

Application for a resource consent - Form 9

APP231131918

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To cross reference Datacom with MAGIQ please click [Here](#). to add the Resource Consent number.

Property Details

Property Address

41 Totara Place

Record of Title Number

114458

Legal Description

Lot 17 DP 328097

What is your role in this application?

Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation

JPW Consulting Ltd

First name

Jake

Last name

Woodward

Phone number

0223158370

Email address

jake@jakewoodward.co.nz

Note that the owner will also receive a copy of this application.

Postal address:

1 Hortons Way, Cromwell 9310

Confirm that you have approval to act on behalf of the applicant

Yes

The applicant is the person(s) or organisation making the application.

Applicant details

Is this applicant an individual or an organisation?

Individual

First name

Mac

Last name

Gardner

Phone number

021805455

Email address

macgardner@gmail.com

Postal address:

86 Connell Street, Waverley, Dunedin 9013

Invoicing

Who is to be the receiver of all invoices relating to this consent/application?

Applicant

DETAILS

Activity or works proposed

Application type

Land use and subdivision consent

Short description of your proposal

2-lot non-complying subdivision and two buildings platforms

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the [guidelines for Assessment of Environmental Effects](#).

[JW21070 - Gardner - AEE - FINAL.pdf](#) (836 kb)

Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- The matters set out in [Schedule 4 of the Resource Management Act 1991](#).
- Any relevant objectives, policies, or rules in a document.
- Any relevant requirements, conditions, or permissions in any rules in a document.
- Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).

Please do not load the same document that you loaded for AEE above

Other activities

Other applications

Are you required to apply for any other resource consents for this project? No

Is this project related to a building consent? No

Pre-application information

Have you discussed this proposal with Council staff prior to this application? No prior discussion

Site visit requirements

Who is the site contact? Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- If an affected party does not give approval to your proposal this may impact on the way that the application is processed.

- Council's duty planner can provide you with advice on which parties may be affected by your proposal.

[Download an affected party approval template form.](#)

Do you need affected party approval?

Yes

[Appendix \[G\] - Affected Persons Approval , White and Champion.pdf](#) (154 kb)

[Appendix \[G\] - Affected Persons Approval ~ Barr Maddock.pdf](#) (750 kb)

[Appendix \[G\] - Affected Persons Approval ~ Ragg Prendergast.pdf](#) (640 kb)

[Appendix \[G\] - Affected persons approval SmithGordon, updated.pdf](#) (564 kb)

[Appendix \[G\] - Signed plan Gordon~Smith.pdf](#) (1 mb)

[Appendix \[G\] - Signed plan Ragg & Prendergast.pdf](#) (2 mb)

[Appendix \[G\] - Signed plan White & Champion.pdf](#) (2 mb)

National Environmental Standard – Contaminated Soil - option selected

A review has been undertaken of District and Regional Council records and no records have been found 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.

LIST OF FILES

[JW21070 - Gardner - AEE - FINAL.pdf](#) (836 kb)

[Appendix \[G\] - Affected Persons Approval , White and Champion.pdf](#) (154 kb)

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[Appendix \[G\] - Signed plan Ragg & Prendergast.pdf](#) (2 mb)

[Appendix \[G\] - Signed plan White & Champion.pdf](#) (2 mb)

[Appendix \[C\] - Scheme Plan.pdf](#) (3 mb)

[Appendix \[D\] - Landscape Assessment Report - August 2023.pdf](#) (6 mb)

[Appendix \[D\] - Landscape Attachment 1.pdf](#) (2 mb)

[Appendix \[D\] - Landscape Attachment 2.pdf](#) (24 mb)

[Appendix \[E\] - Water Agreement.pdf](#) (590 kb)

[Appendix \[E\] - Water Supply Agreement - Email Correspondence.pdf](#) (825 kb)

[Appendix \[F\] - Power Supply Letter.pdf](#) (59 kb)

[Appendix \[H\] - Abley Transport Review for 55 Totara Place Subdivision.pdf](#) (0 mb)

