

**APPLICATION AS NOTIFIED**

**J Hay & G Tudor-Jones**

**(RM230288)**

# FORM 12

File Number RM230288

## **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:**

J Hay & G Tudor-Jones

**What is proposed:**

Land use consent to construct a three-bedroom 215m<sup>2</sup> residential dwelling outside of a residential building platform, and for a residential curtilage area. The proposed residential dwelling will utilise recycled corrugated galvanised steel, which does not comply with Council requirements for recessive building materials. Associated landscaping and earthworks are also proposed. Consent is also sought to construct a new 85m<sup>2</sup> three-bay shed to replace an existing shed on site.

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

134 Malaghans Road, Queenstown.

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

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

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

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#public-rc> or via our edocs website using RM230288 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Hannah Clowes, who may be contacted by email at [hannah.clowes@qldc.govt.nz](mailto:hannah.clowes@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:**

**23<sup>rd</sup> February 2024**

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

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

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

[https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other\\_forms](https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other_forms)

You must serve a copy of your submission Applicant (J Hay & G Tudor-Jones), c/- Bridget Allen as soon as reasonably practicable after serving your submission to Council:

Bridge Consulting c/- Bridget Allen  
[bridget@bridgeconsultants.co.nz](mailto:bridget@bridgeconsultants.co.nz)

**QUEENSTOWN LAKES DISTRICT COUNCIL**



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

**Date of Notification: 25<sup>th</sup> January 2024**

**Address for Service for Consent Authority:**

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

Phone  
Email  
Website

03 441 0499  
[rcsubmission@qldc.govt.nz](mailto:rcsubmission@qldc.govt.nz)  
[www.qldc.govt.nz](http://www.qldc.govt.nz)

## TechnologyOne ECM Document Summary

Printed On 18-Jan-2024

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Form 9	7609416	1	03-May-2023
PUB_ACC	AEE Updated 24.5.23	7639221	1	30-May-2023
PUB_ACC	Record of Title (updated 15.05.23)	7621774	1	15-May-2023
PUB_ACC	Appendix 1 - CONO 5057644.7	7609395	1	03-May-2023
PUB_ACC	Appendix 1 - COV 5057644.5	7609396	1	03-May-2023
PUB_ACC	Appendix 1 - Easement 5057644.10	7609394	1	03-May-2023
PUB_ACC	Appendix 1 - T 5057644.3	7609397	1	03-May-2023
PUB_ACC	Appendix 1 - VARIATION Consent Notice 8854355.1	7609393	1	03-May-2023
PUB_ACC	Appendix 2 - Architectural Plans	7609408	1	03-May-2023
PUB_ACC	Appendix 3 - Landscape Effects Report	7618844	1	11-May-2023
PUB_ACC	Appendix 4 - Appendix A - Site Plan	7609398	1	03-May-2023
PUB_ACC	Appendix 4 - Geotechnical Report	7609391	1	03-May-2023
PUB_ACC	Appendix 5 - Electricity Supply Availability Letter Aurora	7609415	1	03-May-2023
PUB_ACC	Appendix 5 - Lightspeed Barn House for Comms	7609413	1	03-May-2023



PUB_ACC	Appendix 5 - Wastewater Disposal Site & Soil Assessment Form	7609414	1	03-May-2023
PUB_ACC	Appendix 5 - Water Test 2953465-DWAP-1	7609412	1	03-May-2023
PUB_ACC	Appendix 5 - Water Treatment Pure Water	7609411	1	03-May-2023
PUB_ACC	Appendix 6 - NES Contaminated Land Letter	7609410	1	03-May-2023
PUB_ACC	Appendix 7 - APA Baker 224 Malaghans Road	7609404	1	03-May-2023
PUB_ACC	Appendix 7 - APA Hartnett 59 Littles Road	7609402	1	03-May-2023
PUB_ACC	Appendix 7 - APA Kerr 18 Malaghans Road	7609403	1	03-May-2023
PUB_ACC	Appendix 7 - APA Mannerswoods 101 Malaghans Road	7609401	1	03-May-2023
PUB_ACC	Appendix 8 - ORC Recommending Report RM23.065	7639222	1	30-May-2023
PUB_ACC	Structural landscape plan	7809675	1	01-Nov-2023
PUB_ACC	Cladding Samples	7809678	1	01-Nov-2023
PUB_ACC	Short form EMP	7621775	1	15-May-2023
PUB_ACC	Landowner Owner authorisation letter	7609407	1	03-May-2023
PUB_ACC	Northridge Letter of support PROPOSED SECOND DWELLING AT 134 MALAGHANS ROAD	7609406	1	03-May-2023



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: **Jonothan Hay & Georgina Tudor-Jones**  
(Name Decision is to be issued in)

All trustee names (if applicable):

\*Contact name for company or trust:

\*Postal Address: **134 Malaghans Road, Wakatipu, Queenstown 9349**

\*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: **Jono Hay <jono@amchinarchitects.co.nz>**

\*Phone Numbers: Day **03 409 8881**

Mobile:

\*The Applicant is:

☐

Owner

☐

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

☐

Occupier

☐

Lessee

Other - Please Specify:

**Son of owner**



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: **Bridget Allen / Bridge Consulting Limited**

\*Phone Numbers: Day

Mobile: **021336422**

\*Email Address: **Bridget@bridgeconsulting.org.nz**

\*Postal Address: **416 Speargrass Flat Road, RD1, Queenstown**

\*Postcode:

**9371**



## 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: **Jono Hay & Georgina Tudor-Jones**

\*Postal Address: **134 Malaghans Road, Wakatipu, Queenstown 9349**

\*Post code:

\*Please provide an email AND full postal address.

\*Email: **Jono Hay <jono@amchinarchitects.co.nz>**



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

Owner Name: **Barbara Ann Hay and James Martin Hay (Parents to Jono)**

Owner Address: **134 Malaghans Road, Wakatipu, Queenstown 9349**

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:

**134 Malaghans Road, Wakatipu, Queenstown 9349**

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

**Lot 1 DP 15343**

District Plan Zone(s): **Rural and WBRAZ (small portion)**



## 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 // ALSO FILL IN OTHER CONSENTS SECTION BELOW

☒

Land use consent

☐

Subdivision consent

☐

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate

☐

Land use consent includes Earthworks



## QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

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

☐

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

\*Consent is sought to:

Construct a secondary dwelling on the property for the owners son and family



## 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 25m<sup>3</sup> per 500m<sup>2</sup>). Therefore the NES does not apply.

☒

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

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



## OTHER CONSENTS // CONTINUED



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



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

☒ Any other National Environmental Standard



Yes



N/A

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



Yes



N/A

If Yes have you applied for it?



Yes



No

If Yes supply ORC Consent Reference(s)

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



Yes



No



## INFORMATION REQUIRED TO BE SUBMITTED //

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

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



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



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



A site plan at a convenient scale.



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



An Assessment of Effects (AEE).

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



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



## PRIVACY INFORMATION

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



## FEES INFORMATION

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

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



## FEES INFORMATION // CONTINUED

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

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

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

**MONITORING FEES** – Please also note that 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 – BKNZNZ22)



Invoice for initial fee requested and payment to follow



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

\*Reference **RM HAY**

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

\$2420 - Discretionary (overall consent status)

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

\*Date of Payment

Invoices are available on request



## APPLICATION & DECLARATION

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



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

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

OR:



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

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



PLEASE TICK

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



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

Digitally signed by Bridget Allebn  
Date: 2023.01.25 13:26:07 +13'00'

Full name of person lodging this form **Bridget Jane Allen**

Firm/Company **Bridge Consulting Limited**

Dated **25/01/2023**

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

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

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

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

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

#### 2 INFORMATION REQUIRED IN ALL APPLICATIONS

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

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

Information provided within the Form above

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

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

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

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

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

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

#### ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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



## ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Clause 6: Information required in assessment of environmental effects

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

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

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

## UNDER THE FOURTH SCHEDULE TO THE ACT:

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

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

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

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

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



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

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

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

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

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants &amp; Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report

134 Malaghans Road  
Assessment of Environmental Effects  
Jono Hay & Georgina Tudor-Jones



## EXECUTIVE SUMMARY OF PROPOSAL

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**The Applicants:** Jono Hay & Georgina Tudor-Jones

134 Malaghans Road, Wakatipu, Queenstown 9349

**Proposed Activity:** Construction of a second residential unit and a new shed

**Site Owners:** Barbara Ann Hay and James Martin Hay (parents to Jono)

**Site Location:** 134 Malaghans Road, Wakatipu Basin

**Legal Description:** Lot 1 DP 15343

**Territorial Authority:** Queenstown Lakes District Council

**Proposed District Plan Zoning:** Rural and Wakatipu Basin Rural Amenity Zone

**Natural Hazards:** No known hazards or HAIL activities

**Other Heritage / Archaeological etc:** No known archaeological or heritage sites

**Consultant Contact:** Bridget Allen, Bridge Consulting

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## APPENDICES

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Appendix 1 – Record of Title and Associated Instruments

Appendix 2 – Architectural Plans (Anna-Marie Chin Architects Limited)

Appendix 3 – Landscape and Visual Effects Assessment (Vivian Espie)

Appendix 4 – Geotechnical Report (GeoSolve Limited)

Appendix 5 – Infrastructure Reports / Confirmations of Supply

Appendix 6 – Preliminary Site Investigation (E3 Scientific limited)

Appendix 7 – Written Approvals

Appendix 8 – ORC Notification Recommendation Report for RM23.065

## 1.0 INTRODUCTION

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This Assessment of Effects on the Environment report (AEE), inclusive of appendices, has been prepared as part of an application for resource consent under Section 88 of the Resource Management Act 1991 (RMA) to the Queenstown Lakes District Council (QLDC) to construct a second residential unit and new shed on Lot 1 DP 15343 (hereafter referred to as the 'site'), located at 134 Malaghans Road.

This AEE has been prepared in accordance with Schedule 4 of the RMA in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment.

## 2.0 DESCRIPTION OF THE ENVIRONMENT AND BACKGROUND

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### 2.1 Site Description

The subject site is located within the rural area of the Wakatipu Basin at 134 Malaghans Road, approximately 1.2 kilometres east of the intersection of Malaghans Road, Coronet Peak Road and Littles Road. The site is roughly triangular in shape, with the shortest boundary fronting Malaghans Road, and has an area of 4.3423 hectares. The frontage to Malaghans Road is approximately 70m long.

The site is legally described as Lot 1 DP 304103 and Lot 1 DP 15353, held in Record of Title 16487. A copy of the title is attached as **Appendix 1**. Lot 1 DP 15353 comprises almost all of the site area, and the application relates to activities that will be contained within this lot. Lot 1 DP 304103 is a small triangular shaped piece of land extending outwards on the north-eastern boundary of the site which contains a corner of the driveway to the existing house.

There are a number of instruments registered on the title, copies of which are attached in **Appendix 1**. These are summarised as follows:

- Land Covenant in Transfer 5057644.10 - this covenant relates to connection to a nearby communal domestic water supply scheme, which will be not be used by the proposed residential unit.
- Land Covenant in Transfer 5057644.3 / Land Covenant in Deed 5057644.5 and Consent Notice 5057644.7 and subsequent variation - these relate to the adjoining Northridge subdivision and have carried down onto Lot 1 DP 304103; they are not relevant to the proposed activities which will be contained entirely within Lot 1 DP 15353.

The topography within the site is highly varied. The land located adjacent to Malaghans Road is relatively flat and typical of the valley floor topography. To the south west of the proposed dwelling location is a rounded hill which is part of the Outstanding Natural Landscape (ONL) that extends away to the west. The land drops away from this hill on the south western boundary of the site to the small ice-melt basin near Littles Road. The south eastern half of the site rises steeply, forming the lower slopes of the landform known as Northridge. To the south east of the site, steep cliffs, which form the eastern extent of the ONL, rise above the ice-melt basin.

The proposed dwelling and shed will be located in a hollow between the rounded hill and the toe of the slope described above.

The site is currently used for rural living and small-scale farming purposes. It is accessed from Malaghans Road. An existing gravel driveway zigzags up to the elevated part of the site, where the existing residential dwelling is established and occupied by the owners of the site as shown in the aerial in Figure 1 below.

Less than 2m to the south of the main dwelling is a detached accessory building comprising a carport, garage, and flat which is currently occupied by the applicants.

Close to the north eastern boundary of the site, at the toe of the slope, are a shed and former stables with a combined area of approximately 51m<sup>2</sup> and wooden stock yards. Refer to the photo in Figure 2 below. The shed and stables are presently used for storage purposes associated with farming activities.

The existing vegetation cover is mainly grass, with a variety of mature exotic trees throughout the site, particularly along the existing driveway and around the existing dwelling.





**Figure 1:** Aerial of the Site (Source: QLDC GIS) - site boundary shown in blue, proposed location of dwelling and curtilage activities within the site shown in orange (not to scale)



**Figure 2:** Photo of existing shed/stables and stockyards

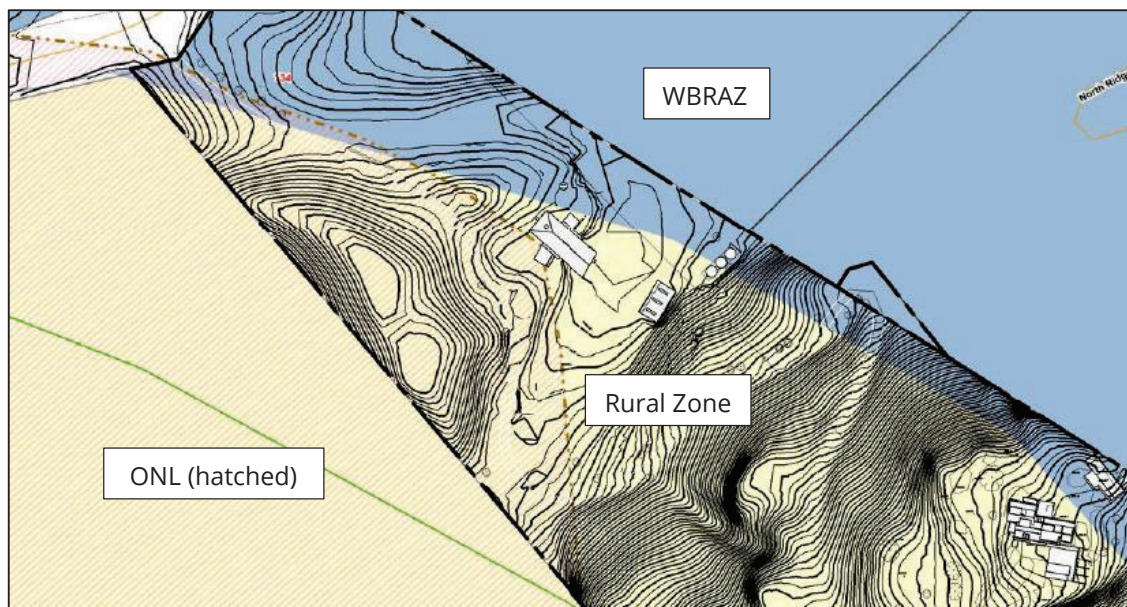


The site is bordered to the north east and south east by land associated with the Northridge rural living subdivision. The land to the south west is owned by Speargrass Properties and contains an approved building platform (which has not yet been built on) in the lower part of the site, accessed from Littles Road.

## 2.2 Zoning

The site is split zoned Rural and Wakatipu Basin Rural Amenity Zone (WBRAZ) in the Proposed District Plan (PDP). There is also an Outstanding Natural Landscape (ONL) overlay along the south western boundary of the site as shown in Figure 3 below. This is part of the Central Wakatipu Basin Coronet ONL.

The WBRAZ is divided into Landscape Character Units (LCUs). The site is located within the Malaghans Valley LCU. However, it is important to note that the proposed residential activity will be contained within the Rural Zone part of the site, with only part of the earthworks and one or two water tanks (and associated earthworks and landscaping) located in the WBRAZ.



**Figure 3:** PDP Zoning Overlay of the Site (Source: Landscape and Visual Effects Assessment) - site boundary shown by dashed black line

The Landscape and Visual Effects Assessment (attached as **Appendix 3**), prepared by Vivian Espie, describes the site as follows:

*“The Malaghans Valley Landscape Character Unit (**LCU1**) of the WBRAZ takes in the easternmost part of the site but not the proposed activities (excepting a part of the proposed water tanks). Schedule 24.8 sets out the landscape attributes, character and values of LCU1. In summary, Malaghans Valley is described as a relatively open, gently rolling valley, predominantly in working/pastoral land use, making its land highly visible and visually coherent from Malaghans Road. This description certainly holds for the valley that extends away to the east of the subject site. As the PDP zoning maps show (and as is evident in the landscape itself) the site is not fundamentally a part of this valley; the site is more correctly the start of the hill country that marks the western end of the Malaghans Valley.*

*The proposal dwelling and shed are sited within land zoned rural and are outside the ONL overlay as shown on the Site Plan of the Architectural Plans attached as Appendix 2. The application does extend into WBRA zoned with two water tanks (of the three proposed) will be located on the edge or within WBRA zoned land."*

There are no hazard overlay areas or contaminated sites registered on QLDC GIS. The site is not identified as a Wāhi tūpuna area in the PDP.

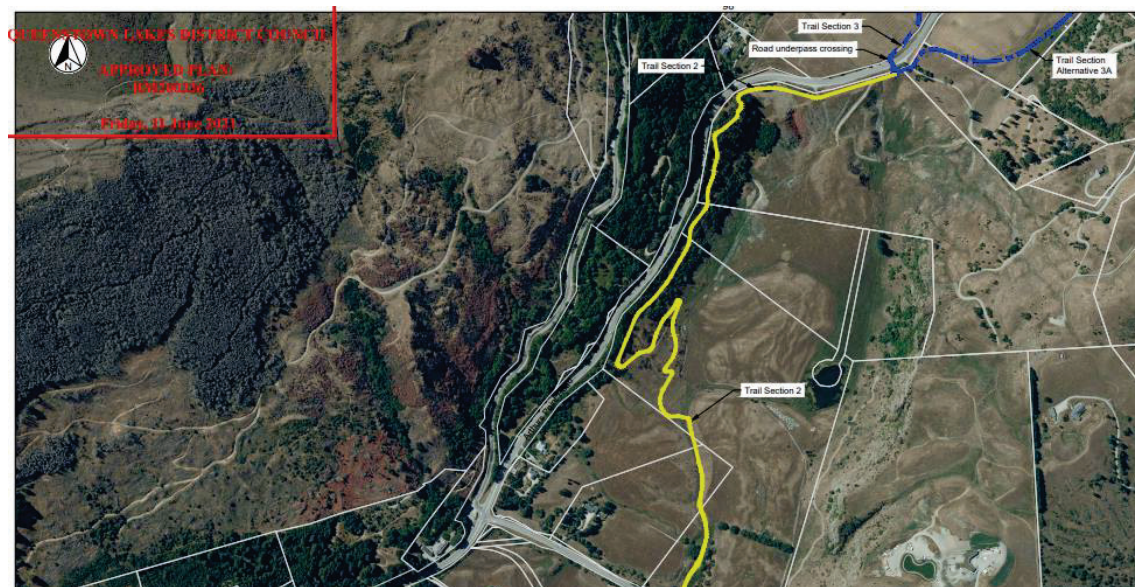
### 2.3 Consenting History

Council's property records indicate that the existing house on the site was constructed in the late 1970s. The existing accessory building next to the house was used as an artist's studio and commercial gallery. There have been several resource consents issued since this time that have authorised minor external alterations to this residential unit, the most relevant of which are summarised below:

- RM050723 granted consent to undertake alterations and additions to an existing dwelling and to convert an existing artist's studio/gallery adjacent to the dwelling into a garage and attached residential unit, in which the applicants currently reside.
- RM161096 granted retrospective consent to install a potable water tank near the southern boundary of the site.
- RM170305 granted consent to alter the existing dwelling, construct a new swimming pool in the location of an existing pool, and erect pergolas and solar panels. This consent has been partly given effect to.

The existing shed and stables were constructed in the early 1980s.

Another relevant decision is RM200336, granted on 11 June 2021, for the Queenstown Trails Trust to establish a trail from Arthurs Point to Arrowtown. Part of the trail is approved to be constructed within the site, along the Malaghans Road frontage, as shown in Figure 4 below. It is noted that the trail is not defined as a public place in regard to assessment of views of any proposal.



**Figure 4:** Approved Plan for RM200336 showing trail along Malaghans Road



## 2.4 Otago Regional Council Consents

The site contains an existing bore for potable water supply, approved under Otago Regional Council (ORC) consent RM21.031.01. The bore is located in the lower part of the site, to the north west of the proposed dwelling.

The site is located within the Lake Hayes catchment. The applicant has obtained ORC consent (reference RM23.065) for the on-site discharge of wastewater associated with this proposal.

The proposal does not trigger consent under the Regional Plan: Water for earthworks associated with residential development; this was assessed by the Regional Council during the processing of RM23.065.

## 2.5 Consultation

The applicant has consulted with neighbouring landowners. Responses received to date are attached in **Appendix 7**. A map showing the location of those parties who have provided their written approval to the proposal is included in section 5.9 of this report.

## 3.0 DESCRIPTION OF THE PROPOSAL

The Site Plan in Figure 5 below shows the layout of the proposed activities; this is from the set of Architectural Plans attached as **Appendix 2**.

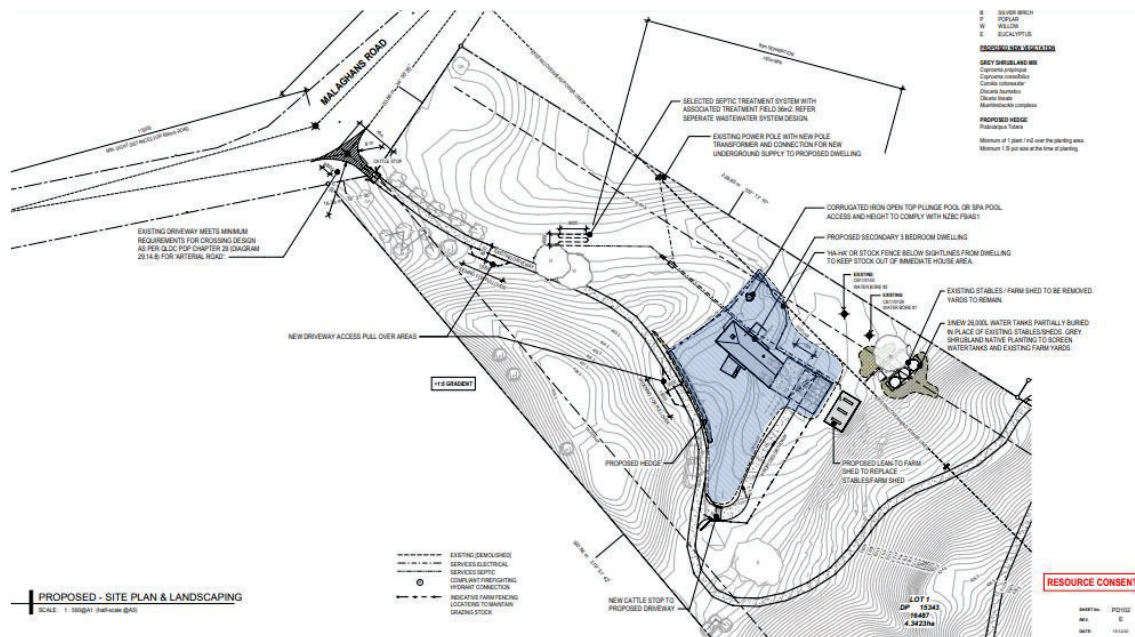


Figure 5: Proposed Site Plan – curtilage area shaded blue

## 3.1 Proposed Dwelling

Land use consent is sought to construct a second residential unit on the lower portion of the site. The owners of the site will remain the occupants of the existing dwelling and their son and his family (who currently reside in the adjoining residential flat) seek to establish their own house, whilst remaining on site and in close proximity to be able to support the owners.

Plans of the proposed dwelling prepared by Anna-Marie Chin Architects limited are attached as **Appendix 2**. The architect describes the design as based around the rural form:

*"The simplicity of the form and raw utilitarian materials paired with dark openings, recesses, and windows, aims to maintain a rural shed typology for the proposed residential dwelling. Outdoor living areas are minimal in scale and merge the rolling contour of the land with the flat bench the house is sited on. Landscaping has intentionally been kept to a minimum to maintain the rural space and allow the raw landscape of wild grasses and tussock to encompass the house.*

*The design has focused on creating comfortable spaces within a simple and functional shed form, limiting openings where possible and allowing the simplified form of the rural shed to drive the external aesthetic. The building sits over a natural ledge formed by the rolling land, and this allows the building to create shelter to the lower level, carport and entry stair."*

Whilst the design is based around the farm shed design concept, the proposal is for a residential dwelling and associated activities such as curtilage area, outdoor fire and spa/plunge pool.

The proposed three-bedroom dwelling will be 215m<sup>2</sup> in area. The dwelling will be a maximum of 7m in height above original ground level where the ground drops away. This provides for lower-level parking / carport space underneath the living area at the eastern end of the building. The western end of the dwelling is a single level and 4.5m above original ground level.

The dwelling will be clad in recycled galvanised corrugate (cladding and roofing). The carport is proposed to be clad in horizontal rough-sawn weathered timber. Galvanised flat sheet and timber claddings are proposed around building recesses and dark recessive window joinery will be used (Metro Coal Dust Kinetic, with an LRV of 8%) as detailed on the Architectural Plans (**Appendix 2**).

The proposed spa pool or plunge pool will be clad in corrugated iron and located within the flat area to the north of the dwelling. It will not be fenced; its access and height will be designed to comply with the relevant requirements of the Building Code.

A stock fence will be erected around the driveway and curtilage area, as indicated on the Site Plan.

### **3.2 New Shed**

This application includes a proposed new three-bay farm shed with a footprint of 85m<sup>2</sup>. The shed will be benched into the toe of the rising slope located to the east of the dwelling. The shed will house equipment used on the property for farming purposes, and will be more fit for purpose than the existing stables and shed buildings, which are to be removed. Although the site is not large enough to farm on its own, the site owners own and manage stock that graze the site and a number of neighbouring properties.

Two bays will be enclosed and the third will remain open for farm feed and animal shelter. Of the two enclosed bays, one will be used for farm equipment and implements. The third bay of the new shed will be used as additional storage for the new dwelling.

External cladding materials for the shed replicate those for the dwelling, as shown on the Architectural Plans. It is proposed to re-use steel trusses salvaged from another farm building within the Basin.

The stockyards in front of the existing stables building will remain. Three water tanks will be required for the new dwelling and are proposed to be cut into the slope behind the yards.

### 3.3 Landscaping

The proposed landscaping is shown on Sheet PD102 (rev E) of the Architectural Plans. The intention is to retain the existing pastoral landscape with little modification.

Minimal planting is proposed: native grey shrubland planting is proposed to screen the water tanks, and a totara hedge will be planted along part of the driveway. The hedge is mainly for internal amenity, to prevent dust from the driveway spreading into the curtilage area for the new dwelling. The site will otherwise be retained in pastoral grass beyond the curtilage area.

### 3.4 Geotechnical Considerations

A Geotechnical Report prepared by Geosolve is attached as **Appendix 4**. This confirms that the site is suitable for the proposed development from a geotechnical perspective.

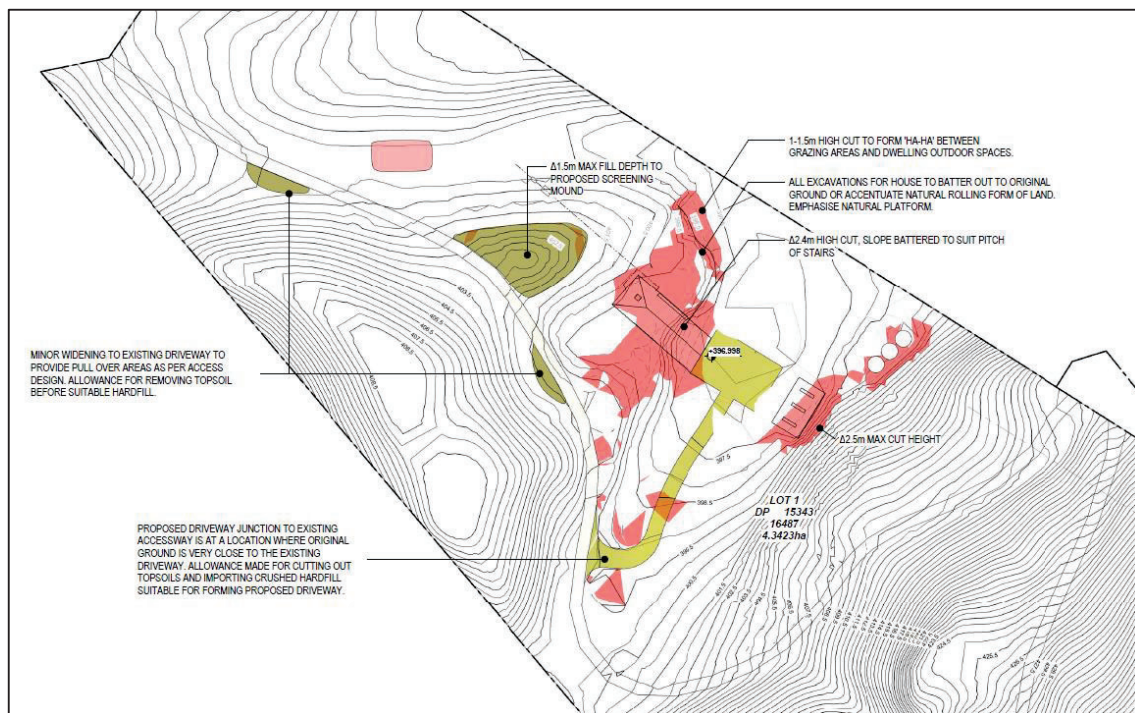
The site is underlain by alluvial deposits and glacial till. The glacial till will provide suitable bearing material for building foundations, but the alluvial material is likely to need replacing with certified fill.

As the proposed buildings will be located in a low part of the site, Geosolve recommends that a freeboard of 500mm be provided for the dwelling to mitigate against any risk of overland flows or ponding during extreme rainfall events.

The final design of the proposed buildings will be undertaken in accordance with the recommendations outlined above.

### 3.5 Earthworks

Earthworks are proposed to bench the dwelling, shed and water tanks into the landscape, to construct the wastewater disposal system, and to form a new section of driveway. These works are shown on Sheet PD103 of the Architectural Plans and copied below in Figure 6.



**Figure 6:** Proposed Earthworks (fill in green, cut in red)

The total volume of cut will be approximately 400m<sup>3</sup>, with a maximum depth of 2.5m at the rear of the proposed shed.

