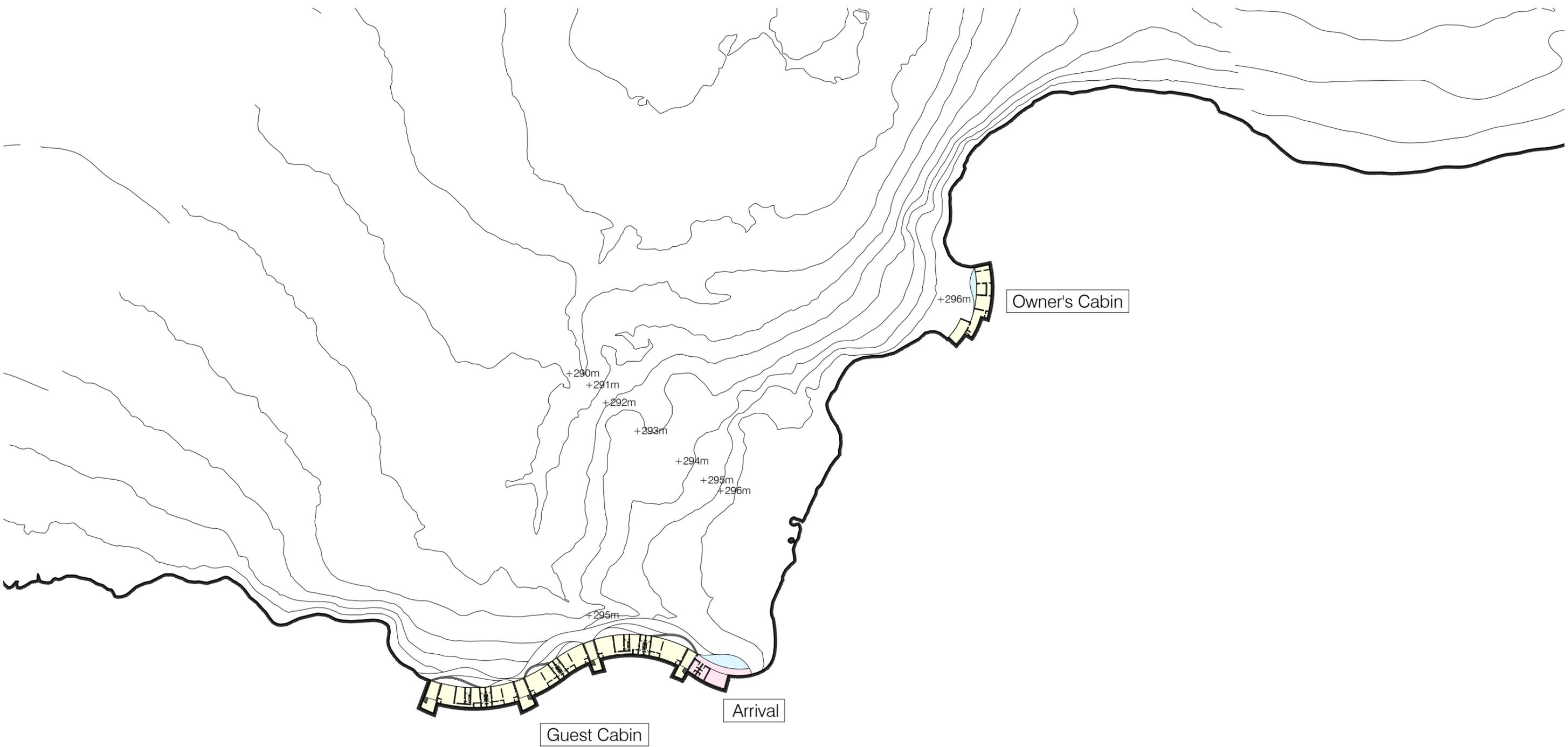


Detailed Site Plan 1F 1:1500



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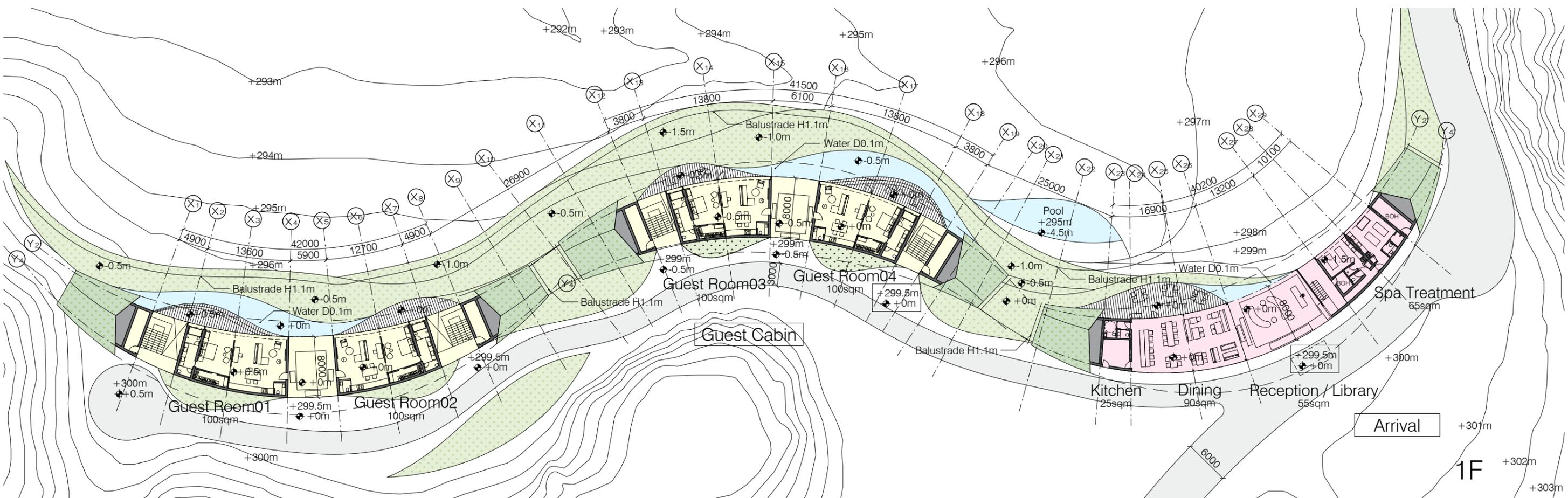
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Detailed Site Plan BF 1:1500 

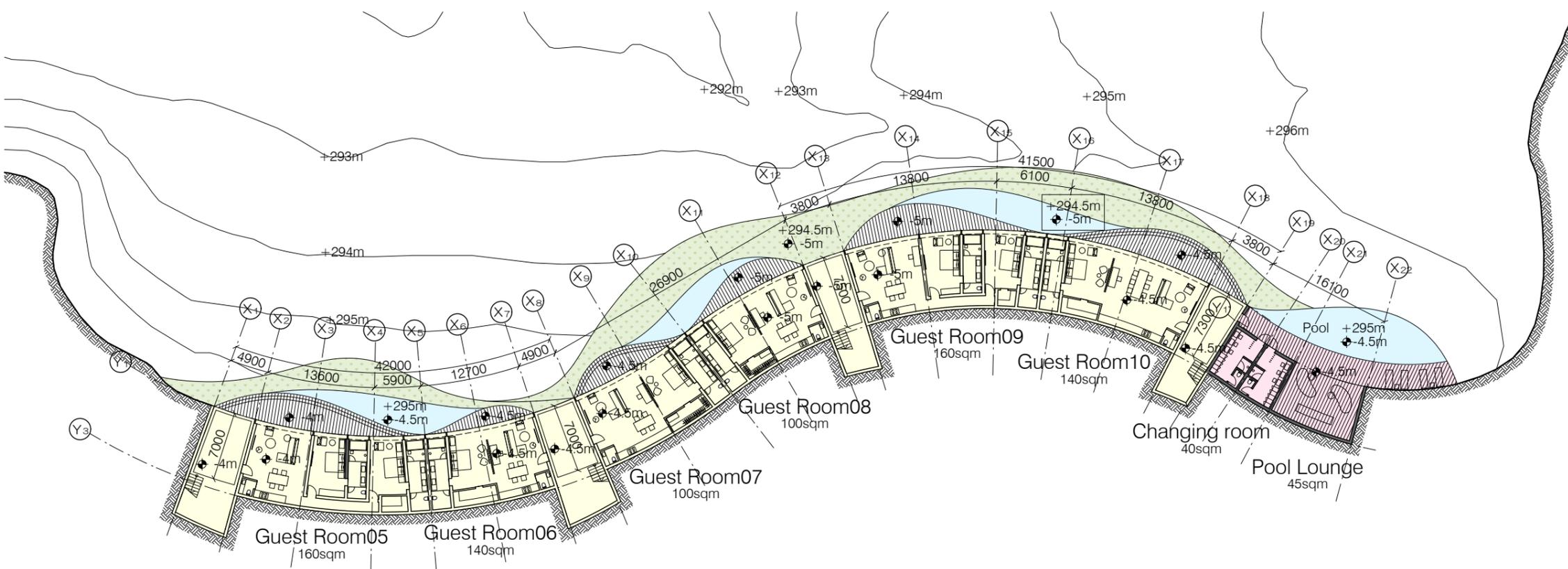
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		Revision B								



Arrival / Guest Cabin
1F

Unit Number	GFA
Reception / Library	90
Dining	90
Spa treatment	65
Arrival BOH	40
1 Bed Unit	100 4 400
Storage	60
Other / Circulation	200
1F GFA	945



BF

Unit Number	GFA
Changing Room	40
Pool Lounge	100
1 Bed Unit	100 2 200
1 Bed Unit	140 2 280
2 Bed Unit	160 2 320
Other / Circulation	225
BF GFA	1165

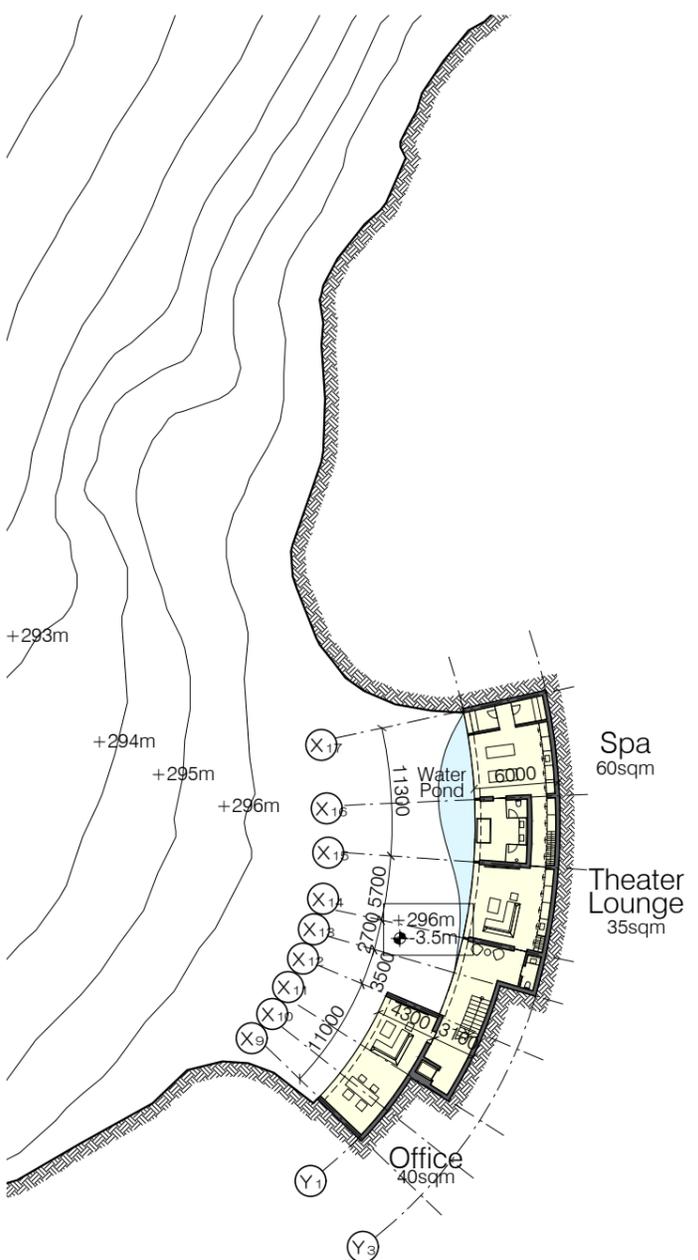
Arrival / Guest Cabin GFA	2110
Footprint	985 sqm

Arrival / Guest Cabin Plan 1:500

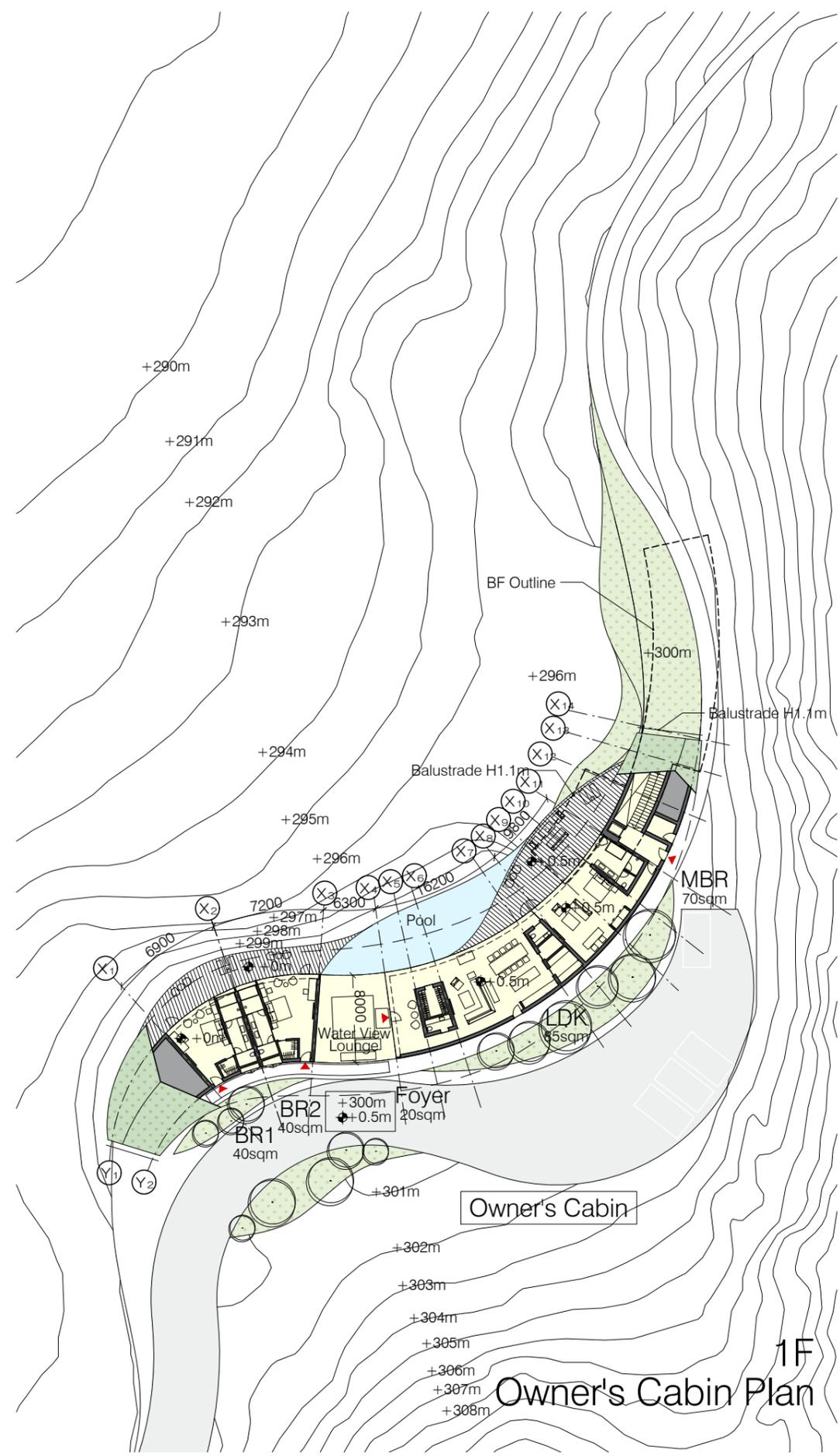
BF
N

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BF
Owner's Cabin Plan



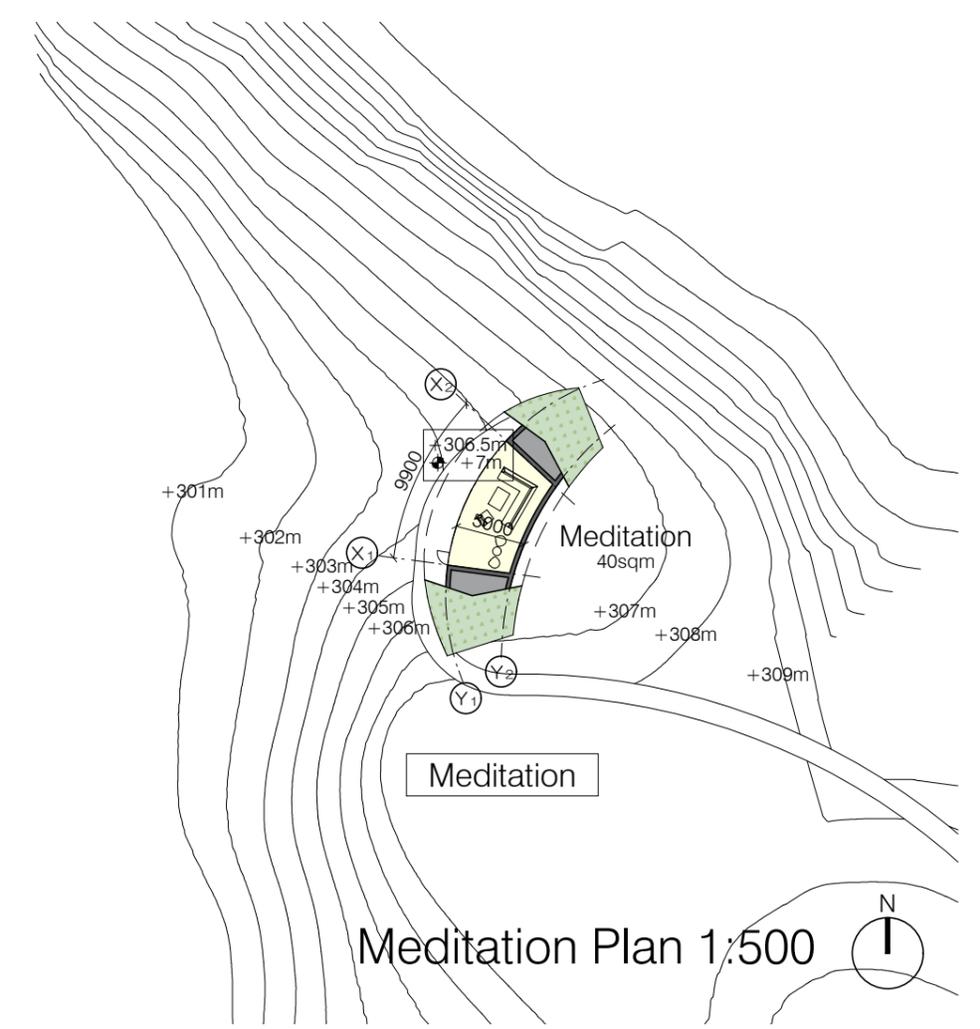
1F
Owner's Cabin Plan

Owner's Cabin	GFA
1F	
Foyer	20
Living	35
Dininig	20
Kitchen	20
Master Bedroom	70
Bedroom1	40
Bedroom2	40
BOH	10
Other / Circulation	130
1F GFA	385