[Appendix \[A\] - RT 114458.pdf](#) (153 kb)

[Appendix \[B\] - Consent Notice 6099456 4.pdf](#) (37 kb)

ASSESSMENT OF ENVIRONMENTAL EFFECTS

41 Totara Place, Queensberry

Anthony Robert Gardner, Daniel Richard Gardner,
Nicholas Douglas McKinlay Gardner and Robert
James McKinlay Gardner

Our Reference: JW21070



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Appendix [C]	Scheme Plan
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Appendix [F]	Power Supply Confirmation
Appendix [G]	Affected Persons Approval
Appendix [H]	Abley Transport Review for 55 Totara Place

1 THE APPLICANT AND PROPERTY DETAILS

Client	Anthony Robert Gardner, Daniel Richard Gardner, Nicholas Douglas McKinlay Gardner and Robert James McKinlay Gardner
Address for service	JPW Consulting Limited Jake Woodward jake@jakewoodward.co.nz 022 315 8370
Property Address	41 Totara Place, Queensberry
Project Description	Subdivision consent to undertake a two-lot subdivision. Land use consent to establish two residential building platforms.
Our Reference	JW21070
Date	15 November 2023
Version	1

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2 EXECUTIVE SUMMARY

Resource consent is sought to undertake a two-lot subdivision of the property at 41 Totara Place, Queensberry, and to establish a residential building platform (RBP) on each Lot. The proposal will result in the establishment of two allotments, one consisting of 2.72 hectares and one of 5.3 hectares. While the minimum allotment sizes conform to the minimum prescribed for the Rural Resource Area, the proposal requires consideration as a non-complying activity due to a breach to the 8 hectare averaging criteria.

The proposal includes mitigating elements in the form of:

- The provision of approximately 5 hectares of untouched indigenous vegetation and wetland to be protected by way of a QEII covenant as endorsed already by the Trust.
- The provision of indigenous landscape mitigation planting to assist with visual/landscape mitigation and impart natural values;
- The provision of a curtilage around the proposed RBPs in order to prevent unnecessary building spread across the landscape.

In considering a subdivision for a property within the Rural Resource Area, the key matters in determining the appropriateness of the development depends on whether the proposal compromises rural amenity values, landscape character and visual amenity, impedes productive capacity and servicing.

Fundamentally, the effects of the subdivision will be entirely internalised and limited to the immediate adjoining neighbours, all of whom have undertaken their own subdivision and have provided affected party approval to the applicant. The proposal does represent an intensification of residential activities but ultimately, the consequential effects will only be experienced by those that are essentially accepting of those effects and will not extend beyond these neighbours.

In terms of rural amenity values, the proposed subdivision and the provision of a residence to support the new allotment is consistent with the overall patchwork of allotments that characterises the wider environment. Landscape advice received confirms that the scale of development is consistent with the lifestyle nature that characterises the Totara Place enclave.

The productive capacity of the site is limited and the proposal is not considered to generate any meaningful effect that would undermine the site's contribution in regards to primary production.

Servicing and access are considered to be sufficiently provided for.

In considering all of the above, despite the subdivision not conforming to an 8-hectare average, the proposal does not undermine rural amenity values or landscape character nor does the proposal compromise productive capacity.

The proposal is consistent with the outcomes sought under Part 2 of the Resource Management Act 1991.

3 SITE DESCRIPTION

3.1 SITE DESCRIPTION

The site subject to this application is located at 41 Totara Place, Queensberry. The site is legally described as Lot 17 DP 328097 as contained in Record of Title 114458. A copy of the RT is attached in **Appendix [A]**.

The site has a combined area of 8.0440 hectares and is irregularly shaped. The site consists of a flat terrace in the northern portion of the site (approximately 30% of the overall site), and a deep incised gully in the southern, remaining portion of the site as evident in Figure 1 below.

The site is at present vacant, with the exception of a small stone cottage and three small outbuildings for storage. The applicant periodically visits the site for holidays but otherwise the site is not permanently occupied.