The total volume of fill will be approximately 250m<sup>3</sup>, with a maximum height of 1.5m above original ground level to raise an existing mound to the north west of the dwelling which provides screening from Malaghans Road.

The total volume of earthworks will therefore be approximately 650m<sup>3</sup>. All cuts and batters will be less than 65 degrees and will comply with the standards for accessways.<sup>1</sup>

Batter slopes will be shaped to meet original ground level to look natural in the landscape, and will be re-vegetated on completion of works.

### **3.6 Infrastructure and Access**

#### Access and Parking

The proposed dwelling will be accessed via the existing gravel driveway. A short section of new driveway will branch off the main driveway, across the flatter part of the site, to the new dwelling and shed.

A carport underneath the house will provide covered parking for two vehicles. A gravel courtyard between the house and shed will serve as an additional parking and manoeuvring area.

#### Wastewater

ORC consent (reference 23.065) has been granted to dispose of treated wastewater to ground in the Lake Hayes catchment. The wastewater system design has been prepared by Railton Contracting and is attached in **Appendix 5**. It comprises secondary treatment via an Austin Bluewater ABS2000 prior to disposal to land.

The proposed system has a flow allowance per person of 165 litres per day and a total design allowance of 990 litres per day to service the three-bedroom dwelling (maximum of six occupants).

For land application, the proposed dispersal system comprises 100m of dripper line with a design loading rate of 30mm/day. The disposal field will be buried deep enough (300mm minimum) to avoid being affected by heavy frosts.

The dispersal field location is shown on the Site Plan. This location is elevated, so well separated from the bore and from where any surface water may collect during heavy rain.

#### Water Supply

Water for domestic purposes will be taken from the consented bore on site. The water will be treated in accordance with the recommendations of the letter from Pure Water attached in **Appendix 5** to ensure that it meets the relevant drinking water standards.

#### Stormwater

Stormwater from impervious areas associated with the proposed development will be disposed of to ground within the site, via soak pits. The Geotechnical Report does not identify any issues with this method of disposal.

The design of soak pits will be assessed as part of the building consent process.

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<sup>1</sup> QLDC PDP standard 25.5.17

### Power

Aurora has provided a letter, attached in **Appendix 5**, confirming that an electricity supply can be made available to the proposed dwelling. Connections will be made underground of existing reticulation.

### Telephone and Internet

A wireless broadband supply is proposed using LightSpeed. A letter confirming the availability of supply is attached in **Appendix 5**. It is not proposed to install a telephone line to the new dwelling.

### Firefighting

Three 26,000L tanks are proposed to be partly buried in the current location of the shed to be removed, at the toe of the slope. A hardstand area for a Fire Service vehicle will be available in the gravel courtyard area between the new house and shed. Refer to the Site Plan in **Appendix 2**.

There will be a connection point for the fire fighting water supply adjacent to the hardstand area.

## **4.0 CONSENTS REQUIRED AND ACTIVITY STATUS**

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### **4.1 Operative District Plan**

As the zoning of the site and relevant rules under the PDP have now been finalised, the Operative District Plan (ODP) has not been considered in terms of the activities for which consent is required.

### **4.2 Proposed District Plan**

As outlined in section 2.2 above, the majority of the proposed development will be located with the Rural Zone under the PDP. One or two of the proposed water tanks, and associated earthworks and landscaping, will be in the WBRAZ.

### Rural Zone – Chapter 21<sup>2</sup>

The purpose of the Rural Zone is described as follows:

*“The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.*

*A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of rural properties that utilise the qualities that make them so valuable.”*

The Rural Zone is divided into two areas: the area for Outstanding Natural Landscapes and Outstanding Natural Features, and the Rural Character Landscape. These areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives. The part of the site in which the proposed development will

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<sup>2</sup> Chapter 21 Proposed District Plan Annotated Appeals Version March 2023



occur is Rural Character Landscape (RCL).

Farming is a permitted activity in the Rural Zone.

The proposal requires resource consent for the following activities in Chapter 21:

Proposed Shed:

- A **restricted discretionary activity** under Rule 21.8.1 for the construction or replacement of a farm building where the landholding is not greater than 100 hectares (standard 21.8.1.1). The new shed will comply with the other relevant standards listed under the rule. It is proposed to replace the existing shed/stables buildings with a new three-bay shed, that will partly be used for farming purposes and partly for residential storage. Council's discretion is restricted to:

*The extent to which the scale and location of the Farm Building is appropriate in terms of:*

- rural amenity values;*
- landscape character;*
- privacy, outlook and rural amenity from adjoining properties; and*
- visibility, including lighting.*

It is noted that although the site is much smaller than 100ha, the applicants do also farm several other properties owned by others.

- A **restricted discretionary activity** under Rule 21.8.2, relating to the external appearance of farm buildings. It is proposed to use weathered corrugated iron as a cladding material; this does not meet 21.8.2.2 or 21.8.2.3, as it does not have a specific LVR. Discretion is limited to:
  - external appearance.*
  - visual prominence from both public places and private locations;*
  - landscape character; and*
  - visual amenity.*

Proposed Dwelling:

- A **discretionary** activity under Rule 21.4.9 for the use of land or buildings for residential activities.
- A **discretionary** activity under Rule 21.4.11 for the construction of buildings, including the physical activities associated with such buildings such as roading, lighting, access, landscaping and earthworks, not provided for by another rule. (It is noted that the water tanks are assessed under this rule as a physical activity associated with the construction of the dwelling.)
- A **restricted discretionary activity** under Rule 21.7.2, relating to the external appearance of buildings. It is proposed to use weathered corrugated iron as a cladding material; this does not meet 21.7.2.1 or 21.7.2.2, as it does not have a specific LVR. Discretion is limited to:
  - external appearance.*
  - visual prominence from both public places and private locations;*
  - landscape character; and*
  - visual amenity.*

The proposal will meet the following rules in Chapter 21 relating to buildings:

- 21.5.1 requiring a 15m minimum setback from internal boundaries;
- 21.5.2 requiring a 20m minimum setback from roads;
- 21.5.4 requiring a 20m minimum setback from waterbodies;
- 21.5.7 relating to requirements for lighting and glare;
- 21.7.3 regarding maximum building size of 500m<sup>2</sup> ground floor area;
- 21.7.4 requiring a maximum building height of 8m;
- 21.7.5 regarding fire-fighting requirements; and
- 21.8.3 requiring a maximum building height of 10m for farm buildings.

#### Wakatipu Basin Rural Amenity Zone – Chapter 24<sup>3</sup>

The purpose of the WBRAZ is to maintain and enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities.

The zone includes 24 Landscape Character Units (LCUs), which assist with the identification of the landscape character and amenity values that are to be maintained or enhanced. The part of the site that is zoned WBRAZ is in LCU1 – Malaghans Valley.

The only parts of the proposal that will be located in the WBRAZ are some earthworks, one or two of the water tanks (and associated earthworks and landscaping) and the proposed spa pool.

The proposed water tanks and spa are not considered to meet the PDP definition of a 'building'. The definition of building excludes any structures which are less than 5m<sup>2</sup> in area and in addition less than 2m in height above ground level; this applies to the proposed spa. The definition also does not apply to any exemptions under the Building Act 2004. Section 23(1)(g) outlines that tanks and pools (including any structure in support of the tank or pool) does not require building consent if it does not exceed 35,000 litres capacity and is supported directly on the ground (for example is not raised) <sup>4</sup>. The three tanks proposed are each 26,000L in volume and will be partially buried, so are not defined as a building under the PDP.

The definition of 'building' is relevant, as this determines that no consents are required for buildings in the WBRAZ. It is noted that the tanks and spa will be assessed under Rule 21.4.11, as physical activities associated with the construction of the dwelling in the Rural Zone.

#### Earthworks – Chapter 25<sup>5</sup>

As noted above, the site is split zoned.

The earthworks will mainly be undertaken in the Rural Zone part of the site and will comply with the permitted volume of 1000m<sup>3</sup> for that zone. However, in accordance with 25.3.2.10 (Interpreting and Applying the Rules), the earthworks volumes have been calculated per site, meaning that the maximum permitted volume for the WBRAZ is breached. This is considered to be a technical non-compliance.

The proposal requires resource consent for the following activities in Chapter 25:

- A **restricted discretionary** activity pursuant to Rule 25.4.2 for a total volume of greater than 400m<sup>3</sup> on a site in the WBRAZ. The total volume will be approximately 650m<sup>3</sup>.

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<sup>3</sup> Chapter 24 Proposed District Plan Annotated Appeals Version March 2023

<sup>4</sup> Exemptions Guidance for Schedule 1 of the Building Act 2002 First Edition August 2020.

<sup>5</sup> Chapter 25 Proposed District Plan Annotated Appeals Version December 2022

- A **restricted discretionary** activity pursuant to Rule 25.5.15 for the height of cut being greater than 2.4m. The maximum cut height will be 2.5m.

Council's discretion is limited to the following matters for both of these earthworks breaches:

- Soil erosion, generation and run-off of sediment.*
- Landscape and visual amenity values.*
- Effects on infrastructure, adjacent sites and public roads.*
- Land stability.*
- Effects on water bodies, ecosystem services and biodiversity.*
- Cultural, heritage and archaeological sites.*
- Nuisance effects.*
- Natural Hazards.*
- Functional aspects and positive effects.*

The proposal will meet the following standards in Chapter 25 relating to earthworks:

- 21.5.11 regarding earthworks over a contiguous area of land;
- 25.5.12 regarding the implementation of erosion and sediment control measures;
- 25.5.13 regarding the implementation of dust control measures;
- 25.5.14 regarding accidental discovery;
- 25.5.16 requiring a maximum fill depth of 2m;
- 25.5.17 regarding the construction of rural accessways;
- 25.5.18 regarding minimum setbacks from boundaries;
- 25.5.19 regarding minimum setbacks from waterbodies;
- 25.5.20 regarding earthworks below aquifers, or which cause artificial drainage of any aquifer; and
- 25.5.21 requiring that no more than 300m<sup>3</sup> of cleanfill material be transported by road to or from any earthworks site.

#### 4.3 NES for Assessing and Managing Contaminants in Soil

Section 104(1)(b) of the RMA requires assessment of the activity against any relevant provisions of other legislation.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NESCS) apply to activities that result in a change of use if the land is covered by the NES, 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.

The proposal will result in a change of use of part of the site from farmland to residential. A Preliminary Site Investigation prepared by E3 Scientific is attached as **Appendix 6**. This confirms that the site is not a piece of land described in regulation 5(7) and therefore the change of use associated with the current consent application is not subject to the NESCS.

#### 4.4 Overall Activity Status

The application is to be assessed overall as a **discretionary** activity, as this is the most onerous activity status applying to the proposal as a whole.

Applications for discretionary activities are to be assessed against the matters set out in section 104 of the RMA. Section 104B sets out that the consent authority may grant or refuse a consent application for a discretionary activity, and may impose conditions under section 108.



## 5.0 ASSESSMENT OF EFFECTS

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This assessment covers the actual and potential effects of the activity on the environment in accordance with s104(1)(a). The level of detail corresponds with the scale and significance of the effects that the activity may have on the environment.

### 5.1 Receiving Environment

The site neighbours the Northridge subdivision, which includes several large dwellings located along the top of the ridge facing Coronet Peak. Residential building platforms, as yet undeveloped, have also been approved on the adjoining land to the south and south west.

The part of the site fronting Malaghans Road, and neighbouring land to the north east, is pastoral in appearance. To the south west of the site, the landform drops away into a small ice-carved basin, bordered by steep cliffs, which together form part of the ONL.

### 5.2 Permitted Baseline

Under section 104(2) of the RMA the Council may disregard an adverse effect of a proposed activity on the environment if a rule or National Environmental Standard permits an activity with that effect.

Given the area of the site, all buildings (whether for residential or farming use) require resource consent. As such, there is no permitted baseline relevant to this proposal.

### 5.3 General

In respect of Schedule 4 of the RMA, the assessment of effects is framed around the basis that:

- The proposal will not result in any significant adverse effect on the environment (so a description of any possible alternative locations or methods for undertaking the activity has not been provided).
- The proposal does not include the use of hazardous substances or installations, so will not result in any risk to the neighbourhood, the wider community, or the environment through such use.
- The proposal does not include the discharge of any contaminant. (A discharge permit has been obtained from the ORC for the on-site disposal of domestic wastewater.)
- The scale and significance of the activity's effects are not such that monitoring is required.
- The proposal will not adversely affect the exercise of any protected customary right.
- The proposal will not adversely affect any ecosystems or habitats.
- The proposal will not adversely affect any natural or physical resources having any known recreational, scientific, historical, spiritual, cultural or other special values.

### 5.4 Landscape and Visual Effects

The Landscape and Visual Effects Assessment, attached as **Appendix 3**, includes an assessment of the proposal against the relevant assessment matters for development in the Rural Character Zone, found in Chapter 21 of the PDP. These assessment matters are subject to appeals, but have been derived from policies in Chapters 3 and 6, which set out the strategic direction of the PDP, and have been resolved by the Environment Court<sup>6</sup>.

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<sup>6</sup> Environment Court Decision [2021] NZEnvC 155 (Decision 2.12)

The findings of the Landscape and Visual Effects Assessment are summarised below, and have been adopted for the purposes of this AEE:

- The proposed dwelling and its curtilage activities will be well separated (physically and visually) from the ice-carved basin to the west in the ONL. The quality and character of the ONL will not be affected.
- The design and location of the proposed dwelling and shed will maintain the current rural character and quality of the RCL in which they will be located.
- The proposed buildings will be well screened from Malaghans Road, and will only be visible in any material way from Coronet Peak Road and adjacent elevated land. The closest views, from Coronet Peak Road, are at a distance of approximately 1km and only intermittent. Broad views of the landscape are available at distances of 1.5km and greater from the site. In such views, the proposed buildings will be a small part of an expansive landscape scene and will sometimes appear as rural utilitarian buildings rather than a residential dwelling, partly due to the proposed cladding materials. Effects on visual amenity will be up to a low degree at most – from the closer viewpoints at 1km away.
- Screening of the proposed buildings will be primarily from the existing topography rather than proposed planting or earthworks.
- The proposed landscaping is minimal and of a rural rather than gardenesque nature, and will be contained within the low topographical part of the site.
- The proposed dwelling will share the existing access point and driveway onto Malaghans Road.
- The proposed dwelling will cumulatively add to built form in the RCL, but in a particularly slight and inconspicuous way.
- Overall, any adverse effects on landscape character and values will be low at most.

### **5.5 Earthworks Effects**

The total volume of earthworks is relatively small as the house, water tanks and shed have been designed to fit into the existing rolling landform. The new section of driveway will be formed across a flatter part of the site, so cut and fill batter heights will comply with the permitted standards for access construction. All cut and fill batters will be shaped to blend with the existing topography.

Excess cut material will be used within the site to raise the height of any existing mound to the north west of the proposed dwelling which will assist in screening it from Malaghans Road.

There will be no adverse effects on the stability of adjoining land.

Due to the topography, it is expected that any sediment run-off from earthworks will be contained within the site. There are no water bodies in the vicinity of the earthworks area that will be affected. Standard site management techniques will be implemented as necessary to mitigate any adverse effects associated with the earthworks.

### **5.6 Infrastructure Effects**

The new dwelling will be provided with connections to all necessary services infrastructure, including a potable water supply, on-site wastewater disposal system, power supply and internet.

An existing, consented bore on the site can supply the proposed dwelling with a potable water supply in accordance with Council's requirements. It is proposed to install three partially-buried water tanks at the base of the escarpment to the east of the proposed dwelling, where the existing shed (to be removed) is currently located. Grey shrubland planting is proposed on the bank behind

the tanks and to screen them from the proposed dwelling to the west. The tanks are unlikely to be noticeable from beyond the site.

The Council's requirements for fire-fighting water supply will be met, including on-site storage and provision of a hardstand parking area for a fire-fighting appliance.

Consent has been obtained from the Otago Regional Council for the on-site wastewater system as the site is located within the Lake Hayes Catchment. The proposed system will ensure that effluent is treated to a suitable standard to minimise any adverse effects on water quality.

Any new power connections will be made underground to avoid adverse visual effects.

For these reasons, it is not considered that there will be any adverse effects in terms of infrastructure.

### **5.7 Traffic and Access Effects**

The proposed dwelling will share the access to the existing house on the site.

The existing vehicle crossing onto Malaghans Road meets the PDP requirements for a private access onto an arterial road.

It is proposed to form two widened passing areas along the existing driveway, as shown on the plans in **Appendix 2**. This will ensure that the access is suitable to accommodate the additional traffic movements from the proposed dwelling.

Overall, it is not considered that there will be any adverse effects in terms of traffic or access.

### **5.8 Natural Hazards**

A Geotechnical Report, prepared by Geosolve, is attached as **Appendix 4**. This confirms that the site is suitable for the proposed development from a geotechnical perspective.

The final design of the proposed buildings will be undertaken in accordance with Geosolve's recommendations with regard to foundation materials and the provision of a freeboard to the floor level of the dwelling to mitigate against any risk of overland flows or ponding during extreme rainfall events.

Subject to Geosolve's recommendations being implemented, any potential adverse effects associated with natural hazards will be suitably mitigated.

### **5.9 Effects on Persons**

Under section 104(3)(a)(ii) of the RMA, the consent authority must not have regard to effects on any person who has provided written approval to the application.

The applicant has consulted with neighbouring landowners. Those written approvals already obtained are attached in **Appendix 7** and outlined in the table below. The locations of these properties in relation to the site are shown in Figure 7.

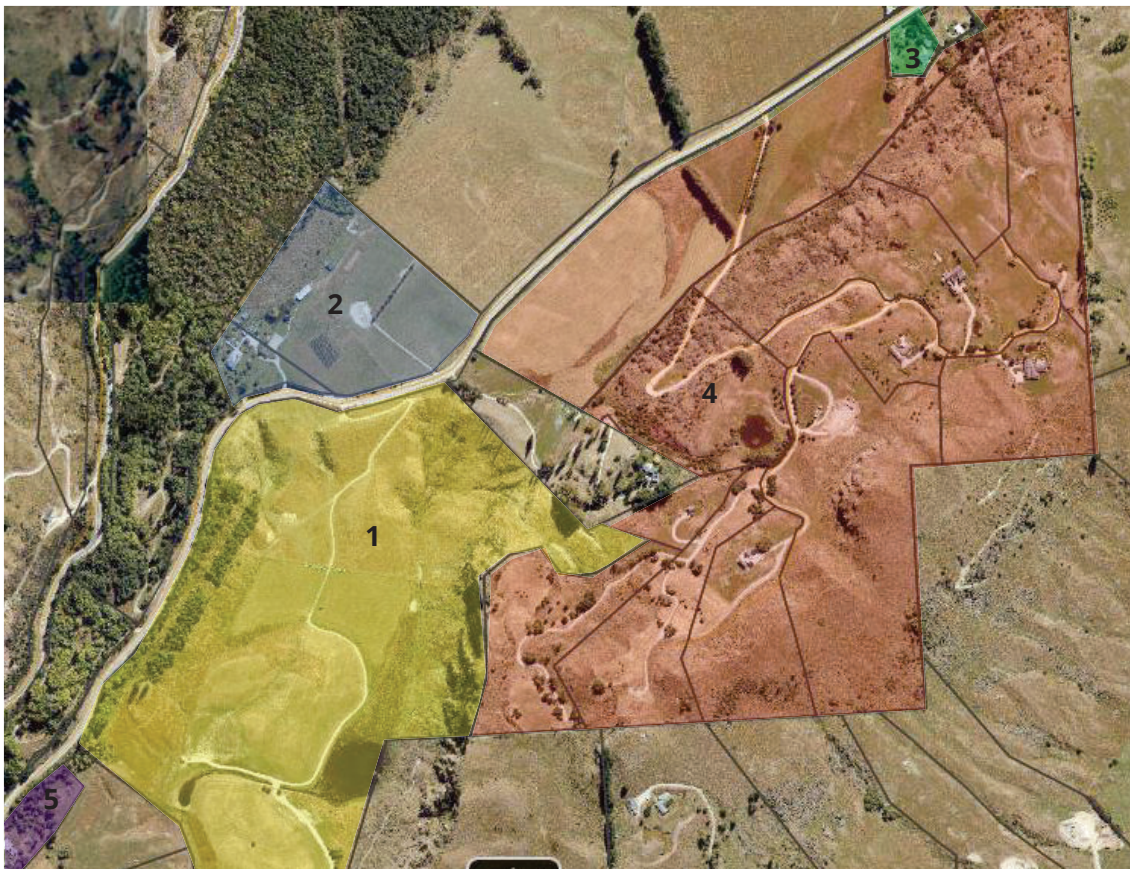
The establishment of another dwelling on the site could potentially affect the existing rural amenity experienced by other residents in the area. In this case, all of the directly adjoining landowners have provided approval, or a letter of support (in the case of Northridge).

The location of the proposed dwelling at the toe of the slope mitigates effects on rural outlook as all of the neighbours are separated by both elevation and topography.

The dwelling may be visible from elevated properties on Coronet Peak Road; however, the Landscape and Visual Effects Assessment concludes that any adverse effects on views will be, at

most, low. Any impact on views from private properties is considered to be a less than minor effect in terms of the RMA. At those distances, there will be no other effects on rural amenity, for example with regard to loss of privacy or noise. In summary, it is not considered that any persons who have not already provided their written approval will be affected in terms of section 95E.

Name	Address	Map Reference
Chilcotin Holdings Ltd	59 Littles Road	1
Manners-Wood	101 Malaghans Road	2
Baker	224 Malaghans Road	3
Northridge Residents' Association	Various – North Ridge Road and Toka Road	4
Kerr	18 Malaghans Road	5



**Figure 7:** Locations of Landowners Providing Written Approval or Support to the Proposal

## 6.0 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

The National Policy Statement for Highly Productive Land 2022 (NPS – HPL) was developed with the objective of protecting New Zealand's most productive land for use in land-based primary production, both now and for future generations.

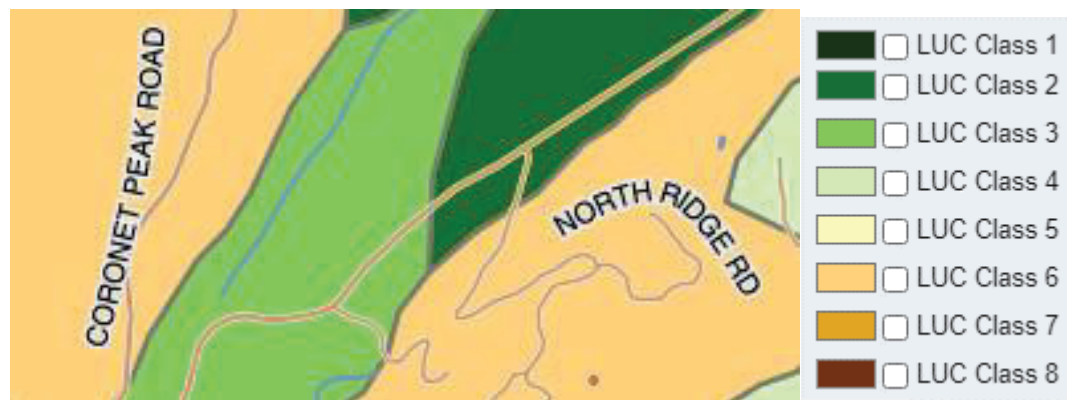


The NPS – HPL requires Councils to map highly productive land and include these maps in an operative regional policy statement. Where such maps have not yet been included in an operative regional policy statement, which is the case for Otago, rural land which is identified as Land Use Capability (LUC) 1, 2, or 3 is to be treated as highly productive land.

On its website, Manaaki Whenua Landcare Research describes the LUC system as follows:

*'The Land Use Capability system categorises land into eight classes according to its long-term capability to sustain one or more productive uses based on physical limitations and site specific management needs. Productive capacity depends on physical qualities of the land, soil and environment. Differences between ideal and actual land qualities may be regarded as limitations which will affect productivity and land management options.'*

Figure 8 below is a snip from the LUC maps on the Manaaki Whenua Landcare Research website:



**Figure 8:** Map of Land Use Capability Units at 1:25,000 scale (Source: Manaaki Whenua Landcare Research)

Only the lower part of the site, adjoining Malaghans Road, is classed as LUC Class 3. It appears that the proposed new dwelling and associated curtilage area will be located on the boundary of the LUC Class 3 and LUC Class 6 areas. Mapping is not accurate at a closer scale than 1:25,000, so the boundaries are not clearly defined. It can however be inferred that the LUC Class 3 classification applies to the valley floor, and the LUC Class 6 to the sloping escarpment face.

The NPS – HPL includes the following policies which are relevant to this application:

- Policy 1: Highly productive land is recognised as a resource with finite characteristics and longterm values for land-based primary production.*
- Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.*
- Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.*
- Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*
- Policy 8: Highly productive land is protected from inappropriate use and development.*
- Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

While the NPS – HPL states that Councils must avoid the inappropriate use or development of highly productive land that is not land-based primary production, it does provide for the development of land classed as highly productive land in some situations, including small-scale

activities that have no impact on the productive capacity of the land<sup>7</sup>. In this case, the part of the site which is identified as LUC Class 3 is too small to be farmed economically on its own. Due to the limitations of the topography, grazing is the most viable productive use of the part of the site where the dwelling and curtilage area are to be located. The applicants consider that the potential loss of some LUC Class 3 land within the site for the proposed residential curtilage area will have a negligible effect on the overall productive potential of the site, and will not result in any reverse sensitivity effects. The proposal does not include further subdivision of the site into smaller land units. The intention of the applicants is to remain living on the site so that it can continue to be farmed. The applicants currently graze stock on the site and neighbouring land.

For these reasons, it is considered that the proposed dwelling is not an inappropriate development in terms of the NPS – HPL.

## **7.0 DISTRICT PLAN OBJECTIVES & POLICIES**

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The attached **Annexure 1** contains a detailed assessment of the proposal against the relevant objectives and policies of the PDP.

Little weight needs to be given to the ODP given the advanced stage of the PDP. However, a number of provisions relating to the Wakatipu Basin Rural Amenity Zone are yet to be finalised. The proposal has therefore been considered in terms of the objectives and policies in the relevant sections of the ODP.

Section 4: District Wide Issues includes Objective 4.2.5 and associated policies which require development is undertaken so as to avoid, remedy or mitigate adverse effects on landscape and visual amenity values. Under the ODP, the site is located in a Visual Amenity Landscape. The proposal is not highly visible from public places, including public roads, and has been assessed in the Landscape and Visual Effects Assessment as not resulting in cumulative degradation of the landscape to the point where any further development would be inappropriate. The proposed location and design of the buildings and water tanks are not contrary to policies regarding structures.

Regarding Section 5: Rural Areas, the proposal is consistent with: Objective 1, which is to protect the character and landscape value of the rural area; Objective 3, which relates to effects on Rural Amenity; and Objective 4 which is to safeguard the Life Supporting Capacity of Water.

The objectives and policies in Section 22 – Earthworks are similar those in the PDP, covering effects of earthworks on the natural landform and ONL, management of the environmental effects of earthworks, land stability and hazards. Likewise, the relevant objectives and policies in Section 15: Subdivision, Development and Financial Contributions, regarding the provision of services and access to developments, are similar to those in Chapter 27 of the PDP. The proposal is consistent with these provisions.

In summary, it is considered that the proposal is generally consistent with the overall policy direction provided for in both the ODP and PDP.

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<sup>7</sup> National Policy Statement for Highly Productive Land 2022 – Section 3.9(2)(g)

## 8.0 ASSESSMENT IN TERMS OF PART 2 OF THE RMA

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In accordance with Clause 2(1)(f) of Schedule 4, an assessment of the activity against the matters set out in Part 2 is required for all resource consent applications.

The proposal is consistent with the definition of sustainable management in Part 2, as it will enable the applicant to provide for its social and economic wellbeing, while ensuring that any adverse effects on the environment are suitably avoided, remedied or mitigated.

With regard to matters of national importance, the proposal will not adversely affect the natural character or landscape values of the adjoining ONL and the dwelling will not be unduly susceptible to any natural hazards. The proposal also does not contravene any of the principles of the Treaty of Waitangi.

In summary, the proposal is consistent with the purpose and principles of the RMA.

## 9.0 NOTIFICATION ASSESSMENT

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This section provides an assessment of the proposal under section 95 of the Act to determine whether notification of the application for resource consent is required.

### 9.1 Public Notification

Section 95A sets out the steps that must be followed, in the order given, to determine whether an application should be publicly notified:

#### *Step 1 – mandatory public notification*

- The applicant has not requested public notification of the application (s95A(3)(a)).
- Notification is not required under s95C as the applicant has not refused to provide further information or refused the commissioning of a report (s95A(3)(b)).
- The application is not being made jointly with an application to exchange recreation reserve land (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

#### *Step 2 – public notification precluded*

- Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).
- The activity is not a controlled activity or a boundary activity (s95A(5)(b)).

Therefore, public notification is not precluded by Step 2.

#### *Step 3 – public notification is required in certain circumstances*

- Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).
- The assessment of effects included in this report confirms that the proposed activity will not have, or be likely to have, adverse effects on the environment that are more than minor (s95A(8)(b)).

Therefore, public notification is not required under Step 3.

#### *Step 4 – public notification in special circumstances*

- There are no special circumstances in relation to this application that warrant public notification.

## 9.2 Limited Notification

Section 95B sets out the steps that must be followed, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A:

*Step 1: certain affected groups and affected persons must be notified*

- The proposal does not affect any protected customary rights groups (s95B(2)(a)).
- The proposal does not affect any customary marine title group (s95B(2)(b)).
- The proposed activity is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgement (s95B(3)(a)).

Therefore, limited notification is not required under Step 1.

*Step 2: if not required by Step 1, limited notification precluded in certain circumstances*

- The proposal is not subject to a rule or national environmental standard that precludes limited notification (s95B(6)(a)).
- The proposal is not a controlled activity (s95B(6)(b)).

Therefore, limited notification is not precluded by Step 2.

*Step 3: if not precluded by Step 2, certain other affected persons must be notified*

- The activity is not a boundary activity ((s95B(7)(a)).
- The effects of the proposed activity have been assessed in this report. The conclusion reached is that in terms of section 95E there are no affected persons (s95B(8)). Written approvals (or letters of support) have been obtained from the directly adjoining neighbours.

Therefore, limited notification is not required under Step 3.

*Step 4: further notification in special circumstances*

- There are no special circumstances that warrant limited notification to any other person not already considered in this assessment.

Therefore, limited notification is not required under Step 4.

## 10.0 CONCLUSION

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It is proposed to construct a second residential unit and shed at 134 Malaghans Road, and to undertake associated physical activities including earthworks, landscaping, and the installation of water tanks and a spa pool.