BF	GFA
Spa	60
Theater Lounge	35
Office	40
Other / Circulation	45
BF GFA	180

Owner's Cabin GFA	565
Footprint	385 sqm

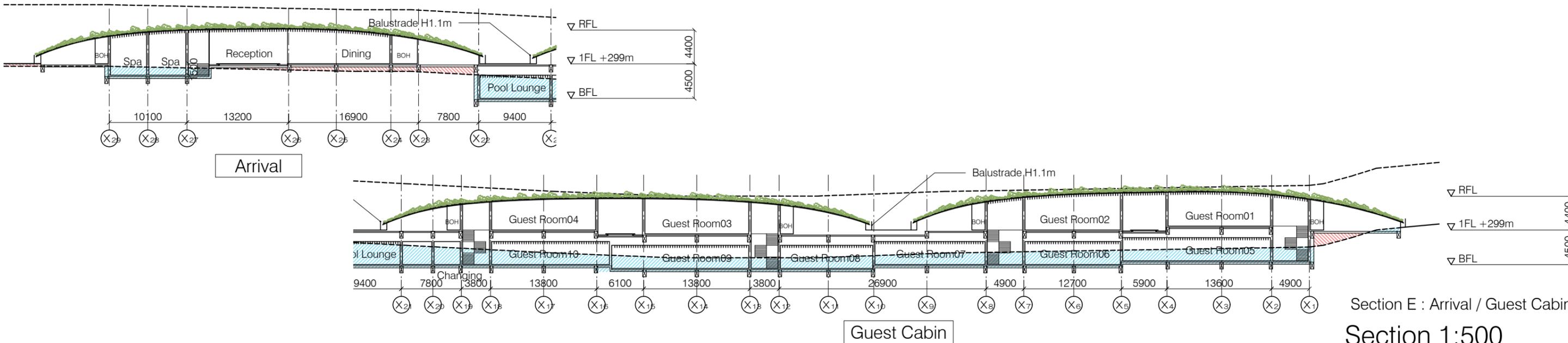
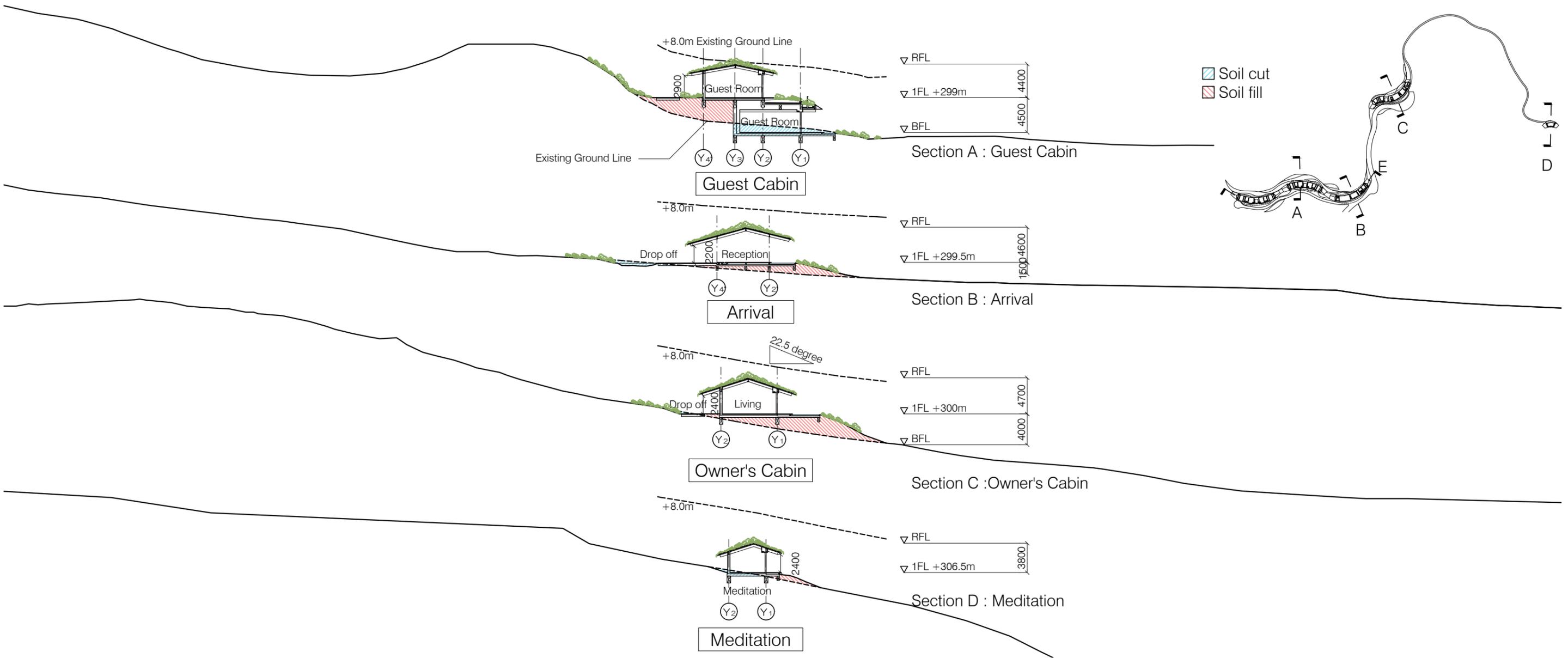
Meditation	GFA
1F	
Meditation	40
Meditation GFA	40
Footprint	40 sqm



Meditation Plan 1:500

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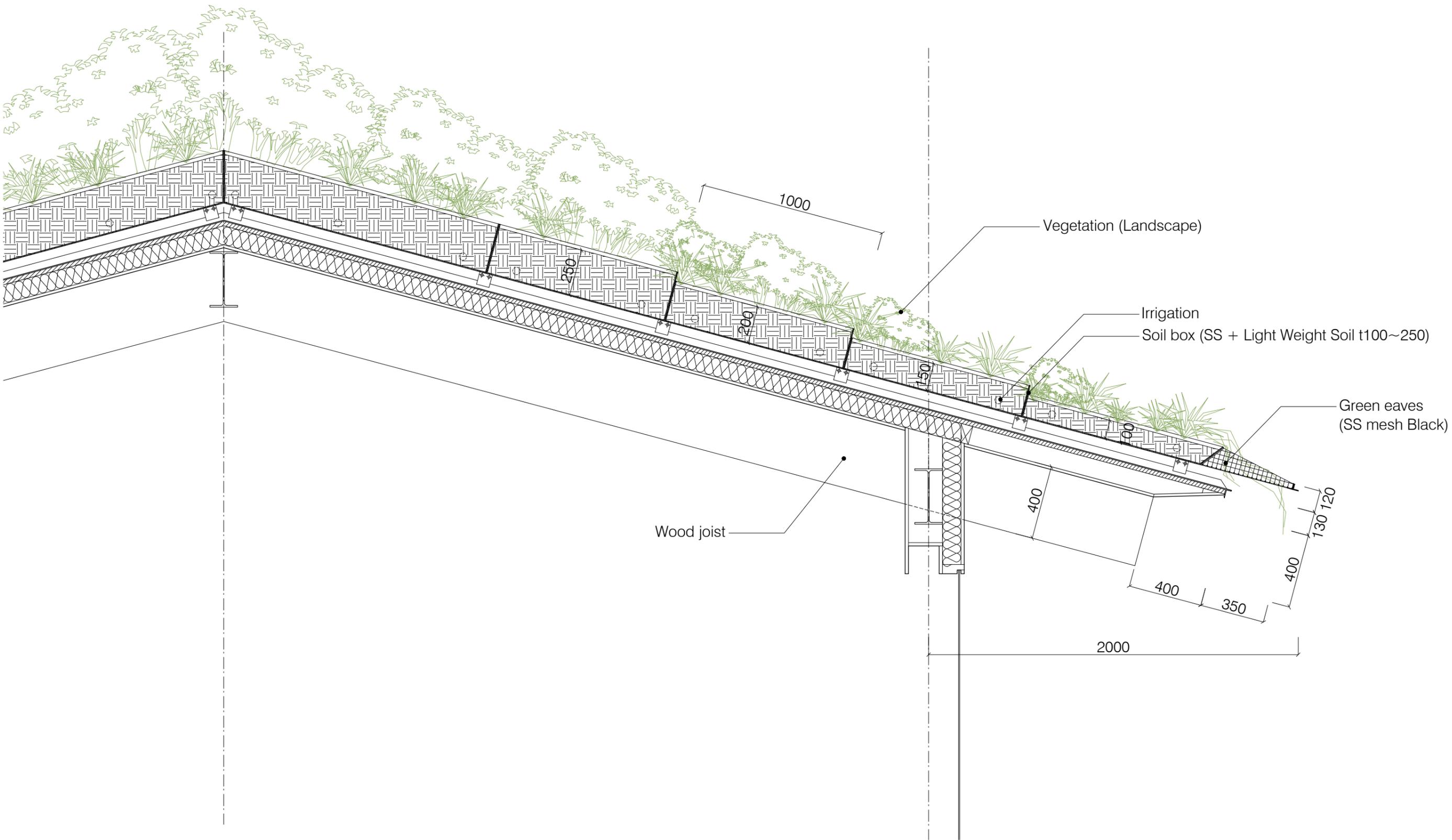
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	APPROVED	----	Revision B									



Section E : Arrival / Guest Cabin
Section 1:500

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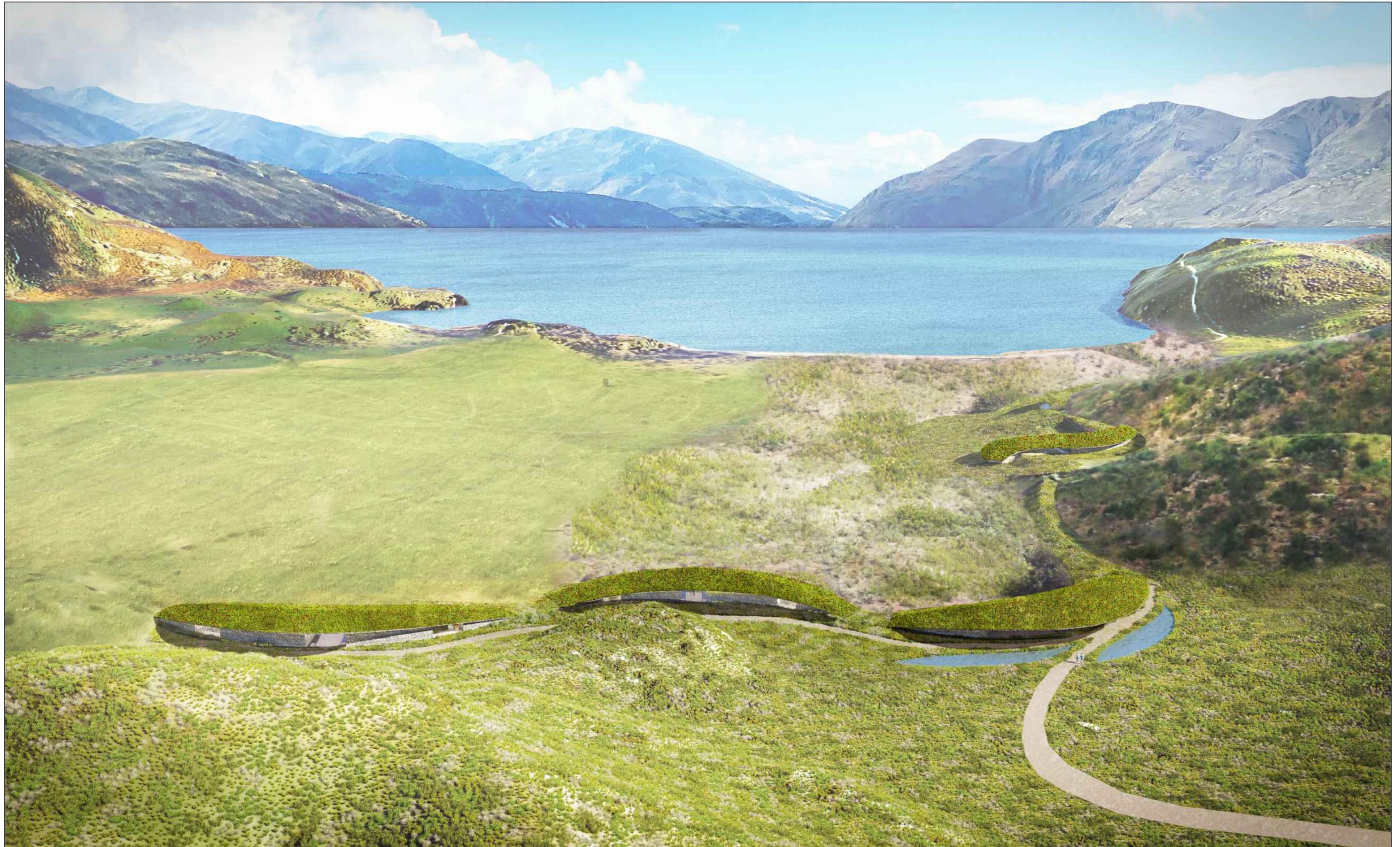
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Detail Section 1:20

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	APPROVED ----	DD 100%					
		Revision A					
		Revision B				SCALE 1:20@A3	DATE 24/06/2021



Aerial towards lake

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	CHECKED ----	DD 50%				SCALE -	DATE 24/06/2021
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		Revision B					



Approach to Arrival

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Reception

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		Revision B					



Guest Cabin

KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN	24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE	Rendering4	DRAWING No.	A-02-04
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			Revision B							



Owner's Cabin

KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN 24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE Rendering5	DRAWING No. A-02-05
	CHECKED ----	DD 50%				SCALE -	DATE 24/06/2021
	APPROVED ----	DD 100%					
		Revision A					
		Revision B					



Owner's Cabin Interior

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	APPROVED	----	DD 100%							
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			Revision B							



View from trail 1

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	APPROVED ----	DD 100%					
		Revision A					
		Revision B					



View from trail 2

KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN 24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE Rendering2	DRAWING No. A-02-08
	CHECKED ----	DD 50%				SCALE -	DATE 24/06/2021
	APPROVED ----	DD 100%					
		Revision A					
		Revision B					



View from road

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	CHECKED	DD 100%				SCALE	DATE
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APPROVED	Revision B						

Arrival / Guest Cabin			
1F	Unit	Number	GFA
Reception / Library			90
Dining			90
Spa treatment			65
Arrival BOH			40
1 Bed Unit	100	4	400
Storage			60
Other / Circulation			200
1F GFA			945

Owner's Cabin	
1F	GFA
Foyer	20
Living	35
Dininig	20
Kitchen	20
Master Bedroom	70
Bedroom1	40
Bedroom2	40
BOH	10
Other / Circulation	130
1F GFA	385

Meditation	
1F	GFA
Meditation	40
Meditation GFA	40
Footprint	40 sqm

BOH	
1F	GFA
Satellite BOH	300
BOH GFA	300
Footprint	300 sqm

BF			
	Unit	Number	GFA
Changing Room			40
Pool Lounge			100
1 Bed Unit	100	2	200
1 Bed Unit	140	2	280
2 Bed Unit	160	2	320
Other / Circulation			225
BF GFA			1165

BF	
	GFA
Spa	60
Theater Lounge	35
Office	40
Other / Circulation	45
BF GFA	180

Arrival / Guest Cabin GFA	2110
Footprint	985 sqm

Owner's Cabin GFA	565
Footprint	385 sqm

TOTAL GFA	3015
Footprint	1710 sqm

Floor Area Schedule

KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN	24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No.	DRAWING TITLE	DRAWING No.		
	CHECKED	----	DD 50%							
	APPROVED	----	DD 100%							
		----	Revision A							
		----	Revision B				SCALE	-	DATE	24/06/2021

Material schedule



① Roof : Green



② Soffit : Accoya Wood



③ Wall : Stone



④ Floor : Stone



⑤ Floor : Wood Flooring



KENGO KUMA & ASSOCIATES 隈研吾建築都市設計事務所	DRAWN	24/06/2021	SUBMISSION & REVISION		PROJECT TITLE Wanaka Project	PROJECT No. ----	DRAWING TITLE	Material Schedule	DRAWING No.	A-03-02
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Landscape Assessment

Damper Bay Wanaka



August 2021

rough & milne landscape architects

Document Quality Assurance

Bibliographic reference for citation:

*Rough and Milne Landscape Architects Ltd. Assessment of Landscape and Visual Amenity Effects of **Damper Bay, Wanaka.***

Date: **August 2021**
Status: **For Resource Consent**

Prepared for:

C/- John Edmonds Associates Limited

Prepared by: Nikki Smetham

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NZILA Registered Landscape Architect

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1.0 INTRODUCTION

1.1 Purpose and Scope

Rough and Milne Landscape Architects (**r+m**) have been engaged to assess the landscape and visual effects of the proposed development within Lot 1, DP 337193 (**the site**), being a 193 ha property located at Wanaka Mt Aspiring Road, Wanaka.