An aerial image of the subject site is included in Figure 1 below for contextual purposes:



Figure 1: Aerial image of the subject site and surrounds (Image Source: CODC GIS).

3.2 SURROUNDING ENVIRONMENT

The surrounding environment is that of an established rural residential enclave which is summarised in the attached (**Appendix [D]**) landscape assessment (prepared by Ms Steven) as follows:

“The Site is located within a large area of former pastoral run land subdivided for rural living and small scale intensive arable/horticulture on the lower rolling northern

slopes of the Pisa Range, known as Queensberry. This area covers around 1700ha. Rural living properties completely surround the Site for 1.5 to 2km or more. A large number of them are now established with a dwelling, outbuildings, fencing and tree planting. The Site is not near to any public road or place, as it is accessed from a private road as are a number of the properties around the Site.

The surrounding properties are a mix of properties like the Site with a predominance of dry rough pasture and mixed indigenous/woody weed shrubland including expanses of kanuka; and properties with cleared and cultivated pasture in paddocks, notably for equestrian use. These are mostly on the easier lower rolling terrain including to the north, east and south of the Site. Properties higher up to the west tend to have more rugged terrain with rocky outcrops and more kanuka. There is a strong contrast between the Site's character and the immediately adjoining property to the north which has been almost completely cleared and established in pasture. A narrow band of Sedge wetland remains in the floor of the gully which runs through this property in gentler more open form.

The landscape context has developed a more domesticated and less open character, with dozens of dwellings, curtilage areas, roading networks, small cultivated paddocks and various tree plantings now visible scattered through the rolling terrain broadly between Luggate and the northeast "corner" of the Pisa Range opposite Maori Point. This is also the case at night with many dwelling lights visible through the area. Natural character, visual coherence and legibility of landscape has declined."

This description is adopted for the purposes of this report.

3.3 RECORD OF TITLE

As noted above, the site is legally described as Lot 17 DP 328097 as contained in Record of Title 114458. A copy of the RT is attached in **Appendix [A]**.

The Title is subject to a suite of private easements, encumbrances and covenants which remains binding on the landowner. There is only one consent notice registered on the Title being Consent Notice 6099456.4 and attached in **Appendix [B]**. This consent notice records the following:

- That Lots 1-6 and 8 – 10 shall not obtain direct access onto the Highway (does not apply to the subject site due to the site not adjoining the Highway); and
- A reminder to all landowners of rural pastoral farming activities in the vicinity.

4 RESOURCE MANAGEMENT HISTORY

4.1 RESOURCE MANAGEMENT HISTORY

There are no previous resource consents listed on Council's database that are of relevance to this application.

5 PROPOSAL

5.1 OVERVIEW

The applicant proposes to undertake a two-Lot subdivision of 41 Totara Place and establish a residential building platform on each allotment.

5.2 SUBDIVISION

A preliminary Scheme Plan, prepared by Latchford Surveying Ltd detailing the extent of the proposed subdivision is attached in **Appendix [C]**. The proposal will result in allotment sizes as follows:

Lot	Area (hectares)
1	2.72
2	5.32
Average	4.02

5.3 RESIDENTIAL BUILDING PLATFORM

It is proposed to establish a Residential Building Platform (RBP) on both Lots.

The RBP on proposed Lot 1 will consist of 700m² in area. The RBP on Lot 2 will consist of 625m².

The location of RBPs were selected by Landscape Architect, Ms Anne Stevens, and in consultation with the adjoining neighbours in order to minimise domestication effects, both on the neighbours as well as the environment. In addition, the following design controls are promoted to apply to the proposed RBP by way of a consent notice:

- Maximum building height of 4.5 metres above natural ground level.
- Proposed curtilage around the platform which will contain domesticating elements and sheds ensuring built form is not unnecessarily spread across the landscape (refer to the extract of the Landscape Plan in Figure 2 below, detailing this).