A Landscape and Visual Effects Assessment has been undertaken, which concludes that any adverse effects on landscape character and values will be low at most. The proposed buildings will not be visible from Malaghans Road (except for part of a chimney) due to the existing topography of the site.

The proposed dwelling can be serviced and will share the existing access to the site.



Overall, it is assessed that the effects on the environment will not be more than minor, and no persons who have not provided their written approval or support to the proposal will be adversely affected. The application therefore does not require notification.

The proposal is consistent with, and is not contrary to, any relevant objectives and policies of the PDP, and is consistent with Part 2 of the RMA.

## ANNEXURE 1: PROPOSED DISTRICT PLAN OBJECTIVES AND POLICY ASSESSMENT

The following tables assess the proposals against the relevant objectives and policies of the District Plan. Each table relates to a different chapter.

Those provisions highlighted in red remain subject to appeal.

**Table 1 - Chapter 3: Strategic Direction**

Clause	Provision	Comment
<b>Objective 3.2.1</b>	<b>The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1).</b>	With regard to Objectives 3.2.1 and 3.2.5 and their associated policies, the application provides for an additional rural living opportunity on the site, that will not diminish the landscape values of the nearby ONL and will maintain the existing landscape character and visual amenity values of the surrounding rural area. Existing nature conservation values will be maintained and there will be no known effects on any Ngāi Tahu values, interests or customary resources.
Policy 3.2.1.8	Diversification of land use in rural areas beyond traditional activities, including farming, provided that: <ul style="list-style-type: none"><li>a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;</li><li>b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and</li><li>c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.</li></ul>	
Objective 3.2.5	The retention of the district's distinctive landscapes.	
Policy 3.2.5.5	Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision, use or development are anticipated and effectively managed, through policies and rules, so that: <ul style="list-style-type: none"><li>a. landscape character is maintained; and</li><li>b. visual amenity values are maintained or enhanced.</li></ul>	

Policy 3.2.5.6	In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.	The proposed dwelling will be located in proximity to the ONL but will not compromise its landscape values as it is separated visually and physically by the topography of the site.
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**Table 2 – Chapter 6: Landscapes & Rural Character**

Clause	Provision	Comment
Policy 6.3.2.2	Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.	Outside lights will be directed downwards to avoid excessive glare or degradation of views of the night sky. It is anticipated that this would be controlled by a condition of consent.
Policy 6.3.2.7	Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape.	Refer to comments regarding Policy 3.2.5.6 above.
Policy 6.3.2.8	Encourage any landscaping to be ecologically viable and consistent with the established character of the area.	Minimal landscaping is proposed, to maintain the existing pastoral appearance of the site. Proposed planting is considered to be consistent with the established character of the area, including native grey shrubland planting consistent with that on the face of the escarpment in the vicinity of the site.
Policy 6.3.4.1	Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.	The application includes this assessment against the objectives and policies of the PDP, to ensure that it is consistent with Policy 6.3.4.1.
Policy 6.3.4.3	Require that proposals for subdivision or development for rural living in the Rural Zone:	The attached Landscape and Visual Effects Assessment considers existing development within the landscape character area in assessing the

	<ul style="list-style-type: none"> <li>a. take into account all subdivision and development that is in existence or is consented for all land within the relevant landscape character area as at 14 May 2021; and</li> <li>b. assess the potential for adverse cumulative effects on the landscape character of that area and its wider landscape context.</li> </ul>	cumulative effects of the proposal, and notes that there are no consented (but unimplemented) developments of relevance.
Policy 6.3.4.4	Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.	The proposed buildings will not be visible from Malaghans Road (with the exception of part of a chimney) and will share the existing accessway to the site. It is not considered that this development would result in sprawl along the road.
Policy 6.3.4.5	Ensure incremental changes from subdivision and development do not degrade landscape character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.	With regard to Policies 6.3.4.5 and 6.3.4.8, the proposal relies on the existing topography for screening in closer views of the site, rather than mitigation in the form of significant earthworks, mounding or screen planting. It will not be visible from Malaghans Road or be seen in the foreground of views of the ONL in views from that road.
Policy 6.3.4.8	<p>Avoid adverse effects on visual amenity from subdivision, use and development that:</p> <ul style="list-style-type: none"> <li>a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or</li> <li>b. forms the foreground for an Outstanding Natural Feature or Outstanding Natural Landscape when viewed from public roads.</li> </ul>	In views from Coronet Peak Road and adjoining elevated land, the Landscape and Visual Effects Assessment concludes that the proposed development will not degrade landscape character, as it will form only a small part of a much wider view and may appear as farm buildings at those distances.
Policy 6.3.4.9	In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape character.	The proposed dwelling and shed will be located in a low part of the site where they will be screened by topography, and will not degrade the existing openness of the site. No planting is proposed along any roads or boundaries.

Policy 6.3.4.11	Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character.	The proposed dwelling will share the access to the existing dwelling on the site. It has been designed to sit within a low part of the natural landform where it will not be visible from Malaghans Road.
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**Table 3 – Chapter 21: Rural**

Clause	Provision	Comment
<b>Objective 21.2.1</b>	<b>A range of land uses, including farming, are enabled while:</b> <ul style="list-style-type: none"> <li><b>a. Protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;</b></li> <li><b>b. Maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values;</b></li> <li><b>c. Maintaining or enhancing amenity values within the rural environment; and</b></li> <li><b>d. Maintaining or enhancing nature conservation values.</b></li> </ul>	With regard to Objective 21.2.1, the application provides for an additional rural living opportunity on the site, and the proposed shed will enable farming activities to also continue on the site. The proposal will not diminish the landscape values of the nearby ONL and will maintain the existing landscape character and visual amenity values of the surrounding rural area. Existing nature conservation values will be maintained.
Policy 21.2.1.2	Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.	The landholding is less than 100ha but the proposed shed will replace existing farm buildings that are to be removed. The shed has been designed to have a rustic appearance and will not be highly visible from beyond the site.
Policy 21.2.1.3	Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.	The proposed dwelling and shed locations meet the minimum setback requirements from internal and road boundaries. (Water tanks do not meet the definition of a 'building'.)

Policy 21.2.1.5	Have regard to the location and direction of lights so they do not cause glare to other properties, waterbodies, roads, public places or views of the night sky.	As noted above, any outside lighting will be directed downwards and this can be covered by a condition of consent.
Policy 21.2.1.6	Avoid adverse cumulative impacts on ecosystem services and nature conservation values.	It is not anticipated that there will be any adverse cumulative impacts on ecosystem services. The Landscape and Visual Effects Assessment has concluded that the proposal will add to the built form within the RCL, but will do so in a particularly inconspicuous way. It is therefore considered that any adverse cumulative impacts on nature conservation values, including landscape values, will be minimal.
Policy 21.2.1.7	Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.	There will be no known effects on the beliefs, traditions or practices of Tangata whenua.
Policy 21.2.1.8	Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.	The proposed dwelling will not be located in proximity to any vegetation that might be a fire risk, and no planting is proposed that might cause a fire risk to other properties.
Policy 21.2.1.9	Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.	A fire fighting water supply and vehicle access will be provided in accordance with the Fire Service's requirements.
<b>Objective 21.2.2</b>	<b>The life supporting capacity of soils is sustained.</b>	With regard to Objective 21.2.2 and the associated policies, it is proposed to use a small area of land within the site to establish a second residential unit. The remainder of the lower part of the site will continue to be used for grazing stock. There will be no clearance of any significant areas of existing indigenous vegetation or planting of any exotic wilding species.
Policy 21.2.2.1	Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.	
Policy 21.2.2.2	Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover	
Policy 21.2.2.3	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.	
<b>Objective 21.2.3</b>	<b>The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.</b>	The proposed activity will not adversely affect the quality of groundwater or surface waterbodies. Consent has been obtained from the ORC for the

Policy 21.2.3.1	<p>In conjunction with the Otago Regional Council, regional plans and strategies:</p> <ul style="list-style-type: none"> <li>a. encourage activities that use water efficiently, thereby conserving water quality and quantity;</li> <li>b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.</li> </ul>	<p>proposed on-site wastewater treatment system, to ensure that it will provide a suitable level of treatment prior to discharge to land.</p> <p>During earthworks, sediment control measures will be installed as necessary to avoid any sediment run-off from the site.</p>
<b>Objective 21.2.4</b>	<b>Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.</b>	<p>Objective 21.2.4 and the associated policies relate to reverse sensitivity issues in the rural area. The applicants, who already reside on the site, will occupy the proposed dwelling. The applicants intend to continue using the remainder of the site for grazing stock. In this case, is not anticipated that a second dwelling on the site will result in conflict with permitted and established activities in the surrounding area.</p>
Policy 21.2.4.1	New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.	
Policy 21.2.4.2	Control the nature, scale and location of activities seeking to establish in the Rural Zone, so as to minimise conflict with permitted and established activities, that may be incompatible with those activities.	
<b>Objective 21.2.9</b>	<b>Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.</b>	<p>As noted above, it is proposed to continue using the remainder of the site for grazing stock. The proposed second dwelling on the site will not diminish existing landscape values or the amenity values of the rural environment, and will not adversely affect nature conservation values.</p>
Policy 21.2.9.1	<p>Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:</p> <ul style="list-style-type: none"> <li>a. utilise natural and physical resources efficiently (including existing buildings and infrastructure);</li> <li>b. protect landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;</li> <li>c. maintain the landscape character of Rural Character Landscapes and maintain or enhance</li> </ul>	

	<p>their visual amenity values;</p> <p>d. maintain or enhance amenity values within the rural environment; and</p> <p>e. maintain or enhance nature conservation values.</p>	
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**Table 4 – Chapter 24: Wakatipu Basin**

Clause	Provision	Comment
<b>Objective 24.2.1</b>	<b>Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.</b>	<p>The site is partly located in the 'Malaghans Valley' Landscape Character Unit. The values identified in Schedule 24.8 include the sense of openness and spaciousness associated with the predominantly pastoral landscape, subservience of buildings within the overall unit, dramatic views from Malaghans Road to the mountain range, and highly attractive rural views from Malaghans Road to the Wharehuanui hillslopes and escarpment faces.</p> <p>As outlined above, the proposed buildings and access have been designed and located to minimise modification to the landform. The proposed water tanks, and associated landscaping and earthworks, are the only parts of the proposal located in the WBRAZ. The tanks will be dark green in colour and placed in the location of the existing shed to be removed, at the base of the escarpment. They will be partially buried, and surrounded by existing and proposed native grey shrubland planting similar to that found naturally on the escarpment. For these reasons, it is considered that the proposal will maintain existing landscape character and visual amenity values within the WBRAZ.</p> <p>There will be no clearance of any significant areas of existing vegetation. The volume of earthworks is relatively modest, as the buildings and access have been designed to fit into the existing topography.</p>
Policy 24.2.1.2	Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.	
Policy 24.2.1.3	Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.	
Policy 24.2.1.4	<p>Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:</p> <p>a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;</p>	
Policy 24.2.1.9	Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.	



Policy 24.2.1.11	Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.	No buildings will be located within the WBRAZ. The proposed buildings and curtilage area are located in a low part of the site where they will be screened by the natural topography.
Policy 24.2.1.12	Manage lighting so that it does not cause adverse glare to other properties, roads or public places or degrade views of the night sky.	As noted above, any exterior lighting will be downward facing so it will not result in adverse glare. There is unlikely to be any lighting within the WBRAZ.
Policy 24.2.1.13	Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.	The site is not within any wāhi tūpuna overlay areas (Stage 3 PDP). If any accidental or unanticipated archaeological discoveries are found on site, the correct protocol under the Heritage New Zealand Pouhere Taonga Act 2014 will be followed.
Policies 24.2.1.15	Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by: <ul style="list-style-type: none"> <li>a. implementing road setback standards; and</li> <li>b. ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while</li> <li>c. recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and dimensions, or the application of other setback requirements to the site.</li> </ul>	The proposed activities within the WBRAZ will maintain the existing views of the ONL from Malaghans Road and Coronet Peak Road. The water tanks will not be located within the minimum required road setback.
<b>Objective 24.2.3</b>	<b>Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.</b>	Refer to comments above regarding Objective 21.2.4 and the associated policies relating to reverse sensitivity issues in the rural area. The applicants, who already reside on the site, will occupy the proposed dwelling. The applicants intend to continue using the remainder of the site

Policy 24.2.3.2	Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.	for grazing stock. In this case, is not anticipated that a second dwelling on the site will result in conflict with permitted and established activities in the surrounding area.
Policy 24.2.3.3	Support productive farming activities such as agriculture, horticulture and viticulture in the Rural Amenity Zone by ensuring that reverse sensitivity issues do not constrain productive activities.	
<b>24.2.4</b>	<b>Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.</b>	<p>The site is located within the Lake Hayes Catchment. Activities proposed within the WBRAZ include the installation of water tanks and associated earthworks and landscaping. These activities are unlikely to affect water quality in the catchment. Standard sediment control measures will be installed as necessary during earthworks to avoid sediment run-off from the site; due to the existing topography and distance to surface waterbodies this is not considered likely to be an issue.</p> <p>Policy 24.2.4.2 does not technically apply to the proposed dwelling, as it is not located in the WBRAZ. However, the proposed on-site disposal area for treated domestic wastewater is within the WBRAZ part of the site, and the issue of water quality is relevant as the site is located in the Lake Hayes Catchment. An ORC discharge permit (reference 23.065) has already been obtained for this activity. As part of that process, ORC's Resource Science Unit (RSU) assessed the suitability of the system design. The ORC officer's report (<a href="#">attached</a> as <b>Appendix 8</b>) notes that the discharge has the potential to introduce and increase nitrogen and pathogen concentrations within groundwater. It concludes that the low application rate proposed will ensure that it does not have any adverse effects on groundwater nitrogen concentrations providing the disposal system is effectively managed. Also, given the relatively small volume of discharge and the proposed quality of the discharge, attenuation of pathogens should be achieved through the underlying soils prior to reaching any groundwater.</p> <p>With regard to effects on the Lake Hayes catchment, the ORC officer's report states:</p>
Policy 24.2.4.1	Avoid adverse cumulative impacts on ecosystem services and nature conservation values.	
Policy 24.2.4.2	Restrict subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal.	

		<p><i>"The wastewater discharge is located within the Lake Hayes catchment. The distance from the disposal field to Lake Hayes is over 8 km and is unlikely to have any effect on surface water quality. The disposal field is also located over 3km from Dan O'Connell Creek which is a direct tributary of Lake Hayes. RSU also noted that any groundwater will take a long time to get to a surface water body. Furthermore, due to its proximity to the Lake Hayes/ Shotover catchment boundary, RSU noted that there is potential for the discharge to end up in the Shotover catchment, or only partially within the Lake Hayes catchment. Given the separation distances from both water bodies discussed above and the level of treatment proposed, adverse effects on surface water and the wider Lake Hayes catchment will be less than minor."</i></p> <p>The ORC report also considers cumulative effects:</p> <p><i>"Council staff are not aware of any adverse cumulative effects resulting from multiple wastewater discharges in the area. The likelihood of such effects can be avoided or mitigated, provided discharges are properly managed and appropriate conditions applied to discharge permits. Cumulative effects are expected to be no more than minor."</i></p> <p>In summary, while the proposal will not improve water quality in the catchment, the scale of any adverse effects on water quality will be very low given the nature and scale of the development. The proposed on-site wastewater system will treat effluent to a high standard prior to discharge to land, and the application rate will be low. Furthermore, the weighting given to Policy 24.2.4.2 should take into account that the dwelling is not actually located in the WBRAZ.</p>
Policy 24.2.4.4	Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.	Firefighting water supply and access for emergency vehicles will be provided in accordance with the Fire Service's requirements.

Policy 24.2.4.5	Ensure development has regard to servicing and infrastructure costs that are not met by the developer.	The proposed dwelling (which is not actually located in the WBRAZ) is intended to be occupied by the applicants and will be fully serviced to meet their requirements.
Policy 24.2.4.6	Facilitate the provision of walkway and cycleway networks and consider opportunities for the provision of bridle path networks.	RM200336 has been granted to the Queenstown Trails Trust to construct a trail from Arthur's Point to Arrowtown, which includes a section along the Malaghans Road frontage of the site.
Policy 24.2.4.8	Encourage the removal of wilding exotic trees.	There are no wilding exotic trees within the site.
Policy 24.2.4.9	Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, particularly in locations such as gullies and riparian areas, or to provide stability.	Small areas of native grey shrubland planting are proposed within the WBRAZ, similar to that found naturally on the escarpment, to screen the water tanks and stabilise the cut batter to the rear of the tanks.

**Table 5 – Chapter 25: Earthworks**

Clause	Provision	Comment
<b>Objective 25.2.1</b>	<b>Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.</b>	The proposed earthworks are to prepare the site for residential development. The proposed buildings have been designed to fit into the existing topography.
Policy 25.2.1.1	Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development.	The scale and extent of earthworks will maintain existing amenity values of the surrounding rural landscape. There will be no earthworks within the ONL or on any other prominent landscape features. An existing mound will be raised slightly using excess fill material; this will be shaped to appear natural and re-grassed.
Policy 25.2.1.2	Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that: <ul style="list-style-type: none"> <li>a. Protects the values of Outstanding Natural Features and Landscapes;</li> <li>b. Maintains the amenity values of Rural Character Landscapes</li> </ul>	<p>The proposed new section of driveway will be formed across a flattish part of the site and will not require any significant cut or fill batters.</p> <p>Cut and fill batters will be shaped to blend with the existing topography, and planted or re-grassed.</p>

	<ul style="list-style-type: none"> <li>c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;</li> <li>d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;</li> <li>e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;</li> <li>f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and</li> <li>g. Maintains public access to and along lakes and rivers.</li> </ul>	<p>Standard site management measures will be implemented as necessary to mitigate adverse environmental effects. It is anticipated that standard conditions of consent will be imposed to ensure that these measures are properly installed and maintained throughout the construction stage.</p> <p>Earthworks will not affect the stability of adjoining land as no significant depths of cut or fill are proposed close to site boundaries.</p>
Policy 25.2.1.3	Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.	
Policy 25.2.1.4	Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.	
Policy 25.2.1.5	Design earthworks to recognise the constraints and opportunities of the site and environment.	
Policy 25.2.1.6	Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.	
Policy 25.2.1.7	Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.	
Policy 25.2.1.8	Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.	The site is not located within an identified wāhi tūpuna area. If any accidental discoveries are made, the appropriate protocols will be followed. This can be covered by a condition of consent.

Policy 25.2.1.9	Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.	
Policy 25.2.1.10	Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.	The proposed earthworks are not anticipated to generate significant traffic movements. The existing access is suitable for temporary use by construction vehicles.
Policy 25.2.1.11	Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.	The proposed earthworks will not exacerbate any natural hazard risks.
<b>Objective 25.2.2</b>	<b>The social, cultural and economic wellbeing of people and communities benefits from earthworks.</b>	The proposed earthworks will benefit the applicants by providing for the construction of their new home, and a purpose-built shed to enable the continuation of farming activities on the remainder of the site.
Policy 25.2.2.1	<p>Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:</p> <ul style="list-style-type: none"> <li>a. Nationally and Regionally Significant Infrastructure;</li> <li>b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;</li> <li>c. minimising the risk of natural hazards;</li> <li>d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing;</li> <li>e. the use and enjoyment of land for recreation, including public walkways and trails; and</li> <li>f. maintaining or enhancing the operational efficiency of existing infrastructure.</li> </ul>	

**Table 6 – Chapter 27: Subdivision & Development**

Clause	Provision	Comment
<b>Objective 27.2.5</b>	<b>Infrastructure and services are provided to new subdivisions and developments.</b>	Access and services will be provided to the proposed dwelling in accordance with the relevant standards.
Policy 27.2.5.2	Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.	Safe and efficient vehicle access will be provided to the new dwelling.
Policy 27.2.5.4	Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.	The dwelling will share the existing driveway on the site. A section of new driveway to access the dwelling will be formed across the flatter part of the site, to minimise earthworks.
Policy 27.2.5.7	Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.	Water supply will be from a consented bore within the site. The water will be treated if necessary to meet the relevant standards for potable supplies.
Policy 27.2.5.10	Ensure appropriate water supply, design and installation by having regard to: <ul style="list-style-type: none"> <li>a. the availability, quantity, quality and security of the supply of water to the lots being created;</li> <li>b. water supplies for fire fighting purposes;</li> <li>c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;</li> <li>d. any initiatives proposed to reduce water demand and water use.</li> </ul>	Fire fighting water storage and access for Fire Service vehicles will be provided in accordance with the Fire Service's requirements.
Policy 27.2.5.11	Ensure appropriate stormwater design and management by having regard to: <ul style="list-style-type: none"> <li>a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;</li> <li>b. the capacity of existing and proposed stormwater systems;</li> </ul>	Stormwater from impervious areas will be disposed of to ground within the site. The design of soak pits will be assessed as part of the building consent process.

	<ul style="list-style-type: none"> <li>c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;</li> <li>d. the location, scale and construction of stormwater infrastructure;</li> <li>e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.</li> </ul>	
Policy 27.2.5.13	<p>Treat and dispose of sewage in a manner that:</p> <ul style="list-style-type: none"> <li>a. maintain public health;</li> <li>b. avoids adverse effects on the environment in the first instance; and</li> <li>c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.</li> </ul>	<p>Consent has been granted by the ORC for the proposed on-site wastewater treatment system, deeming that it will provide a suitable level of treatment prior to discharge to land to avoid adverse effects on water quality in the Lake Hayes catchment.</p>
Policy 27.2.5.14	<p>Ensure appropriate sewage treatment and disposal by having regard to:</p> <ul style="list-style-type: none"> <li>a. the method of sewage treatment and disposal;</li> <li>b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;</li> <li>c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.</li> </ul>	
Policy 27.2.5.16	<p>Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:</p>	<p>The dwelling will be connected to power reticulation. The connection will be made underground.</p> <p>It is proposed to provide wireless telecommunications services using LightSpeed.</p>



	<ul style="list-style-type: none"> <li>a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;</li> <li>b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;</li> <li>c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.</li> </ul>	
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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 16487  
**Land Registration District** Otago  
**Date Issued** 23 January 2002

**Prior References**

4015 OT6B/467

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**Estate** Fee Simple  
**Area** 4.3423 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 304103 and Lot 1  
Deposited Plan 15343

**Registered Owners**

Barbara Ann Hay as to a 1/2 share  
James Martin Hay as to a 1/2 share

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**Interests**

Appurtenant to Lot 1 DP 15343 is a right to convey water created by Transfer 502922.1 - 7.9.1978 at 10:59 am

Appurtenant to Lot 1 DP 304103 is a right to convey electricity and draw and convey water created by Transfer 953389.2 - 25.8.1998 at 3:15 pm

Appurtenant to lot 1 DP 304103 are rights to convey electricity & telephone communications, rights to convey water & electricity, rights to convey water & electricity & telephone communications, rights to draw and convey water & convey electricity, rights of way & rights to convey water & electricity & telephone communications, rights to store and convey water & convey electricity specified in Easement Certificate 5028260.7 - 29.3.2001 at 9:00 am

The easements specified in Easement Certificate 5028260.7 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer 5057644.3 - 10.7.2001 at 3:56 pm (Affects Lot 1 DP 304103)

Land Covenant in Deed 5057644.5 - 10.7.2001 at 3:56 pm (Affects Lot 1 DP 304103)

5057644.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.7.2001 at 3:56 pm (Affects Lot 1 DP 304103)

Appurtenant to Lot 1 DP 15343 is a right to convey water and a right to pump and store water created by Transfer 5057644.10 - 10.7.2001 at 3:56 pm

Land Covenant in Transfer 5057644.10 - 10.7.2001 at 3:56 pm

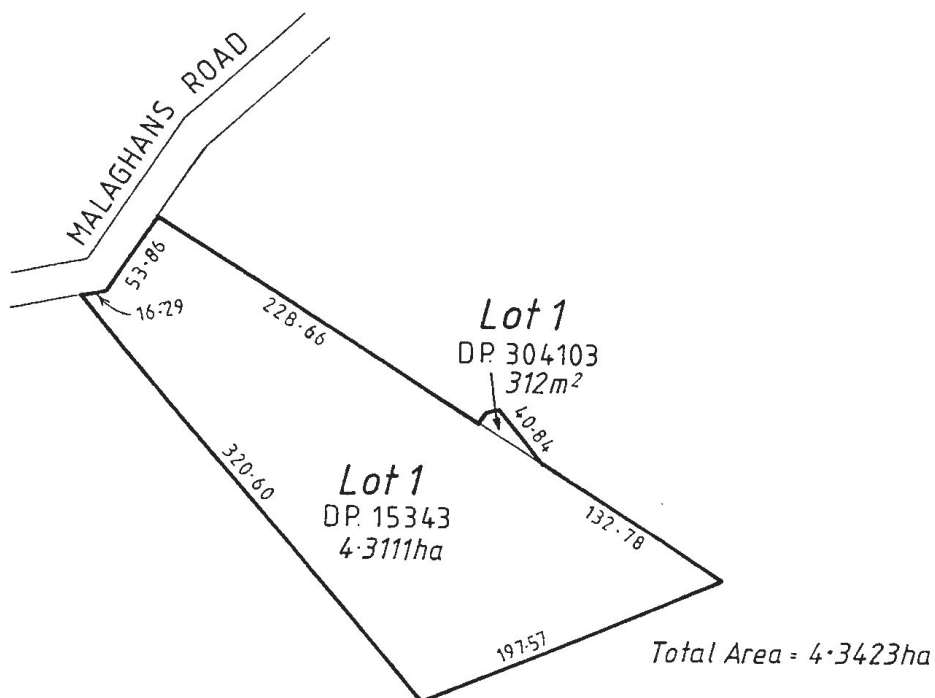
Subject to Section 241(2) Resource Management Act 1991 (affects DP 304103)

8991234.3 Mortgage to ANZ National Bank Limited - 27.2.2012 at 9:55 am

Land Covenant in Covenant Instrument 11828075.2 - 12.8.2020 at 8:52 am

12208183.2 CAVEAT BY QUEENSTOWN TRAILS TRUST - 8.2.2022 at 2:46 pm

ТЕПЕ ВІСБІНН ВІСБІНН  
СРЧ-01/01.005-001.00/01/02.00:00  
DocID: 110284399





DocID: 110225057

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**CONSENT NOTICE PURSUANT TO SECTION 221**  
**RESOURCE MANAGEMENT ACT 1991**

IN THE MATTER of Deposited Plan 300837 (Otago Land Registry)

AND

IN THE MATTER of Subdivision Consent pursuant to Sections 105, 108, 220 and 221 of the Resource Management Act 1991

Pursuant to Section 105, 108, 220 and 221 of the Resource Management Act 1991 the Queenstown Lakes District Council by resolution passed under delegated authority on 6 October 2000 imposed the following conditions on the subdivision of Lots 1, 2, 3, 4, 5 and 6 DP25924 and Section 58, Part Section 12, and Part Section 62 Block IV Shotover Survey District:

1. Lots 8 and 9 are to be held as undivided shares by the owners of Lots 1, 2, 3, 4, 5, 6 and 7 as tenants in common.
2.
  - a. No residential dwelling shall be constructed on Lots 8 and 9 and those two Lots shall not be further subdivided.
  - b. Residential units shall be constructed within the designated building platforms shown marked B1, B2, B3, B4, B5, B6 and B7 on the deposited plan.
  - c. No dwelling or other structure, including water tanks shall be visible when viewed from Malaghan Road. Methods to fulfil this condition shall include restrictions on heights of buildings, landscaping and earth shaping to be used as and where appropriate in the circumstances of the location of the building within the prescribed building platform and its design.
3. All structures including dwellings, water tanks, garages and accessory buildings, or any building used as an accessory to any farming activity, shall conform with the following building design controls.
  - a. Roof pitch 22.5 to 33.7°. Flat roofs only permitted as connections between structures and not to exceed 20% of the total roof area.
  - b. Roof claddings to be in steel (corrugated or tray), cedar shingles or slate.
  - c. Roof colours to be natural (cedar shingles, slate, or "coloursteel") colours including tussock, greys, dull greens or similar subdued colours.


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- d. Wall colours to be natural (in materials as stated below) or in the range of browns, tussock, greys or any other colours similar and approved by the Council.
  - e. Wall claddings to be in timber, smooth plaster, stone (local schist) or corrugated iron (to complement roof colours where both exist). Note wall claddings are to be continuous in one cladding from ground to roof. Mixing of claddings over one wall surface is to be discouraged. Artificial weatherboards are to be avoided.
  - f. Exterior joinery shall be in timber, steel or aluminium. Joinery colours (excepting timbers) shall match roofing, gutter and spouting colours.
  - g. Subject to condition 2(c) above, the maximum heights of any structure shall be as follows:
    - Lots 1-4 inclusive: no structure shall exceed a height of 7.0 metres from the original ground level to the ridge.
    - Lots 5, 6 and 7: no structure shall exceed a height of 5.0 metres from the original ground level to the ridge.
  - h. Boundary fencing shall be standard post and wire fences only. All courtyard fencing to be in material similar to housing including plastered concrete, timber (to match house cladding) or stone (local schist). No composite or corrugated iron fencing.
4. Each Lot shall be landscaped in accordance with a landscaping plan that is subject to approval of the Council prior to any dwelling being constructed on the Lot. The controls listed below refer to all major tree planting and are intended as guidelines only. The principal intent of the controls is to retain and accentuate the natural contour of the landscape and to promote continuity in the planning framework:
- a. Tree planting should run with contour and not against it.
  - b. Tree planting should be used to accentuate and enhance landform. Planting on ridges and skylines should be avoided.
  - c. Tree planting should be used to provide aesthetics, shelter and screening within the property and shall not be used to demarcate legal boundaries (along fence lines).
  - d. Preferred tree species: The following provides a guideline as to the species considered appropriate for this site: Fir Species, Maple, Chestnut and Birch species.

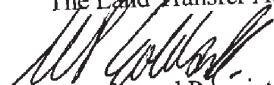
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- e. The areas identified on the deposited plan by the letters detailed below shall be maintained free of any buildings and may not be further developed:
- i. Areas marked Mm, Zz, Ab, (Lot 1), Qq, (Lot 2), Ee, B, Rr, D, Ss, Nn, Tt, (Lot 3), Oo, Kk, Pp, (Lot 4), C, Gh, Cc, Uu, Vv, Ww, (Lot 5), Xx, (Lot 6), Yy, (Lot 7), together with Lots 8 and 9 as detailed in condition 2 above.
- f. At such a time that a dwelling is to be erected, the owner for the time being shall submit for the approval of the Queenstown Lakes District Council, design and location plans for the proposed method of effluent disposal.
- g. At such a time that a dwelling is to be erected on the Lot, the owner for the time being of the Lot shall install a 23,000 litre water tank of which 14,000 litres shall be maintained at all times as a static reserve for fire fighting purposes.