During the design process **r+m** provided advice on the location of and the visual outcome of the built form and access and were involved in the preparation of the design narrative supported by the landscape plans and proposed mitigation.

The preparation of this assessment of landscape and visual effects has included:

- Discussions with the Client and Project team
- Site visits on 2 February, 17, 19 May 2021, and 12 July 2021.
- A review of the relevant Queenstown Lakes District Plan provisions
- A description of the landscape character of the site and its surrounds.
- An assessment of the actual and potential landscape and visual effects, including an assessment against the relevant landscape assessment matters within the District Plan.

An A3 Graphic Supplement (GA) prepared by **r+m** dated May 2021 accompanies this report and contains material illustrating the receiving environment and the proposed development. Refer GA, Sheets 1 – 51 that contain the existing site, architects plans, landscape plans, an aerial and 1:50,000 series topomap, a viewpoint location map, photographs of the site and photo-panoramas taken from the surrounding public places, the District Planning maps and other relevant graphic information. A series of Visual Simulations have also been prepared to illustrate the proposed development within the setting from pertinent public viewpoints, including the lake surface. These are also included in the GA (sheets 33-37, 43-45 and 47-49).

1.2 Methodology

The methodology for this assessment is guided by:

- The landscape related Assessment Matters of the Queenstown Lakes Proposed District Plan (PDP) and Operative District Plan (ODP);
- New Zealand Institute of Landscape Architects Te Tangi I te Manu Aotearoa Landscape Assessment Guidelines, dated April 2021.

This landscape assessment (LA) describes the subject site, and the receiving landscape, analyses the landscape context and existing values (derived from physical, associative, and perceptual attributes of the receiving environment) and assesses the potential landscape and visual effects of the proposal with regard to the assessment matters of both the ODP and PDP. The nature and degree of the effects on landscape values are described. A seven point scale (**very low – low – low moderate – moderate – moderate high – high – very high**) is used to rate the degree of effect on both landscape values and

visibility (as a subset of landscape values). The landscape assessment also considers the methods proposed to mitigate any adverse effects.

2.0 DESCRIPTION OF THE PROPOSAL

The proposed development consists of a high end lodge with a separate unit for the property owner, a meditation retreat and back of house (BOH) structures and service area. The proposal is fully described in the resource consent application and the architects plans. In brief the proposal comprises a main lodge with guest accommodation (10 units), private accommodation for the owner, a meditation retreat, a back of house service area, access roads and internal tracks set within a comprehensive Landscape Masterplan.

Refer GA, Sheets 10 – 15 for Architects Plans. The architecture is designed as a series of ‘pod like’ structures that undulate both vertically and horizontally to blend into the surrounding hummocky hill landforms. Each pod supports a green roof planted with existing local native species replicating the vegetative patterns found on the site. The pods are all designed with generous eaves, of between 2 – 3 m, to ground the built form and ameliorate reflectivity and glare. The architecture responds to the site’s character resulting in a unique sculptural quality quite unlike the standard built forms that are typically seen in the rural landscape.

Guest Lodge (Pods A – C)

The main guest lodge is proposed as one structure although it will appear visually and physically as three separate pods. The overall building footprint at basement level is 1,165m², and at first floor level 945m². The guest lodge comprises the following components:

- A single level reception pod (labelled Pod A) containing a central reception / library area, a kitchen, communal dining area, an outdoor dining deck, and a dedicated spa facility treatment area. Pod A will be approximately 40.20 m in length.
- Two x two level guest accommodation pods (labelled Pod B and C) will have a common basement floor (BF) containing Guest Rooms 05 – 10 between 100 – 160 m², three water features, six private outdoor decks, a communal pool, changing room and pool lounge.
- Pod B and Pod C combined BF will be approximately 126.50 m in length.
- Pod B first floor (1F) will contain two Guest Rooms 03 – 04 (sitting above Guest Rooms 09 and 10) each with a private balcony, separated by a shallow pool / water feature and circulation / stairwells. Pod B 1F will be accessible from the south side ground level. A centrally located entrance will provide access to the 1F Guest Rooms, while the BF Guest Rooms will be accessed by stairwells located at either end of Pod B 1F. Pod B 1F will be approximately 41.50 m in length.
- Pod C first floor (1F) will contain two Guest Rooms 01 – 02 (sitting above Guest Rooms 05 and 06) each with a private balcony, separated by a shallow pool / water feature and circulation / stairwells. Pod C 1F will be accessible from the south side ground level. A centrally located entrance will provide access to the 1F Guest Rooms, while the BF Guest Rooms will be accessed by stairwells located at either end of Pod C 1F. Pod C 1F will be approximately 42.00 m in length.

Owners Accommodation Unit (Pod D)

The private accommodation pod (labelled D) will consist of two stepped levels, a basement floor (BF) and first floor (1F) which steps up to the southwest. Pod D BF will contain an office, theatre / lounge and spa. Pod D 1F will contain living areas, dining, kitchen, three bedrooms, ensuites, and general circulation areas with two decks and a pool. Pod D 1F will be accessible from the south side ground level. Pod D BF will be approximately 34.2 m in length and the 1F will be approximately 46.4 m in length. The total footprint of Pod D at BF will be 180 m², and at 1F 385 m².

Meditation Retreat (Pod M)

The meditation pod (labelled M) will consist of a single room 40 m². Pod M will be located at 305 masl in a small gully on the eastern side of the site looking west over Damper Bay.

Back of House (BOH)

The back of house structure (labelled BOH) is located to the east of the guest pods, and has not yet been designed as a building, however design parameters are offered around the future design, and as such will have a maximum height of 5 m, maximum size of 300 m², and material controls. It will be associated with the parking located in front of the BOH building, and utilities area including water supply and storage tanks, other infrastructure and rubbish disposal located at the rear of the BOH building, in a small side gully.

Access

A new access is proposed off Wanaka Mt Aspiring Road and will traverse along the eastern boundary of the site alongside a neighbouring wetland and between the existing schistose hummocky hill landforms. The access road will lead to the main entry control point (gatehouse) where valet parking will be provided in a dedicated parking area. Guests will be transported via golf carts along the narrower access track some 50 m to the arrival / reception and guest accommodation pods.

Proposed Landscaping

The comprehensive Landscape Masterplan (refer Long Term Strategic Landscape Management Plan, GA, Sheet 18) shows the overall site layout and circulation with proposed landscape character areas including retired farmland, areas of shrub and forest revegetation, restoration of two wetlands, a constructed wetland, riparian and wetland planting and balance areas of pasture managed as grazing. The overall objective for the site is to enhance natural character of the site by restoring the ecological biodiversity, health and landscape values to this lakeside property through revegetation, natural recolonisation and farm management practises while providing a unique experience to visiting guests. Refer GA, Sheets 18 – 20, and Sheet 29.

The proposed built development will be located east of the central paddock and nestled against the prominent hummocky hill landforms. The main lodge (Pods A – C) and the owners accommodation (Pod D) are proposed around the periphery of a basin-like amphitheatre facing north to Damper Bay and overlooking a constructed wetland. The meditation Pod M is located further east in an elevated gully and accessible only via the private trail network that is proposed throughout the site.

The proposed landscape strategy is to build on the existing potential natural character within the site in a way that respects and enhances natural patterns and processes. The Landscape Masterplan shows the areas of different vegetation character proposed for the site as a combination of retired farmland

left to regenerate, actively planted forest and shrub revegetation, riparian and wetland planting. The areas of planting will consist of:

- 9.08 ha of riparian and wetland planting
- 3.93 ha of forest
- 26.47 ha of shrub vegetation
- 48.1 ha of retired farmland left to regenerate naturally

Refer GA, Sheet Sheets 18 and 29. A constructed wetland will replace a channelised water race east of the central paddock and will be planted with indigenous wetland / riparian margin species. Three other naturally occurring wetland areas west of the main paddock will be fenced off. Wetlands 1 and 3 will be left to regenerate naturally and Wetland 2 will be actively revegetated with appropriate indigenous riparian species. The well-defined permanent water course that traverses east – west across the base of the north-eastern peninsula will be fenced off from all grazing and riparian planting undertaken along its entire length between the eastern property boundary and lake edge boundary. An existing area of wetland planting at the southeast corner of the site will be retained and extended.

The existing kanuka forest at the northern boundary of the site will be extended along the lake edge of Damper Bay and further within the site. The balance areas of retired farmland will be left to regenerate naturally with some localised areas actively planted and / or areas of bush blocks fenced off that will provide a seed source for colonisation.

The proposed landscape strategy will enhance the natural character and ecological values within the site by increasing biodiversity and habitats, building on natural vegetation patterns, promoting colonisation and increasing the general health of the landscape.

Earthworks

Earthworks will be required to site the proposed pods into the existing rolling topography of the site. The majority of earthworks will be required to excavate the basement levels of the proposed pods and the constructed wetland. Further cut and fill will be required to construct the access road, parking areas and tracks across the site. All excess fill and any excavated rock will be retained on site and will be used for minor recontouring to the existing topography and / or thinly distributed over the central paddock to replicate the existing landform and grade. The total volume of earthworks (cut and fill) proposed is 36,800 m³ over an area of 73,700 m². Refer GA, Sheet 16, Earthworks Plan.

Water Supply

Water will be provided to the development via a water take from Lake Wanaka located in Small Cove, pumped up to eight 30,000L storage tanks at RL312.5, located near the back of house building, in the 'utility area' and three 30,000L header tanks at RL346.7 located within the hills northeast of the development area. Of the eight BOH tanks, six will be for firefighting purposes and two tanks will provide treated drinking water. There is sufficient water to irrigate 20 ha of the proposed planting from the permitted 1,000,000L/day water take via the three header tanks.

Water for the water features around the buildings will be provided from a rising/falling main to balance tanks (sumps) with float valves to allow for replacement of evaporation and seepage losses.

Additional stock water tanks are proposed to be nestled into the hills at RL330.5 south of the development and will provide gravity fed water to stock troughs across the site. Refer GA, sheet 17. Other physical components associated with the water supply include the intake screen on the lake bed and a wet well on the lake shore in Small Cove, an irrigation connection and booster pump within a 1m^2 housing on the site and a treatment plant shed, which measures 10m^2 (3m length x 2m wide x 2.4m high) located in the BOH area.

The water intake structure, wet well, and pipes (250mm diameter) into the site are all located on Crown land- administered by LINZ, within the Recreation Reserve Damper Bay Lakeside Reserve. The water intake will lie on the lake bed below the minimum lake level (RL279.4) and water will be transferred to the wet well on the lake shore via a buried 300mm PVC line over a distance of approximately 35m. The wet well will require a rectangular lid (2.80m x 2.80m) that will be flush to ground level for access to the equipment inside above the high lake level (RL279.4). From the wet well water will be conveyed via buried pipes to the Booster Pump Control Enclosure within the site and thereafter dispersed to onsite header tanks etc.

The Site Plan showing the water supply proposal is indicative and exact design details will be provided at a detailed design stage pending resource consent. Further details on the water supply and activity status are contained in the resource consent application.

3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT

3.1 The Receiving Environment

From a landscape perspective, the receiving environment is defined as the area between the headlands of Damper Bay extending south to the slopes of Roys Peak and including the lake surface between the north-eastern peninsula comprising the site and Roys Peninsula.

The receiving environment is part of the broader landscape character area based on geomorphological patterns and variations in landcover / land use that extends from the western end of Damper Bay Lakefront Recreation Reserve at Glendhu Bay eastwards to Waterfall Creek Road. The receiving environment is a part of the wider ONL¹, zoned rural and dominated by pastoral farming across the steep mountain slope backdrop to the edge of Lake Wanaka but is in places modified by rural living, exotic woodlots, and more intensive pastoral farming.

Landform - Geology, Topography

At a broad scale Lake Wanaka and its margins were carved by glaciers, which retreated and advanced a number of times during the Palaeolithic Period. The landscape that exists today, including the receiving environment, is relatively devoid of forest cover. As a result, the landscape obviously expresses its geological history in the distinctive and highly legible glacial landforms including the roche moutonee² (Mt Iron and Mt Barker) in the Wanaka township, the drumlin known as Ruby Island, Rocky

¹ Refer GA, Sheet 7, Map 7, PDP Decisions Version

² Rocky protrusions that survived being completely eroded by glaciers

Mountain and Diamond Lake and other unnamed but distinctive glacial features that remain in the landscape.

The landforms surrounding Wanaka are dominated by the rugged schist mountains, which provide a contrasting enclosure to the major river valleys (Motatapu, Matukituki, and the Makarora rivers) and the expansive area of Lake Wanaka. In the vicinity of the site, the Harris Mountains (above 1100 masl) provide a backdrop to the lakeshore between Glendhu Bay and Waterfall Creek, in particular Roys Peak (1578 masl) and Mt Alpha (1630 masl), which are distinctive landmarks at the eastern extent of the Harris Mountains.

During the period of glaciation, an ice-scoured flat shelf was formed around the 300m contour, where the Wanaka - Mount Aspiring Road is located. Today the ice shelf is recognised as a local valley that lies between the slopes of Mt Alpha and Roys Peak, and the lake edge. The shelf has a domesticated pastoral character and contains a series of hummocky schistose landforms that extend from Damper Bay along the lake edge to Ruby Island Road / Waterfall Creek Road. It does not however contain any roche moutonee. This pastoral character was acknowledged in the Environment Court Decision C73/2002 but the Waterfall Creek to Damper Bay valley was classified as part of the broad scale Mt Alpha ONL simply because it was too narrow to be a landscape in its own right³.

The series of hummocky schistose landforms that extend along the lake shore was formed by glacial action and has eroded over time creating distinctive landforms and characteristic schist outcrops. The legibility and expressiveness of these landforms is enhanced by their generally open character, presence of schist rock outcrops with either pasture or regenerating grey shrubland vegetation cover.

In addition, the distinctive landforms that protrude into the lake and offshore islands are notable features affording an intricate and interesting land – water interface.

Landcover

The landcover has been substantially modified over the years within the rural zones surrounding the site. Originally a beech dominant forest, the landcover is now a mix of pasture / crops on the flatter land, tussock grassland and grey scrub over the steep hillslopes with scattered patches of kanuka throughout. The kanuka growing within the lakefront reserve is of high ecological value because it is part of a sequence of vegetation that is representative of the original vegetation. Open areas between the kanuka support other indigenous plants such as matagouri, bracken, *Poa colensoi*, *Leucopogon fraserii*, *Rauolia* and creeping pohuehue (*Muehlenbeckia sp*). Some localised depressions support wetlands with varying levels of riparian vegetation.

Landuse

Most of the receiving environment, which extends between Waterfall Creek and Glendhu Bay appears rural. Large areas of land encompassing the steep mountain slopes of Alpha Burn Station to the west of Wanaka Mount Aspiring Road and the hummocky hills and wetlands around the lake edge are predominantly managed for stock grazing.

The inland local valley (ice shelf) is pastoral farmland and extends along the majority of the Wanaka Mount Aspiring Road while incorporating other land uses, such as tourist accommodation lodges (Whare Kea Lodge and Chalets), and private rural lifestyle lakeside properties with views across the lake. Ruby Island Road / Waterfall Creek forms the boundary between the ONL and RCL classification

³ C73/2002, paras 38 - 42

and further east the landscape character changes to a more domesticated scene including vineyards and wedding venues (The Olive Grove, Rippon vineyard and Winery). The lake shore is generally obscured from road views between Ruby Island Road / Waterfall Creek and Glendhu Bay due to the steep rocky cliffs along the lake edge and hummock - hill topography, except at Glendhu Bay Campground, and briefly along the site frontage where the lake is glimpsed across the central paddock.