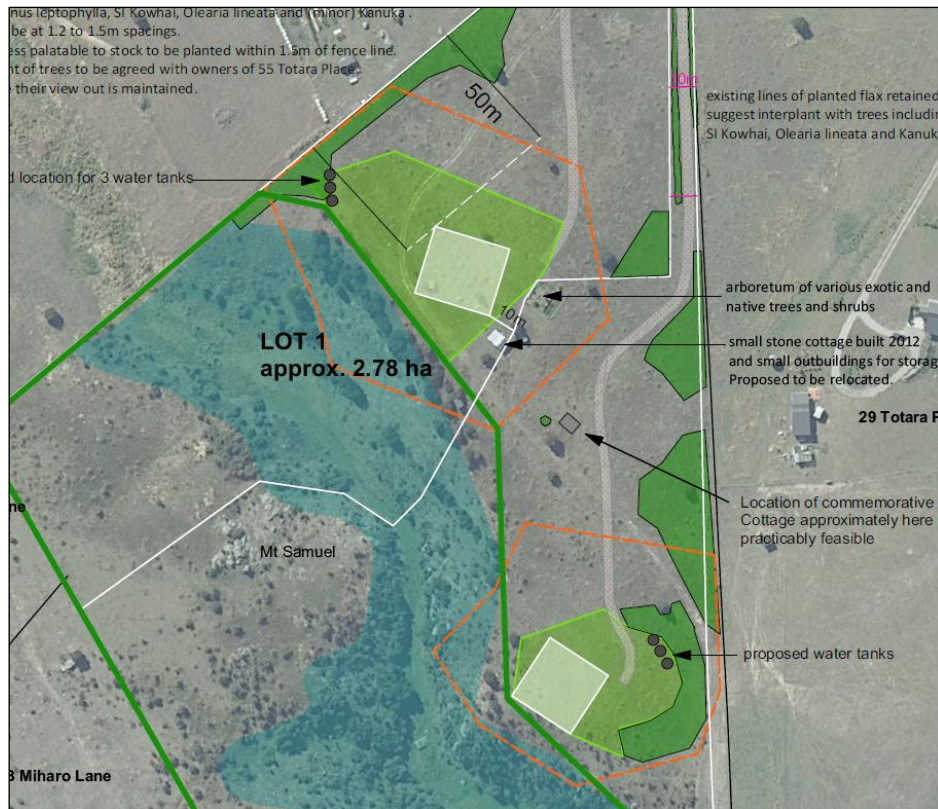


Figure 2: Extract of Landscape Plan showing curtilage area in orange.

5.4 LANDSCAPING

Various areas of native tree and shrub planting are proposed to provide some visual screening from Totara Place and to provide mutual screening and privacy between neighbouring properties. A landscape plan detailing the location of landscape planting is included in **Appendix [D]**. This includes:

- Planting a 6.0 metre wide shelterbelt along the north-western boundary shared with 55 Totara Place.
- Sporadic clusters of planting on the eastern boundary.

The applicant has agreed with the QEII Trust to covenant a significant proportion of their land for protection under a QEII Covenant. The purpose is to protect and foster the enhancement of the native shrubland, cushionfield/grass drylands and wetland areas. Correspondence between the applicant and Central Otago QEII Rep Rob Wardle confirming QEII's acceptance of the land is attached in **Appendix [D]**. It is proposed to simply condition the Landscape Plan and include a requirement to register the Covenant accordingly.

5.5 SERVICING

Domestic Water

The site has one share in the Queensberry Irrigation Scheme which includes a daily allocation of 5,000 Litres of water for potable use. A copy of the share agreement and

associated email correspondence with the Queensberry Irrigation Ltd (that administers the scheme) is attached in **Appendix [E]**. The applicant will look to split the share among the two Lots accordingly.

Irrigation Water

As with domestic water, the applicant's share in the Queensberry Irrigation Scheme also provides irrigation water in the order of 100,000 Litres, daily. This will be proportionately split between the two Lots.

Firefighting

An appropriately sized water tank (30,000 Litres) will be placed within the proposed curtilage for storage of potable and firefighting water prior to the occupation of a future dwelling within the proposed platform. Council's standard condition of consent is proposed in this regard which would identify this requirement as a consent notice.