DATED at Queenstown this 23<sup>rd</sup> day of May 2001

  
CHIEF EXECUTIVE

(Principal Administration Officer for  
Queenstown Lakes District Council)

Correct for the Purposes of  
The Land Transfer Act.  
  
Solicitor for the Registered Proprietor.

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In the Matter of the Property Law Act 1952

And

In the Matter of Land registered under the Land Transfer  
Act 1952

Deed dated

10th July

2001

## Parties

- 1 South Pacific Trust Limited at Queenstown ("Grantor")
- 2 Barletta Holdings Limited at Auckland ("Grantee")

## Background

- A The Grantor is the owner of the Grantor's Land.
- B The Grantee is the owner of the Grantee's Land.
- C The Grantor has obtained the Consent permitting the subdivision of the Grantor's Land shown on the Subdivision Plan.
- D The Consent contains conditions imposed pursuant to section 220 of the Resource Management Act 1991, amongst others, that:
  - i. The Grantor's Building and Management Scheme be noted against the individual certificates of title for the Grantor's Land as a building scheme; and
  - ii. The Grantor as registered proprietor of the Grantor's Land covenants with the Grantee to observe and perform the Land Covenants for the benefit of the Grantee's Land.

## Covenants

- 1 The Grantor covenants and agrees with the Grantee for the benefit of and to be appurtenant to the Grantee's Land, that the Grantor will henceforth and at all times hereafter observe and perform all and singular the stipulations, covenants and restrictions contained in the Land Covenants to the end and intent that each of those stipulations and restrictions shall enure for all time for the benefit of the Grantee's Land and every part of the Grantee's Land.
- 2 In this Deed unless the context otherwise requires the expressions:
  - a. "Building" means any building or structure higher than 1.2 metres above actual ground level, and includes any Dwelling and includes chimneys and satellite dishes, but excludes aerals.

- b. "Consent" means the consent of The Queenstown Lake District Council under RM000557 for the subdivision of the Grantor's Land as shown on the Subdivision Plan.
- c. "Dwelling" means a Building or group of Buildings designed and occupied as a single self-contained household unit, whether for one or more persons, and includes normal accessory structures including, but without limitation, garage, garden shed, glasshouse.
- d. "the "Grantor" and the Grantee" means and extends to and includes the registered proprietors and/or occupiers for the time being of the Grantor's Land and the Grantee's Land and every part thereof.
- e. "the Grantor's Land" means the land of which the Grantor is the registered proprietor as described in Schedule 1.
- f. "the Grantee's Land" means the land of which the Grantee is the registered proprietor as described in Schedule 2.
- g. "Grantor's Building and Management Scheme" means the land covenants in respect of the Grantor's Land contained in the Memorandum of Transfer dated 29 May 2001, (Otago Registry) from the Grantor as transferor to the Grantor as transferee of the Grantor's Land to utilise the provisions of sections 49 and 66A of the Property Law Act 1952.
- h. "Land Covenants" mean:
  - i clauses 7 to 13 (both inclusive) of the Grantor's Building and Management Scheme; and
  - ii the covenants contained in Schedule 3.
- i. "Lot" means each of Lots 1 to 9 (both inclusive) on the Subdivision Plan, and "Lot" means each one of those Lots.
- j. "actual ground level" has the same meaning given to the definition of "ground level" in The Queenstown Lake District Council's Proposed District Plan (October 1995), namely, the actual ground level as at the date of public notification of that Proposed District Plan, and excludes any excavation or fill associated with building activity.
- k. "Subdivision Plan" means the subdivision containing the Grantor's Land as shown on Deposited Plan 300837 (Otago Registry) comprising Lots 1-9 (both inclusive) on the Subdivision Plan.

Handwritten signature and initials, possibly 'S/M' and 'CS'.

## Schedule 1

### The Grantor's Land

Estates in Fee Simple being all those parcels of land containing:

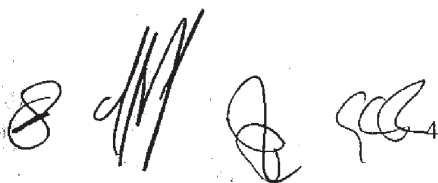
- 1 4.3849 ha being Lot 1 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4011 (Otago Registry).
- 2 4.0835 ha being Lot 2 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4012 (Otago Registry).
- 3 22.5935 ha being Lot 3 Deposited Plan 300837 together with an undivided two-fifth share in Lots 8 and 9 Deposited Plan 300837 CT 4013 (Otago Registry).
- 4 5.6749 ha being Lot 4 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4014 (Otago Registry).
- 5 5.8297 ha being Lot 5 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4015 (Otago Registry).
- 6 4.0202 ha being Lot 6 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4016 (Otago Registry).
- 7 4.7013 ha being Lot 7 Deposited Plan 300837 together with an undivided one-tenth share in Lots 8 and 9 Deposited Plan 300837 CT 4017 (Otago Registry).

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## Schedule 2

### The Grantee's Land

An estate in fee simple in all that parcel of land containing 23.9030 ha more or less being Lot 6 Deposited Plan 19957 and being Section 61 and part Sections 10 and 11 Block IV Shotover District CT11A/1249 (Otago Registry).

Handwritten signatures and initials, including a large 'S' and 'M' and a signature that appears to be 'J. C. C.'.

011410087 tmp4

## Schedule 3

### Covenants

1 The Grantor:

- a. shall observe and perform all and singular the stipulations, covenants and restrictions contained in clauses 7 to 13 (both inclusive) of the Grantor's Building and Management Scheme; and
- b. shall not, without the Grantee's prior written consent which the Grantee may in its absolute discretion withhold, make or allow or permit or suffer to be made or allowed, any change or amendment to clauses 7 to 13 (both inclusive) of the Grantor's Building and Management Scheme.

2 The Grantor shall not construct, erect or permit or suffer to be constructed or erected on any Lot any Building on any part of any Lot other than on the designated building platform on each Lot identified as such on the Subdivision Plan as follows:

- a. Lot 1, on area B1;
- b. Lot 2, on area B2;
- c. Lot 3, on area B3, and on any designated building platform, namely, one for each lot including B3 plus a maximum of 3 additional designated building platforms each designated as a building platform pursuant to a resource (subdivision) consent for the subdivision of Lot 3 into 2 but not more than 4 lots, and each designated building platform for each lot being identified on the deposited plan for the subdivision of Lot 3;
- d. Lot 4, on area B4;
- e. Lot 5, on area B5;
- f. Lot 6, on area B6;
- g. Lot 7, on area B7.

The Grantor will before submitting any application for any subdivision of Lot 3 to the relevant authorities having jurisdiction first consult with the Grantee as to the proposed designated building platforms to ensure that they are sited so that they will not adversely affect the amenities or view from the Grantee's land.

3 Without limiting the effect of the land covenant contained in paragraph 2 of this Schedule 4, the Grantor shall not construct, erect, permit or suffer to be constructed or erected any Building on:

- a. any part or part of the areas on the Lots identified on the Subdivision Plan as follows:
  - i. Lot 1, on areas Mm, Zz and Ab;
  - ii. Lot 2, on area Qq;



- iii. Lot 3, on areas Ee, B, Rr, D, Ss, Nn, Tt;
  - iv. Lot 4, on areas Oo, Kk, Pp;
  - v. Lot 5, on areas C, Gh, Cc, Uu, Vv, Ww;
  - vi. Lot 6, on area Xx;
  - vii. Lot 7, on area Yy;
  - b. any part or parts of Lots 8 and 9.
- 4 Without limiting the effect of the land covenants contained in paragraphs 2 and 3 of this Schedule 4, the Grantor shall not construct, erect or permit or suffer to be constructed, erected on any Lot or on any part of any Lot any Building which:
- a. On Lots 1, 2, 3 and 4 exceeds a height of 7 metres above actual ground level to the ridge;
  - b. On lots 5, 6 and 7 exceeds a height of 5 metres above actual ground level to the ridge;
  - c. Is visible when viewed from Malaghan Road.
- 5 The Grantor shall not develop or subdivide, or permit or suffer to be developed or subdivided, either or both of:
- a. the areas on any one or more of the Lots identified on the Subdivision Plan referred to in paragraph 3 of this Schedule 4; or
  - b. on Lots 8 and 9
- For the purposes of this paragraph 5:
- c. "develop" means the construction of any Buildings;
  - d. "subdivide" has the meaning given to that term in section 218 of the Resource Management Act 1991, as at the date of this deed.

## Execution

Signed for  
South Pacific Trust Limited  
as Grantor by two of its directors:

Name:  
Director

Howard James Paterson  
Director

Name:  
Director

David John Smallbone  
DIRECTOR



Witness to the above signature(s):

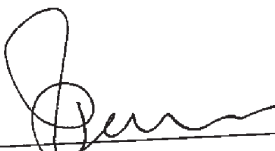
\_\_\_\_\_  
Witness Signature


\_\_\_\_\_  
Name

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Address

Signed for  
**Barletta Holdings Limited**  
as Grantee by two of its directors:

  
\_\_\_\_\_  
Name:  
Director

  
\_\_\_\_\_  
Name:  
Director

Witness to the above signature(s):

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Name

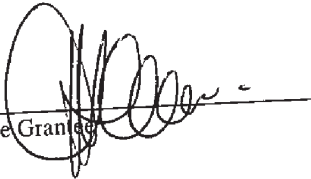
\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Address

**TO:** The District Land Registrar  
Otago Land Registry

Please note the Land Covenants contained within this Deed in Schedule 3 against the Certificates of Title to the Grantor's Land described in Schedule 1 pursuant to Section 126A of the Property Law Act 1952.

Solicitor for the Grantee



**Land Covenant**

against CT's 4011 to 4017  
(Otago Registry)

Correct for the purposes of the Land  
Transfer Act 1952

  
Solicitor for Barletta Holdings Limited

**Barletta Holdings Limited**

**South Pacific Trust Limited**

Particulars entered in the Register on the  
date and time stamped below

\_\_\_\_\_  
District/Assistant Land Registrar of the  
District of North Auckland

\_\_\_\_\_  
KPMG Legal  
Auckland

**TRANSFER**  
**Land Transfer Act 1952**

E 5857644.10 GRANT OF EASEMENT W  
CPV-01/01.PGS-006.11/07/01.11:26



DocID: 110225063

If there is not enough space in any of the panels below, the two page form incorporating the Annexure Schedule should be used: no other format will be received.

Land Registration District

OTAGO

Certificate of Title No.

All or Part? Area and legal description — *Insert only when part or Stratum, CT*

(See First Schedule)

Transferor Surnames must be underlined

COBURN FARM PARK LIMITED

Transferee Surnames must be underlined

Edwin Garrick TREMAIN and Jillian Mary TREMAIN

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No. ....; Right of way etc.*

Easements of Right to Convey Water and Covenants (as detailed on Annexure Schedule)

Consideration

One dollar (\$1.00)

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.



Dated this

10

day of

July 2007

Attestation

  
DIRECTOR  
  
DIRECTOR  
Signature, or common seal of Transferor

Signed in my presence by the Transferor  
Signature of Witness

Witness to complete in **BLOCK** letters  
(unless typewritten or legibly stamped)

Witness name

Occupation

Address

X0106914.HB.DOC:ddk.v1  
Certified correct for the purposes of the Land Transfer Act 1952

REF: 4130

  
Solicitor for the Transferee

Approved by Registrar-General  
of Land under No. 1995/1003

# TRANSFER

Land Transfer Act 1952

Law Firm Acting

Auckland District Law Society  
REF: 4130

**This page is for Land Registry Office use only.**  
(except for "Law Firm Acting")

## Annexure Schedule

TRANSFER

Dated

10 July 2001

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Pages

**1. Background**

- 1.1 The Transferor is the registered proprietor of the land described in the First Schedule ("the servient land").
- 1.2 The Transferee is the registered proprietor of Lot 1 DP 15343 contained in CT 6B/467 (Otago Registry) ("the dominant land").
- 1.3 The Transferor has agreed to grant the Transferee the easements set out in the Second Schedule ("The Easements")
- 1.4 The Transferor's land is subject to a certain land covenants ("the Land Covenants") which comprise a Building Management Scheme created pursuant to a transfer dated 29 May 2001 from the Transferor to itself as transferee to utilise the provisions of sections 49 and 66A of the Property Law Act 1952. Those Land Covenants include covenants relating to a communal domestic water supply scheme. The Transferor has agreed to allow the Transferee to connect to the water supply scheme and the Transferee has agreed to covenant with the Transferor to comply with the Land Covenants relating to the water supply scheme

**2. Grant of Easements**

The Transferor TRANSFERS AND GRANTS to the Transferee the Easements as easements for all time appurtenant to the dominant land.

**3. Terms, Conditions, Covenants and Restrictions of Easements**

- 3.1 The right to take and convey water is limited to the right to take and convey water at the rate of up to 3000 litres per day (subject to availability and any periods of necessary cleaning and repairing).
- 3.2 The rights to pump and store water include the rights to enter upon the servient land with or without engineers, contractors and workers and with or without and necessary vehicles, implements, tools, pipes and materials of any kind, and remain there for any reasonable time for the purposes of laying, maintaining, inspecting, cleaning, repairing and renewing the bore or any part thereof or the water storage tank(s) or the pump/pump house/pump station or any part thereof and opening up the soil of the servient land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the servient land and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

**4. Covenants**

- 4.1 For the purposes of this Part 4 the term "Deed" means the transfer dated 29 May 2001 creating the Land Covenants referred to in clause 1.4.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

X0106810.HB:hb.v1  
461372-16

Auckland District Law Society  
REF: 4135



## Annexure Schedule

TRANSFER

Dated

10 July 2009

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4.2 The Transferor and the Transferee hereby covenant with each other as follows:

- a) The dominant land will be subject to the Land Covenants insofar as the Land Covenants relate to the maintenance and operation of the communal water supply scheme. To that intent the Transferee, so as to bind the dominant land, and the Transferor, so as to bind the servient land, covenant and agree with each other that they will at all times observe and perform all the Land Covenants contained in the Deed to the extent that such Land Covenants relate to the maintenance and operation of the communal water supply scheme so that the dominant land will have the benefit of the water supply and the burden of contributing to the costs of the water supply (subject to subclause (b) below) and the servient land will have the burden of ensuring the continued maintenance and operation of the water supply scheme for the benefit of the dominant land (subject to subclause (b) below).
- b) The dominant land shall be deemed to be a "Lot" and the Transferee shall be deemed to be a "Registered Proprietor" for the purpose of the Land Covenants referred to in subclause (a) above and in particular (without derogating from the generality of this clause) for the purposes of clause 14 of the Deed relating to payment of costs provided such costs shall be limited to costs arising in respect of the communal water supply scheme and provided the Transferee shall only be liable for such costs in respect of any period(s) during which the dominant tenement is connected to and able to draw water from the water supply scheme.
- c) The Transferee is a member of the Lot Owners Association pursuant to the Deed but may only exercise a right to vote in respect of matters pertaining to the water supply scheme.

## FIRST SCHEDULE

Lot Number	Area	Title Reference
Lot 1 Deposited Plan 300837	4.3849 hectares	CT 4011
Lot 2 Deposited Plan 300837	4.0835 hectares	CT 4012
Lot 3 Deposited Plan 300837	22.5935 hectares	CT 4013
Lot 4 Deposited Plan 300837	5.6749 hectares	CT 4014
Lot 5 Deposited Plan 300837	5.8297 hectares	CT 4015
Lot 6 Deposited Plan 300837	4.0202 hectares	CT 4016
Lot 7 Deposited Plan 300837	4.7013 hectares	CT 4017
Lots 8 and 9 Deposited Plan 300837	15.0571 hectares	CT's 4011 to 4017

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

X0106810.HB:hb.v1  
461372-16

Auckland District Law Society  
REF: 4135

## Annexure Schedule

TRANSFER

Dated

10 July 2009

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## SECOND SCHEDULE

PURPOSE	SHOWN MARKED ON DP 300837	SERVIENT LAND	DOMINANT LAND
Right to Convey Water Right to Pump and Store Water	Ii	Lot 9 DP 300837	Lot 1 DP 15343
	Jj	Lot 8 DP 300837	
	Kk	Lot 4 DP 300837	
	Ll	Lot 2 DP 300837	
	Hh, P, O, Y, Gg, N, Nn, M, U, L, Ff, E, F, G, H, I	Lot 3 DP 300837	
	Mm	Lot 1 DP 300837	
	Ef, Fg, Hi	Lot 6 DP 300837	

 	Signed in my presence by the Transferee – E G Tremain and J M Tremain Signature of Witness
	 <b>Witness to complete in BLOCK letters</b> <i>(unless typewritten or legibly stamped)</i>
	Witness name
	Occupation      Jayne Elizabeth Macdonald Solicitor Address      Queenstown
Signature of Transferee	

~~BANK OF NEW ZEALAND is mortgagee of the dominant land pursuant to mortgage 81183 and~~  
~~HEREBY CONSENTS to the use of the dominant land for the purposes of the mortgage and to the~~  
~~remedies under the mortgage.~~

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

X0106810.HB:hb.v1  
461372-16

Auckland District Law Society  
REF 4135

Annexure Schedule

**TRANSFER**

Dated

10 July 2007

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**TO:** The District Land Registrar  
Otago Land Registry

Please note the Land Covenants contained within this Transfer against the Certificates of Title to both the dominant land and the servient land pursuant to Section 126A of the Property Law Act 1952 as the said Land Covenants operate both to the burden of the dominant land for the benefit of the servient land and to the burden of the servient land for the benefit of the dominant land.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

X0106810.HB:hb.v1  
451372-16

Auckland District Law Society  
REF: 4135

T 5057544.3 TRANSFER  
CPY-01/01.PGS-019.17/07/01.11:26



DocID: 110225047

# TRANSFER

Land Transfer Act 1952

**This page does not form part of the Transfer.**

**TRANSFER**  
**Land Transfer Act 1952**

*If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.*

**Land Registration District**

OTAGO

**Certificate of Title No.**    **All or Part?**    **Area and legal description — Insert only when part or Stratum, CT**

(See First Schedule)

(See First Schedule)

**Transferor Surnames must be underlined**

SOUTH PACIFIC TRUST LIMITED

**Transferee Surnames must be underlined**

SOUTH PACIFIC TRUST LIMITED

**Estate or Interest or Easement to be created:** *Insert e.g. Fee simple; Leasehold in Lease No. ....; Right of way etc.*

Fee Simple (see continuation for particulars)

**Consideration**


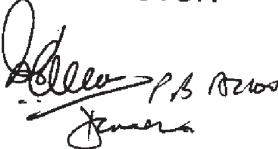
One Dollar (\$1.00)

**Operative Clause**

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 29<sup>th</sup> day of MAY 2001

**Attestation**

 <b>David John Smallbone</b> <b>DIRECTOR</b> 	Signed in my presence by the Transferor
	Signature of Witness
	<b>Witness to complete in BLOCK letters</b> <i>(unless typewritten or legibly stamped)</i>
	Witness name
	Occupation
	Address
Signature, or common seal of Transferor	

**Certified correct for the purposes of the Land Transfer Act 1952**

Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1971.  
(DELETE INAPPLICABLE CERTIFICATE)

  
**Solicitor for the Transferee**

REF: 4135

## Annexure Schedule

Insert below  
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated 29 MAY 2001

Page 2 of 17 Pages

### Continuation of "Estate or Interest or Easement to be Created"

#### BACKGROUND

- A. It is the Transferor's intention that the land described in the First Schedule shall be subject to a general scheme applicable to and for the benefit of all the land described in the First Schedule and that the owner or occupier of the land hereby transferred shall be bound by the land covenants detailed in the Second Schedule and that the respective owners and occupiers for the time being of any of the land described in the First Schedule and any of them may be able to enforce the observance of the land covenants to the extent detailed in this Deed by the owners or occupiers for the time being of any of the land described in the First Schedule in equity or otherwise.
- B. It is also the Transferor's intention that certain of the land covenants detailed in the Second Schedule shall operate for the benefit of Adjoining Lot 6 and shall be enforceable by the owner or occupier of Adjoining Lot 6 for the time being against the owners or occupiers for the time being of the relevant land described in the First Schedule in equity or otherwise.
- C. The Transferor intends to carry out its intention as described in background clauses A and B above by transferring all of the land described in the First Schedule to itself subject to the stipulations, covenants and restrictions detailed in the Second Schedule pursuant to Sections 49 and 66(a) of the Property Law Act 1952.

#### NOW THIS MEMORANDUM OF TRANSFER WITNESSES:-

In consideration of the amount of consideration shown on page 1 of this Memorandum of Transfer paid by the Transferee to the Transferor (the receipt of which is hereby acknowledged) the Transferor transfers to the Transferee all the Transferor's estate and interest in the land described in the First Schedule.

The Transferee, so as to bind the land described in the First Schedule and for the benefit of all the land described in First Schedule and for the benefit of Adjoining Lot 6 to the extent specified in this Deed, covenants and agrees with the Transferor that the Transferee will at all times observe and perform all the land covenants detailed in the Second Schedule to the extent detailed in this Deed to the intent that the land covenants shall enure for all time for the benefit of all and each part of the land described in the First Schedule and for the benefit of Adjoining Lot 6 to the extent detailed in this Deed.

The land covenants detailed in this Deed shall be enforceable by the Registered Proprietor for the time being of Adjoining Lot 6 to the extent detailed in this Deed pursuant to Section 4 of the Contracts (Privity) Act 1982.

The Transferee covenants that the Transferee will at all times keep indemnified the Transferor from proceedings, costs, claims, demands in respect of breaches by the Transferee of the stipulations, covenants and restrictions detailed in the Second Schedule.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.



## Annexure Schedule

Insert below

"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

29 MAY 2001

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## FIRST SCHEDULE

Lot Number	Area	Title Reference
Lot 1 Deposited Plan 300837	4.3849 hectares	CT 4011
Lot 2 Deposited Plan 300837	4.0835 hectares	CT 4012
Lot 3 Deposited Plan 300837	22.5935 hectares	CT 4013
Lot 4 Deposited Plan 300837	5.6749 hectares	CT 4014
Lot 5 Deposited Plan 300837	5.8297 hectares	CT 4015
Lot 6 Deposited Plan 300837	4.0202 hectares	CT 4016
Lot 7 Deposited Plan 300837	4.7013 hectares	CT 4017
Lots 8 and 9 Deposited Plan 300837	15.0571 hectares	CT's 4011 to 4017
Lot 7 Deposited Plan 25924	20.9826 hectares	CT 18A/165

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

  
Auckland District Law Society  
REF 4120

**Annexure Schedule**

Insert below  
"Mortgage", "Transfer", "Lease" etc

Transfer

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29 MAY 2001

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**SECOND SCHEDULE – SCHEDULE OF COVENANTS**

**DEFINITIONS**

Unless the context specifies or requires otherwise, the following words and phrases as used in this Deed shall have the meanings specified below:

- "Adjoining Lot 6" means Lot 6 DP19957 containing 23.9030 ha described in Certificate of Title 11A/1249 (not owned by the Transferor) which adjoins the eastern boundary of North Ridge Estates.
- "Adjoining Lot 7" means Lot 7 DP25924 described in the First Schedule which adjoins the western boundary of North Ridge Estates.
- "Balance Land" means Lots 8 and 9 shown on the Subdivision Plan which are to be owned by each Lot Owner as to an undivided share and to be maintained by the Lot Owners Association.
- "Building" means any building or structure higher than 1.2 metres above ground level and includes any Dwelling and includes chimneys and satellite dishes, but excludes aerals.
- "Building and Management Scheme" means the covenants, controls, restrictions and obligations detailed in this Deed.
- "Communal Roads" means internal accessways in common ownership and excludes any driveway providing access to only one building platform.
- "Deed" means this transfer containing this Schedule of Covenants.
- "Design Controls" means the Building design controls of North Ridge Estates detailed in this Deed.
- "Dwelling" means a Building or group of Buildings designed and occupied as a single self contained household unit, whether of one or more persons, and includes normal accessory structures such as garage, garden shed, glasshouse, etc.
- "Ground level" means the original ground level as at the date of this Deed.
- "Height" in respect of any part of any Building means the height of that part of that building measured vertically above Ground Level.
- "Lot Owners Association" means the Lot Owners Association created pursuant to this Deed
- "Lots" means all of the residential lots within North Ridge Estates (and Adjoining Lot 7 to the extent specified in this Deed) and "Lot" means one of those residential lots. Reference to a Lot or Lots by number or numbers means those numbered Lots as shown on the Subdivision Plan.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Auckland District Law Society  
REF 4120

## Annexure Schedule

Insert below  
"Mortgage", "Transfer", "Lease" etc

Transfer

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"North Ridge Estates" means the rural residential development arising from the subdivision and development of Lots 1 to 6 DP 25924, Section 58 and Part Section 12 Block IV Shotover Survey District and Part Section 62 Block IV Shotover Survey District and excludes Adjoining Lot 7 and Adjoining Lot 6.

"Procedural Rules" means the procedural rules of the Lot Owners Association contained in this Deed.

"Registered Proprietor" includes any registered proprietor and any tenant, licensee, visitor or invitee of any registered proprietor or any other occupier of any Lot. Joint registered proprietors of one Lot shall be deemed to be one registered proprietor.

"Resource Consent" means any resource consent permitting the creation of a Lot or the construction of any Building or Dwelling on a Lot.

"Subdivision Plan" means Deposited Plan 300837.

### COVENANTS

1. It is the Transferor's intention that the Lots shall be subject to the land covenants contained in this Deed as a Building Management Scheme applicable to each of the Lots to the extent detailed in this Deed to the intent that a high quality rural residential subdivision shall be enjoyed by the Registered Proprietors for the time being of the Lots, and that the owner or occupier for the time being of each of the Lots shall be bound by the land covenants contained in this Deed to the extent detailed in this Deed so that the Registered Proprietors for the time being of each of the Lots may be able to enforce the performance and the observance of the land covenants to the extent detailed in this Deed by the Registered Proprietors for the time being of any of the Lots in equity or otherwise.
2. The Transferor, so as to bind the Transferor's Land (and Adjoining Lot 7 to the extent specified in this Deed) for all time and for the benefit of the Transferee's Land, for itself, its successors and assigns and the successive owners of each and every Lot comprising the Transferor's Land, covenants and agrees with the Transferee that the Transferor will at all times observe and perform all the land covenants contained herein to the intent that the land covenants shall enure for all time for the benefit of all and each part of the Transferee's Land.
3. The covenants herein shall be for the benefit and burden of all of the separate Lots comprising the Transferor's Land (and Adjoining Lot 7 to the extent specified in this Deed) shall be enforceable inter se by all owners of the Lots from time to time.
4. The covenants herein shall be for the benefit of Adjoining Lot 6 and shall be enforceable by the Registered Proprietor of Adjoining Lot 6 only pursuant to and to the extent specified in clauses 30, 31 and 32.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Auckland District Law Society  
REF 4120

## Annexure Schedule

Insert below  
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

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### Lot Owners Association

5. The Registered Proprietors for the time being of the Lots shall comprise the Lot Owners Association. Membership and organisation of the Lot Owners Association shall be in accordance with the provisions and procedures outlined in this covenant. Any person ceasing to be a registered proprietor of a Lot shall cease to be a member of the Lot Owners Association.

6.

a. Subject to subclause (b) below the affairs of the Lot Owners Association, and the appointment of the Lot Owners Association Committee to carry out the functions and obligations of the Lot Owners Association, shall be carried out in accordance with the Procedural Rules. The first Annual General Meeting of the Lot Owners Association shall be held during the first September following the date that subclause (b) below ceases to have effect.

 b. <sup>Queenstown Developments</sup>  
~~North Ridge Estates Limited~~ shall carry out the functions and obligations of the Lot Owners Association while <sup>Queenstown Developments</sup>  
~~North Ridge Estates Limited~~ owns any Lot or until North Ridge Estates Limited notifies all registered proprietors in writing that it has ceased to carry out those functions and obligations.

7. The Lot Owners Association shall be responsible for the following in North Ridge Estates:

- a. Maintenance of all Communal Roads.
- b. Maintenance of the communal water supply system, and communal telecom and electrical services including the reticulation of those systems and services.
- c. Maintenance of a communal refuse collection scheme whereby refuse is collected for disposal at a landfill or transfer station administered by the Queenstown Lakes District Council.
- d. Development, management and maintenance of the Balance Land
- e. Ensuring that all landscaping on the Balance Land is undertaken and maintained in accordance with the landscape design guidelines detailed in this Deed.
- f. Pest control (rabbits, possums, etc) on the Balance Land.

### Building Restrictions

8. Any Buildings on a Lot must be sited within the building platform identified for that Lot in either or both of the following manners:

- a. Identified by a rectangle containing a number prefixed with a capital "B" on the relevant plan deposited in the Land Registry Office in Dunedin (eg: the building platform for Lot 1 is identified by a rectangle containing the letter and number "B1";

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**Annexure Schedule**

Insert below  
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

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b. Identified in a Consent Notice registered against the title to that Lot.

9. The areas identified on the Subdivision Plan by the letters detailed below shall be maintained free of any Buildings and may not be further developed:

a. Areas marked Mm, Zz, Ab, (Lot 1), Qq, (Lot 2), Ee, B, Rr, D, Ss, Nn, Tt, (Lot 3), Oo, Kk, Pp, (Lot 4), C, Gh, Cc, Uu, Vv, Ww, (Lot 5), Xx, (Lot 6), Yy, (Lot 7), together with Lots 8 and 9.

**Design Controls and Landscape Guidelines**

10. All Buildings erected on any Lot including additions or extensions to existing buildings, shall be designed and constructed in accordance with the following Design Controls:

a. No Building or other structure shall be visible when viewed from Malaghans Road.

b. Subject to subclause (a) above, no Building on the following Lots shall exceed the specified heights set out in this clause:

i. 7 metres above Ground Level on Lots 1, 2, 3 and 4.

ii. 5 metres above Ground Level on Lots 5, 6, and 7.

c. Roof pitch shall be between 22.5 to 37.5 degrees. Flat roofs shall only be permitted as connections between structures and shall not exceed 20% of the total roof area.

d. Exterior wall colours shall be natural (in materials as stated below) or in the range of browns, tussock, greys or any other colours similar and approved by the Queenstown Lakes District Council.

e. Exterior wall claddings shall be in timber, smooth plaster, stone (local schist) or corrugated iron (to complement roof colours where both exist) and shall be continuous in one cladding from ground to roof with the mixing of cladding over one wall surface to be discouraged. Artificial weatherboards shall be avoided.

f. Exterior joinery shall be timber, steel or aluminium.

g. Exterior joinery colours (excepting timber) shall match the roofing, gutter and spouting colours.

h. Roof claddings of all Buildings shall be steel (corrugated or tray), cedar shingles or slate. Unpainted metal roofs (whether corrugated iron or otherwise) are not permitted.