The lake esplanade is protected under a series of adjoining Lakeside Recreation Reserves with a public walking and cycling track extending along the full length connecting Wanaka township to Glendhu Bay. The lake esplanade section between Glendhu to the west and Waterfall Creek to the east is referred to as the Glendhu Bay Reserve. Glendhu Bay is a sheltered bight with a broadly sweeping lake frontage where the reserve extends as an area of open grass and serves as an all year round campground with basic facilities. At the eastern end, Waterfall Creek discharges to the lake and has formed a distinctive fan providing a popular beach and boat launch facility.

The track between Glendhu Bay and Waterfall Creek follows the lake edge around small bays and rocky headlands providing spectacular views across the lake. Between Waterfall Creek and the highest point of the track at Ironside Hill views to Wanaka township are gained. Thereafter the views to Wanaka township are obscured and views from the track focus on Roys Peninsula, Damper Bay, Glendhu Bay, Roys Peak, Treble Cone and the more distant mountains and snowy peaks.

Damper Bay is a distinctive bight collectively comprising three separate beaches, each with a slightly different character. The western end is characterised by a rock edged cove (Small Cove⁴) facing northeast with a small shingle beach no more than 18 m in width contained by steep knolls to either side. The second shingle beach (Sandpit Bay⁵) is also on the western side of Damper Bay orientated northeast and is approximately 90 m in width and similarly well contained by the rocky outcrops and knolls.

The third beach (Main Beach⁶) extends approximately 350 m and faces directly north. At least two streams discharge into this part of the bay from the site. A 0.76 ha (7601 m²) patch of kanuka forest extends from within the site to the shoreline and surrounds a small fishing hut erected by the original owner of the site. Willow and exotic fruit trees are also present within Damper Bay as individual specimens. All three beaches are directly accessible from the track. The beaches are subject to wind generated fluctuations in water levels but vary in depth, with the main beach most obviously shallow.

A small section of the track crosses the boundary and traverses part of the site although a right of way has been legally established in favour of the QLDC to retain public walking access. Extensive areas of vegetation restoration is progressively being undertaken between Waterfall Creek and up to the Damper Bay headland along the lakeside track (also referred to as the Millennium Track) and also in localised areas east of Glendhu Bay by Te Kakano Aotearoa Trust. The Trust aims to provide an ecological corridor for the dispersal of plants and fauna and also to buffer the lake from adjacent land-uses.

The hinterland of the receiving environment contains rural lifestyle properties with a number of houses visible from the Wanaka Mt Aspiring Road and the track. The site is bounded to the east by a property at 546 – 548 Wanaka Mt Aspiring Road that has recently been subdivided into three lots, two of which

⁴ The report writer's description for the purpose of referencing different parts of the receiving environment

⁵ The report writer's description for the purpose of referencing different parts of the receiving environment

⁶ Ibid

contain consented building platforms and a remaining lot that contains farm buildings only. Part of the subdivision contains a revegetated raupo dominated wetland that extends into the development site on the eastern boundary. The west boundary of the site adjoins part of the Alpha Burn Station, including a 22.5 ha area of covenanted land that is the Glendhu Wetland Wildlife Management Reserve. Alpha Burn Station extends along the Wanaka Mt Aspiring Road and includes the steep mid slopes of Roys Peak. Roys Peak, which provides the dominant landform backdrop to the site is Crown Land leased for grazing purposes.

4.0 DESCRIPTION OF THE SITE

The site is legally described as Lot 1 DP 337193 and a total of 193 hectares in area. The site is zoned Rural General in the Operative District Plan (ODP), and Rural in the Proposed District Plan (PDP). The site is partially within the Wahi Tupuna area. The site extends north-south from the Wanaka – Mt Aspiring Road to the Damper Bay Reserve boundary along the edge of Lake Wanaka. It is adjoined to the east and west by rural properties. The existing character of the site is outlined on Sheet 9 of the GA.

Landform

The site's topography is highly variable and clearly expresses the glacial formation with ridges of end moraine evident as a series of rolling hummocky landforms, which form the headlands to Damper Bay and provide varying degrees of containment. The central portion of the site is differentiated as a gently south-north sloping paddock dropping over 20 metres in height from 300 masl to 280 masl at the lake edge boundary.

The eastern half of the site is dominated by a peninsula headland up to 356 masl and two smaller pronounced hummocky hills up to 360 masl divided by small valleys, one of which contains a permanent watercourse that flows east – west to the eastern corner of Damper Bay. The stream originates from the wetland on the adjoining property to the east and the slopes of Roys Peak. The western half of the site is dominated by highlands comprising a large hummocky hill with the highest knoll up to 419 masl and other high points at between 406 – 410 masl.

The hills are characterised by steep schist bluffs and outcrops with eroded shingle beaches around the lake shore indicative of the Paleozoic Haast Schist. The soils are mainly stony steepland soils from schist and related slope deposits with areas of recently deposited fluvial soils (light soils) on the valley floor and older brown soils on steep hill country⁷. Within the site the central paddock is identified as part of an alluvial fan. An extensive area of exposed silt/sand material, which is labelled as The Sandpit lies immediately south of the middle beach is (refer GA, Sheet 9,). The rainfall varies from around 950 – 1200 mm per annum⁸ with hot dry summers and cold winters, including periods of snow fall. The site is directly exposed to the prevailing northwest winds.

Landcover

The site lies within the Wanaka Ecological District, which suggests that the climax forest on the site was likely a mix of silver and mountain beech and Halls totara. The landcover has been substantially modified in an established pastoral sense and now has a high degree of open character with limited tree cover. The vegetation today comprises colonising native species including matagouri (*Discaria*

⁷ Farm Management Plan for Alpha Burn Station

⁸ Farm Management Plan for Alpha Burn Station

toumatou), bracken fern (*Pteridium esculentum*), coprosma, ribbonwood (*Plagianthus regius*), broadleaf (*Griselinia littoralis*) and kanuka (*Kunzea ericoides*) as the dominant species with solitary specimens of kowhai (*Sophora microphylla*) and native broom (*Carmichaelia petriei*) present. Exotic species present include some willow trees, sweet briar rose and exotic pasture grasses.

The majority of the site is pastoral with patches of grey scrub (matagouri-coprosma) – briar rose – bracken fern and remnant patches of kanuka. Native shrub species tend to be confined to the steep, damp, south – southeast facing slopes and rock bluffs. A dense remnant patch of kanuka forest approximately 0.76 ha, exists along the lake edge to Damper Bay with smaller patches of kanuka elsewhere on the site.

A recently restored wetland area intrudes across the eastern boundary of the site and is essentially an extension of the neighbours wetland planting. There are a number of localised depressions on the site, some of which remain evident year round as wetlands. Of note are the three depauperate wetland areas identified at the base of the western highlands, one of which (Wetland 2) drains as an ephemeral water course north towards the western end of Damper Bay. Wetland 3 is relatively confined at the base of the bluffs immediately west of an existing hay shed. Existing riparian plants on site include Knobby club rush (*Ficinia nodosa*), *Carex* species, including *Carex ternaria* and *Libertia* sp.

Much of the landcover, particularly any regenerating native species is compromised by grazing from rabbits, which are prevalent over the site, despite ongoing pest management.

Landuse

The site is accessed from Wanaka Mt Aspiring Road in two locations more or less midway along the site frontage east of an existing hay shed. Stockyards are located directly alongside the Wanaka Mt Aspiring Road boundary at the eastern corner of the central paddock. The site is currently leased as grazing for beef cattle, sheep and deer with seasonal crops grown over the central paddock. The northern boundary of the site adjoins the Damper Bay Reserve and the public track intrudes across the boundary into the site. As mentioned above, the use of the track has been formalised by a legal right of way over the site's title.

Apart from the hay shed, the site contains a consented 1000 m² building platform nestled amongst the hummocky hills to the east of the site and a consented deer shed located east of the paddock against the rolling hill backdrop. Neither of these structures have been built to date. Refer GA, Sheet 9. The conditions that are part of the Consent Notice 6122592.1 for RM030249 require the following for the consented building platform:

- a) Any building erected on the building platform to comply with the following standards:
 - (i) Roof pitch of 22.5 – 37 degrees.
 - (ii) Roofing materials to be dark and recessive and low reflectivity. Materials should be cedar shingles, slate, steel or other such materials.
 - (iii) All external cladding materials to comprise of timber, smooth plaster or stone.
 - (iv) All exterior joinery to comprise timber, steel or aluminium. Joinery colours to match roofing, gutter and spouting colours.
 - (v) Prior to construction, the final colours and materials to be approved by the Principal: Resource Management (CivicCorp).
 - (vi) Boundary fencing to comprise standard post and wire fencing only.

- (vii) The building platform is to have a ground level no higher than the 368m contour post excavation. The maximum height of any building to be limited to 5m above this ground level.
- (viii) Veranda forms to be designed to ensure the glazing of all windows that would otherwise receive direct sunlight be in shade, to minimise glare at any publicly accessible location.
- b) At the time a dwelling is proposed, firefighting storage is to be provided.
- c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards.
- d) If more than five people are to be accommodated, then QLDC will require commensurate increases in the water supply per person per day.
- e) The provision of an effluent disposal system is required.
- f) All ring fenced areas of kanuka plantings to be maintained and protected.
- g) If koiwi, waahi taoka, waahi tapu or artefact material are discovered, then work should stop, and discovery protocol followed.
- h) A site management plan is required for earthworks at the time the dwelling is proposed, for the establishment of the dwelling and accessway.
- i) All earthworked areas are to be resown or otherwise revegetated after construction.
- j) All residential dwellings on Lot 1 to be located within the building platform shown as 'E' on the title.

The site also contains a solar panel as a power source to the stock and irrigation water control, various fence lines and cattle grates. A spring is located at the base of hill hummocks to the east although it dries up over summer.

5.0 EXISTING LANDSCAPE AND VISUAL AMENITY VALUES

The existing landscape and visual amenity values form the baseline, along with the statutory provisions, for an assessment of effects. There are various different ways in which landscapes may be appreciated and thresholds for quality determined. The range of criteria that the Environment Court has reinforced for landscape practitioners when assessing landscapes was referred to as the Amended Pigeon Bay Criteria. Current practise reinforced by the recent Draft New Zealand Institute of Landscape Architects (NZILA) Guidelines; April 2021, has reordered the Amended Pigeon Bay Criteria into three broad categories of landscape attributes focussing on:

Biophysical Aspects, which incorporate natural science elements, including geological, ecological and biological elements of the landscape. This part of the analysis involves more objective and quantifiable data;

Sensory Aspects, relating to experiential and aesthetic qualities such as naturalness, visual coherence, legibility as well as transient aspects. This part of the analysis will involve judgmental and subjective interpretations of a landscape or features from an aesthetic sense; and

Associative Aspects, which include cultural (tangata whenua) and historic values as well as shared and recognised attributes such as recreational opportunities.

5.1 Values of the Receiving Environment

Biophysical

At a broad scale, the uplift, glacial and fluvial processes of formation of the schistose Harris Mountains, in particular Mt Alpha and Roys Peak, and Lake Wanaka are readily evident. The glacial expressions encompass the schistose hummocky landforms along the western edge of Lake Wanaka. These glacial landforms are highly legible conveying the glacial origins of the area. Despite the varying landscape modifications (pastoral land use and built form), the legibility and scale of the lake, lake margin, and surrounding mountains provides the dominant character and quality of the receiving environment.

The wetland areas along the Wanaka Mt Aspiring Road are obvious areas of natural character and revegetation restoration enhances ecological and natural values.

Sensory / Perception

The landscape in the vicinity of the site has a very high legibility and a high visual coherence largely derived from the massive landforms, expansive lake body and natural open character. Very high aesthetic qualities are contributed by the broad scale of the surrounding landscape, the strong sense of enclosure, the dramatic contrast between the lake and mountains, the interplay between the land-sky and land-water margins, the presence of water and the associated transient qualities relating to vegetation (including those associated with crops and pastoral farming regimes), and the presence of snow, etc, that occur on a seasonal basis throughout each year. The high level of natural character, with natural patterns and processes of regenerating indigenous vegetation along the lake edge and steeper slopes also afford a high visual coherence.

The areas of wetland restoration observed from the Wanaka Mt Aspiring Road enhances the appeal of the outlook experienced by passers-by, but also increases the natural and ecological values of the area with potential to link to other native habitats in the area.

Overall, the experiential and aesthetic values are very high relating to the memorable landforms, the juxtaposition of these with the lake waters, and the overall scenic quality of available views.

Associative

Broadly speaking, there are very strong associative attributes derived from both tangata whenua and European history that remains evident in the landscape today. These are acknowledged by heritage designations, place names, legends, traditions, artefacts and relics and reflected in various art forms.

At a local level, the receiving environment is part of an Outstanding Natural Landscape (ONL). The Damper Bay Lakeside Recreation Reserve and Glendhu Bay lakeside track provide important and popular scenic and recreational opportunities, particularly where there is a direct link between the track and the lake edge along the section immediately adjacent the site. The lake is also has strong associative values with recreation, as providing a different mode of transport and as a mahinga kai resource.

5.2 Values of the Site

Biophysical Aspects

The physical values associated with the site mainly relate to being a small part of the broad scale glacially derived landforms along the western shore of Lake Wanaka. The pronounced hummocky hills provide varying degrees of containment and schist rock outcrops remain evident. There is a high

degree of openness typified by the grey scrub landcover and limited tree cover except the large patch of kanuka along the lakeside boundary.

The site is clearly rural in character and this is obviously expressed by pastoral and seasonal patterns relating to stock and crops particularly over the central paddock. Natural character over the site varies and, overall, there is a moderate - high level of natural character attributed to the existing natural patterns and processes in association with the permanent and ephemeral streams, and a number of seasonal wetlands. However, natural character is reduced over a small part of the site by the anticipated dwelling on the consented building platform, that indicate domestication and the consented deer shed.

Sensory / Perception Aspects

The site has high aesthetic appeal associated with the legible geomorphology of the site, (evident as the pronounced hummocky hills, natural rocky outcrops and bluffs and the open character of the site. The site displays a moderate – high level of natural character related to the interplay of the glacial landforms and naturally occurring native scrub reducing where farming practises (pastoral and forestry, tracks, fence lines etc) are evident and a more intensive cropping regime occurs.

From within the site, panoramic views of the lake, snow-capped mountains, Wanaka township, Ruby Island, and Mt Iron provide a highly scenic outlook in all directions.

The site is indistinct from the adjoining properties that also display a similar legibility, openness and natural character but nevertheless displays a visual coherence that is in context and part of the general scenic lakeside - mountain setting. However, the site is an important part of the backdrop to Damper Bay, which as a well-defined bay, is a memorable feature along the lakeside track.

Visibility of the site is limited in extent to a short section along the site frontage to Wanaka – Mt Aspiring Road, the lakeside track that traverses the northern boundary of the site, the lake surface between the Damper Bay headlands, and distantly from the Roys Peak walkway. While the site forms an immediate backdrop to Damper Bay it is a small, localised part of a much wider memorable landscape. The site is also an important part of the experience gained from the Wanaka-Mt Aspiring Road, which is a repeating series of enclosed and open views. The site affords one of the few locations where the lake is glimpsed in the distance across a pastoral foreground with its associated transient qualities and is a memorable part of the outlook experienced from the Wanaka Mt Aspiring Road.

Associative Aspects

There are no specific historic values associated with the site except as part of the original Alpha Burn Station.

According to the QLDP, the site has no particular significance to tangata whenua, however the Lake, immediate margin⁹ and the central and western parts of the site are listed as a Wahi Tupuna area under Stage 3 of the PDP. Historically, Lake Wanaka margins are known to be seasonal mahinga kai places. There is no evidence that the site was specifically used as a camp site however it is likely that Damper Bay was used at some time although it is exposed to the prevailing northwest winds.

⁹ According to the Environment Court – High Country Rosehip Orchards Ltd v Mackenzie DC(2011) NZ EnvC 387 at [140] Margins are likely to be areas beyond the wave action of a lake or extending away from the banks of a river for, depending on topography and other factors, at least 20-50 metres and sometimes more.

6.0 RELEVANT STATUTORY PROVISIONS

Statutory documents provide important direction in relation to matters that need to be addressed when evaluating the landscape and visual effects of a proposal. Of most relevance to the proposal is Section 6 of the Resource Management Act, which identifies matters of national importance that shall 'be recognised and provided for', and Section 7, which identifies other matters that shall 'be given regard to' under the Act.

As required by the RMA 1991, the Queenstown Lakes District Plan (DP) identifies a number of Outstanding Natural Landscapes (ONLs) that require protection from inappropriate subdivision, use and development.

The subject site is within the Rural Zone classified as an ONL under both the ODP and PDP. Given the progress of the DP review the rules and standards in the PDP can now be treated as operative and accordingly the proposal does not trigger the need for resource consent under the ODP. However, some assessment matters under the ODP still apply and are addressed below where they differ from the assessment matters under the PDP.

Proposed District Plan (Decisions and Appeals Version)

Under the Proposed District Plan the proposal requires the following consents as indicated in the QLDC Proposed District Plan Annotated Appeals Version dated December 2020):

Chapter 21 - Rural

A Discretionary Activity Consent for the use of land or buildings for residential activity except as provided for in any other Rule pursuant to Rule 21.4.9.