Power

The applicant has obtained confirmation (attached in **Appendix [F]**) from Aurora confirming that a second power connection can be made to service the proposed subdivision. These works will be undertaken by the applicant prior to the issue of Titles.

Wastewater

There is no reticulated wastewater servicing the site and therefore onsite wastewater disposal is necessary.

No site specific wastewater assessment has been undertaken at this time. However, all adjacent properties have recently obtained subdivision consent and all have demonstrated that onsite wastewater disposal is feasible. Given the subject site is topographically consistent with the immediate adjacent properties, it is considered unlikely there will be any reason to suggest onsite wastewater disposal could not be achieved. As such, a standard condition of consent, to be enshrined as a consent notice, is proposed requiring future Lot owners to design and install a system that conforms to Council's standards.

Access

Access to proposed Lot 1 will remain the same. A new access for Lot 2 will be established at the boundary with Totara Place and will run down the eastern site boundary as illustrated on the Scheme Plan and will consist of a 10 metre strip (not a right of way).

6 STATUTORY CONSIDERATIONS

6.1 CENTRAL OTAGO DISTRICT PLAN

The site is located in the Rural Resource Area under the Central Otago District Plan as shown on Planning Map 46.

The proposal requires the following resource consents:

- A **non-complying activity** pursuant to Rule 4.7.5(iii) for subdivision that does not comply with the 8-hectare averaging criteria for the Rural Resource Area. In this case, the proposal will create allotments of 2.72 hectares and 5.32 hectares with an overall average of 4.02 hectares.
- A **discretionary (restricted) activity** pursuant to Rule 4.7.3(vii) for the provision of a residential building platform provided the following standards are met:
 - The relevant standards set out in 4.7.6 are complied with;
 - There shall be no more than one residential activity per relevant Certificate of Title;
 - No additional formed accesses are to be created to any State Highway;
 - A minimum separation distance of 50 metres to any existing dwelling, dwelling under construction or residential building platform is achieved.

An assessment of the standards detailed under Rule 4.7.6 as assessed in Tables 1 and 2 below:

Table 1: Compliance check of Standards 4.7.3(vii) of the District Plan.

Standards – 4.7.3(vii)	Assessment
(a) <u>General Standards</u> The relevant standards set out in 4.7.6 are complied with	Complies as per the assessment in Table 2 below.
(b) <u>Residential Activities per Site</u> There shall be no more than one residential activity on the relevant certificate of title unless additional residential activity is required to accommodate people working on the property and their families.	Complies. Only one RBP proposed per Lot.
(c) <u>Access</u> No additional formed accesses are to be created to any State Highway.	No additional access is proposed onto the State Highway.
(d) <u>Separation Distances</u> Where the dwelling is not located on a building platform established by way of resource consent, a 50 metre separation distance to any existing dwelling, any dwelling under construction, any registered building platform established by way of resource consent, or any urban area shall apply;	Complies. Each RBP is located 50 metres from any other dwelling or RBP.

Table 2: Compliance check of the relevant Standards in 4.7.6 of the District Plan.

Standards – 4.7.6	Assessment
4.7.6A(a) – setback of 25 metres from rear and side yards and 20 metres from State Highway	Does Not Comply – the RBP on Lot 1 will be located 10 metres off the internal boundary shared with proposed Lot 2.
4.7.6A(f) – height of 7.5 metres in ORL	Complies as a 4.5 metre height limit is proposed.
4.7.6D(a)(i) - All buildings shall be finished in any of the following materials: (i) Timber/Composite Weatherboard	Will comply