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- i. Roof colours shall be natural (cedar shingles, slate) or 'coloursteel' colours in the range of tussocks, greys, dull greens or similar subdued colours.
11. All boundary and perimeter fencing shall be standard post and wire fencing.
12. All courtyard fencing shall be in materials similar to any Building including plastered concrete, timber (to match house cladding) or stone (local schist) and no composite or corrugated iron fencing shall be permitted.
13. The following landscape design guidelines shall be adhered to in respect of all major tree planting on the Lots and the Balance Land:
  - a. Tree planting should run with the contour of the land and not against it.
  - b. Tree planting should be used to accentuate and enhance the landform. Planting on ridges and skylines should be avoided.
  - c. Tree planting should be used to provide aesthetics, shelter and screening within the property and not to be used to demarcate legal boundaries (in other words planting along boundary fence lines in order to set out the boundaries of the property is not permitted).
  - d. The following tree species are guidelines as to the species considered appropriate for North Ridge Estates: Fir Species, Maple, Chestnut and Birch species.

### Lot Owners Association's Costs

14. Any costs incurred by the Lot Owners Association in carrying out its obligations and exercising its rights under this Deed shall be payable by the Registered Proprietors of the Lots as and when determined by the Lot Owners Association, subject to the following general guidance:
  - a. Costs incurred for the benefit of the Lots shall be apportioned equally between the Lots unless the Lot Owners Association reasonably determines otherwise.
  - b. Costs incurred in relation to the Communal Roads shall be apportioned approximately based upon access so that each Lot shall bear an appropriate proportion of such costs in relation to that portion of Communal Roads which provide access to that Lot.
  - c. Costs incurred as the result of a breach by a Registered Proprietor of the provisions of this Deed, including any legal costs and disbursements incurred by the Lot Owners Association on a solicitor and client basis, shall be payable by that Registered Proprietor.
15. The Lot Owners Association may, but shall not be required to, take any action to ensure compliance with any or all stipulations restrictions and covenants contained in this Deed provided that this clause shall be read subject to the responsibilities detailed in clause 7.

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- a. The Lot Owners Association shall determine any questions arising in respect of the interpretation of this Deed and shall resolve any disputes between Registered Proprietors.
- b. Any dispute between any or all of the Registered Proprietors and the Transferee shall, if it cannot be resolved by informal discussions, be resolved pursuant to the Arbitration Act 1996.
- c. In resolving any interpretation question or dispute the Lot Owners Association and/or any arbitrator shall:
  - i. Implement and be bound by the terms and provisions of this Deed.
  - ii. Subject to subclause (i) above, use its best endeavours to arrive at a decision appropriate to the circumstances.

### Lot Owners Association Levy

17.

- a. Prior to each AGM the Lot Owners Association shall prepare a budget detailing the expenditure which the Lot Owners Association anticipates will be incurred by the Lot Owners Association during the year following the AGM. The Lot Owners Association will forward a copy of that budget to the registered proprietor of each Lot along with the notice advising the time, date and place of the AGM so that the budget can be considered prior to the AGM and confirmed at the AGM.
- b. Once confirmed at the AGM, and subject to sub-clause c below, the budget shall apply for the year following the AGM. The Lot Owners Association shall then levy each registered proprietor their appropriate share of that expenditure. The proprietor shall pay the annual levy, in advance, either by a lump sum paid to the Lot Owners Association within one month after receipt of the notice advising the levy or alternatively by quarterly payments by bank automatic payment authority to the Lot Owners Association's bank account or otherwise as directed by the Lot Owners Association.
- c. The Lot Owners Association may, during the course of any year, issue a special levy to cover any unexpected expenditure incurred by the Lot Owners Association, in which case such levy shall be paid as directed by the Lot Owners Association.

### Liability while Registered Proprietor – Ongoing Liability

18.

- a. Subject to sub-clauses b and c below, no person or body shall be liable for any costs and/or levies other than costs incurred and/or levies made in respect of the period during which that person or body is a registered proprietor of a Lot.

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- b. The registered proprietor of a Lot shall be liable for any outstanding costs or levies payable in respect of any period prior to the date that person or body becomes a registered proprietor of that Lot. This subclause shall not apply where that registered proprietor has obtained written advice from the Lot Owners Association prior to becoming a registered proprietor of that Lot that no outstanding cost or levy is payable in respect of that Lot.
- c. The registration of a transfer of a registered proprietor's interest in any Lot shall not relieve the transferor from any liability arising pursuant to this Deed prior to the date of registration of such transfer.

### Recovery of Costs – Indemnity – Enforcement

19.

- a. The Lot Owners Association may recover from the registered proprietor of any Lot, as a liquidated debt, any sum payable to the Lot Owners Association in respect of that Lot by way of levy, reimbursement for costs incurred, or otherwise pursuant to the provisions of this deed.
- b. The registered proprietor of each Lot will indemnify and hold indemnified the Lot Owners Association against all or any liability pursuant to subclause (a) above in respect of that lot.

20.

- a. If all or part of any sum payable to the Lot Owners Association is not paid within 30 days after the date that payment is due to made, the Lot Owners Association may charge interest on that outstanding balance from the date payment was due until the date payment is made at an interest rate equal to 5% above the Lot Owners Association's bank's base rate.
- b. If all or part of any sum payable to the Lot Owners Association is not paid within 30 days after the date that payment is due to made, the Lot Owners Association may disconnect the Lot in respect of which that outstanding payment is due from the reticulated potable water supply, and may refuse to allow that Lot to be reconnected to that system or systems until such time as the outstanding sum (including interest) is paid in full. The registered proprietor of that Lot shall pay to the Lot Owners Association any costs incurred by the Lot Owners Association in respect of such disconnection and/or reconnection.

21.

The Lot Owners Association is authorised to initiate and pursue legal proceedings for the purposes of this Deed under the name of the Lot Owners Association or under the name of one or more registered proprietors on behalf of the Lot Owners Association provided that the Lot Owners Association will indemnify and hold indemnified any such registered proprietor(s) in respect of costs incurred and/or damages awarded in relation to such legal proceedings.

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### The Liability of Lot Owners Association

22. The Lot Owners Association shall not be liable in any way for any action taken in good faith or for any failure to take any action or for any other matter, consequence, damage, or liability whatsoever arising in any way in respect of or related to North Ridge Estates.

### Notices

23. The address for services of the Lot Owners Association for the purposes of any notice or documents to be served or delivered pursuant to the provisions of this deed, shall be:
- a. The address for service advised by the Lot Owners Association by notice in writing to all registered proprietors.
  - b. If no such address for service has been advised the address for service shall be:
    - i. The postal or residential address of the Chairman for the time being of the Lot Owners Association Committee if a Chairman has been appointed;
    - ii. If no such Chairman has been appointed, the postal or residential address of any member of the Lot Owners Association Committee;
    - iii. If no Committee has been appointed, each and every address for service of the registered proprietors of all Lots (i.e: the document must be served on every such address).
24. The address for service of any registered proprietor for any notice or document under the provisions of this deed shall be:
- a. While there is no Dwelling on the Lot, the rating address for that Lot as recorded in the rating records of the Queenstown Lakes District Council;
  - b. Once a Dwelling has been erected on a Lot, either the rating address referred to in sub-clause (a) above or the dwelling situated on that Lot if somebody is residing in that Dwelling.

### Adjoining Lot 7

26. The provisions of this Deed apply to Adjoining Lot 7 only to the extent that:
- a. Such provisions relate to Communal Roads (as specified in clause 7.a) which provide access to Adjoining Lot 7.
  - b. Such provisions relate to communal systems and services and communal refuse collection (as specified in clauses 7.b and 7.c) which provide services to Adjoining Lot 7.

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27. The provisions of this Deed relating to costs, levies, etc. only apply to Adjoining Lot 7 to the extent and for the purposes specified in clause 26.
28. The registered proprietor of Adjoining Lot 7 is a member of the Lot Owners Association but may only exercise a right to vote in respect of the matters specified in clauses 26 and 27.
29. In the event of any inconsistency between clauses 26 to 28 and the remaining provisions of this Deed, clauses 26 to 28 take precedence.

### Adjoining Lot 6

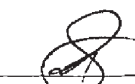
30. The provisions of this Deed which are to apply for the benefit of Adjoining Lot 6 are limited to clauses 7 to 13 (inclusive).
31. For the avoidance of doubt is recorded that:
  - a. The provisions of this Deed relating to costs, levies, etc. do not apply to Adjoining Lot 6.
  - b. The Registered Proprietor of Adjoining Lot 6 is not a member of the Lot Owners Association.
32. In the event of any inconsistency between clauses 30 and 31 and the remaining provisions of this Deed, clauses 30 and 31 take precedence.

### PROCEDURAL RULES

#### Lot Owners Association

33. A general meeting of the Lot Owners Association, to be called the annual general meeting, shall, in addition to any other meeting, be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting. The first annual general meeting shall be held as specified in clause 6.a above.
34. All general meetings other than annual general meetings shall be called extraordinary general meetings.
35. At least thirty days' notice of every general meeting specifying the place, the date, and the hour of the meeting, and the proposed agenda shall be given to all registered proprietors PROVIDED THAT accidental omission to give such notice to any registered proprietor so entitled shall not invalidate any proceedings at any such meeting.
36. Any notice required to be given under these rules shall be sufficiently given if delivered personally to the registered proprietor concerned or if left or sent by registered letter posted to the registered proprietor concerned at the last address of that registered proprietor notified to the Lot Owners

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- Association or if no such address has been so notified at that registered proprietor's address for service.
37. At a general meeting the registered proprietors entitled to exercise the voting power in respect of not less than one-third of the Lots shall constitute a quorum.
38. Save as otherwise provided in these rules, no business shall be transacted at any general meeting unless a quorum is present at that time.
39. If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the number of persons present and entitled to vote at the expiration of that half hour shall constitute a quorum.
40. At a general meeting the chairman shall normally be the chairman of the Lot Owners Association Committee if he is present. If there is no such chairman, or if the chairman is not present or is unwilling to act, a chairman shall be elected at the commencement of the meeting.
41. All matters at a general meeting shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the meeting shall have a casting vote as well as a deliberative vote.
42. At any general meeting:
- a. 1 vote only shall be exercised in respect of each Lot.
  - b. If there is more than one registered proprietor of any one Lot present, and there is disagreement between those registered proprietors as to who should cast the vote for that Lot or how the vote for that Lot should be cast, the registered proprietor entitled to cast that vote shall be the registered proprietor whose name appears first on the Certificate of Title to that Lot.
43. At any general meeting of the Lot Owners Association any person present and entitled to vote on the matter that is under consideration may demand a poll thereon, which shall be taken in such manner as the chairman thinks fit.
44. The result of the poll shall be deemed to be the resolution of the matter for which it was demanded. Where a poll is not demanded, a declaration by the chairman that a resolution has been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded for or against the resolution.
45. Any vote to be cast at a general meeting may be exercised personally or by proxy. Where 2 or more persons are jointly entitled to exercise 1 vote and wish to do so by proxy, that proxy shall be jointly appointed by them and may be one of them. A proxy shall be appointed in writing. If only

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one of those persons is present at a meeting and they have not appointed a proxy as aforesaid, that person may exercise the vote.

46. A power of voting in respect of a Lot shall not be exercised unless all amounts accrued due and payable to the Lot Owners Association in respect of that Lot have been duly paid PROVIDED THAT no power of voting may be suspended pursuant to this clause unless the registered proprietor who holds that power has been given seven days' notice in writing of the amount of arrears due and of the fact that default in payment will result in suspension of voting rights.
47. Notwithstanding anything to the contrary contained in these rules, anything that may be done by the Lot Owners Association by resolution passed at a meeting of the Lot Owners Association may be done by resolution passed without a meeting or any previous notice being required by means of an entry in its Minute Book signed by each registered proprietor. It shall not be necessary for the Lot Owners Association to hold an annual general meeting if everything required to be done at that meeting by resolution within the time prescribed for the holding of a meeting is done by means of an entry in its Minute Book in accordance with this provision. Any such entry may be signed on behalf of the registered proprietor by his agent duly authorised in writing. For the purposes of this rule, a memorandum pasted or otherwise permanently fixed in the Minute Book and purporting to have been signed for the purposes of becoming an entry therein shall be deemed to be an entry accordingly and any such entry may consist of several documents in like form, each signed by or on behalf of one or more registered proprietors.

## Lot Owners Association Committee

48. If there is no Lot Owners Association Committee, the responsibility for the matters set out in these rules and the powers given to the committee by these rules shall be those of the Lot Owners Association and every reference in these rules to the committee shall be read as a reference to the Lot Owners Association.
49. Once clause 6.b of this Deed ceases to be operative, the powers and duties of the Lot Owners Association shall be exercised and performed by a committee, subject to any restriction imposed or direction given at a general meeting of the Lot Owners Association PROVIDED THAT any expenditure of over \$3,000.00, not being expenditure which the Lot Owners Association is legally obliged or previously authorised to incur, shall be referred to a general meeting. Notwithstanding the foregoing provision the amount of \$3,000.00 shall be deemed to be a base figure as at 1 January 2001 and shall be increased by the percentage increase (if any) of the Consumer Price Index (All Groups) during the period commencing 1 January 2001 and ending on the date of the making of any such expenditure.
50. The committee shall consist of 3 registered proprietors or such other number, being not fewer than 3 and not more than 5, as is fixed from time to time by the Lot Owners Association at an annual general meeting.

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51. The members of the committee shall be elected at each annual general meeting, to hold office until the next annual general meeting PROVIDED THAT unless the committee consists of all the proprietors, the Lot Owners Association may by resolution at an extraordinary general meeting remove any member of the committee before the expiration of that member's term of office and appoint another proprietor in that member's place to hold office until the next annual general meeting.
52. Any casual vacancy on the committee may be filled by the remaining members of the committee.
53. The quorum necessary for the transaction of the business of the committee may be fixed by the committee and unless so fixed shall be 3.
54. If the number of committee members is reduced below the number which would constitute a quorum, the remaining members may act for the purpose of increasing the number of members to that number or of summoning a general meeting of the Lot Owners Association, but for no other purpose.
55. At meetings of the committee all matters shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the committee shall have a casting vote as well as a deliberative vote.
56. Subject to any restriction imposed or direction given at a general meeting, the committee may:
- a. Meet for the conduct of business, adjourn, and otherwise regulate its meetings as it thinks fit PROVIDED THAT it shall meet when any member of the committee gives to the other members not less than thirty days' notice of a meeting proposed by that member, specifying the reason for calling the meeting.
  - b. Employ for and on behalf of the Lot Owners Association such agents and servants as it thinks fit in connection with the exercise and performance of the powers and duties of the Lot Owners Association.
  - c. From time to time elect one of its members to act as chairperson and convenor of the committee.
  - d. Delegate to one or more of its members such of its powers and duties as it thinks fit, and at any time revoke the delegation.
  - e. Whenever it thinks fit, convene an extraordinary general meeting of the Lot Owners Association.
57. The committee shall:
- a. Keep minutes of its proceedings.

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- b. Cause minutes to be kept of general meetings and resolutions of the Lot Owners Association.
- c. Cause proper books of account to be kept in respect of all sums of money received and expended by it, and the matters in respect of which all such income and expenditure is received or incurred.
- d. Prepare proper accounts relating to all money of the Lot Owners Association, and the income and expenditure thereof, and arrange for the accounts of the Lot Owners Association for each year to be duly audited by an independent auditor, for a copy of the duly audited annual accounts to be sent to each registered proprietor before each annual general meeting of the Lot Owners Association, and for the duly audited annual accounts to be presented to each annual general meeting of the Lot Owners Association PROVIDED THAT the requirement for the accounts to be audited may be waived by the Lot Owners Association in general meeting in respect to either or both the previous and the current year.
- e. On application by a proprietor or a mortgagee of a Lot, or any person authorised in writing by either of them, make the books of account and all minutes available for inspection at all reasonable times.
- f. Upon a requisition in writing made by the registered proprietors of 25 per cent of the Lots convene an extraordinary general meeting of the Lot Owners Association.
- g. Except as provided by these rules, no act or proceeding of the committee or of any registered proprietor acting as a member of the committee shall be invalidated in consequence of there being a vacancy in the number of the committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any registered proprietor so acting, or that that registered proprietor was incapable of being or had ceased to be such a member.

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TRANSFER

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TO: The District Land Registrar  
Otago Land Registry

Please note the Land Covenants contained in the Second Schedule to this transfer against the Certificates of Title to the Transferor's Land described in the First Schedule pursuant to Section 126A of the Property Law Act 1952.

  
Solicitor for the Transferee

Correct for the purposes of the Land Transfer  
Act 1952

  
Solicitor for the Transferee

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Approved by Registrar-General  
of Land under No. 1995/1004

# TRANSFER

**Land Transfer Act 1952**

Law Firm Acting

Auckland District Law Society  
REF: 4135

**This page is for Land Registry Office use only.**  
(except for "Law Firm Acting")



## View Instrument Details

<b>Instrument No.</b>	8854355.1
<b>Status</b>	Registered
<b>Date &amp; Time Lodged</b>	01 Sep 2011 14:18
<b>Lodged By</b>	Wilkes, Lawrence Ernest
<b>Instrument Type</b>	Variation of Consent Notice Condition under s221(5) Resource Management Act 1991



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Affected Computer Registers	Land District
-----------------------------	---------------

548443	Otago
--------	-------

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**Annexure Schedule:** Contains 3 Pages.

---

### Signature

Signed by Lawrence Ernest Wilkes as Territorial Authority Representative on 01/09/2011 02:17 PM

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

**IN THE MATTER**

of Section 221(3) of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of an Application for Variation of Consent  
Notice 5057644.7 by Northridge  
Investments Ltd having the Queenstown  
Lakes District Council reference  
RM110409

---

**VARIATION CONSENT NOTICE**

---

**BACKGROUND**

- A. Northridge Investments Ltd have applied to the Queenstown Lakes District Council pursuant to provisions of the Resource Management Act 1991 for its consent to identify a new platform upon land comprised and described in Computer Freehold Register identifier 548443 ("the land").
- B. Council has granted consent (RM110409) to the proposed dwelling subject to (inter alia) the amendment of certain conditions contained in consent notice 5057644.7 which is registered against the Computer Freehold Register for the land described in paragraph A above.
- C. The variation of this consent notice is to be registered against Computer Freehold Register for the land described in paragraph A above.

**VARIATION TO OPERATIVE PART**

The following variation to consent notice 5057664.7 is to be registered against:

- Lot 6 DP 300837 as comprised in Computer Freehold Registrar identifier 548443

Consent Notice 5057664.7 is hereby varied by:

1. Amending condition 2(b) to read as follows:

*2(b) Residential units shall be constructed within the designated building platforms shown marked B1, B2, B3, B4, B5, and B7 of the deposited plan, with the exception of residential units on Lot 6 DP 300837, held in Computer Freehold Register 548443, which shall be located within the building platform identified on the approved plans (titled 'Covenant over Lot 6 DP 300837, Title Plan I.T 444412, dated 10/08/2011) – stamped as approved 9 August as per RM110409.*

2. Amending condition 3(g) to read as follows:

*3(g) Subject to Condition 2(c) above, the maximum heights of any structure shall be as follows:*

- *Lots 1 – 4 inclusive: no structure shall exceed a height of 7.0 metres from the original ground level to the ridge.*
- *Lots 5 and 7: no structure shall exceed a height of 5.0 metres from the original ground level to the ridge.*
- *Lot 6: no structure shall exceed a height of 5.0 metres above an RL of 530.0 masl (datum LP XII DP 25924 RL 534.39 (GPS derived)).*

3. The addition of Clause 4(h) which will contain the following:

*4(h) The existing trees located on the northern boundary of the allotment legally described as Lot 6 DP 300837, held in Computer Freehold Registrar Identifier 548443 shall be maintained in perpetuity. If these trees die or need to be replaced, they shall be replaced with a species and number of trees that provides a similar level of screening of Lot 1 DP 15343.*

Dated this 23rd day of August 2011

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

P. Taylor

# BARN HOUSE

## 134 MALAGHANS RD, DALEFIELD

1612 - 2

RESOURCE CONSENT

REVISION	DATE	DESCRIPTION
A	20/11/22	NEIGHBOURS REVIEW
B	15/12/22	FOR RESOURCE CONSENT

SHEET NO.	REV	DATE	CURRENT REVISION DESCRIPTION	DRAWING NAME
PD001	B	15/12/22	FOR RESOURCE CONSENT	COVER SHEET
PD101	D	15/12/22	FOR RESOURCE CONSENT	SITE PLAN
PD102	E	15/12/22	FOR RESOURCE CONSENT	PROPOSED SITE PLAN
PD103	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED EARTHWORKS PLAN
PD-201	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED FLOOR PLANS
PD-301	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED ELEVATIONS
PD-302	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED ELEVATIONS
PD-303	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED ELEVATIONS
PD-304	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED ELEVATIONS
PD-305	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED ELEVATIONS - SHED
PD-400	B	15/12/22	FOR RESOURCE CONSENT	PROPOSED SITE SECTIONS
PD-601	B	15/12/22	FOR RESOURCE CONSENT	MATERIAL PALETTE
PD-700	C	15/12/22	FOR RESOURCE CONSENT	3D VIEWS
PD-701	C	15/12/22	FOR RESOURCE CONSENT	3D VIEWS
PD-702	C	15/12/22	FOR RESOURCE CONSENT	3D VIEWS
PD-703	C	15/12/22	FOR RESOURCE CONSENT	3D VIEWS



anna-marie chin architects

8 BERKSHIRE STREET PO BOX 253 ARROWTOWN P 03 409 8881 E ADMIN@AMCHINARCHITECTS.CO.NZ WWW.AMCHINARCHITECTS.CO.NZ

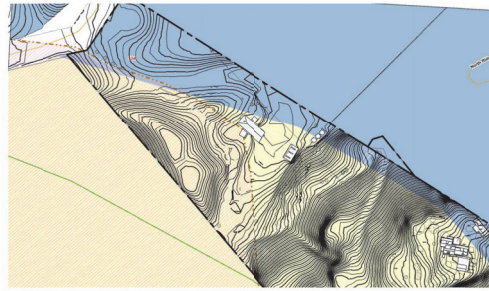
Figured dimensions are to be taken in preference to scaled dimensions. Verify all dimensions on the job before preparing shop drawings or commencing work. This drawing is COPYRIGHT and is the property of Anna-Marie Chin Architects Ltd ©





## LOCATION PLAN

SCALE: 1 : 4000@A1 (half-scale @A3)



## SITE - PDP Zones

SCALE: 1 : 2000@A1 (half-scale @A3)

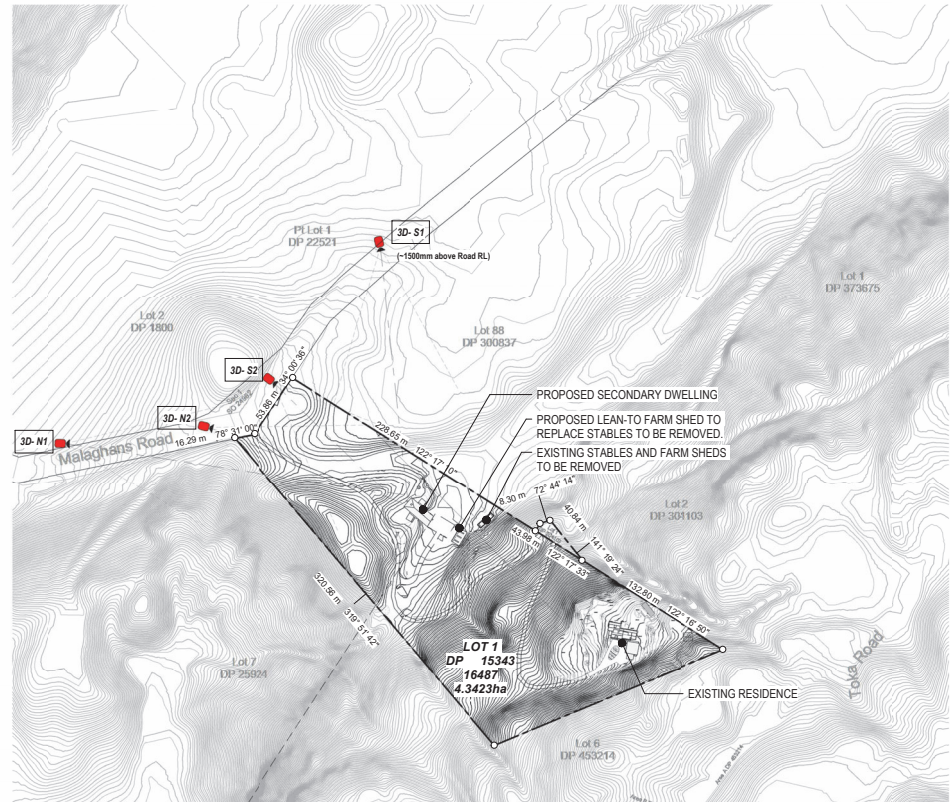


### GENERAL NOTES:

1. NO CHANGE TO EXISTING DWELLING OR ASSOCIATED STRUCTURES OR SERVICES UNLESS SPECIFICALLY NOTED.
2. CONFIRM ALL MEASUREMENTS ON SITE.
3. EXISTING VEGETATION INDICATED IS NOT ALL ENCOMPASSING.
4. SURROUNDING CONTOURS AND HORIZONS ARE FOR CONTEXT ONLY. REFER SURVEYOR INFORMATION FOR VERIFIED VIEW LINES AND HEIGHTS.
5. MAXIMUM HEIGHT LINE IS DRAWN AT THE BUILDING FACE UNLESS OTHERWISE STATED.

### LEGAL DESCRIPTION:

Lot 1 DP 15343  
CT: 16487  
AREA: 4.3423ha  
ADDRESS: 134 MALAGHANS ROAD,  
DALEFIELD  
DISTRICT PLAN: RURAL & PARTIAL RURAL  
AMENITY ZONE  
WIND ZONE: VERY HIGH  
SNOW LOADING: SED

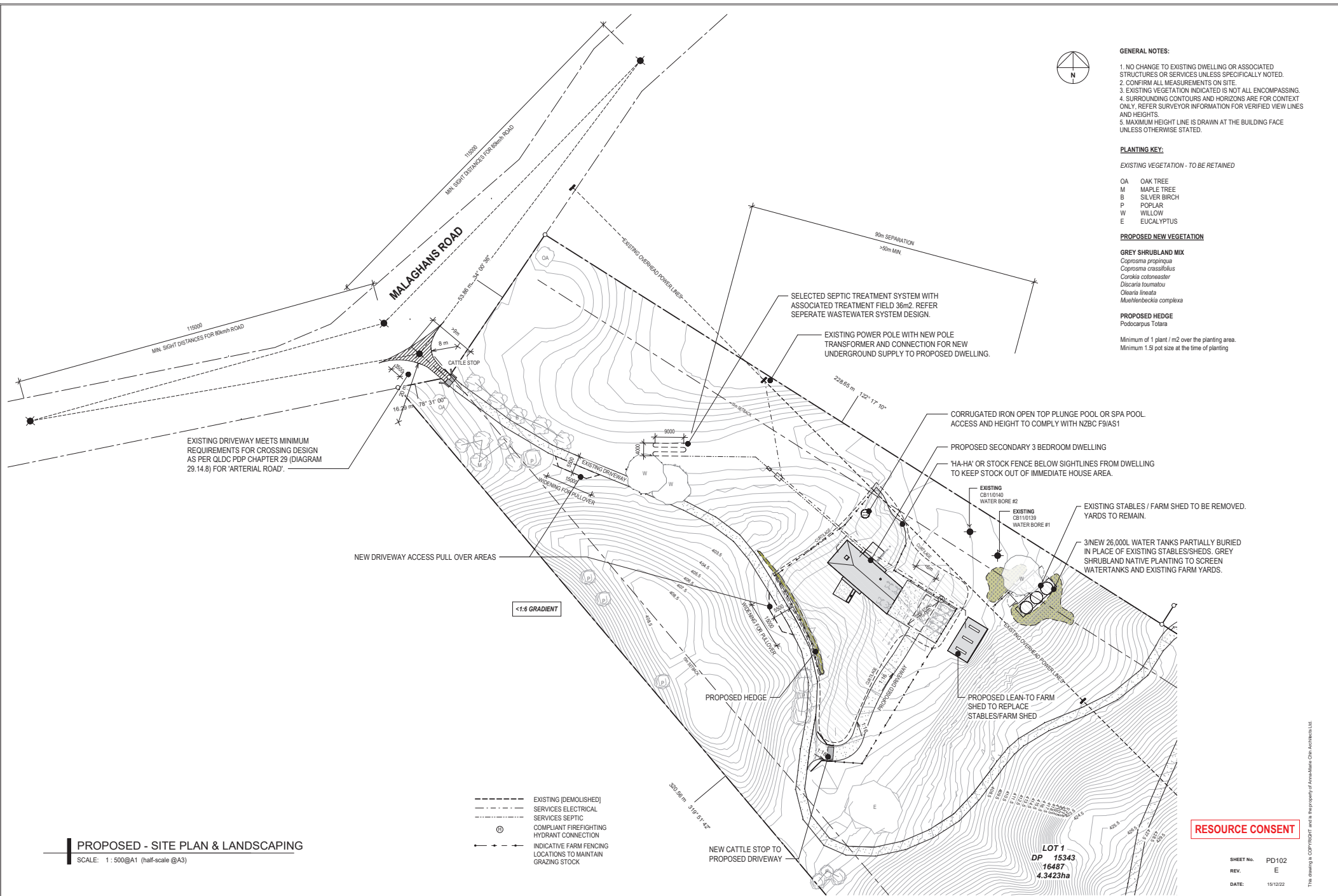


## SITE PLAN

SCALE: 1 : 2000@A1 (half-scale @A3)

### RESOURCE CONSENT

SHEET No. PD101  
REV. D  
DATE: 15/12/22







#### GENERAL NOTES:

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#### EARTHWORKS VOLUMES:

CUT 400m<sup>3</sup> (RED AREAS)

FILL 250m<sup>3</sup> (GREEN AREAS)

TOTAL EARTHWORKS VOLUME: 650m<sup>3</sup>  
TOTAL EARTHWORKS AREA: 2480m<sup>2</sup>



## PROPOSED EARTHWORKS PLAN

SCALE: 1:500@A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD103  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED EARTHWORKS PLAN

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#### GENERAL NOTES:

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CORRUGATED IRON OPEN TOP PLUNGE POOL OR SPA POOL.  
ACCESS AND HEIGHT TO COMPLY WITH NZBC F9/AS1

- 1 stair & entry (at lower level)
- 2 boot area
- 3 laundry
- 4 wc
- 5 kitchen
- 6 scullery
- 7 dining
- 8 living
- 9 media & sitting
- 10 study
- 11 bedroom
- 12 wardrobes
- 13 vanity
- 14 bathroom
- 15 ensuite
- 16 store
- 17 plant
- 18 decking
- 19 patio
- 20 fireplace
- 21 flip-up washing line (#8 wire and stick)

CURTAGE

CARPORT PARKING BELOW  
END OF BUILDING EITHER  
SIDE OF ENTRY STAIR.  
DASHED BELOW.