A Discretionary Activity Consent for the construction of any building including the physical activity associated with buildings including, roading, access, lighting, landscaping and earthworks, not provided for by any other Rule pursuant to Rule 21.4.11.

A Discretionary Activity Consent for visitor accommodation, pursuant to Rule 21.4.19.

A Restricted Discretionary Activity Consent whereby the ground floor area of the building exceeds 500m² in area pursuant to Standard 21.7.3.

Chapter 25 - Earthworks

While it is noted that the consent triggers listed above under Rule 21.4.11 includes earthworks associated with a building, for completeness the following Rules and Standards are also triggered:

A Restricted Discretionary Activity Consent pursuant to Rule 25.4.2 whereby the proposal exceeds maximum total volume of earthworks permitted in the Rural Zone (1,000 m³) as identified in Table 25.2, Standard 25.5.6. A total volume of 36,800 m³ of earthworks is proposed.

Discretionary Activity consent pursuant to Rule 25.4.6 for earthworks within a Wahi Tupuna overlay.

A Restricted Discretionary Activity Consent pursuant to Standards 25.5.11.1 & 25.5.11.2 whereby the earthworks will exceed 2,500 m² in area where the slope is 10 degrees or greater and 10,000 m² where the slope is less than 10 degrees. Earthworks volume totals 36,800 m³ over 73,700 m² although the bulk of earthworks will be on slopes less than 10 degrees.

A Restricted Discretionary Activity Consent pursuant to Standards 25.5.15 and 25.5.16 whereby the maximum depth of cut will exceed 2.4m and maximum depth of fill will exceed 2m.

Chapter 29- Transport

A restricted discretionary activity consent pursuant to Rule 29.5.16 for the access intersection design not meeting the required standards.

A restricted discretionary activity consent pursuant to Rule 29.5.18 for the maximum sight distances at the access intersection not meeting the required 250m.

Overall, as the more restrictive discretionary status applies to the proposal the development is considered to be a **Discretionary Activity** under the PDP.

7.0 ASSESSMENT OF LANDSCAPE AND VISUAL AMENITY EFFECTS

The landscape and visual effects assessment considers the changes in the appearance of the landscape including the temporary effects during construction and once the proposed development and planting mitigation is completed. These changes are assessed in relation to the degree of effects on landscape and visual amenity values.

Landscape effects and visual effects are independent but related issues; landscape effects are changes in the landscape, on its character and quality, while visual effects relate to the appearance of these changes and the resulting effect on visual amenity¹⁰ and / or landscape values. To determine the potential landscape effects of the proposal, the visual effects are described and assessed from various public and private viewpoint locations.

7.1 Assessment of Landscape Effects

A landscape effect is a consequence of change on landscape values. Change by itself is not an effect, given the inherent propensity of landscapes to undergo constant change. The relevant question is whether such changes have a positive, neutral, or adverse effect on the landscape values¹¹ noting that landscape effects are not always visible.

The existing landscape character and values are based on the description of the receiving environment and site above. As previously mentioned, the existing landscape character of the receiving environment includes the presence of dwellings and buildings albeit at a very low density on rural properties along the western edge of Lake Wanaka.

The site contains a consented building platform although no dwelling has been constructed yet and a consent for a deer shed nearby the approved building platform. Therefore, it is considered that the site has at least some capacity to absorb structures in a similar location, without adverse effects on landscape character. However, the scale of the proposed development is acknowledged to be larger than that consented for the site, although this does not necessarily translate to greater adverse effects because the degree of effects will depend on a number of factors including the context, existing landscape character and landscape values attributed to the site and surrounding receiving environment.

Aside from the proposed buildings, another landscape effect arising from the proposed development will be the alteration to the landform and changes to the vegetation, albeit those changes include expanding on the native component of the existing vegetation. Glacially derived landforms are a valued component of the receiving environment. Noting this, the extent of excavation required for the development will be mostly contained to a small basin on the eastern side of the central paddock. A very minor amount of excavation to locate the meditation pod, which will be elevated and contained in a local gully on the eastern peninsula of the site.

The majority of the proposed development will be located on the periphery of the basin with some cut into the hill slopes behind the pods for rear entry access. The earthworks will also consist of reshaping

¹⁰ Guidelines for Landscape and Visual Impact Assessment, 2nd Edition, 2002, The Landscape Institute and the Institute of Environmental Management and Assessment, Spon Press, New York.

¹¹ New Zealand Institute of Landscape Architects, 2021_Te Tangi a te Manu – The Aotearoa Landscape Assessment Guidelines.

and marrying the pods into the immediately surrounding landform, the constructed wetland and access tracks across the site. Refer GA, Sheet 16.

Earthworks for the water supply are not included in the earthworks shown however, where this occurs it will be localised and relate to trenching for underground pipes and excavating platforms for water tanks. All excavated earth will be recontoured to blend into the immediate surroundings and revegetated with pasture grass or similar. The degree of earthworks involved in the water supply is considered to be within the expected limits for rural activities and therefore landscape effects will be **Low** except where excavation occurs for the wet well in Small Cove and results in a structure within an area of High – Very High natural character on the lake edge. The temporary effects of installation of the lake intake and excavation for the wet well will be **Low** however the visible structure at ground level (being the wet well lid measuring 2.8 x 2.8 m totalling 7.84m²) within Small Cove will affect natural character to a **Moderate** degree given its location close to the Glendhu Bay Track and level of visibility within an otherwise unmodified confined cove on the lake shore. It is however noted that the Water Supply Concept is indicative and that effects may be reduced by a detailed design that takes potential adverse effects into account.

The earthworks and construction programme indicates that the earthworks (excluding the water supply) will total 36,800 m³, being 18,400 m³ of both cut and fill, over an area of 73,700 m². There will be no excess cut or fill removed off site. Earthworks will involve excavation of the access, building platforms, wetland construction, BOH, car parking area, utilities area, water supply trenching, water tank platforms, installation of the disposal field and recontouring to blend cut areas with surrounding slopes. These areas will be completed within an estimated time frame of six months and the ridgeline / hillslopes immediately sown or hydroseeded with pasture grass and planted with native species within the next planting season following the earthworks.

The majority of excess cut material will be distributed at a relatively even depth of 0 – 0.5 m on site over the central paddock, and localised areas up to 3.0 m, forming mounds to the west of the development. Although the surface area of fill will initially appear to be quite large, it will temporarily appear similar to the central paddock when it has been ploughed prior to establishment of pasture or crops. Therefore, the fill area will retain the existing open rural character and quality of the farmland.

The final landform will respond to and / or mimic the existing underlying glacial topography and the feature schist outcrops will remain exposed. Any excavated schist rock will be retained on site and repositioned to mimic the natural rock outcrops within the site. Furthermore, the earthworks have been designed to avoid removal of any existing native vegetation. Overall, although the earthworks will be substantial in quantity it will not adversely affect the character of the landform to any more than a **Low** degree. Once pasture is established, to all intents and purposes the site will remain a modified rural pastoral landscape with an obvious glacial expression in places.

Also of relevance is the amount of revegetation that is proposed within the site across the hummocky scarp backdrop to the pods, the wetland / riparian restoration and lakeside landscape setting. The site currently contains a mosaic of grey shrub vegetation amongst a predominant cover of exotic pasture grass and weed species. The existing grey shrub includes a mix of native species (mainly matagouri, bracken fern, coprosma, ribbonwood, and broadleaf) and naturalised exotic weed species (including briar and thistle). A small area of kanuka dominant forest is located along the site boundary to the lakeside reserve. Although the site's landcover is modified from pre-human times, the presence of existing native vegetation in discrete areas contributes to an **existing** level of **Moderate to Moderate - High** natural character on the site.

The proposed revegetation will comprise an extension to the kanuka dominated forest with isolated mountain and silver beech tree planting, substantial areas of grey shrub - broadleaf revegetation, and

riparian planting, including wetland enhancement. The planting will occur in stages with Stage 1 comprising the riparian planting along the existing stream, the kanuka forest extension and the shrubland backdrop to be established two years preconstruction. Stage 2 comprising the constructed wetland will be planted in the first growing season post construction. Stage 3 will comprise the active restoration of Wetland 2. Wetlands 1 and 3 will be fenced off and left to regenerate naturally, concurrent with the balance Stage 4 comprising retired farmland including the Bush Blocks, which will also be allowed to naturally revegetate. Refer GA, Sheet 29.

Overtime, the revegetation planting will form a natural pattern of native trees, shrubs, wetlands, and riparian vegetation interspersed with pasture and grey scrub with the central paddock continuing to be utilised for seasonal crops. Overall, natural vegetation patterns will dominate and the natural processes by way of colonisation of retired areas of farmland will increase the natural character of the site to a **High** level, noting that the central paddock will continue to display seasonal changes that contribute to transient values.

It is inevitable that the proposed buildings will reduce the level of natural character¹² and adversely affect rural character however, in determining the degree of effects the consented building platform and deer shed anticipated to occur on the site must also be taken into account. Notwithstanding the increased extent of the proposed buildings, the adverse effects will be offset to a large degree by the proposed planting, which will enhance the natural character and ecological values of the receiving environment and is seen as a **positive landscape effect** of the proposal. In addition, it is considered that the open rural character and qualities of the site will remain dominant given the confined area and location of the proposed development, the continued farm management of the site and maintenance of the central paddock under a crop / pastoral regime.

The effects on landscape values as experienced in views are determined and discussed in the following section.

7.2 Assessment of Effects on Visual Amenity

The potential effects on visual amenity as a component of landscape values can be broadly determined by assessing the visual effects of the proposed development using a representative viewpoint analysis.

The potential visibility of the proposed development is limited in extent to sections of the public Glendhu Bay Track (when walking or cycling in a south-westerly direction towards Glendhu Bay or in a south-easterly direction to Wanaka) that traverses close to the northern boundary of the site, the lake surface, and a short section of the Wanaka Mt Aspiring Road along the southern boundary of the site. There are no views from private dwellings in the vicinity.

Notwithstanding this, the Glendhu Bay Track, and the lake are popular and attract numerous people, both local and visitors throughout the year engaged in various recreational activities. Viewpoints have been chosen along the track to reflect the worst case scenario, i.e., where the proposed development will be most visible. Similarly, viewpoints from the lake surface have been chosen only from where there is a direct line of sight to the proposed development, bearing in mind that over most of the lake

¹² Natural Character defined as the extent to which the naturally occurring elements, patterns and processes of a place, or resource, remain intact. It does not exclude structures or other human induced changes – a place may retain some of its natural character even with a building on it – but it is reduced by their presence. Natural character is generally understood to occur on a continuum from pristine to totally modified. For clarification, naturalness is usually determined by assessing the degree by which landscapes have been modified in relation to their prehistoric state. Generally the greater the evidence of human presence the less natural a landscape may be considered.

surface the proposal will be very difficult, if not impossible to see, especially at distances over 1 km away and / or screened by the topography. The assessment also takes into account that visibility of the proposed development will not necessarily equate to adverse visual effects on amenity.

The significance of the visual effects will be influenced by the degree of change in the view (between the consented building platform and approved deer shed location and the proposed development), the distance between the viewpoint and the proposed development, the size / scale, nature of the proposed development, the duration of construction, the context of the existing landscape, the visual sensitivity of the viewer and the size of the viewing audience. Weather conditions, and elevation also play a role.

People generally have differing responses on changes to views and visual amenity depending on the context (location, time of day, season, degree of exposure to views) and the reason for being in a particular place¹³. The familiarity of viewers with the scene combined with the context, distance from the site and scale of the proposal affects viewer sensitivity, i.e., at some distances an informed observer looking for the site or a viewer who is very familiar with the site will be able to see it but a casual observer will be less likely to see it given the scale of the site within the view. In other words, a casual passing visitor is likely to be less sensitive to change than an observer who is more familiar with the view.

Viewers are also likely to experience effects arising from the proposed development differently, depending on their sensitivity to change or seeing built structures in natural settings and the activity they may be engaged in. This will also depend on the context being whether or not there is a presence or lack of structures, the existing level of naturalness, and individual values attached to particular scenic views that may be highly memorable, are a rare occurrence and / or visually coherent. A viewer engaged in cycling or walking is likely to be focussed on the track and scenic features that draw their attention will be at a broad scale, such as the mountain peaks, lake shore interface, Wanaka township, or the general scenic outlook across the lake. Viewers engaged in an activity will be less focussed on the detail of or unaware of the proposed development that is somewhat set back from the lake edge¹⁴ and in the context of other dwellings located in the rural lake side setting.

Those familiar with the area will be more likely to notice the change between the pre and post development activity and during construction particularly when earthworks are being undertaken and visually contrast with the surrounding landcover. However, construction effects are generally subconsciously acknowledged as temporary and earthworks are often associated with farm activities, and in that sense, acceptable to viewers. This is evident in relation to the construction on other properties south of the site accessed from Wanaka Mt Aspiring Road. Nevertheless, there will be a period of construction where earthworks in particular may draw viewer's attention noting that visibility of construction does not automatically translate to adverse effects on amenity or landscape values. It is evident that without intervention plant cover will establish over bare earth however, the proposal intends immediate hydroseeding, planting and irrigation for a rapid establishment of vegetation over exposed earth.

The following is an expert assessment that is concerned with how individuals or groups of people may be specifically affected by changes in the content and character of views, or loss of existing elements

¹³United Kingdom Landscape Institute and Institute of Environmental Management and Assessment. 2002. *Guidelines for Landscape and Visual Assessment*. Third edition. Spon Press.

¹⁴ Removed in the sense that a viewer has to look above the normal cone of vision (55 degrees vertical) at a specific point in the landscape that is not within the general scenic outlook experienced from the track

/ values and / or introduction of new elements by the proposed development in the receiving environment, importantly without any particular emotional attachment to the locality or proposal.

The extent of visibility was determined by height poles placed to indicate the mid high point and end points of each structure and these were used as a reference in determining the most relevant viewpoints from which to assess visual effects. The existing consented building platform was also indicated by a central pole and importantly provides a visual baseline and orientation.

Eighteen specific viewpoints represent those locations where there is potentially the greatest degree of visual effect, noting that the undulating topography means that views are gained over short, localised sections of the Glendhu Bay Track and / or Wanaka Mt Aspiring Road and with different aspects. Refer GA, Sheet 30, which shows the viewpoint locations on an aerial plan. In other words, the proposal may be visible from other locations within the represented area, but the visual effects are expected to be the same as or more than likely less than the visual effects described from the representative viewpoint locations.

Visual Simulations (VS) have been prepared from three pertinent viewpoints to illustrate the most visible effects and provide a comparison between the view of the site including the consented building platform and the proposed development. The VSs are based on photo-panoramas taken from various public viewpoints (from the Glendhu Bay Track) on 14th July 2021 at a height of 1.55m above existing ground or water level. The VSs show the proposed planting on site with an additional five year growth¹⁵. Refer GA, Viewpoint 4, Sheets 33-35, Viewpoint 13, Sheets 41-43 and Viewpoint 15, Sheets 45-47.

The advanced grade kanuka and beech trees are shown at 5.5 – 6 m in height (estimated growth of 0.5 m / year) plus their 3 – 3.5 m height at time of planting except the kanuka planted as an extension to the kanuka forest. This kanuka will be planted two years preconstruction and therefore at Year 5 post construction will be approximately 7 m in height. All other existing vegetation remains the same height as in July 2021, noting that over the construction time frame these will also grow and afford further screening. The balance of the proposed planting areas are shown at an average height based on time of planting and supply size at planting that will have occurred in five years.

The nature and degree of effects on visual amenity is described for each representative viewpoint and with reference to the VS where relevant, using a seven point scale **Very Low – Low – Low-Moderate – Moderate – Moderate-High – High – Very High** according to the common dictionary meaning of these terms. It is important to remember that the consented building platform anticipates a dwelling and residential flat in this location and a deer shed and these structures are taken into consideration for the assessment of effects on visual amenity. The assessment therefore evaluates the level of adverse effects that the proposed development has over and above the future buildings that are anticipated as part of the receiving environment.

Viewers will typically be local residents and seasonal visitors throughout the year that traverse the lake edge Glendhu Bay Track. Viewers will also pass the site via the Wanaka Mt Aspiring Road enroute to the Treble Cone ski field, the Mountain Bike Park, Motatapu and Matukituki rivers, Mt Aspiring National Park, other local walks / tramping, and the Glendhu Bay Motor Camp. Lake views will be gained by recreational boaters between Glendhu Bay and Wanaka township, local residents on Roys Peninsula boating to and from Wanaka and fishermen trawling along the lake edges.

¹⁵ Estimated plant heights obtained from published information by Southern Woods Nursery, Canterbury

Viewpoints 1 and 2, Wanaka – Mt Aspiring Road travelling east at a distance in excess of 720 m from the nearest potentially visible structure (Pod D)

Refer GA, Sheet 31. The Wanaka -Mt Aspiring Road runs east-west more or less parallel to the western edge of Lake Wanaka between the township and the Matukituki River valley. It is essentially a dead end road, sealed over 22 km to the Treble Cone ski field road with the Glendhu Bay Motor Camp and Mountain Bike Park enroute. Thereafter, it becomes an unsealed road along the Matukituki River valley providing access to local farm properties and Mt Aspiring National Park affording numerous recreational opportunities to various walks / tramps, climbing, hunting, fishing etc.