(vertical and horizontal). (ii) Plaster/Adobe/Rammed Earth/Masonry Products/Concrete. (iii) Stone. (iv) Coloured steel excluding unpainted zincalume and unpainted corrugated iron. (v) Weathered corrugated iron (vi) Brick	
4.7.6D(a)(ii) - The exterior walls, accents and trim for all buildings and structures shall be in a colour or colours selected from the following colour palette, provided that the colours of exterior walls shall be in a low sheen: Browns, greens, grey blue, greys, terracotta, tussock and dark reds provided that such colours shall have a Reflectivity Value (RV) of less than 38%.	Will comply
4.7.6D(a)(iii) - The roofs of all buildings shall be in a low sheen in any colour that has a RV of less than 32% or shall be unpainted natural products such as timber shingles or slate.	Will comply
4.7.6D(b) - All buildings and structures (excluding post and wire fences, bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture) shall not protrude onto a skyline or above a terrace edge when viewed from a public road or other public place at a distance not exceeding 2 kilometres from the building or structure	Will comply

- A **discretionary (restricted) activity** pursuant to Rule 4.7.3(i) for a breach to Standard 4.7.6A(a) is required to breach the 25 metre side yard. In this case, the proposed RBP on Lot 1 will be located 10 metres from the new internal boundary shared with proposed Lot 2.

6.2 NATIONAL ENVIRONMENTAL STANDARD

The applicant is not aware of any past or present use of the site that would suggest it has been subject to HAIL activities. As such, the site is not considered a HAIL site and therefore the *National Environmental Standard for Assessing and Managing Contaminants in Soil to protect human health* (NESCS) is considered as not applicable.

6.3 OVERALL ACTIVITY STATUS

Overall, the proposal requires consents for the following reasons:

- A **non-complying activity** pursuant to Rule 4.7.5(iii) for subdivision;
- A **discretionary (restricted) activity** pursuant to Rule 4.7.3(vii) for the establishment of a residential building platform (RBP) on each Lot; and
- A **discretionary (restricted) activity** pursuant to Rule 4.7.3(i) to breach the 25 metre side yard requirements as it relates to one of the RBPs.

Overall, the proposal is to be assessed as a **non-complying activity**.

7 PERMITTED BASELINE

Under section 95D9(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing lawful and consented activity on the site and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this instance, there is no permitted activity subdivision and as such, there is no permitted baseline to be applied to this subdivision.

In terms of land use, residential building platforms always require resource consent. There are a range of rural activities that would fall within the permitted baseline provided by the District Plan. For example, an implement shed complying with the standards specified in Rule 4.7.6 would form part of a permitted baseline as would earthworks for any road, track, landing, firebreak, fence line, or utilities service undertaken in association with a rural activity that meet the standards in 4.7.6(J).

General earthworks of up to 2,000m² in area or 3,000m³ in volume in association with a rural activity on any one site are also permitted. The planting of indigenous and exotic¹ vegetation is also a permitted activity, and the establishment of crops, vines and orchards are permitted, including structures incidental to agricultural activities such as bird netting/support structures, pivot irrigators/sprinklers and other similar equipment. It is considered that this is the appropriate baseline to apply to this aspect of the application.

8 ASSESSMENT OF EFFECTS

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

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:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

An assessment of the actual or potential effect on the environment of the proposed activity.

In considering the adverse effects of the proposal, the Central Otago District Plan helpfully outlines the matters² to consider for a subdivision in the Rural Resource Area that does not conform to the averaging criteria. This is a rather comprehensive list and I have broadly categorised these matters as follows:

- a. Effects on Rural Character, Landscape Character and Visual Amenity Values;

¹ Provided the exotic vegetation is not listed as a prohibited species in the District Plan.

² Under Clause 4.7.4(iii) of the District Plan.

- b. Effects on productive capacity of the land;
- c. Reverse sensitivity;
- d. Effects on Indigenous Vegetation (expanded as Ecological effects);
- e. Access and Servicing;
- f. Effects on Heritage Values;
- g. Cultural Effect; and
- h. Hazards.

The relevant adverse effects on the environment are considered to be no more than minor after evaluating the effects that are permitted, and measures taken to avoid, remedy or mitigate adverse effects on the environment.