VISITOR CARPARKING

PROPOSED CAR COURTYARD  
(GRAVEL)

OPEN BAY FOR  
FARM FEED & ANIMAL  
SHELTER

PROPOSED 3-BAY POLE SHED

2-BAYS ENCLOSED WITH ONE ROLLER  
DOOR FOR FARM EQUIPMENT AND  
IMPLEMENTS. ONE BAY PROVIDES  
GARDEN IMPLEMENT STORAGE.  
WORKSHOP AND GENERAL STORAGE  
TO SUPPLEMENT THE DWELLING, BIKES  
SKIS ETC.

PROPOSED 90m<sup>2</sup> FARM SHED

PROPOSED 220m<sup>2</sup> SECONDARY DWELLING

PROPOSED DRIVEWAY  
(GRAVEL)

RESOURCE CONSENT

PROPOSED HEDGE

### PROPOSED FLOORPLAN

SCALE: 1:100@A1 (half-scale @A3)

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED FLOOR PLANS

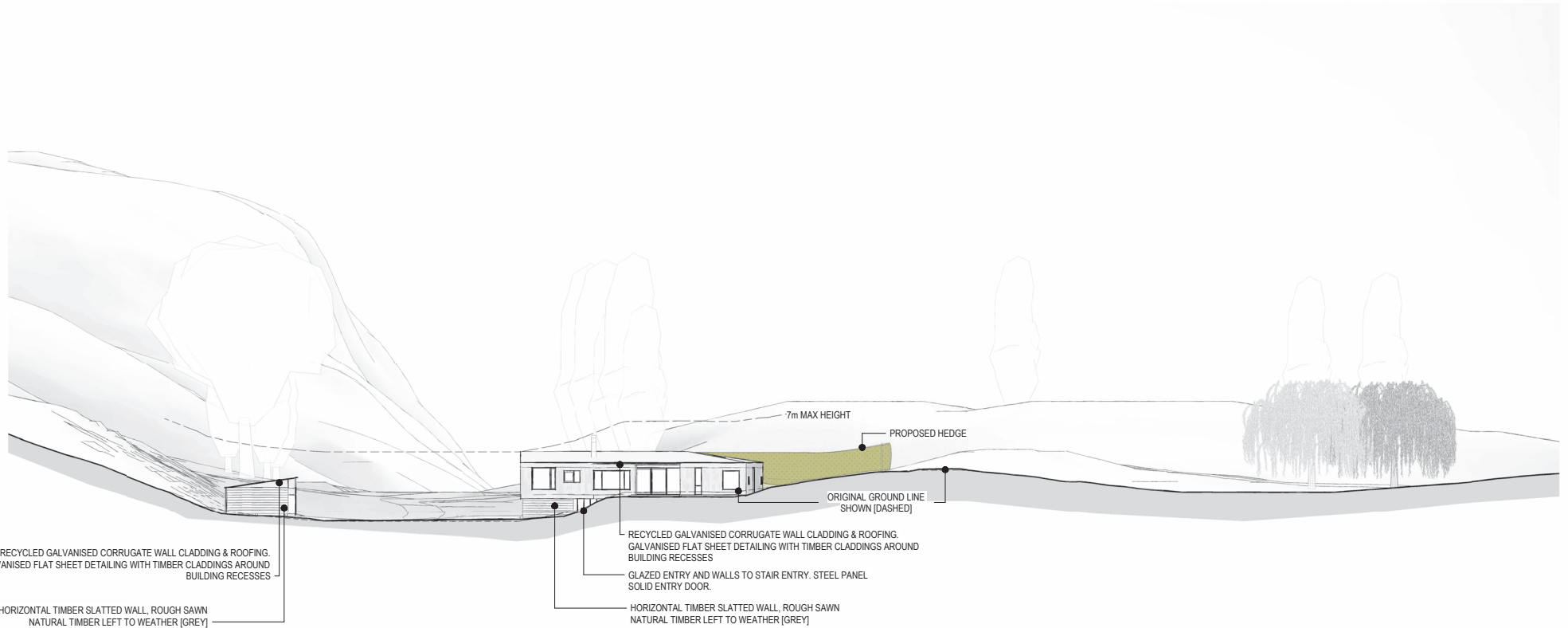
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SHEET No. PD-201  
REV. B  
DATE: 15/12/22

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GENERAL NOTES:

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1 | ELEVATION - PROPOSED SHED & HOUSE - NORTH  
PD-201 | SCALE: 1:200@A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-301  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

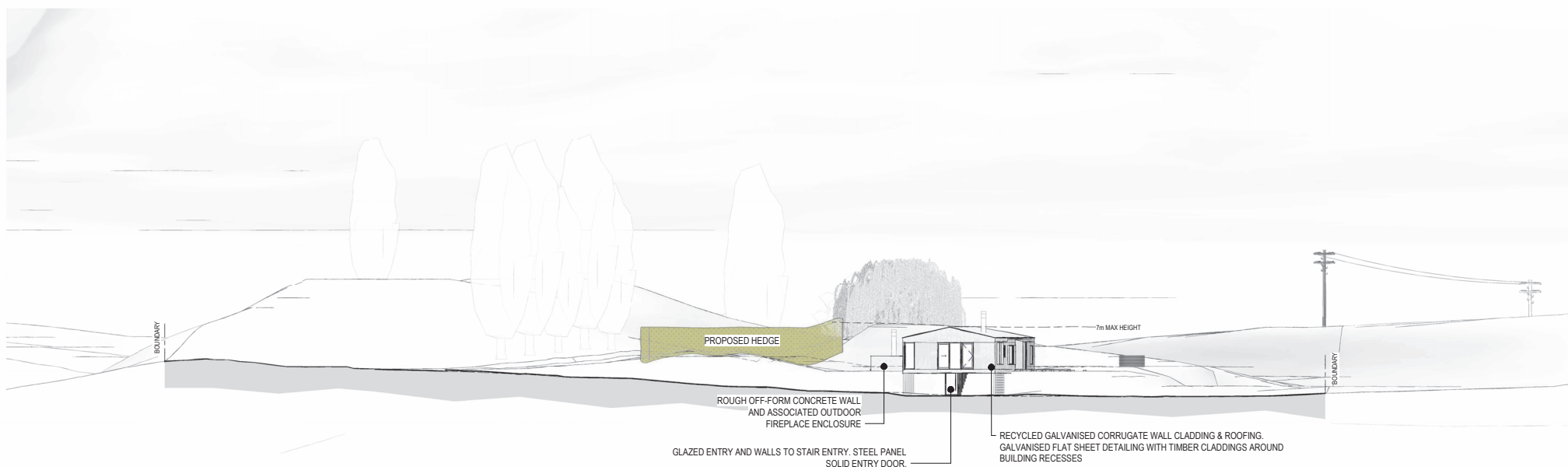
PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED ELEVATIONS

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# GENERAL NOTES:

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1 | ELEVATION - PROPOSED HOUSE - EAST  
PD-201 | SCALE: 1 : 200@A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-302  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

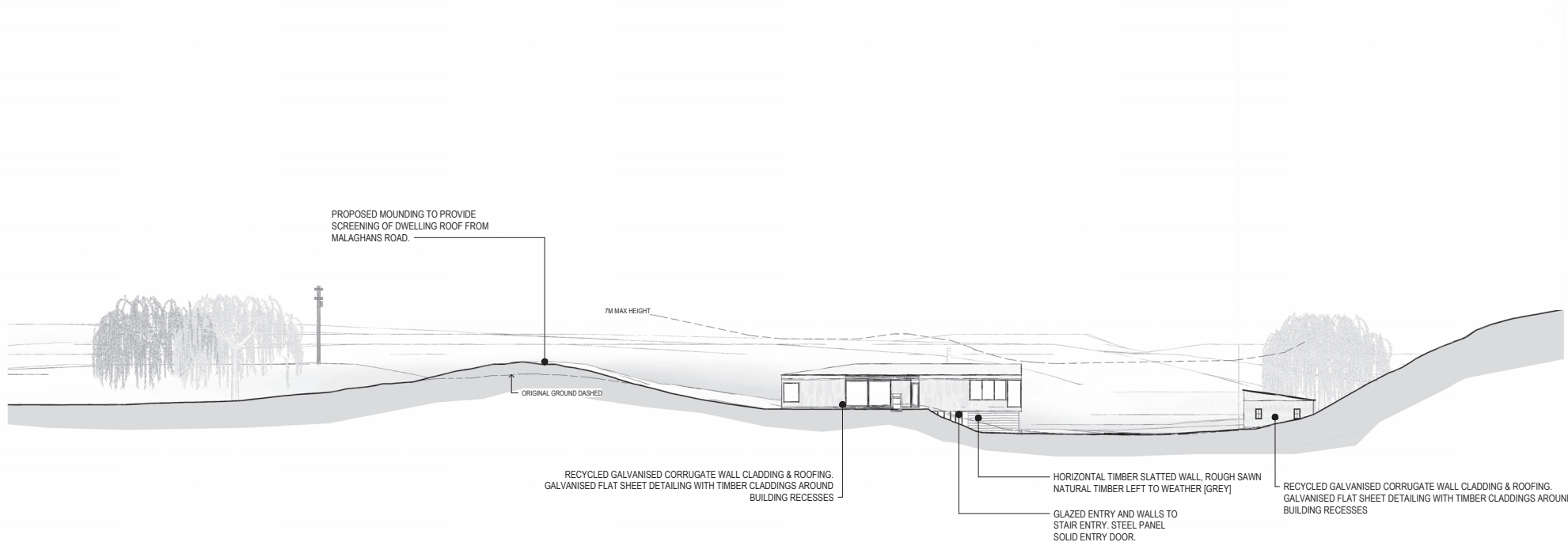
PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED ELEVATIONS

anna-marie chin architects

GENERAL NOTES:

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1 | ELEVATION - PROPOSED SOUTH  
PD-201 | SCALE: 1:200@A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-303  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

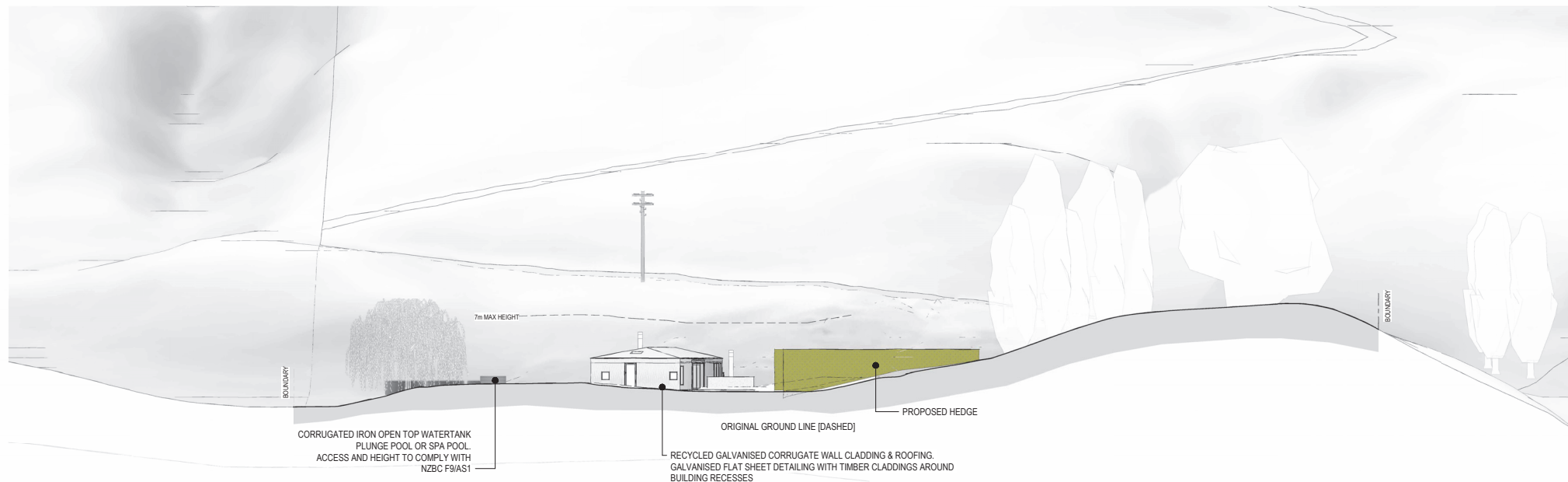
SHEET:  
PROPOSED ELEVATIONS

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1 | ELEVATION - PROPOSED WEST

PD-201 | SCALE: 1 : 200@A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-304  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

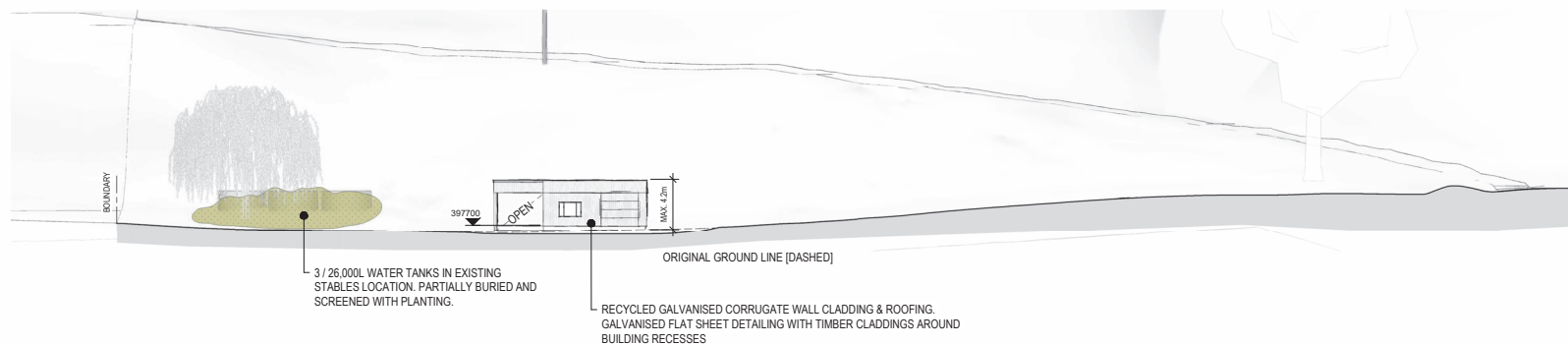
PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED ELEVATIONS

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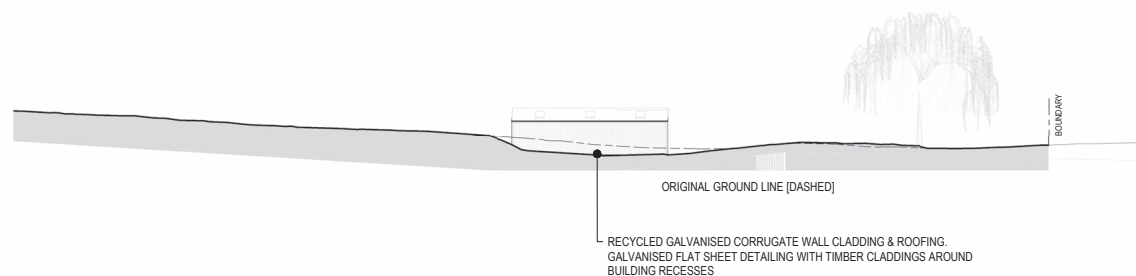
# GENERAL NOTES:

1. NO CHANGE TO EXISTING DWELLING OR ASSOCIATED STRUCTURES OR SERVICES UNLESS SPECIFICALLY NOTED.
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## 2 | ELEVATION - PROPOSED SHED - WEST

PD-201 SCALE: 1:200@A1 (half-scale @A3)



## 1 | ELEVATION - PROPOSED SHED - EAST

PD-201 SCALE: 1:200@A1 (half-scale @A3)

RESOURCE CONSENT

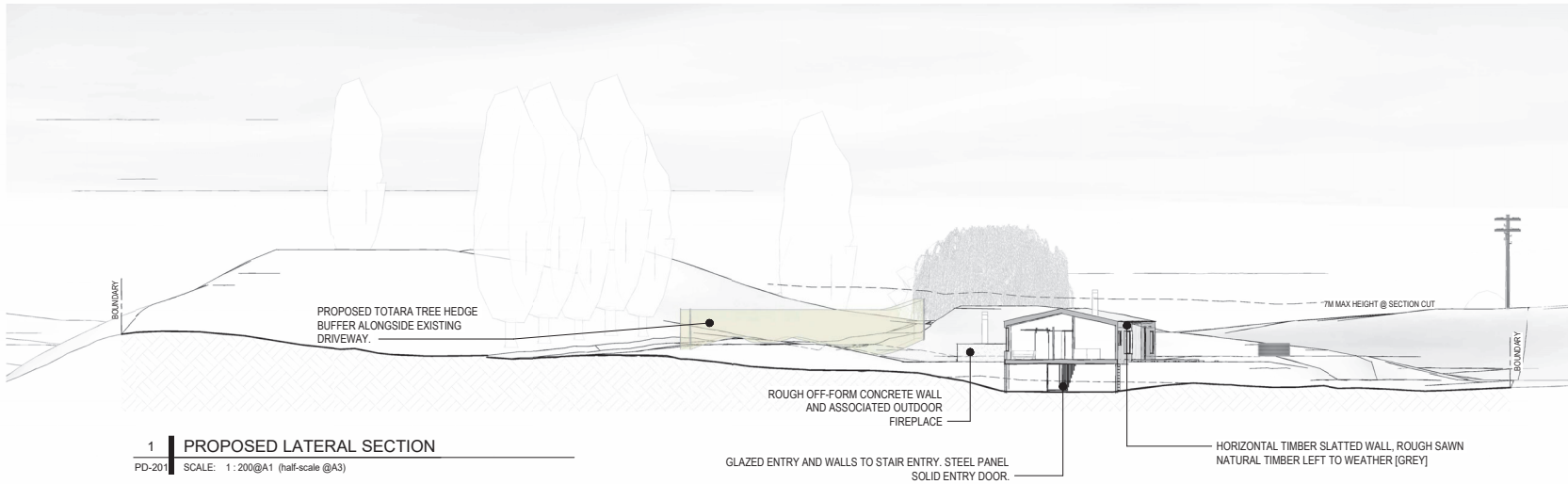
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REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

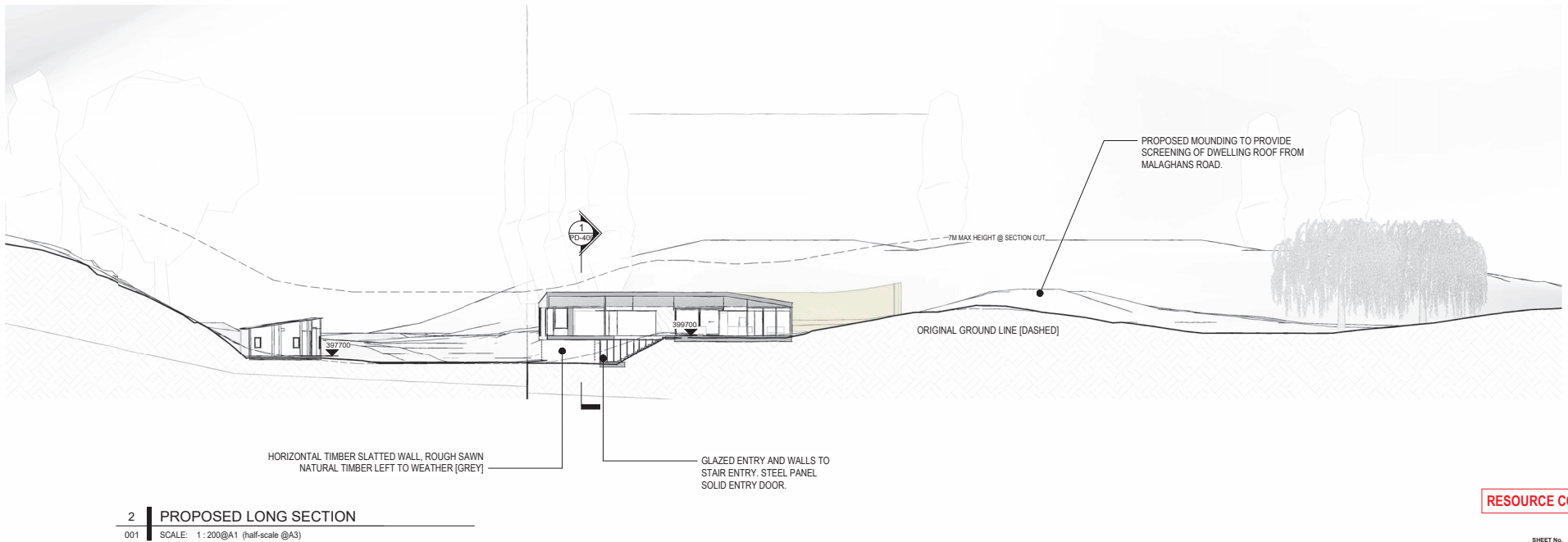
SHEET:  
PROPOSED ELEVATIONS - SHED

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#### GENERAL NOTES:

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**RESOURCE CONSENT**

SHEET No. PD-400  
 REV. B  
 DATE: 15/12/22

PROJECT No:  
 1612 - 2

PROJECT:  
 BARN HOUSE  
 134 MALAGHANS RD, DALEFIELD

SHEET:  
 PROPOSED SITE SECTIONS

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CLOSE-UP VIEW OF RECYCLED/WEATHERED GALVANISED CORRUGATE STEEL, VERY LOW LIGHT REFLECTIVITY.



DISTANT VIEW OF RECYCLED/WEATHERED GALVANISED CORRUGATE STEEL



EXAMPLE OF TIMBER SLATTED WALLS / SCREENS

## MATERIALS PALETTE

**WALL CLADDING & ROOFING**  
PREWEATHERED GALVANISED CORRUGATE WITH GALVANISED FLAT SHEET DETAILING WHERE REQUIRED.

**RECESSES & DETAILS**  
WEATHERED GREY TIMBER

**WINDOWS AND DOORS**  
RECESSIVE DARK COLOURED POWDERCOATING TO ALUMINIUM WINDOW FRAMES.

METROPOLIS COAL DUST KINETIC



**9009100K** Duratec®  
Metropolis® Coal Dust Kinetic  
LRV 08% RGB 61 63 63

## RESOURCE CONSENT

SHEET No. PD-601  
REV. B  
DATE: 15/12/22

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

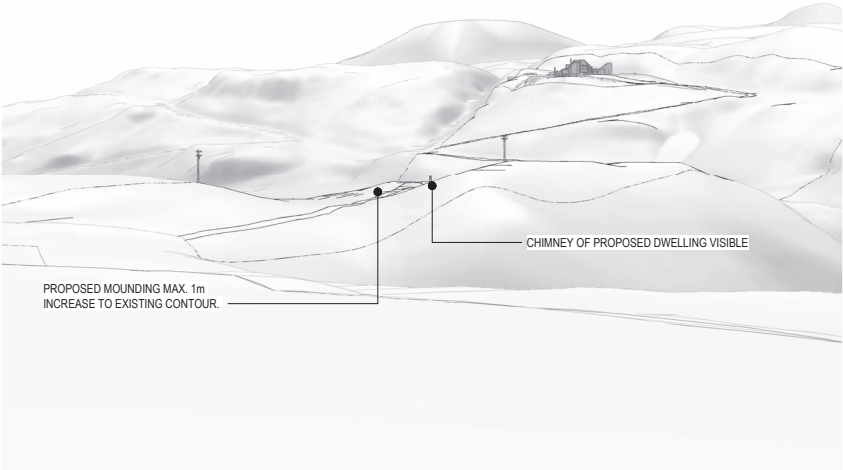
SHEET:  
MATERIAL PALETTE

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- 3D VIEWS NOTE:
- 3D VIEWS FROM MALAGHANS ROAD ARE SET ~1.4m ABOVE ROAD LEVEL.
  - TREES HAVE BEEN OMITTED FROM THE 3D GENERATED VIEWS FOR CLARITY AROUND LEVEL OF VISIBILITY OF THE PROPOSED.



MALAGHANS NORTHBOUND 1

SCALE: @A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-700  
REV. C  
DATE: 15/12/22

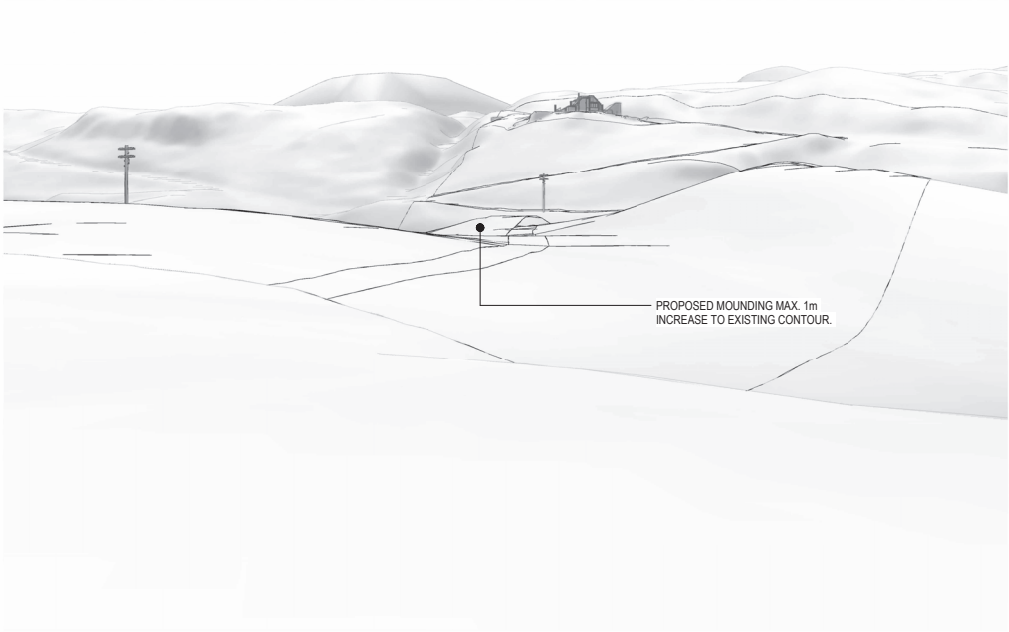
PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
3D VIEWS

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- 3D VIEWS NOTE:
- 3D VIEWS FROM MALAGHANS ROAD ARE SET ~1.4m ABOVE ROAD LEVEL.
  - TREES HAVE BEEN OMITTED FROM THE 3D GENERATED VIEWS FOR CLARITY AROUND LEVEL OF VISIBILITY OF THE PROPOSED.



MALAGHANS NORTH BOUND 2

SCALE: @A1 (half-scale @A3)

RESOURCE CONSENT

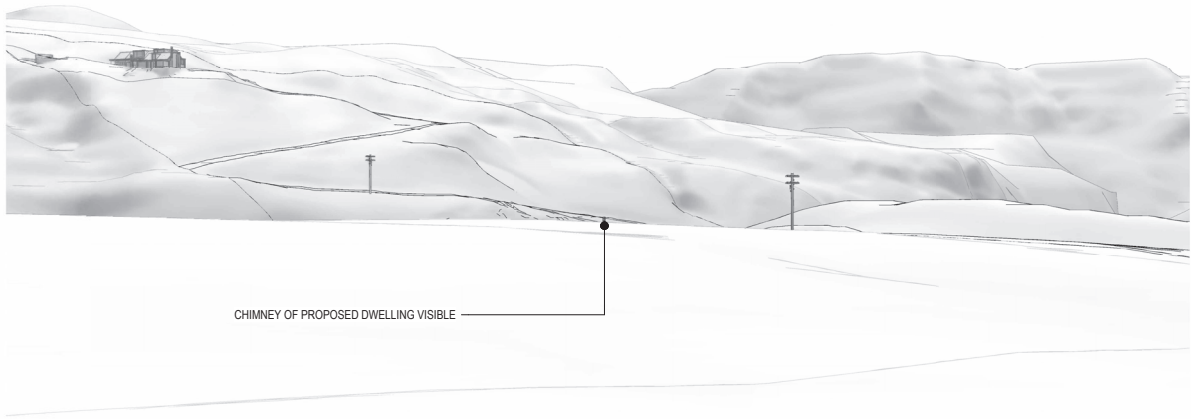
SHEET No. PD-701  
REV. C  
DATE: 15/12/22

PROJECT No: 1612 - 2  
PROJECT: BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET: 3D VIEWS

anna-marie chin architects

- 3D VIEWS NOTE:
- 3D VIEWS FROM MALAGHANS ROAD ARE SET ~1.4m ABOVE ROAD LEVEL.
  - TREES HAVE BEEN OMITTED FROM THE 3D GENERATED VIEWS FOR CLARITY AROUND LEVEL OF VISIBILITY OF THE PROPOSED.



CHIMNEY OF PROPOSED DWELLING VISIBLE

MALAGHANS SOUTHBOUND 1

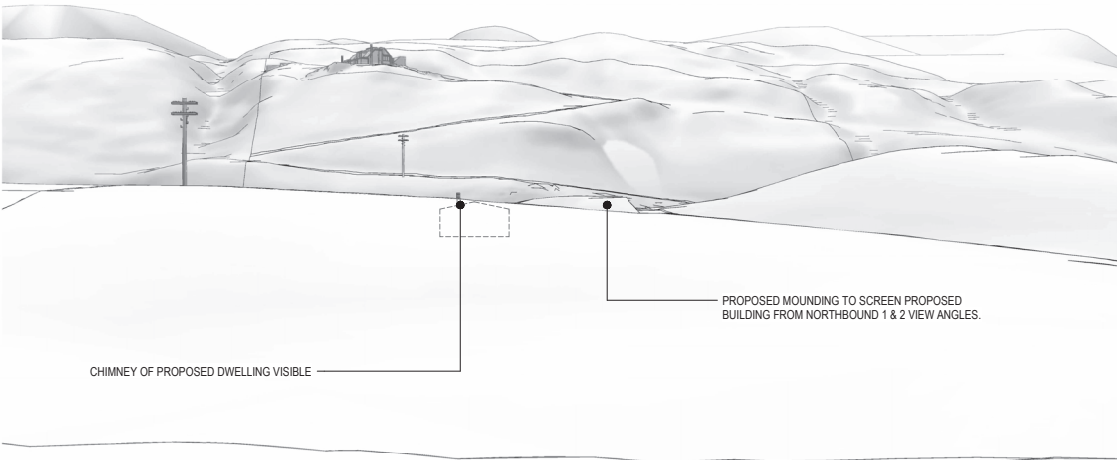
SCALE: @A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-702  
REV. C  
DATE: 15/12/22



- 3D VIEWS NOTE:
- 3D VIEWS FROM MALAGHANS ROAD ARE SET ~1.4m ABOVE ROAD LEVEL.
  - TREES HAVE BEEN OMITTED FROM THE 3D GENERATED VIEWS FOR CLARITY AROUND LEVEL OF VISIBILITY OF THE PROPOSED.