The speed limit along the sealed section of the Wanaka -Mt Aspiring Road is 100 km and the travel experience is a repeating and alternating sequence of wide and enclosed views to expansive outlooks over pasture to distant mountains and blue lake waters and views enclosed by the distinctive glacial landforms.

The Wanaka – Mt Aspiring Road adjoins the southern boundary of the site for a total length of 1.8 km. Views into the site are mainly concealed by the hummocky topography except alongside the central paddock for approximately 350 m where the land falls gently north towards Damper Bay and the lake waters are glimpsed in the background. Thereafter the road curves around the base of Roys Peak and the existing topography screens the view.

These viewpoints were chosen because the paddock and view to the lake is a memorable scene experienced from the Wanaka Mt Aspiring Road. Vehicles travelling to Wanaka typically slow around the corner and the view opens northeast across the central paddock of the site to the lake, framed on either side by the glacial landforms. The views into the site may be gained over a total of 430 m of the Wanaka Mt Aspiring Road when travelling east towards Wanaka. The built form will not be seen travelling west along the Wanaka Mt Aspiring Road. The central paddock is valued for the transient values of the locality where the landcover changes depending on farm management practise and the seasons. The viewpoint is close to the site entrance and existing hay barn, where it is uninterrupted by screening afforded by the r briar rose and bracken fern vegetation in the road reserve.

From Viewpoint 1, while travelling southeast in excess of 80 km/h only part of the proposed development (Pod D) will potentially be glimpsed approximately 720 m on the far side of the central paddock and Pod M in a small, shaded gully at over 1.1 km away. In addition, the proposed walking track leading to Pod M may also be visible over the peninsula headland but unlikely to be readily distinguishable as such as being over 1 km away from the viewpoint and in the context of the topography and existing vegetation. Both Pod D and M will be located against the backdrop topography and the undulating landform and rough texture of the existing vegetation will render the pods difficult to see even without mitigation in place. In reality, mitigation will be provided by onsite advanced grade planting on the edge of the constructed wetland to screen this narrow viewshaft. Even so, the main view focus across the central paddock to the lake will remain and would in any event be unaffected by a potential glimpse of Pod D and Pod M. Overall, with mitigation planting the adverse effects on visual amenity will be **Very Low** from Viewpoint 1.

Viewpoint 2 illustrates the view from the road into the site, which is largely obscured by the bracken fern hedgerow. Even so the topography will screen views of the proposed development within the site when heading southeast towards Wanaka beyond Viewpoint 1 as illustrated by Sheet 30. Views of the three header tanks and one stock water tank will be visible on the south facing hillslopes from limited sections along the Wanaka Mt Aspiring Road but the tanks will be located below any ridgeline, partially buried and as either Black or Karaka Green in colour will be difficult to see. Views of water tanks are often associated with rural activities and not unexpected. For the reasons above it is considered there

will be **No** adverse effects from Viewpoint 2 or from other viewpoints along the Wanaka Mt Aspiring Road.

Viewpoint 3. Roys Peak Track seat looking northwest towards the site at a distance of 1.2 km from the nearest potentially visible structure (Pod D)

Refer GA, Sheet 32. Viewpoint 3 illustrates the views obtained from Roys Peak Track overlooking the site from an elevation of approximately 410 masl. Views from Roys Peak Track offer a spectacular overview of the lake arms and the enclosing nature of the landforms expressing a high legibility, natural character and an appreciation of scale. The urban area of Wanaka township and the more intensively farmed flat land of the ice shelf either side of Wanaka Mt Aspiring Road adjoining the lake are clearly differentiated from the less modified high country steep mountain slopes and peaks.

Immediately below the viewpoint, the cultivated paddocks and rolling pasture, interspersed with woodlots and patches of exotic trees and farm tracks are clearly evident bisecting the paddocks leading towards the lake edge, indicating a rural lifestyle character with various dwellings typically surrounded by trees. The site is located within but west of this rolling pastoral landform and mostly obscured by the steep slopes of Roys Peak. The main proposed development within the site will not be seen because it will be screened by the glacial hummocks within the site and those that form the backdrop to the proposal. Some sections of the proposed walking tracks over the hill slopes may be visible but unlikely to be distinguishable from other farm tracks in the vicinity. However, the BOH area will be partially seen from some of the elevated parts of the track and will comprise the water supply tanks and part of a roof area nestled in a small gully against the steep scarp face below the knoll at 361.2 masl. Despite the partial visibility the nature of the structures and recessive colours mean that there will be **Very Low** adverse effects on visual amenity from the Roys Peak track.

Glendhu Bay Track Viewpoint Locations

Viewpoint 4 – Visual Simulation. Glendhu Bay Track seat looking southeast towards the site at a distance of 806 m from Pod A.

Refer GA, Sheets 33 – 35. Viewpoint 4 was chosen because it will be the first and clearest view of the site and proposed development from the headland of Damper Bay when heading towards Wanaka from Glendhu Bay. The viewpoint is located where viewers might stop and survey the scene noting that the seat directs viewers to the head of the lake and distant mountains but when returning to the main track viewers will look directly into the site. For this reason, a VS has also been prepared from Viewpoint 4.

The view panorama from the track at Viewpoint 4 will encompass a partial view of the proposed development however, the view panorama is complex with distant mountain ranges receding into the distance, the hummocky topography of the site extending out as a peninsula enclosing the main beach in Damper Bay. The rocky outcrops are evident and vegetation patterns are patchy with a rough texture. The dark patch of kanuka along the site frontage is dominant against the light green pasture and tawny grassland colours. Viewers eyes will sweep around the scene with attention drawn to the first sight of the beach when travelling west from Glendhu Bay and the hummocky skyline backdrop to the lake water rather than the site, which is tucked away about 800 m from the viewpoint and approximately 480 m from the beach.

Views of Pod A, B, C, and D and the Meditation Pod will be visible for 30 m while descending the track to the first corner, although a viewer would have to turn their head to see all structures from one view direction and / or looking at the view rather than the track. The Meditation pod will be partly obscured by established kanuka alongside the track enroute and will appear separate to the main site pods in a

small, confined gully. While a walking track is proposed between the main dwelling pods and the Meditation Pod it is unlikely to be distinguished amongst the proposed planting. Of note is that the approved 1000 m² building platform is also visible with potential buildings up to 5.0 m in height within the platform. The building platform is located immediately behind the proposed main site pods.

The proposed pods more or less lie along the base of the sloping ground in a transition zone between sloping and flat land. As elongated and undulating pods their generally horizontal form relates well to the site and enables the structures to be readily absorbed into the surrounding setting assisted by the planted roofs that merge into the backdrop. At a glance these structures will not be readily noticeable but if they are seen they are just as likely to stimulate curiosity and interest rather than result in an adverse visual effect.

Given the panoramic view context and the level of mitigation provided by the pod design, green roof and location within the site it is considered that adverse effects on visual amenity will likely be **Low to Low-Moderate** depending on whether viewers consider built form of interest or not.

Viewpoint 5. Looking southeast while travelling east to Wanaka along the Glendhu Bay track at a distance of 714 m

Refer GA, Sheet 36. Heading east to Wanaka the track rises up briefly to a small knoll by the fence post between Small Cover and Sandpit Bay. A small patch of the lake water is visible but overall, the outlook is towards the hummocky landforms and rough textured vegetation. It is not a view that particularly captures attention but affords a glimpse through the trackside vegetation and is included to demonstrate the variable visibility that will occur over a short section of the track.

From this viewpoint a small part of Pod A, most of Pods B and C, and the top of Pod D will be visible for a brief moment over approximately 15 m. Of note is that the existing building platform is also visible. The extent of development visible from Viewpoint 5 is less than Viewpoint 4 and also relatively confined by the trackside vegetation comprising kanuka, matagouri / coprosma and sweet briar. The proposed riparian planting will likely obscure visibility of Pods B and C, while existing lakeside and site planting will continue to grow and screen Pods A and D.

Overall, it is considered that adverse effects on visual amenity will be **Low to Very Low** due to the viewer being engaged in an activity and even if pods are briefly seen they are unlikely to affect the overall visual amenity of the experience.

Viewpoint 6. Looking southeast while travelling east to Wanaka along the Glendhu Bay Track at a distance of 655 m.

Refer GA, Sheet 36. Similar to Viewpoint 5, Viewpoint 6, also affords a glimpse to a small patch of the lake and part of the stony beach at Sandpit Bay with Pod A, and part of Pod D discernible in the background as the track slopes down to pass between the bay and the sandpit. The general outlook is towards the hummocky landforms and rough textured vegetation. It is not a view that particularly captures a viewer's attention but affords a glimpse through the trackside vegetation to the proposed development and is again included to demonstrate the variable visibility that will occur as part of the sequence of views that may be obtained over a short section of the track. Overall, it is considered that adverse effects on visual amenity will be **Low to Very Low** due to the view distance, enclosed nature of the view and viewer activity.

Viewpoints 7a and 7b. east while travelling east to Wanaka from Glendhu Bay Track at a distance of 452 - 460 m from the Meditation Pod.

Refer GA, Sheet 36. From this viewpoint the view panorama is relatively narrow to the east encompassing the headland of the site and the Main Bay shoreline. Views to the bulk of the site are obscured by the lakeside topography. The overall amenity is derived from the intimacy of the view to the beaches of Damper Bay and the undulating topography of the enclosing headland. As the track traverses the small bay in front of the sandpit there will be a brief but clear view to the Meditation Pod in a small gully midway up the slopes of the peninsula headland onsite but no other pods will be visible. The Meditation Pod is in a shaded location for the majority of the day except mid – late afternoon. The small scale of the Meditation Pod (at no more than approximately 2.5 m high and under 10 m long), the proposed shrubland planting, undulating built form and vegetated roof will render the pod difficult to see. Overall, it is considered that adverse effects on visual amenity from these viewpoints will be **Low**.

Viewpoint 8. Looking south while travelling east to Wanaka from Glendhu Bay Track at a distance of 418 m

Refer GA, Sheet 37. This viewpoint illustrates the view south from the Glendhu Bay Track at the site access point and shows that the view is dominated by the steep slopes of Roys Peak and the distinctive skyline. Views into the site are restricted by the topography and the kanuka forest both existing and proposed but even so no pods will be visible. Consequently, there are **No** adverse effects on visual amenity from this viewpoint.

Viewpoint 9. Looking east while travelling to Wanaka from Glendhu Bay Track at a distance of 136.5 m from the Meditation Pod

Refer GA, Sheet 37. While heading east towards Wanaka the track traverses the lake edge before it rises up and traverses the eastern headland of the site. Along the lake edge for approximately 300 m the view is enclosed by the lakeside vegetation and landforms. This part of the track forms part of the experience of sequential enclosed and expansive views invoking a sense of mystery and anticipation. The main view focus is on the track with the intent of moving through to the next view of the lake and or surrounding mountains.

From this section of the track, only the Meditation Pod will be visible over approximately 200 m (100 m either side of the stream) when looking upwards to the northeast. The Meditation pod is located some 23 m above the track within a small, shaded gully. It is a small structure (GFA 40 m²) with a height of approximately 2.5 m and a façade of less than 10 m in length. The architecture repeats the curved form of the main pods and the roof will also be planted to merge with the backdrop vegetation. For these reasons the Meditation pod will be relatively difficult to see and therefore adverse effects on visual amenity will be **Very Low**.

Viewpoints 10 - 12 Looking south while travelling west to Glendhu Bay from the Glendhu Bay Track towards the site at a distance of 1.0 km, 930 m, and 862 m

Refer GA, Sheets 38 - 39. Viewpoint 10 has been chosen as the first point from which the site will be visible when heading south - southwest towards Glendhu Bay. Although the site is visible after rounding the eastern peninsula of the site and headland of Damper Bay and departing Wanaka township's visual catchment, the proposed development will be obscured by the topography until the track traverses a series of localised high points represented by Viewpoints 11 and 12.

The main focus of the view from these sections of the track will be the white shingle beaches, the dark kanuka forest backdrop, the central paddock crop, the highlands of the site, the steep slopes of Roys Peak and the distant and complex skyline topography. The hay barn is visible in the mid distance

alongside the Wanaka Mt Aspiring Road with passing vehicles intermittently visible at the base of Roys Peak slopes.

From these viewpoints only parts of the proposed development will be seen. No development will be seen from Viewpoint 10. From Viewpoint 11 only Pod A will be visible between the kanuka forest and the undulating glacial hummock landforms and from Viewpoint 12 Pod A and B will be visible. In places the trackside vegetation screens views of the proposed development. Overall, it is considered that the view focus will tend to be on the general sweeping panorama and beaches rather than into the complex rough textured landforms and landcover within which the development is proposed to sit. The limited extent of development that may be seen, will be mitigated by the onsite planting, architectural form, vegetated roof lines and viewer activity indicates that adverse effects on visual amenity will be **Low**.

Viewpoint 13 Looking south while travelling west to Glendhu Bay from the Glendhu Bay Track towards the site at a distance of 759 m

Refer GA, Sheets 40 – 42. This viewpoint was chosen because it offers a clear view directly into the site and is a viewpoint from which part of the proposed development will be seen although it is not necessarily a point at which viewers will stop and contemplate the view. The view panorama from this viewpoint is predominantly landward towards Roys Peak and Damper Bay as the key features. The transient qualities of snow in winter over the distant mountains also contributes to the scenic outlook.

The view is complex and the aspect and view focus changes constantly with the undulating topography and track alignment. A viewer's eyes will typically follow the main 'lines' in the landscape being the skyline, overlapping landform skylines, and landform – shoreline interface to the north and northeast. The proposed development is nestled into the site at the base of the glacial hummocks.

From the high point of the track there will be views directly to the proposed development for about 50m. Thereafter the track descends to the lake and views of the proposed development will be obscured by trackside vegetation and topography. Views of A, B and part of D pods will be visible at a distance of 640 – 759 m but Pod C and the Meditation Pod will be screened by the existing topography.

The pods will be located where there is a transition between the flat and sloping topography, which enables a greater degree of absorption into the landform. The architectural form and vegetated roofs also assists in merging the built form into the landscape and reducing visual effects. Furthermore, visual mitigation is provided by the advanced grade beech trees strategically placed to screen Pod D and overtime the riparian and shrubland revegetation will afford increased screening from this viewpoint.

Given that viewers will be moving along the track and for the above reasons it is considered that the effects on visual amenity will be **Low-Moderate** from this viewpoint.

Lake Wanaka Viewpoint Locations

Refer GA, Sheets 43 - 48. Although the surface of Lake Wanaka is not as accessible to members of the public as the terrestrial viewpoints are, it is still a public place where the natural environment is commonly experienced in Wanaka. A site that has expansive views of the lake surface is inevitably a site that is also visible from an expansive area of the lake surface. Therefore, it is the combining factors of distance, context and appearance that mitigate the visual effects of development on such a site, when viewed from the lake. Views of the proposed development will be increasingly reduced by the view aspect and limited in extent by the steep rock bluffs and topography of the headlands to Damper

Bay from areas of the lake surface. Views of the proposed development will also be increasingly reduced by distant viewpoints over 1 km where distance is a major mitigating factor.

Lake views are also typically experienced from a moving vessel rather than a stationary viewpoint and therefore short-lived. Furthermore, viewpoints from the lake tend to be experienced during the warmer seasons rather than all year round.

Viewpoints 14 - 17 are locations on the lake surface that have been selected because they represent an area of the lake where the proposed development will be **most** visible. Once past the headlands to Damper Bay travelling either east or west or close to the eastern headland the proposed development will be obscured from lake views by the topography, indicating the variable visibility from the lake surface within the same vicinity.

These viewpoints are not necessarily the most common boating location on Lake Wanaka because this depends on the launch location, type of boating being undertaken and the purpose of boating. There are six boat ramps around Lake Wanaka, located at Glendhu Bay, Waterfall Creek, Roys Bay, Eely Point and two at the Marina in proximity to the township. Boaters who launch at Waterfall Creek ramp will typically travel in a direct line to their intended destination or take a line depending on the purpose of boating, which may include trawling for fish along the shoreline, water skiing, recreation or training, exploring the shoreline or seeking a sheltered picnic / swimming bay. Water-ski lanes are restricted to Waterfall Creek, Eely Point, Roys Bay and Glendhu Bay. Damper Bay is readily accessed from Waterfall Creek, Glendhu Bay and Roys Peninsula in the vicinity.

Boaters who may view the proposed development are most likely to be travelling to and from town from Glendhu Bay, Roys Peninsula or fishermen trawling along coastline. Damper Bay is very exposed to the prevailing NW winds which sends large swells into the bay as evident by the debris along the beaches some distance from the water's edge. Consequently, the bay affords little shelter and is not popular for boating picnics during windy periods.

The lake viewpoints are not considered to be within an area of high boat traffic (compared to other areas of the lake) largely because of the prevailing northerly wind, however, on a calm day, in the summertime, this stretch of water may be occupied by people in boats who are fishing (trawling the shoreline) and towing water skiers, wake boarders and biscuits. Boats are typically moving so any possible views of the proposed development will tend to be fleeting.

Most views from the lake surface are typically 360 degree panoramic views, across the lake water foreground to the wider view of the surrounding landforms although generally a view panorama is limited in extent to 124° without turning to face a different direction. Viewers tend to focus on features and landforms that draw their attention such as an island, promontory, peak, or bay or dominant lines such as the skyline, rock outcrops, peaks and vegetation. There is no particular feature to focus on when looking towards the site in a southerly direction from the lake surface except the skyline of Mt Alpha Range and Roys Peak, rock bluffs and the shoreline.