MALAGHANS S2

SCALE: @A1 (half-scale @A3)

RESOURCE CONSENT

SHEET No. PD-703  
REV. C  
DATE: 15/12/22

PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
3D VIEWS

anna-marie chin architects

# LANDSCAPE AND VISUAL EFFECTS ASSESSMENT

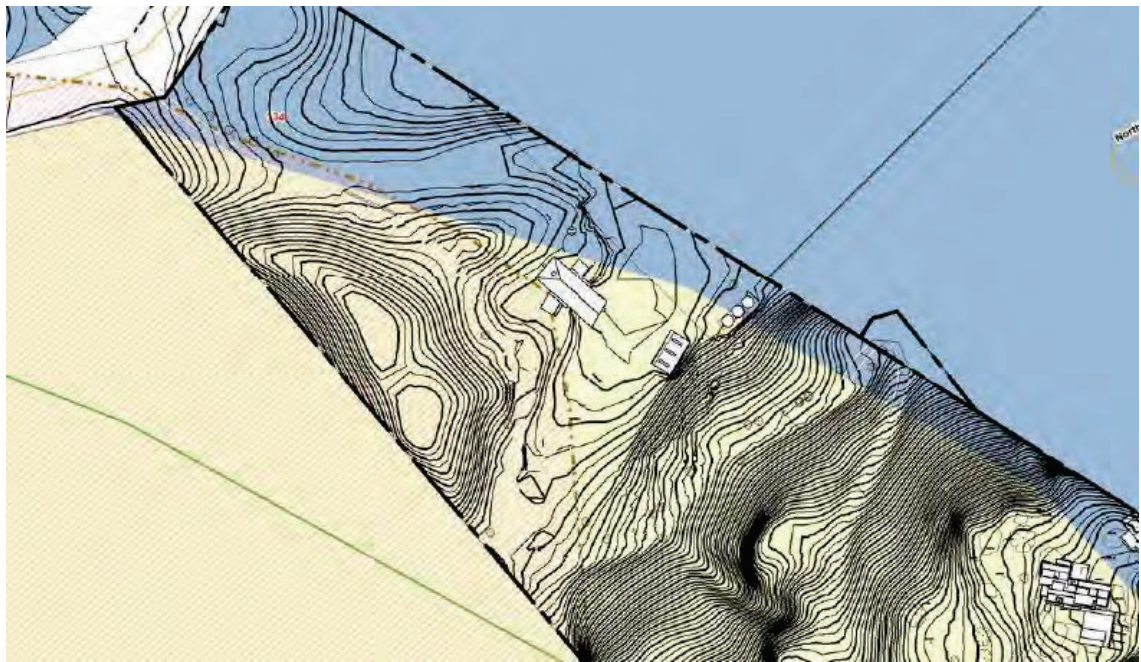
PROPOSAL TO ERECT A DWELLING  
AND SHED ON AN EXISTING LOT AT 134  
MALAGHANS ROAD, WAKATIPU

**vivian+espie**  
resource management and landscape planning



## INTRODUCTION & DESCRIPTION OF THE PROPOSAL

- 1 This report identifies and evaluates the landscape and visual effects likely to arise from a proposal to erect a dwelling and shed on a 4.3ha property at 134 Malaghans Road, Wakatipu (**the site**).
- 2 The proposed layout of activities is shown on Appendix 2 to this report, which is a Site and Landscaping Plan. The site is a rural living and small-scale farming property located at the southwestern end of the Malaghans Valley. The site is split zoned between the Wakatipu Basin Rural Amenity Zone (**WBRAZ**), which covers a relatively narrow strip at the eastern side of the site; and the Rural Zone (**RZ**), which covers the bulk of the site. Within the RZ part of the site, a rounded hill in the northwest is part of an Outstanding Natural Landscape (**ONL**) that extends away to the west. The remainder of the RZ part of the site is within a Rural Character Landscape (**RCL**). The proposed activities are contained within the RCL area of the RZ part of the site. This situation is shown on Figure 1 below.



**Figure 1:** the proposed activities in relation to zoning.

- 3 An existing dwelling and established garden sit near the south-eastern end of the site. This part of the site is of rounded hilly topography, while the part of the site where the proposed activities are located is of valley-floor topography.
- 4 The details and layout of the proposed activities are set out in the resource consent application and its various appendices (and can be seen on Appendix 2 to this report). Those details are not

repeated here, other than to make the following summary points that are relevant to an assessment of landscape issues.

- No subdivision is proposed. The existing and proposed dwellings within the site are intended to be used by one family.
- The existing road access point and internal driveway are to be used to service the proposed dwelling.
- The proposed dwelling is of a rectangular footprint of approximately 220m<sup>2</sup> and a simple gable form. It is to be a maximum of 7m high above ground level (at its southern end, where it overhangs a carport) but is generally 4.5m above existing ground level. The dwelling is to be clad and roofed in recycled galvanised corrugate with some rough-sawn slatted timber. In terms of overall aesthetics, the proposed dwelling strongly references a rustic rural barn.
- The proposed shed is of a rectangular footprint of approximately 88m<sup>2</sup> and a mono-pitch form. It is to be a maximum of 4m high above ground level. The shed is to be clad and roofed in recycled galvanised corrugate, again with some rough-sawn slatted timber.
- An existing stables/shed building is to be removed and 3 x 30,000l water tanks are to be placed in its location.
- A curtilage area is proposed within which all outdoor domestic activities are to be contained. A gravel driveway is proposed to branch off the site's existing driveway and is to access a vehicle courtyard area that sits between the proposed dwelling and shed.
- A number of existing mature trees within the north-western half of the site are proposed to be retained as part of the current application. A stretch of totora hedging is proposed between the dwelling and the site's driveway. Additionally, sweeps of native grey shrub vegetation are proposed around the water tanks. Outside of the proposed curtilage area, the site will continue to be managed in its current state.
- Earthworks are proposed to level the ground in the immediate vicinity of the proposed dwelling, shed and water tanks. Fill material is to be deposited to enhance a rounded spur to the west of the proposed dwelling location.

## METHODOLOGY

5 The methodology for this assessment has been guided by:

- The Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines<sup>1</sup>.
- The landscape-related provisions of the Proposed District Plan.

6 When describing effects, we will use the hierarchy of adjectives given in the bottom row of the table below. The top rows show how the adjectives that we use can be related to specific wording within the RMA<sup>2</sup>.

					SIGNIFICANT	
LESS THAN MINOR		MINOR		MORE THAN MINOR		
VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH

## EXISTING LANDSCAPE

7 As has been discussed in paragraph 2 above, the site is somewhat unusual in terms of zoning and landscape categorisation. The site in its zoning context is shown on Appendix 3 to this report. The Malaghans Valley Landscape Character Unit (**LCU1**) of the WBRAZ takes in the easternmost part of the site but not the proposed activities (excepting a part of the proposed water tanks). Schedule 24.8 sets out the landscape attributes, character and values of LCU1. In summary, Malaghan's Valley is described as a relatively open, gently rolling valley, predominantly in working/pastoral land use, making its land highly visible and visually coherent from Malaghan's Road. This description certainly holds for the valley that extends away to the east of the subject site. As the PDP zoning maps show (and as is evident in the landscape itself) the site is not fundamentally a part of this valley; the site is more correctly the start of the hill country that marks the western end of the Malaghans Valley.

8 As per Figure 1 above, the westernmost part of the site, being a rounded hill, is categorised as ONL land. As per the notified Priority Areas mapping and Schedule, the ONL of which this land is a part is the Central Wakatipu Basin Coronet ONL, which is shown on Appendix 3 to this report.

<sup>1</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

<sup>2</sup> Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

Notified Schedule 21.22.15 sets out the landscape attributes, character and values of this ONL. In summary, the Central Wakatipu Basin Coronet ONL is described as *“the mountain slopes that form the northern backdrop to the Wakatipu Basin and Arrowtown”*<sup>3</sup>. Schedule 21.22.15 includes references to:

- *“exposed schist outcrops and bluffs ... along the east side of the small ice-melt basin in the vicinity of Littles Road.*
- *The unnamed relatively gently sloping streams and kettle lake in the ice-melt basin around Littles Road which drain south-westward to Kimiākau (Shotover River).”*

9 These are references to the basin-like valley that runs southwest from the subject site down to Big Beach. While this ice-carved basin and the steep cliffs on its eastern side are justifiably included within the ONL, the subject site itself (and in particular the location of the proposed activities) is quite distinct and separated from this landform, as is reflected on the PDP zoning maps shown in Figure 1 and Appendix 3.

10 This leaves the site within the RCL area that can be seen on Appendix 3. This area takes in the southeast-facing slopes that look down towards the Fitzpatrick Basin. It also takes in the western end of the Northridge rural living area (Toka Road) and the subject site. When examined overall, this landscape area can be described as follows.

#### Physical Attributes<sup>4</sup>

11 With reference to Appendix 3, the relevant area of landform is the outer rim of the ice-formed basin that runs southwest to Big Beach. The site sits at the northern end of this rim. From the site's southwestern boundary, landform falls away down to Littles Road and on to Big Beach. Land use is generally rural or large rural living lots consisting of open pasture and areas of regenerating natives. Prior to rural living use over the past three decades, this area (along with the surrounding parts of the Wakatipu Basin) was pastorally farmed, hence ecology is significantly altered from a natural state.

---

<sup>3</sup> Notified Schedule 21.22.15.

<sup>4</sup> The NZILA Guidelines define physical attributes as “both the natural and human-derived features, and the interaction of natural and human processes over time”, at paragraph 4.23.

### Associative Attributes<sup>5</sup>

- 12 As with the wider Wakatipu area generally, there is a broad association with colonial pastoral farming. Additionally, a recreational association relates to the consented extension to the Queenstown Trail, connecting Tucker Beach Road to Arrowtown via the Malaghans Valley (RM200336). This trail alignment passes along the Malaghans Road frontage of the site, on an easement granted by the current applicant.

### Perceptual Attributes<sup>6</sup>

- 13 In perceptual terms, the relevant vicinity is dominated by the cliffs and bluffs that form the southern wall of the ice-formed basin that runs southwest to Big Beach. This basin, including the cliffs are within the ONL. The Malaghans Valley that runs away to the east, towards Arrowtown, is also legible and perceivable as a whole. This valley is part of the WBRAZ (LCU1). The subject site is not directly part of the Malaghans Valley, rather it reads as being something of a transition point between the ice-formed basin to the west and Malaghans Valley to the east. It reads as being part of a pleasant rural landscape but separate from the ONL to the west.

### Landscape Values<sup>7</sup>

- 14 In relation to how the relevant area of landscape is valued, the RCL area within which the activities are proposed is not categorised as being part of an ONL or ONF, nor part of the WBRAZ. It is a pleasant, open, rural, pastoral area that acts as a transition between the ONL to the west, Malaghans Valley to the east and the Fitzpatrick Basin to the south.
- 15 In reality of course, these various landscape areas are perceived together as a whole and in a sequential way, as part of the broader Wakatipu area, which has a valued rural, open-space character.

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<sup>5</sup> The NZILA Guidelines define associative attributes at paragraph 4.23 as "the intangible things that influence how places are perceived – such as history, identity, customs, laws, narratives, creation stories, and activities specifically associated with a landscape".

<sup>6</sup> The NZILA Guidelines define perceptual attributes at paragraph 24.3 as being "both sensory experience and interpretation. Sensory appreciation typically occurs simultaneously with interpretation, knowledge, and memory".

<sup>7</sup> The NZILA Guidelines define landscape values at paragraph 5.6 and the glossary as "the reasons a landscape is valued – the aspects that are important or special or meaningful" and note that "values are embodied in certain attributes". Also, at paragraph 5.55, it is helpfully notes that "hybrid terms such as 'visual amenity', 'rural amenity' and natural amenity' are shorthand for 'landscape values that contribute to amenity values'".



## RELEVANT STATUTORY CONTEXT

- 16 Part 2 of the PDP (Strategy – Chapters 3 to 6) is final pursuant to Environment Court Decision [2021] NZEnvC 155 (Decision 2.12). Environment Court decisions have not yet been issued regarding Part 4 of the PDP (Rural Environment). However, no appeals seek to change the Rural Zoning of the area of the subject site.
- 17 We understand that the proposed activities are a discretionary activity pursuant to the decisions-version RZ provisions. Appeal ENV-2018-CHC-056 by the Upper Clutha Environmental Society seeks to amend PDP provisions relating to development within the RZ. Pursuant to this appeal, it may be that the status of the proposed activity becomes non-complying. In any event, I have not taken fundamental guidance from the status of the activity. Primary guidance has come from the undisputed Strategic Objectives and Policies.
- 18 The most relevant Strategic provisions from Chapter 3 of the PDP are:

### STRATEGIC OBJECTIVES

#### **Rural Character Landscapes**

- 3.2.5.5 *Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision, use or development are anticipated and effectively managed, through policies and rules, so that:*
- a. *landscape character is maintained; and*
  - b. *visual amenity values are maintained or enhanced.*
- 3.2.5.6 *In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.*
- 3.3.33 *For Rural Character Landscapes, identify landscape character to be maintained, and visual amenity values to be maintained or enhanced and related landscape capacity:*
- b. *outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45, and through best practice landscape assessment methodology; and*
  - c. *through associated District Plan rules setting measurable spatial or other limits, and related assessment matters, as to cumulative subdivision and development including as to location, quantity, density and design.*

3.3.35 *In any Rural Character Landscape that is not a Priority Area, or is a Priority Area that has not achieved the requirements of SP 3.3.33, do not allow new subdivision or development for the purposes of Rural Living except where:*

- a. *according to the methodology in SP 3.3.45 and having regard to the wider landscape context:*
  - i. *a landscape character area for assessment purposes is identified at an appropriate landscape scale including by mapping;*
  - ii. *the landscape character and visual amenity values of that landscape character area are identified; and*
  - iii. *the landscape capacity of that landscape character area is assessed so as to soundly inform a determination that the requirements of SP 3.3.23 are met; and b. the approval of new subdivision or development for the purposes of Rural Living maintains the landscape character and maintains or enhances the visual amenity values identified in relation to that landscape character area and the wider landscape context.*
- b. *the approval of new subdivision or development for the purposes of Rural Living maintains the landscape character and maintains or enhances the visual amenity values identified in relation to that landscape character area and the wider landscape context.*

19 Essentially, the above provisions require that landscape character is maintained and that visual amenity values are maintained or enhanced. In the “Existing Landscape” section of this report above, we have followed the methodology of SP3.3.45 and have identified the relevant landscape character unit, being the relatively discrete area of RCL (shown on Appendix 3) between the Central Wakatipu Basin Coronet ONL and the Malaghans Valley. In the same section of this report, we have also identified the landscape character and visual amenity values of this area. Pursuant to SP 3.3.35 (a)(iii), we consider that there is some (probably relatively limited) capacity within this area of the RZ to accommodate rural living development in a way that maintains landscape character and visual amenity values. Essentially the determination of appropriateness comes down to an analysis of the visual and character effects of a particular proposal, as is detailed in this report.

20 The most relevant provisions from Chapter 6 are:

- 6.3.4.1 *Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.*
- 6.3.4.3 *Require that proposals for subdivision or development for rural living in the Rural Zone:*

- a. *take into account all subdivision and development that is in existence or is consented for all land within the relevant landscape character area as at 14 May 2021; and*
- b. *assess the potential for adverse cumulative effects on the landscape character of that area and its wider landscape context.*

6.3.4.4 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.*

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

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

- a. *is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- b. *forms the foreground for an Outstanding Natural Feature or Outstanding Natural Landscape when viewed from public roads*

21 In summary in relation to the PDP, proposed development in this location shall not degrade the identified landscape character or visual amenity and in making this determination, cumulative effects shall be carefully considered.

## **ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS**

### ***Visual catchment and viewing audiences***

22 A number of owners/occupiers of nearby properties have given written approval to the application and effects on those parties have not been considered. Specifically and with reference to Appendix 3 of this report, these properties are:

- Manners-Wood;
- Chilcotin Holdings Ltd;
- Baker;
- Northridge Residents Association.

- 23 The proposed activities are located within a topographically low meltwater channel within the site. Consequently, the future dwelling and curtilage will be considerably hidden. Relevant locations from which there may be some visual change evident are:

- Malaghans Road;
- Coronet Peak Road;
- Elevated public and private land to the north and northwest of the subject site;

### ***EFFECTS ON VIEWS AND VISUAL AMENITY***

- 24 Visual effects are:

*“effects on landscape values as experienced in views. ... A proposal that is in keeping with the landscape values, for example, may have no adverse visual effects even if the proposal is a notable change to the view. Conversely, a proposal that is completely out of place with landscape values may have adverse effects even if only occupying a portion of the view”<sup>8</sup>.*

- 25 Appendix 1 of this report gives comments in relation to the relevant PDP assessment matters, some of which relate to effects on views and visual amenity. In this section of the report, we set out our overall findings in relation to views and visual amenity. Appendix 3 to this report is a Context and Viewpoint Map and Appendix 4 contains the associated photographs. Additionally, the architectural plans that form part of the application include photographs and digital model views from four points on Malaghans Road, close to the subject site.

#### **Malaghans Road**

- 26 The photographs and digital model views of the architectural plans show the degree of visibility of the proposed buildings from Malaghans Road. In the Northbound 1, Southbound 1 and Southbound 2 views, a small part of a chimney can be seen (with some difficulty). Passing the site in both directions, building profile poles could not be seen.
- 27 In practical terms, we consider that the proposed activities will not be perceivable by Malaghans Road users and that the site will not visually change. The visual amenity of users of this road will not be affected by the proposal.

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<sup>8</sup> Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, April 2021, New Zealand Institute of Landscape Architecture, paragraphs 6.25 and 6.27.

Coronet Peak Road

- 28 Coronet Peak Road is a public road that runs from Malaghans Road to Coronet Recreation Reserve (including the ski area), Devil's Creek Conservation Area and to Skipper's Road. It is widely used for recreational access.
- 29 In general terms, the visual experience of uphill travellers is dominated by the mountain peaks, slopes and skylines, while downhill travellers gain broad panoramic views over the floor of the Wakatipu Basin, including the vicinity of the subject site. These views are illustrated by Photographs A to D of Appendix 4.
- 30 Photograph A is taken from Carpark 1 of Coronet Peak Ski Area, 5.4km from the subject site. It is a single-frame photograph and does not attempt to show the breadth of the panoramic views that are taken in by a viewer. Nonetheless, many buildings are visible in this view, including a number on the south-eastern side of Malaghans Road. From this viewpoint, building profile poles were visible with binoculars but not with the naked eye. The existing shed in the vicinity of the proposed water tanks (which is proposed to be removed) is discernible with difficulty. In this view, the proposed dwelling and shed will be visible to an observer that focuses on them. They will be immediately backed by the mature poplars and eucalypt that are proposed to be retained. In a visual sense, this ties future built form into a clump of vegetation at the toe of the site's escarpment, such that built form will be less noticeable than if it were in the middle of a paddock or area of open space. Given the breadth and distance of these views, the new built form is very likely to go unnoticed as a small part of a very expansive view that contains many buildings. We consider that the proposal will have no effect on the visual amenity of an observer in locations such as this.
- 31 Photograph B is taken from the lookout at the junction of Coronet Peak Road and Skippers Road, 3.2km from the subject site. Again, this is a single-frame photograph focussed on the site itself and does not show the very broad views to the left of the frame that take in the Remarkables. From this viewpoint, building profile poles were visible with binoculars but not the naked eye. Again, the existing shed on site is visible at the toe of the site's escarpment. In this view, the proposed dwelling and shed will be visible, backed by the escarpment slope and by the poplars and eucalypt. The simple singular forms, utilitarian corrugate cladding and lack of gardenesque treatment will mean that, for an observer that focusses on them, these buildings may read as buildings associated with production or land management, rather than with residential use. The buildings will not be prominent. They will be part of a complex scene of rural landscape that

includes a scattering of buildings within the green valley floor and is dominated by the huge ONL forms of Sugar Loaf and the Remarkables. A downhill-bound user of Coronet Peak Road takes in this expansive scene in a sequential way. While the proposed buildings will be noticeable, they will generally be lost in the composition of the overall view. In a particularly slight way, the buildings will cumulatively add to the influence of human elements over natural or rural elements within these views. However, we consider that any adverse effect on the amenity of a road user will be of a very low degree at most.

- 32 Photograph C is taken from Coronet Peak Road, 2.1km from the subject site and is a single-frame photograph focussed on the site itself. From this viewpoint, building profile poles were visible with the naked eye but with considerable difficulty. The existing shed on site could be picked out relatively easily. In this view, the proposed dwelling and shed will be visible and, most likely, recognisable for what they are for observers that focus on them. Again, they will be visually backed by the escarpment and, eucalypt and poplars. The proposed buildings will be similarly visible to the dwellings of the Northridge rural living area that can be seen in the left of the photograph. Views such as the Photograph C view are experienced evanescently as a road user descends the lower parts of Coronet Peak Road, with roadside vegetation often blocking views. For this stretch of road, the additional buildings will be noticeable and will add to the influence of human occupation versus open greenspace in the composition of views. However, given the expansive nature of views that are had, dominated by mountainous skylines, the winding alignment of Coronet Peak Road and the relative location of the proposed buildings (on the edge of the valley floor at the toe of an escarpment, backed by trees), we consider that the effect of this additional built form on these views will remain of a very low degree.
- 33 Photograph D is taken from Coronet Peak Road, practically directly opposite the subject site, 960m from the proposed dwelling location. Moving down Coronet Peak Road, this is practically the last and closest view to the proposed activities that is available. Further downhill, high, dense roadside vegetation (largely sycamore forest) screens views towards the subject site. From this viewpoint, building profile poles were visible with the naked eye. The site's existing dwelling can be seen but is considerably screened by vegetation. Immediately behind the site's dwelling, buildings can be seen on numbers 40 and 54 Toka Road. The 40 Toka Road building is a small accessory building, with a main dwelling yet to be constructed. In views such as this, from lower down on Coronet Peak Road, the various dwellings and gardens of Northridge are much more visually legible than from further up Coronet Peak Road. The road user has the experience that



they are leaving the wild, mountainous landscape behind and are entering the occupied and managed basin. The western elevation of the proposed dwelling is presented to view; this is a smaller, gabled and particularly barn-like elevation. The proposed shed building will be largely hidden behind the dwelling. Overall, new built form will be visually evident. Given the building's design and the fact that the curtilage area is largely hidden, it will not necessarily be clear that the building is a dwelling. In any event, it will be seen in a relatively domesticated and occupied context in these views. The built form will contribute cumulatively to the visual influence of built elements in these views, but given the factors discussed and the relative difficulty of gaining closer views such as this, we consider that effects on the visual amenity of a road user will be of a low degree at most.

*Elevated public and private land*

34 With reference to Appendix 3, elevated private land adjacent to Coronet Peak Road that allows potential views to the proposed activities takes in:

- the Treespace land (Mount Dewar Station) which comprises of steep farmland that is incrementally being retired and subject to native revegetation. The property includes resource consent (RM181638) for a lodge and 43 cabins, on the south facing slopes above Coronet Peak Road. The Treespace land also takes in an unoccupied lot (Lot 2 DP481806) below Coronet Peak Road.
- The Mackrell Holdings land, which sits below Coronet Peak Road and comprises unoccupied sloping forestry land.

35 Elevated public land that allows potential views to the proposed activities takes in:

- The Coronet Recreation Reserve (including the ski area) that takes in the high mountain slopes and peaks to the northeast of Skippers Road;
- The Devil's Creek Conservation Area that takes in the highest slopes of Mount Dewar to the southwest of Skippers Road.

36 The views that are available to the subject site from these elevated locations are very similar to those that are available from the various parts of Coronet Peak Road that have been described previously and illustrated by Photographs A to D, with the distance of views ranging between 1 and 7 km.

- 37 Currently the users of these elevated locations are involved in recreational activities (skiing, cycling, hiking, etc) or land management activities (forestry, tree planting, farm work, etc). For these observers, views of the Malaghans Valley area are transient in a way that is similar to a user of Coronet Peak Road. The potential effects of the proposed activity on visual amenity will also be much the same as those on Coronet Peak Road users; practically no effect for the more distant observers, ranging up to a low degree of effect for closer observers. At most, the new built form will be a very small part of some very expansive views.
- 38 In the future, it may be that the lodge and cabins that are consented on the Treespace property are built and occupied. My understanding of the Treespace resource consents (RM181638 and variations) is that the future buildings will sit within a particularly dense and expansive forest of native beech, such that they will not gain visibility towards the subject site. Users of the Treespace site may gain visibility to the site as they enter and exist that site and as they use Coronet Peak Road, or if they travel to the uppermost part of the Treespace site, which is not proposed to be forested. In these instances, visibility and effects on amenity will be very similar to those that have already been discussed; of a low degree at most.

## **LANDSCAPE EFFECTS**

- 39 *“A landscape effect is a consequence of changes in a landscape’s physical attributes on that landscape’s values. Change is not an effect: landscapes change constantly. It is the implications of change on landscape values that is relevant. To assess effects, it is therefore necessary to first identify the landscape’s ‘values’ – and the attributes on which such values depend”<sup>9</sup>.*
- 40 Again, Appendix 1 of this report gives comments in relation to the relevant PDP assessment matters that are relevant to the consideration of landscape effects. In this section of this report, we set out our overall findings in relation to landscape effects.
- 41 A description of the relevant existing landscape character and values is set out above in paragraphs 7 to 15. The location of the proposed activities is at the westernmost end of the Malaghans Valley; an open, pastoral valley that extends east towards Arrowtown. To the west of the location of the proposed activities (and separated from it by a rounded hill) is a basin that extends to Big Beach and is part of the Central Wakatipu Basin ONL. The location of the proposed

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<sup>9</sup> Ibid, paragraphs 6.1 and 6.2.

activities is part of the RCL that acts as a transition between this basin and the Malaghans Valley. It is a pleasant, rural, pastoral area and includes rural living land use.

- 42 The actual changes to the landscape that will occur as a result of the proposal will be the introduction of an additional instance of rural living. A new shed will effectively replace an existing one. No subdivision is proposed, the two dwellings that will be on the site will be used by the same family.
- 43 The site is 4.3ha. The southern, elevated part of the site will continue in a status-quo state; the existing dwelling surrounded by vegetation on higher, rolling topography. The northern part of the site (the roadside paddocks and more elevated, rounded hill) will also remain in their current state; open pastoral land. The new instance of domestic activity, including curtilage, will sit in the spatially and visually contained area of the meltwater channel. The new dwelling will use the existing driveway, has no gardenesque landscaping associated with it and is of a particularly simple and rustic form. Some relatively modest areas of native grey shrub vegetation will locally enhance biodiversity.
- 44 In a broad sense, the proposed activities will cumulatively add to built form within the RCL. Given the design and specific location of the proposed activities, and the low degree of visual effects as discussed in the previous section of this report, we consider that the degree to which the proposal will adversely add to the accumulation of domesticity in the RCL will be particularly slight. In an overall sense, the area of RCL that sits between the ONL and the Malaghans Valley will remain of its current character and quality. The new built elements of the proposed dwelling and shed will tie in with existing character (being a relatively modified and occupied form of rural character) and will not detrimentally extend the influence of residential activity at the expense of rural influence.
- 45 Overall, we consider that the proposal will amount to an adverse effect on landscape character and values that is of a very low degree.

## CONCLUSIONS

- 46 A dwelling and shed are proposed within an existing 4.3ha lot that contains an existing dwelling. The location of the proposed activities is within an RCL of the RZ but is immediately beside an area of ONL to the southwest, and the Malaghans Valley (part of the WBRAZ) to the northeast. The proposed shed and dwelling are of simple forms and are to be clad and roofed in recycled galvanised corrugate.

- 47 The RCL area in which the activities are proposed is distinct from both the Malaghans Valley and the Central Wakatipu Basin ONL. It is of a pleasant rural character and includes rural living land use.
- 48 Due to the location of the proposed activities within a meltwater channel landform, they are inconspicuous in a visual sense. They are only visible in any material way from Coronet Peak Road and adjacent elevated land. For observers on this road or on adjacent private land, the proposed buildings will be a very small part of an expansive landscape scene and will sometimes appear as rural utilitarian buildings. From viewpoints that are over approximately 1.5km from the proposed buildings, effects on visual amenity will be of a very low degree at most. The closest views are available intermittently from approximately 1km away. In these views, effects on visual amenity may range up to being of a low degree.
- 49 The proposal will cumulatively add to residential built form within the RZ. However, the new instance of residential land use will use an existing driveway, will sit in a particularly inconspicuous location and will be of a simple rustic design. Overall, we consider that the degree to which the proposed activities will adversely affect the landscape character and values of this rural landscape will be low at most.

### Quality Assurance

Report prepared by Vivian and Espie for J Hay			
<b>Reviewed and Approved By</b>	Ben Espie	Landscape Architect	09 December 2022

<b>APPENDIX 1: EVALUATION AGAINST RELEVANT ASSESSMENT MATTERS</b>		
<b>QUEENSTOWN LAKES PROPOSED DISTRICT PLAN ASSESSMENT MATTERS RELATING TO ACTIVITIES IN A RURAL CHARACTER LANDSCAPE</b>		
<b>HEADING</b>	<b>ASSESSMENT MATTERS</b>	<b>ASSESSED AFFECTS</b>
<b>21.21.2.1</b>	<p>Existing vegetation that:</p> <ul style="list-style-type: none"> <li>a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,</li> <li>b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered: <ul style="list-style-type: none"> <li>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</li> <li>ii. as part of the permitted baseline</li> </ul> </li> </ul>	<p>We understand that the bulk of the vegetation in the northwestern half of the site which is proposed to be retained was established prior to September 2002. In any event, we consider that this vegetation is appropriate in its context and do not consider that any of it obstructs or interferes with views</p>
<b>21.21.2.2</b> <b>Effects on landscape quality and character</b>	<p>The following shall be taken into account:</p> <ul style="list-style-type: none"> <li>a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;</li> <li>b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Character Landscape;</li> <li>c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Character Landscape</li> </ul>	<p>The proposed activities are located within an RCL but are directly adjacent to a part of the Central Wakatipu Basin Coronet ONL, which is identified as a Priority Area by the PDP. The attributes and values of this ONL are identified by notified Schedule 21.22.15. In summary, this ONL landscape comprises the mountainous walls that contain the Wakatipu Basin to the north. The part of this ONL that lies to the immediate west of the site is an ice-carved basin that runs southwest from the subject site down to Big Beach.</p> <p>The rounded hill within the westernmost part of (that is within the ONL) is the northeastern lip of this basin; the basin falls away to the southwest. The proposed dwelling and its curtilage activities sit to the east of the rounded hill. They are well separated (visually and physically) from the ice-carved basin. This basin and the remainder of the ONL will remain entirely intact and legible as being distinct from the location of the proposed dwelling and the Malaghans Valley that extends away to the east. The quality and character of the ONL will remain unaffected.</p>

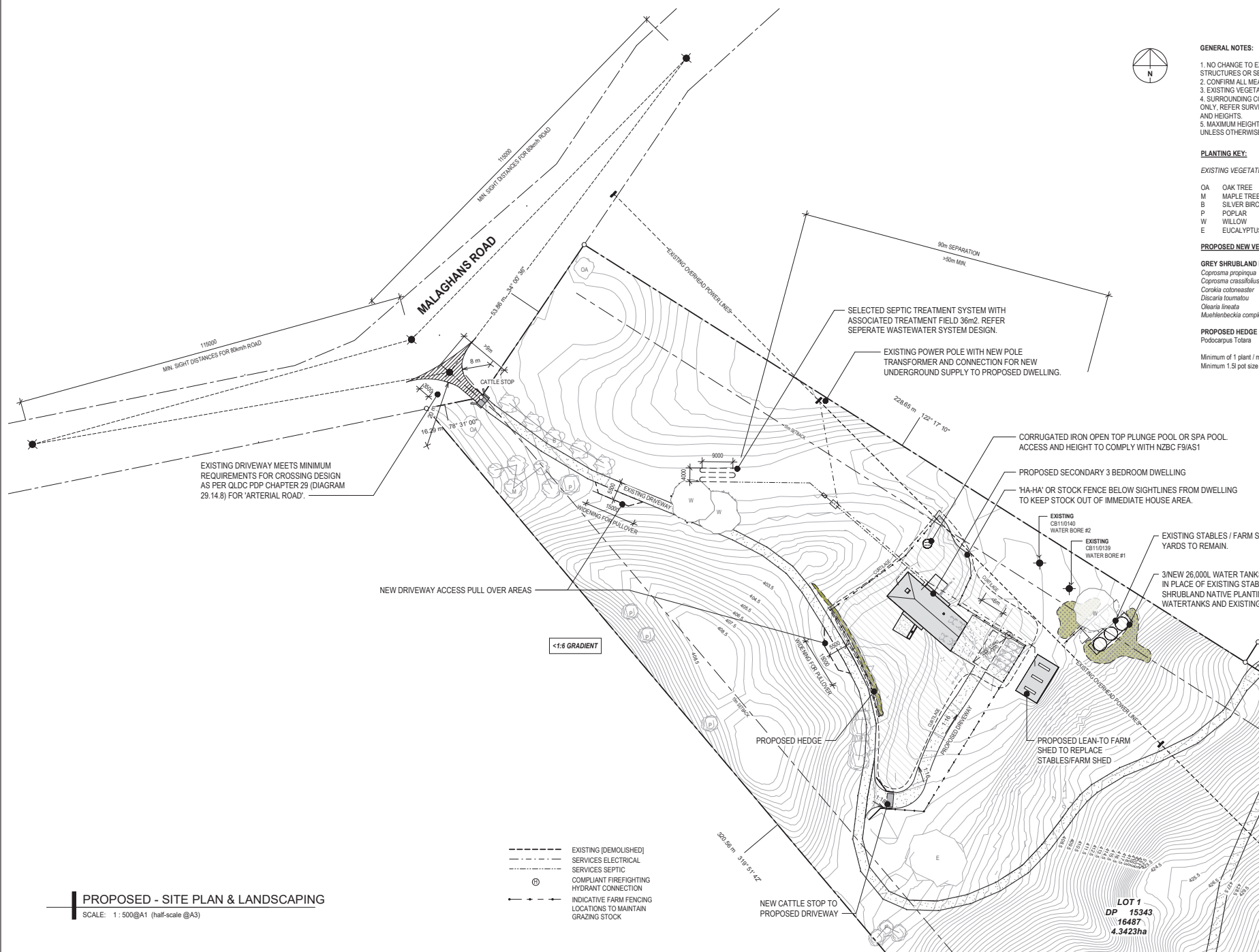
		<p>The area of RCL landscape in which the proposed dwelling will sit is described in paragraphs 10 to 14. It comprises the southeast-facing slopes that look down towards the Fitzpatrick Basin, and the western end of the Northridge rural living area. It is made up of rural or large rural living lots and has a pleasant character, akin to the Wakatipu Basin floor as a whole. The proposal will create a shed and second dwelling on the subject site. Design is rustic and reflective of rural character and the location of the activities is inconspicuous. The area of RCL that sits between the ONL and the Malaghans Valley will remain of its current character and quality. The new elements that are proposed will tie in with existing character (being a relatively modified and occupied form of rural character) and will not detrimentally extend the influence of residential activity at the expense of rural influence.</p> <p>The landscaping that is proposed as part of the application is particularly minimal and of a rural rather than gardenesque nature. It will amount to a (relatively slight) improvement to biodiversity.</p>
<p><b>21.21.2.3</b> <b>Effects on visual amenity</b></p>	<p>Whether the development will result in a loss of the visual amenity of the Rural Character Landscape, having regard to whether and the extent to which:</p> <ol style="list-style-type: none"> <li>the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Character Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;</li> <li>the proposed development is likely to be visually prominent such that it detracts from private views;</li> <li>any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Character Landscape from both public and private locations;</li> <li>the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;</li> </ol>	<p>The visibility of the proposed buildings is set out in detail in the body of this report. The activities will be very minimally visible, except from Coronet Peak Road and adjacent elevated land. From these viewpoints, the proposed new elements cannot be said to be prominent. They will tie in with a broader pattern. From the elevated locations, the simple gabled, corrugated iron roof forms of the dwelling and shed, along with the lack of gardenesque landscape treatment will mean that they buildings are likely to read as farm shed buildings, or at least their use will be somewhat ambiguous when seen from above.</p> <p>From both the public locations (Coronet Peak Road) and private locations (adjacent land such as Mackerel Holdings and Treespace), the new elements in the landscape will not amount to a detraction from views. They will be a minimally noticeable addition to a scattering of buildings through this RCL setting. The views from Coronet Peak Road and adjacent locations are very broad panoramas and will very largely remain as they are; the amenities of an observer in these locations will be very minimally affected.</p> <p>The screening of the proposed buildings primarily comes from existing topography rather than from proposed planting or earthworks. In this sense, existing landform performs a strong containing function. No mitigation measures that form part of the proposal will obstruct or detract from existing views.</p> <p>Only a short additional driveway is proposed to branch off the existing internal access road. Earthworks and landscaping are modest and are entirely contained within the low topographical part of the subject site.</p>



	<p>e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;</p> <p>f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.</p>	<p>No new boundaries are proposed.</p> <p>The proposed activities site within a natural meltwater channel proposed development is concentrated within a discrete part of the site.</p>
<p><b>21.21.2.4</b> <b>Design and density of development</b></p>	<p>In considering the appropriateness of the design and density of the proposed development, whether and to what extent:</p> <p>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);</p> <p>b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;</p> <p>c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;</p> <p>d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.</p>	<p>The proposed shed will effectively replace the existing shed in a similar location. The proposed dwelling will be an additional building in relatively close proximity to the shed, i.e. somewhat clustered. The existing internal access road will be used by the existing dwelling and by the proposed dwelling and shed.</p> <p>Ultimately two dwellings will sit on the subject site. Clustering has not been the key design driver, rather, integrating the proposed dwelling into topography so as to be, contained, inconspicuous and in the least visible part of the site, has been the design approach.</p>
<p><b>21.21.2.5</b> <b>Tangata Whenua, biodiversity and geological values:</b></p>	<p>a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.</p>	<p>No Tōpuni or nohoanga are identified in the relevant part of the Wakatipu Basin. The proposed design will slightly improve native biodiversity in part of the site. No native vegetation will be removed.</p> <p>The dwelling and site design has been driven by a motive to work with existing landform rather than alter it. As such, earthworks are relatively minimal and the natural landform of the site will very largely be retained.</p>

<p><b>21.21.2.6</b> <b>Cumulative effects of development on the landscape:</b></p>	<p>Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;</p> <p>a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.</p> <p>b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.</p>	<p>No existing unimplemented consents or zoning are relevant to the subject site. No development that is permitted by the Rural Zoning of the site is envisaged as being degrading to landscape quality, character, and visual amenity values. The site's existing dwelling has been established for many decades and is well integrated into the landscape. It is a part of existing character, rather than a detraction.</p> <p>Views and visual amenity have been discussed previously. The proposed activities will be minimally visible. From Coronet Peak Road and adjacent land, bird's-eye views will allow visibility of the proposed dwelling and shed as parts of a very broad landscape scene. These new elements will be difficult to identify as being associated with domestic rather than rural activity.</p> <p>In a broad sense, the proposed activities will cumulatively add to built form within the RCL, but will do so in a particularly slight and inconspicuous way. We do not consider that the proposal represents the establishment of a threshold beyond which any potential future further development is automatically inappropriate.</p>
<p><b>QUEENSTOWN LAKES PROPOSED DISTRICT PLAN ASSESSMENT MATTERS 21.21.3 OTHER FACTORS AND POSITIVE EFFECTS, APPLICABLE IN ALL THE LANDSCAPE CATEGORIES (ONF, ONL AND RCL)</b></p>		
HEADING	ASSESSMENT MATTERS	ASSESSED AFFECTS
<p><b>21.21.3.1</b></p>	<p>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</p>	<p>A detailed, specific building design has been submitted as part of the application.</p>
<p><b>21.21.3.2</b></p>	<p>Other than where the proposed development is a subdivision and/or residential activity, 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.</p>	<p>The proposal is for residential activity.</p>
<p><b>21.21.3.3</b></p>	<p>In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the</p>	<p>We can see no existing continuing adverse effects that require remediation or mitigation.</p>

	<p>continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;</li> <li>any opportunities to retire marginal farming land and revert it to indigenous vegetation;</li> <li>where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;</li> <li>whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.</li> </ol>	<p>No covenants or public access measures are proposed as part of the application. Some indigenous vegetation is proposed. The applicant intends that the majority of the site will be retained to be used productively as low intensity farming land, which will retain existing rural character.</p> <p>No significant areas of remnant vegetation are present that would benefit from protection. The application does not include subdivision and hence there is scant opportunity to provide public access etc. The applicant has already provided public easements to enable the Queenstown Trail network to be extended across the road frontage area of the site.</p> <p>Ultimately, in relation to landscape matters, we consider that effects are minimal and do not warrant any form of compensation measures.</p>
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PROJECT No:  
1612 - 2

PROJECT:  
BARN HOUSE  
134 MALAGHANS RD, DALEFIELD

SHEET:  
PROPOSED SITE PLAN

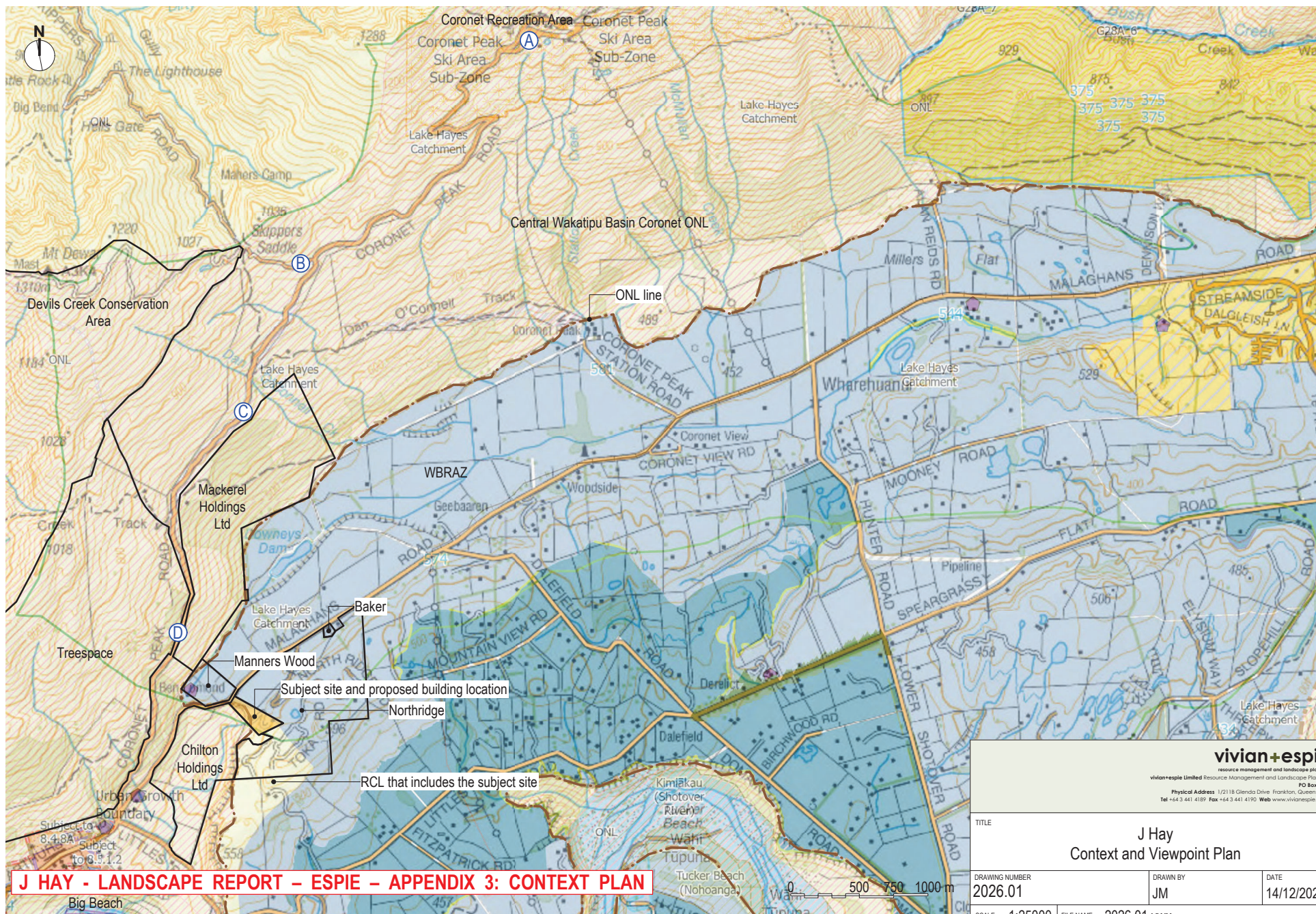
J HAY - LANDSCAPE REPORT - ESPIE - APPENDIX 2: SITE AND LANDSCAPE PLAN

anna-marie chin architects

SHEET No. PD102  
REV. E  
DATE: 15/12/22

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TITLE		
J Hay Context and Viewpoint Plan		
DRAWING NUMBER	DRAWN BY	DATE
2026.01	JM	14/12/2022
SCALE	FILE NAME	
1:25000	2026.01.vwx	





Viewpoint A

#### J HAY - LANDSCAPE REPORT – ESPIE – APPENDIX 4: PHOTOGRAPHS

Photographs were taken with a fixed focal length of 50mm. Photographs are intended to illustrate points made in this report. If this sheet is printed at A3 size, the photographs are not at full size so as to replicate the full-scale field of view as taken in by the human eye.





Viewpoint B

#### J HAY - LANDSCAPE REPORT – ESPIE – APPENDIX 4: PHOTOGRAPHS

Photographs were taken with a fixed focal length of 50mm. Photographs are intended to illustrate points made in this report. If this sheet is printed at A3 size, the photographs are not at full size so as to replicate the full-scale field of view as taken in by the human eye.



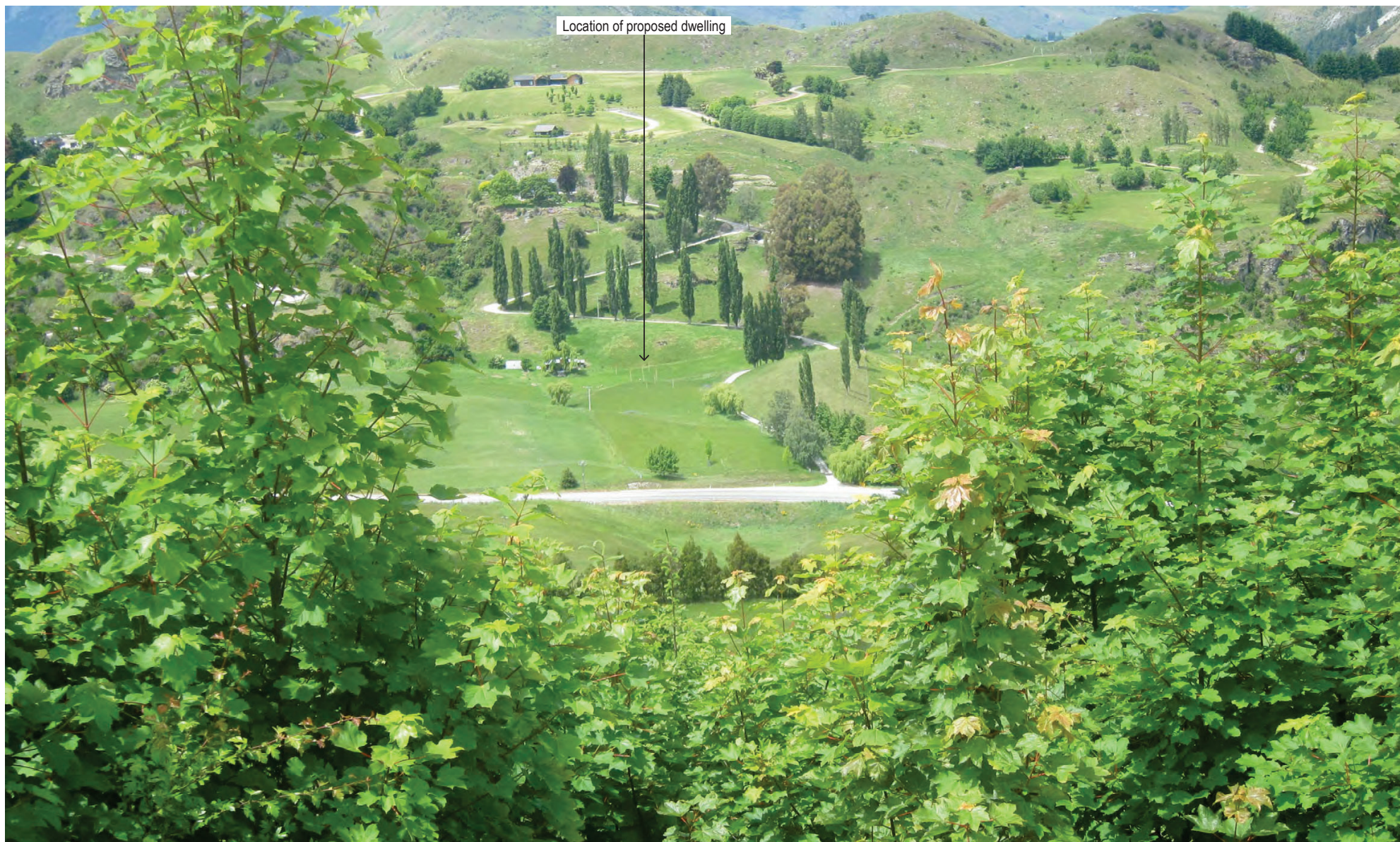


Viewpoint C

#### J HAY - LANDSCAPE REPORT – ESPIE – APPENDIX 4: PHOTOGRAPHS

Photographs were taken with a fixed focal length of 50mm. Photographs are intended to illustrate points made in this report. If this sheet is printed at A3 size, the photographs are not at full size so as to replicate the full-scale field of view as taken in by the human eye.



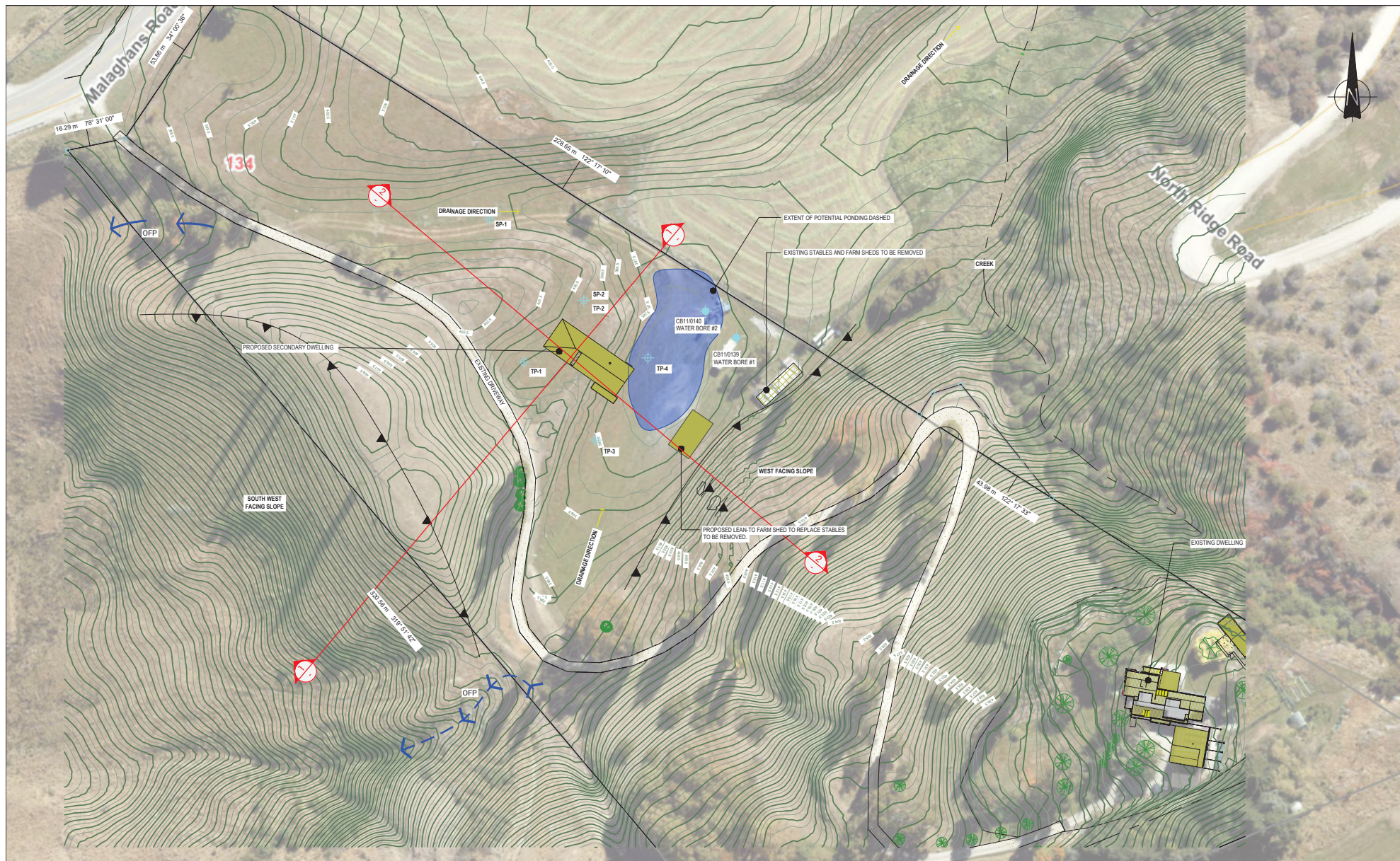


Viewpoint D - Building profile poles visible.

#### J HAY - LANDSCAPE REPORT – ESPIE – APPENDIX 4: PHOTOGRAPHS

Photographs were taken with a fixed focal length of 50mm. Photographs are intended to illustrate points made in this report. If this sheet is printed at A3 size, the photographs are not at full size so as to replicate the full-scale field of view as taken in by the human eye.





Notes:  
1. These drawings have been prepared for the benefit of Jono Hay with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

SCALE 1:1000  
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**GEOSOLVE**  
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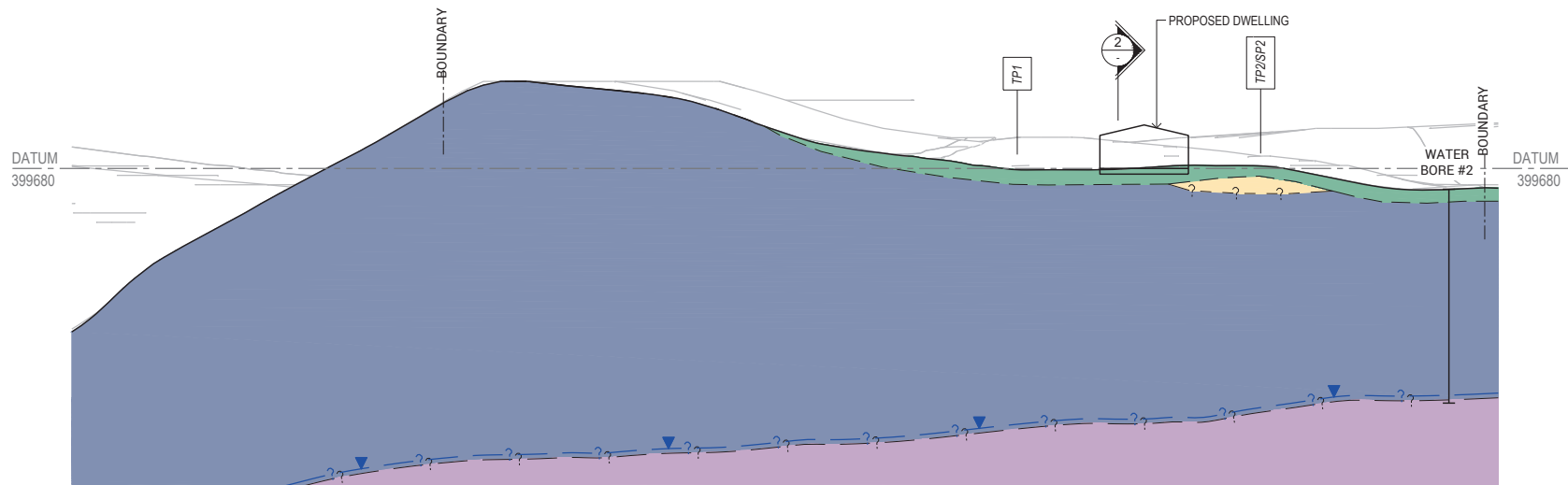
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APPROVED		
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220698		

**Jono Hay**  
134 Malaghans Road, Dalefield, Queenstown  
Geotechnical Investigations  
Site Plan

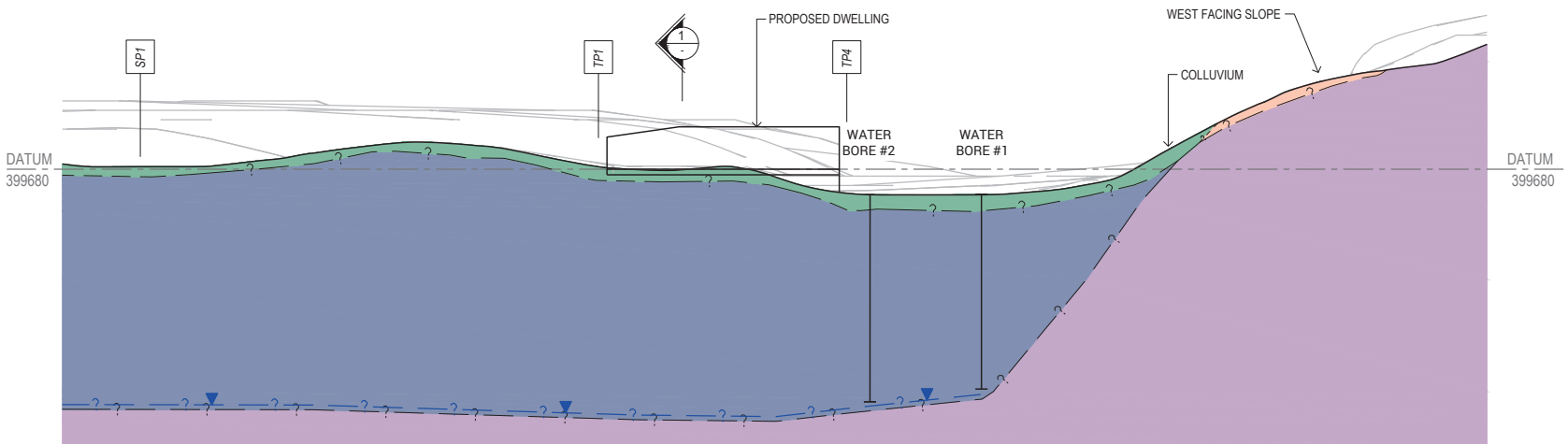
FIG No:  
Appendix A - Figure 1

REV  
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1 SITE SECTION LATERAL



2 SITE SECTION LONG

Notes:

1. These drawings have been prepared for the benefit of Jono Hay with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

Legend:

<span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> Colluvium	<span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span> Coarser Glacial Till
<span style="display:inline-block; width:15px; height:10px; background-color:green; border:1px solid black;"></span> Alluvium	<span style="display:inline-block; width:15px; height:10px; background-color:purple; border:1px solid black;"></span> Schist Bedrock
<span style="display:inline-block; width:15px; height:10px; background-color:blue; border:1px solid black;"></span> Glacial Till	<span style="display:inline-block; width:15px; height:10px; background-color:blue; border:1px solid black;"></span> Inferred Groundwater

SCALE 1:500  
0 5 10 15 20 25 (m)



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SCALES (AT A3 SIZE)	1:500	
PROJECT No.	220698	

FIG No:  
Appendix A - Figure 2

Jono Hay

134 Malaghans Road, Dalefield, Queenstown

Geotechnical Investigations

Cross Sections

REV  
0



# Geotechnical Report for Resource Consent

134 Malaghans Road,  
Queenstown

**Report prepared for:**

Jono & Georgie Hay

**Report prepared by:**

GeoSolve Limited

**Distribution:**

Jono & Georgie Hay

GeoSolve Limited (File)

**November 2022**

**GeoSolve Ref: 220698**

Revision	Issue Date	Purpose	Author	Reviewed
0	22/11/2022	Client issue	SR	PGF/MDP



**GEOTECHNICAL**



**WATER  
RESOURCES**



**PAVEMENTS**





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