Although there is some evidence of habitation along the lake shore, the existing natural character of the lake – mountain surroundings, rural character pertaining to high country farmland and amenity values derived from these are very high but typically generic of the lake setting.

Viewpoint 14. Between Damper Bay headlands from Lake Wanaka looking south towards the site at a distance of 1.2 km

Refer GA, Sheet 43. The view encompasses the lake surface with a general focus on the beaches, rocky bluffs, snow and the skyline to Roys Peak. A poled fence barrier indicates the Glendhu Bay Track as it

traverses a steep rock bluff along the eastern headland of the bay. This lake view represents one of the first glimpses to the site when travelling from Wanaka westwards to Glendhu Bay.

From this viewpoint the dark kanuka forest along the lake edge and green crop cover of the sloping central paddock are obvious due to the strong colour contrast to the dry tussock, orange colour of the willow trees and sweet briar and grey scrub cover dominating the surrounding hill slopes. The Wanaka Mt Aspiring Road is also visible and attention is drawn by the passing vehicles from time to time.

From this Viewpoint only part of Pod D will be visible. The existing patch of kanuka will screen views of all other pods so it is apparent that the proposed forest extension will afford a similar screening to Pod D once it is extended and established to the same degree as that existing. The proposed development will form a very small component of the overall scene and will be difficult to see therefore adverse effects on visual amenity from this representative viewpoint will be **Low**.

Viewpoint 15 – Visual Simulation. Between Damper Bay headlands from Lake Wanaka looking south towards the site at a distance of 1.05 km.

Refer GA, Sheets 44 - 46. This viewpoint is centrally located between the Damper Bay headlands and chosen because it represents an overview of the site from the lake. The view panorama is landward across the lake surface to the dominant steep slopes of Mt Alpha and Roys Peak, the white shingle beaches and rocky outcrops along the lake shore. The glacial hummocks are obvious features as the immediate backdrop to the shoreline punctuated by the dark green kanuka forest and isolated kanuka over the hillslopes, the green cultivated slope of the central paddock, the orange branches of the willow trees as single specimens along the shoreline. Overall, the outlook is rural farmland and although obviously modified by farming activities and cultivation it has a high level of natural character.

From this viewpoint, parts of pods A, B and D will be seen as a small component of the wider panorama. At this view distance the human scale is dominated by the massive geological scale of the receiving landscape. Visual effects will depend on the activity a viewer is engaged in, and from the water viewers will typically be moving while fishing, swimming or boating. These activities will inevitably distract a viewer from noticing distant details.

Pod A aligns with the farm access to the Glendhu Bay Track and although potentially it may be seen as a two storey structure at least initially, the proposed planting of the advanced grade kanuka and beech trees will provide mitigation as shown in the VS 15. Noting that the advanced grade kanuka and beech trees will be planted in advance of the construction of the development. In reality the extension to the kanuka forest will obscure most of Pod A to the extent shown for pods B and D where only the vegetation roof and part of the front elevation will be barely distinguishable.

The overall adverse effects on visual amenity will be **Low-Moderate** due to distance, the extent of view occupied by the proposal, the preconstruction planting and the context but will reduce further as the kanuka forest continues to establish.

Viewpoints 16 – 18. Between Damper Bay headlands from Lake Wanaka looking south towards the site at a distance of 1.06 km, 734 m, and 726 m

Refer GA, Sheets 47 – 48. These viewpoints illustrate the varying view aspects from Damper Bay towards the site. The outlook is described above from Viewpoint 15 and generally representative of the views from Damper Bay as encompassing the dominant steep slopes of Mt Alpha and Roys Peak, the white shingle beaches and rocky outcrops along the lake shore. The glacial hummocks are obvious features as the immediate backdrop to the shoreline punctuated by the dark green kanuka forest and isolated kanuka over the hillslopes, the green cultivated slope of the central paddock, the orange

branches of the willow trees as single specimens along the shoreline. Overall, the outlook is rural farmland and although obviously modified by farming activities and cultivation it has a high level of natural character.

From Viewpoint 16, Pod D and part of Pod B will be seen. Pod D will appear just above the exiting kanuka forest and with the vegetated roof will merge into the background. Pod B will be partly obscured by the foreground landform, which comprises the rock bluff edge and patchy kanuka. Pod B will not be seen in its entirety and will also merge into the background at this view distance of over 1.0 km.

From Viewpoint 17 only the Meditation Pod will be seen to the east and the roof of Pod D and part of Pod A will be seen to the south where the viewshaft lines up with the site access coinciding with the gap in the kanuka forest. This view is similar to that provided by Viewpoint 15 although less of Pod A will be seen given the closer proximity. This is demonstrated by the lakeside tree which will partly screen the ground floor of Pod A. However, as described above for Viewpoint 15 visibility will be mitigated by forest revegetation, riparian planting and advanced grade kanuka established pre-construction. The Meditation Pod will not be seen in the same view shaft as Pod A. The Meditation Pod will be a very small component elevated above the lake water within a small, shaded gully. It is likely to be difficult to see within the general panorama.

From Viewpoint 18 only the very top of Pod D will be visible, and as a vegetated roof will be very difficult to see. The existing kanuka forest screens the other pods from view.

Overall, the lake views demonstrate that while some components of the proposed development will be visible, they will be only partly visible and relatively difficult to see in the overall panorama while engaged in an activity unless a viewer is actively searching. Consequently, adverse effects on visual amenity from the lake will generally be **Low**.

7.3 Assessment of Effects arising from Reflectivity and Lighting

The VSs show the worst case scenario of the proposed development because the viewpoints have been taken where the proposal faces directly north, and in winter when the sun is low and reflectivity will be at the highest level. The VSs demonstrate that effects arising from reflectivity and lighting will be mitigated by the generous eaves proposed for the building pods, which extend over the glazing between 2 – 3 m. Furthermore, it is understood that all north and west-facing glazing will comprise low reflectance glass.

The public viewpoint locations, particularly the lake surface and the Glendhu Bay Track described above are not locations where the public would commonly be at night so it is considered that there will be **No** adverse effects arising from lighting on track users or the lake. The site is obscured from views from Wanaka township and adjoining private properties by the topography so there will be **No** adverse lighting effects on these locations. If in the event that a private dwelling on Roys Peninsula looks towards the proposal it is considered that the large eaves over the building elevations will mitigate any light spill from the north facing windows to the lake and any lighting will be at such a distance that it will be no more than a soft glow so lighting effects on other properties in the vicinity will be **Very Low**.

Outdoor lighting will be in accordance with the Council's Lighting Strategy and an External Lighting Plan will be submitted to the QLDC for approval prior to implementing any exterior lighting on site. Overall adverse effects arising from reflectivity and night lighting will be **No to Very low**.

7.4 Summary of Landscape and Visual Effects

The proposal has been designed and located to enable the structures to be absorbed into the natural topography of the site, reduce the volume and effects of earthworks, and increase natural character and amenity of the lakeside reserve and outlook. The preconstruction revegetation, earthworks, construction and planting programme will enable the temporary construction effects to be condensed to the shortest possible timeframe and restrict the potential extent of these effects to the immediate surroundings of the building platforms.

The landscape assessment describes the nature and degree of effects on specific values and attributes of the site and the receiving environment including natural and rural character, openness, transient values and legibility of the landform noting that the values arise from an interplay of physical, associative and perceptual attributes and similarly effects are also determined by this interplay.

The visual effects have been addressed separately but are a subset of landscape effects. In other words, visual effects are effects on landscape values as experienced in views.

The visual assessment takes into account the visibility of the consented building platforms, the viewing distance, context (backdrop, complexity of intervening landscape and nature of viewpoint), the extent of view occupied by the proposal, degree of change (from a consented building platform to the proposed development), the growth rates of existing and proposed vegetation, and viewer bias (being familiarity with the views and what activity a viewer may be engaged in).

As stated above, the viewpoints chosen (but not limited to) are those from which the proposed development will be most visible and that represent the varying degrees of visibility from the receiving environment. It is important to note that it is misleading to use the assessment from these selected worst case viewpoints as an 'overall measure' of effects because this would be a function of the viewpoint selection rather than the overall visual effect. In other words, there are more locations along the track from which the proposed development will **not** be visible than there are locations from which the proposed development **will be** visible.

The proposed development will not be widely visible from public areas with viewpoints limited to short interrupted sections (approximately 80 m looking southeast, 120 m looking south and 200 m looking east – out of a total potential 1.250 km) of the Glendhu Bay Track when travelling between Glendhu Bay and Wanaka, a short section (430 m) of the Wanaka Mt Aspiring Road and to varying degrees from the lake area between the Damper Bay headlands. Typically views will be fleeting as viewers move through the landscape on foot, bicycle or vehicle. Although part of the proposed development (Pods D and M) will potentially be visible from the Wanaka Mt Aspiring Road, visibility is mitigated by the topography, existing grey scrub vegetation and proposed advanced grade cluster of beech trees along the edge of the central paddock. Furthermore, there is no viewpoint from which the entire development will be visible.

In summary, during construction the temporary adverse effects on visual amenity will occur over an assumed period of approximately two years and would be **Moderate** but effects will continue to reduce within five years post construction from most viewpoints to generally **Low** except from three selected viewpoints 4, 13 and 15 where effects will reduce to **Low-Moderate**.

Sheets 33 – 36, 43 – 45 and 47 - 49 provide Visual Simulations of the proposal from salient viewpoints 4, 13 and 15 showing the proposed buildings and vegetation five years post construction, bearing in mind that some advanced grade kanuka and beech trees are proposed in strategic locations at a height of 3 – 3.5 m at time of planting both pre and post construction.

The VSs from Viewpoints 4, 13 and 15 illustrate locations from which the proposal will be most visible and indicate that post construction adverse effects on landscape values experienced visually will be **Low-Moderate**. The level of effects on visual amenity (including glare and lighting) and the general extent of visibility being limited to short sections of the track, and Wanaka Mt Aspiring Road while viewers are moving through the landscape indicate that overall, the proposal will be reasonably difficult to see.

The nature and degree of landscape effects on the landscape values identified within the receiving environment are discussed in detail above in section 7.1 and range between **Low** effects on rural character and openness and transient values, **Low** effects on legibility of the glacial landforms, **Low to Moderate** adverse effects on some localised aspects of natural character but an overall increase in the level of natural character from **Moderate – High to High**.

Overall, in combination with visual effects and taking the proposed bespoke architecture into account, it is considered that the proposed development will complement the scale, landform and patterns of the landscape and will overtime improve the existing landscape quality through the extensive revegetation programme. Therefore, overall adverse landscape effects are considered to be **Low-Moderate**¹⁶.

8.0 Assessment Against Relevant Statutory Provisions of the Queenstown Lakes District Plans

The Queenstown Lakes District Plan is currently under review and has progressed to the point where the relevant rules in the PDP are no longer subject to challenge. However, a number of objectives and policies and also the assessment matters are under appeal. In these circumstances, the provisions of both the ODP and the PDP apply.

In terms of assessment matters, the following section of this report assesses the proposal against the assessment matters for ONL (District Wide) outlined in section 5.4.2.2 (2) of the ODP but focusses mainly on the assessment matters for the ONL outlined in section 21.21.1 of the PDP. To avoid repetition where assessment matters cover the same issues they are addressed once and cross referenced below.

As set out in Section 21.21 of the PDP, the following assessment matters are to be addressed for proposed developments on sites within an ONL:

At 21.21.1.1 the PDP states that in applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site, the subject of application.

PDP 21.21.1.2 Existing vegetation that:

¹⁶ Refer to Appendix A, Determination of Minor scale.

(ODP 5.4.2.2 (1))

*a. was either planted after, or, self-seeded and less than 1 metre in height on 28 September 2002; and,
b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*

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

ii. as part of the permitted baseline.

Response

The proposed mitigation planting will mitigate visual effects from the Wanaka Mt Aspiring Road and short sections of the Glendhu Bay Track however the proposed planting is part of an overall native restoration scheme and therefore offers wider ecological benefits as part of the proposal.

PDP 21.21.1.3 Effects on landscape quality and character

(ODP 5.4.2.2 (2) (a) Potential of the landscape to absorb development)

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

a. Physical attributes:

i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;

ii. vegetation (exotic and indigenous);

iii. the presence of waterbodies including lakes, rivers, streams, wetlands.

Response

There are a number of distinctive physical attributes (including the glacial topography, schist outcrops, indigenous vegetation and lakeside setting) associated with the site that contribute to the character and quality of the ONL. The geomorphology of the site's highlands and peninsula headlands to Damper Bay and inland hummocky hills is clearly differentiated in character from the central gently sloping paddock. The landforms are and will remain a dominant feature of the site and provide a high level of absorption to the proposed development. The proposed development will be clustered and nestled at the base of the hummocky hills base which also provide a backdrop to the proposal. The wetlands (both natural and constructed) will be enhanced through removal from grazing and planting and will provide a natural setting to the proposal. In doing so the constructed wetland will better reflect natural patterns and processes on the site that will also improve natural character.

While there are substantial earthworks associated with the proposed development these will be largely restricted to the area at the base of the hummocky hills immediately east of the central paddock. As stated, the excess fill will be distributed over the central pastoral area of the site following

the general contours and will avoid covering schist rock outcrops so the topography relating to the character and quality of the landscape will be maintained.

There are areas of depauperate wetland, an unfenced stream and remnant indigenous vegetation within the site and these are identified on Sheet 09 of the GA. The proposal includes a comprehensive staging and management of the existing indigenous vegetation and also proposes a substantial amount of restoration and revegetation to reinstate the wetlands, the riparian margin to the existing stream, in addition to forest vegetation on the site. The revegetation scheme will offset and also afford mitigation of the proposed development that will maintain and enhance the quality and character of the ONL.

b. Visual attributes:

i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;

ii. aesthetic values including memorability and naturalness;

iii. transient values including values at certain times of the day or year;

iv. human influence and management – settlements, land management patterns, buildings,

Response

The receiving environment is highly legible however, this is expressed at the scale of the broader landforms and the comparatively small scale of the proposed development will not adversely affect the overall legibility of the landscape especially in regard to the earthworks, which will blend into the existing contours. Nor will the proposed development affect the aesthetic or transient values attributed to the broad scale or local setting, especially where these values will be maintained by the farm management of the central paddock. In particular the outlook from Wanaka Mt Aspiring Road will retain the same degree of memorability while overall the restoration and revegetation scheme will enhance the naturalness of the site and lakeside setting. The increased natural character will enable the landscape to better absorb the proposed development.

The proposed development will replace a consented building platform and a deer shed and overall will be consistent with the low level of human influence and management pattern that contributes to the landscape character and quality along the western shore of Lake Wanaka between the RCL zone and Glendhu Bay.

c. Appreciation and cultural attributes:

i. Whether the elements identified in (a) and (b) are shared and recognised;

ii. Cultural and spiritual values for tangata whenua;

iii. Historical and heritage associations. The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

Response

While the attributes of the ONL contributed by high legibility, aesthetic and transient qualities are shared and recognised in a general sense, the site and proposed development are a very small component of the landscape and will not adversely affect the quality and character of the broad scale ONL. There are no obvious Tangata Whenua beliefs and values attributed to the site, however it is noted the central and western part of the site lies within the Wahi Tupuna overlay in the District Plan, and the general lake setting is recognised as important with respect to mahinga kai and provides a route to various locations. It is understood input will be sought from local iwi in regard to the proposal..

d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.

Response

For the above reasons, and in particular the glacial topography in association with the unique architecture of the proposed development will ensure that the proposal will fit the scale, landform and pattern of the landscape, or in other words, the landscape has the potential to absorb the proposed development without degrading the landscape character and quality. As mentioned above the revegetation scheme will enhance natural character thereby increasing the landscape quality that will be appreciated as both an aesthetic and cultural attribute.

e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

Response

There will be a number of new physical boundaries proposed by the development however the fence lines are proposed to be relocated to enable continued farm management while protecting areas with potential to revegetate naturally and protecting other areas to be actively restored. The proposed fence lines will actually follow the natural vegetation patterns and therefore reduce artificial lines in the landscape.

PDP 21.21.1.4 Effects on visual amenity

ODP 5.4.2.2 (2) (b) Effects on openness of the landscape

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;

b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;

c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;

d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);

e. structures will not be located where they will break the line and form of any ridges, hills and slopes;

f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

Response

Effects on visual amenity are addressed above in the Visual Assessment from pertinent representative viewpoints. It is noted that there are a number of dwellings located along the western edge of Lake Wanaka and Roys Peninsula that are visible to varying degrees depending on viewer orientation but overall, these are reasonably difficult to see in the broad context. The proposed development will be similarly, reasonably difficult to see in the broad context.

The proposed development will replace the development anticipated on the consented building platform and will be well set back from any public viewpoints (400-600 m) against a backdrop of natural topography. The proposed development will not form the main view focus, which depending on the view orientation will be on the lake or Roys Peak but will be peripheral to public views. As such the proposed development is considered to have little adverse effect on visual amenity within the immediate and wider landscape both during and post construction.

The open space values attributed to the wider ONL and with respect to the site attributed to the central paddock and general pastoral / grey scrub landcover, will be maintained by the proposed development that is clustered and confined to the periphery of a small localised basin on the site. Although some forest is proposed it will be as an extension to the already existing kanuka forest along the site boundary to the lake edge and / or limited to isolated specimen beech trees primarily as a seed source for natural colonisation to occur in the future. The proposed restoration planting is restricted to parts of the site that already contain some remnant vegetation and the wetland areas. The bulk of the site will continue to be managed as pastoral farmland to retain the open character, particularly the central paddock that is a valued attribute of the locality.

The proposed development will not be seen from private views of and within the ONL. The assessment concluded that the proposed development will be reasonably difficult to see because of the bespoke architecture including green roofs, because it will be contained by the natural topography and will be appropriately screened by the proposed native vegetation.

PDP 21.21.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;

c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;

d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

Response

The access to the proposed development will replace an existing access to Wanaka Mt Aspiring Road to enable a safer entry/exit to the site. In doing so the access avoids a recently planted wetland area at the south-eastern corner of the site and continues along the alignment of an existing farm track through a narrow gully to an area contained by the pronounced hummocks.

The access leads to the Back of House service area including a 300 – 500 m² building, carpark and water supply infrastructure in a small, enclosed gully immediately east of the accommodation pods. The proposed development has carefully considered the placement of the pods around the periphery of a basin like amphitheatre surrounded by the existing hummocky hills. The proposed development sits within rough ground that is seasonally damp and avoids the central paddock, which is a notable feature of the site. The rough ground is proposed as a constructed wetland to replace the channelised water race and in doing so will enhance the natural character of the site.

The level of domestication will be limited to the building footprint of the pods, BOH and service area. The proposed development will not create curtilage areas outside the building footprints. In effect the wetland areas of the site will be enhanced and the rural pastoral landscape will continue over central paddock, so the overall character of the rural landscape will be maintained.

PDP 21.21.1.6 Cumulative effects of subdivision and development on the landscape

ODP 5.4.2.2 (2) (c) Cumulative effects of development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

a. the landscape quality or character; or,

b. the visual amenity values of the landscape. The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

Response

There is existing development within the ONL along the western edge of Lake Wanaka and Roys Peninsula in close proximity to the site. Although visible to varying degrees the existing development establishes a pattern of low density development within the rural landscape that is near Wanaka township but also reasonably difficult to see, being absorbed by the glacially derived hummocky landforms that are a distinctive feature of the locality and often associated with revegetation. The proposed development will be consistent with this settlement pattern by being appropriately located where the landscape can absorb the development. This is also based on the existing consented building platform that anticipate a dwelling and deer shed on the site in the general vicinity of the proposed development.

In addition, the proposed development will also enhance the landscape quality, character and visual amenity values through substantial restoration of the wetland areas of the site, retiring areas of farmland to re-establish the indigenous shrub and forest vegetation and continuing pastoral farming over much of the site to maintain the open character and legibility values typically associated with the ONL.

Therefore, there will be no substantive cumulative effects arising from the proposal.

21.21.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

The architecture of the proposed development is unique and purposefully designed as a series of pods that undulate both vertically and horizontally to replicate the surrounding undulating landforms. Furthermore, the roofs will be planted to imitate the existing grey scrub – pastoral plants and patterns that form the landcover on the hillside backdrop. The green roofs and lack of vertical built edges mean the proposed development flows with the landscape and therefore will be better absorbed into the setting.

21.21.3.2 whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

As noted above the proposed development will retire areas of marginal farmland and restore these to the original vegetation cover and will continue to farm the balance area to maintain a rural character and the open qualities of the landscape

PDP 21.21.3.3 Positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development the Council shall take the following matters into account:

ODP 5.4.2.2 (2) (d) Positive effects

- a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;*
- b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;*
- c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;*
- d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;*
- e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;*
- f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.*

Response

The proposed farm management of the site forms part of the development and will provide for the retention and reestablishment of native vegetation and their appropriate management. In doing so the proposed development will protect and enhance the indigenous biodiversity values and wetland ecosystems in particular. In summary these include:

- **Ecological/biodiversity enhancements:**

- Expansion of existing Kanuka forest from 0.76 ha to 3.93 ha of native forest which extends along the northern boundary of the site where the site adjoins Damper Bay on Lake Wanaka. This area will be fenced to keep pests and stock out. This native forest is to remain in perpetuity.
- Restoration of three wetlands on the western side of the property. These areas are currently boggy areas, one of which has reasonably permanent water that stock access and drink from causing pugging damage to soil and regeneration of native vegetation. Wetlands 1 and 3 will be fenced off from pests and stock and allowed to naturally regenerate. Wetland 2 will maintain a stream connection to the lake, will be planted in riparian species and fenced off from stock and pests. These wetlands and the tributary stream will be maintained as wetlands in perpetuity.
- Creation of a riparian margin for the permanent watercourse that runs east to west, at the north-eastern side of the site. This watercourse is currently open to stock and has some discarded rubbish throughout. It is proposed to replant the riparian margin of the watercourse and fence to prevent stock and pest access.
- Creation of a wetland where there is a channelised ephemeral water course. The constructed wetland will provide areas of open and flowing water with riparian planting enhancing and increasing biodiversity and ecosystem values that is not currently present. Overall, including the wetlands and all other riparian planting, the applicant proposes to create 9.08 ha of riparian planting.
- Retiring of farmland- It is acknowledged the site has some steeper areas that are currently farmed but contain native shrublands with important ecological potential. These areas are shown as 'Native Shrublands' on Sheet 09 of the GA and encompass 48.10 ha to be retired from farming.

9.0 Conclusion

The proposal consists of a series of stand-alone 'pods' for visitor accommodation, owner accommodation, a meditation pod, BOH structures, and a utilities area with associated infrastructure. The proposal also includes earthworks during construction, the creation of internal circulation and walking tracks, a landscape and wetland restoration and revegetation scheme, and continued farm management including the retirement of large areas from farming. The existing consented building platform and approved deer shed on the site means there is some potential for the site to absorb development without generating adverse effects on landscape, natural character and visual amenity values.

The proposed development requires consent as a discretionary activity under the PDP triggered by buildings outside a building platform, residential and visitor accommodation activities, a building having an area greater than 500 m², access intersection standards, and non-complying earthworks quantities. The architecture of the proposed buildings is a response to the landscape and has resulted

in unique and sculptural pod-like forms that will appear as part of the hummock – hill landforms and that will fit the scale, character, and context of the receiving environment.

Although the earthworks quantities will exceed that anticipated by the PDP, the adverse effects are mitigated by retaining the excess soil onsite and distributing it evenly at a maximum depth of up to 0.500 m over the existing central paddock following existing contours and avoiding any native vegetation and existing schist rock outcrops that contribute to the legibility and natural character of the site.

The visual effects arising from the proposed development are restricted to the Glendhu Bay Track, the lake surface in the vicinity of Damper Bay and over a short section of the Wanaka Mt Aspiring Road when travelling east towards Wanaka. Eighteen representative viewpoints were chosen to determine visual effects and because of the topography are largely restricted to the immediate locality of the site so view distances average 710 m, and the proposed development is not the main view focus from these perspectives. In addition, the proposed development is not seen in its entirety from any one viewpoint location. The revegetation and proposed planting will provide appropriate screening of the built form from public places.

During an assumed construction period of two years the earthworks, hydroseeding, and planting will limit temporary visual effects to a minimal time frame. These measures, plus the additional plant growth to existing vegetation will ensure that overall temporary effects will be **Moderate**. Post construction the visual effects are demonstrated by the VSs from pertinent viewpoints and illustrate that overall adverse effects on visual amenity will be **Low to Low-Moderate**.

Overall effects on landscape character and quality are considered to be **Low-Moderate** because although the increased built form will reduce natural and rural character it will be offset by the proposed revegetation scheme and the planting mitigation will also contribute positive effects on natural character and increase biodiversity on the site and to the lakeside setting. Furthermore, the proposed development will be located in a similar position to the consented building platform and approved deer shed where built form is anticipated to occur, the proposed architecture is unique and designed to enable the pods to merge into the existing landforms, and earthworks will mimic the existing contours and will be indistinguishable from existing landform. Overall, the landscape values associated with the ONL (high legibility, natural character, aesthetic qualities including openness) will be maintained by the proposed development and will be consistent with the outcomes sought by the DP.

APPENDIX A

DETERMINATION OF MINOR

LESS THAN MINOR	MINOR		MORE THAN MINOR			
VERY LOW	LOW	LOW - MODERATE (or moderate - low)	MODERATE	MODERATE - HIGH	HIGH	VERY HIGH



DAMPER BAY - WANAKA MT ASPIRING ROAD, WANAKA
GRAPHIC ATTACHMENT TO ASSESSMENT OF LANDSCAPE AND VISUAL AMENITY EFFECTS

Prepared by Rough and Milne Landscape Architects Ltd | August 2021

rough & milne landscape architects

DOCUMENT INFORMATION

Project

Damper Bay, Wanaka

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Lot 1 DP 337 193, Damper Bay, Wanaka

Status

For Resource Consent

Revision

1 For Resource Consent

Prepared by

Rough and Milne Landscape Architects

Project Number: 20194

Authors: Nikki Smetham and Ruby Collins

Document

Graphic Attachment to Accompany Assessment of Landscape and Visual Amenity Effects Assessment Report (A4 Written Report)

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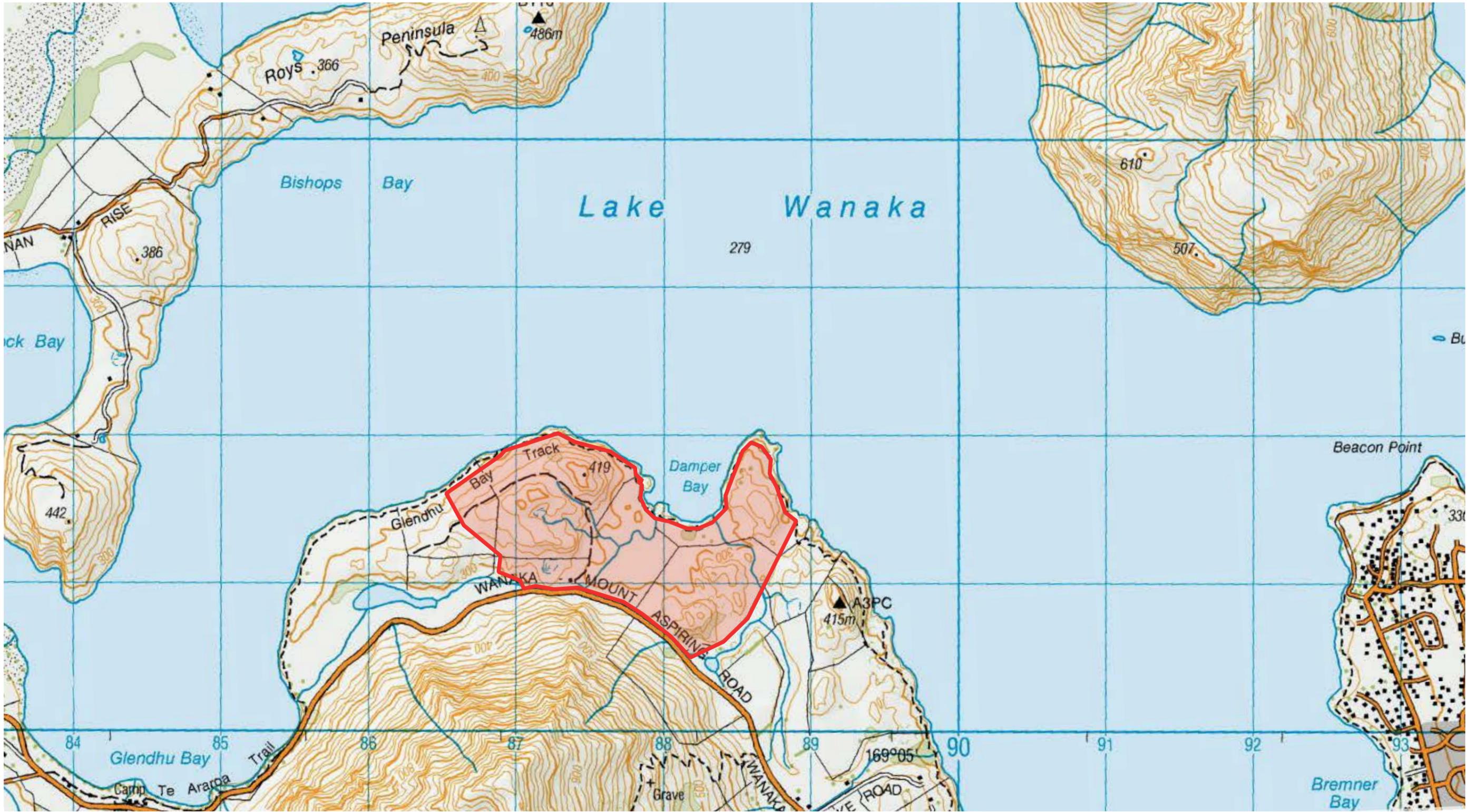
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NB: This document is intended to be printed A3 Landscape format



 Site Boundary

NOT TO SCALE



 Site Boundary

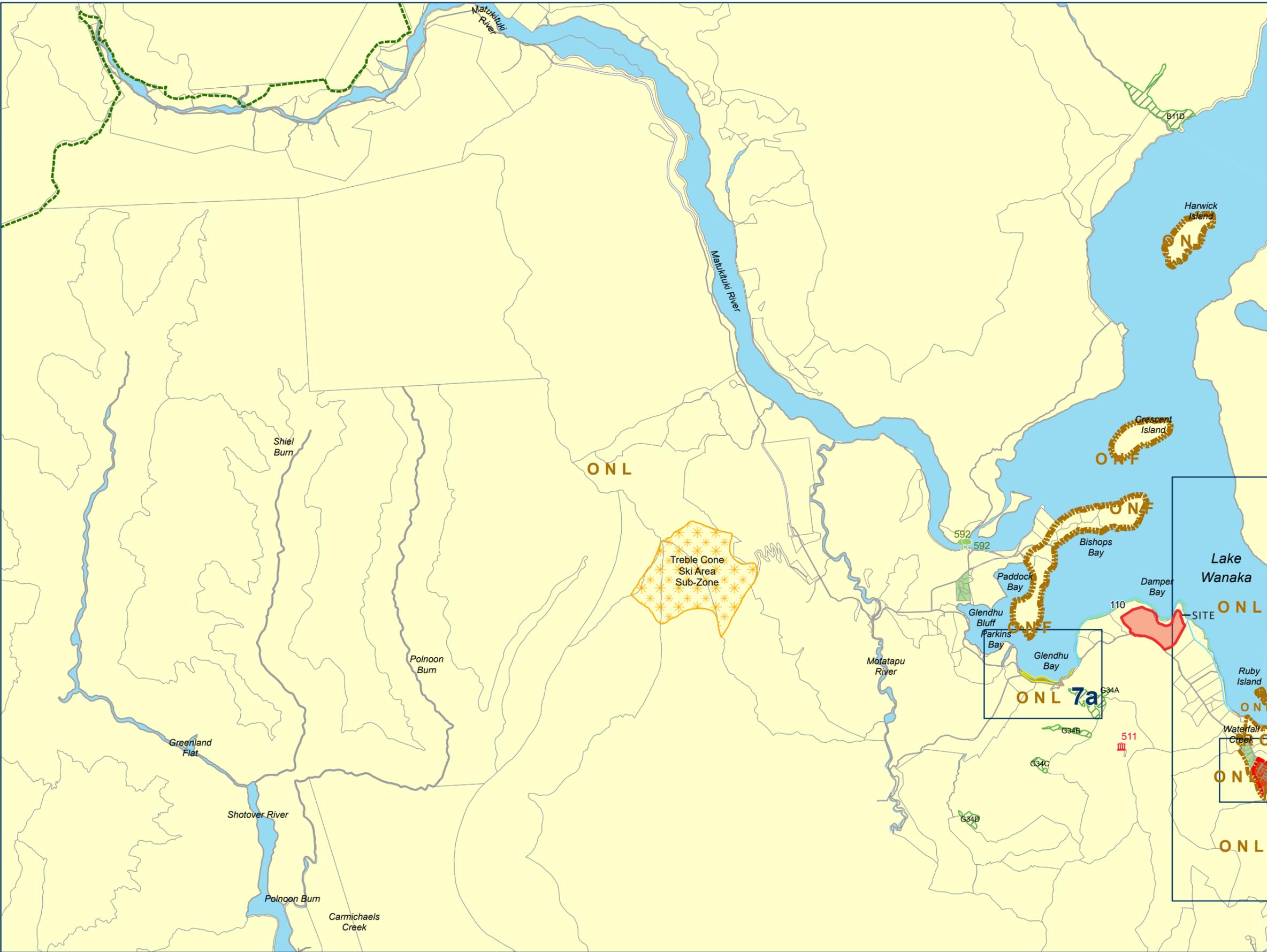
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 Site Boundary

NOT TO SCALE

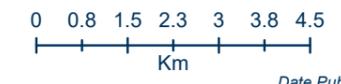




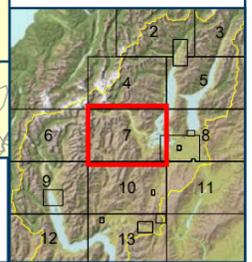
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 - Nature Conservation
 - Large Lot Residential A
 - Low Density Suburban Residential
 - Rural
 - Rural Lifestyle
 - Water (zone Rural unless otherwise shown)



PDP Decisions Version Map 7 - West Wanaka, Lake Wanaka, Upper Shotover



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