In reviewing the proposed scheme as attached in **Appendix [C]**, the following adverse effects assessment applies:

Effects on Rural Character, Landscape Character and Visual Amenity Values

Effects on rural character, landscape values and amenity values can be changed (either positively or negatively) in any number of ways via activities that are permitted by the District Plan. In the Rural Resource Area, it is noted that without resource consent, the site can undergo a significant degree of change through fencing, the provision of plantings, shelterbelts, sheds, land modifications and orchards. To an extent, built form is also permitted in the form of sheds for storage of implements or machinery.

The character of the surrounding area is described in Section 3.2 above as consisting of rural-residential lifestyle allotments. From my observations, the area is predominantly “residential” in the sense that few, if any of the sites are used in any meaningful manner that would suggest rural was the primary purpose.

The proposal was largely designed and considered through collaboration between the applicant and Ms Anne Steven, Landscape Architect. Ms Steven has subsequently prepared a landscape assessment which is detailed in **Appendix [D]**. Ms Steven describes the landscape context as follows:

The landscape context has developed a more domesticated and less open character, with dozens of dwellings, curtilage areas, roading networks, small cultivated paddocks and various tree plantings now visible scattered through the rolling terrain broadly between Luggate and the northeast “corner” of the Pisa Range opposite Maori Point. This is also the case at night with many dwelling lights visible through the area. Natural character, visual coherence and legibility of landscape has declined.

With respect to landscape values, Ms Steven observes the following:

With respect to landscape values, the Site contributes a relatively high level of natural character and visual coherence and legibility at a local site level, as it remains undeveloped. It retains a natural looking vegetation cover dominated by kanuka and grey shrubland amongst small rocky bluffs. The large carex wetland is a distinctive and intact natural feature (although unnaturally truncated at its north end at the Site

boundary). The open areas are mainly exotic grasses and weed species but retain a rough dryland natural character.

This character provides amenity within the property and for neighbouring properties but has little wider value due to the small scale and visual discreetness of the Site relative to any public viewing locations. In a wider sense whilst its natural character is continuous with that of adjoining properties above, that wider landscape value is diminished because of fragmentation due to subdivision and development in the absence of frameworks of protected landscape. The neighbouring land to the north, and to lesser degree to the northeast/east, has been largely cleared of native vegetation and developed. The gully area further to the northwest on the next property up retains some of its natural character but the adjoining plateau land has been cleared and developed.

Ms Steven's description of the landscape context is considered accurate and consistent with my observations. The surrounding area has undergone a change such that the area is predominantly a rural-residential lifestyle enclave that has a degraded landscape character in general.

In terms of effects of the proposal on landscape character, Ms Steven considers there would be no change in the existing landscape character as residential development of a rural living nature is the dominant existing land use for the area. Ms Steven notes that no change is proposed to the vegetation cover on the Site, with the exception of protection of existing dryland character (exotic/grassland/native shrubland), proposed landscaping and retention of open space through the provision of a curtilage.

In terms of density of development, Ms Steven notes the separation distances proposed will be comparable with the prevailing pattern of the area and opines that the outcome of this proposal is not "out of character".

I am largely in agreement with Ms Steven although I consider that there would at least be "some" change to the character by virtue of the changes that this proposal anticipates (two RBPs). Despite this change, it is clear from Ms Steven's assessment that the effects on landscape character will be no more than minor recognising that the scale of development is considered consistent with what currently characterises the wider area. Coupled with the fact that the site is not visible from wider public areas or roads, the effects of subdivision will be entirely localised.

In terms of effects of the proposal on rural character, the District Plan defines rural character and rural amenity values as being attributed to open space³. Ms Steven assesses the proposal as having a "very low" degree of adverse effects on open space on the basis that the site is large enough to accommodate two dwellings and associated curtilage to maintain sufficient separation distances (between the RBPs and adjacent neighbours). In addition, the design controls proposed such as the limited maximum building heights, and the imposition of a curtilage to restrict the visible presence of clutter would ensure an appropriate level of open space is maintained especially adjacent to the road (notwithstanding it is a private road). This assessment is accepted noting that the area is broadly characterised as that of a

³ Objective 4.3.3.

residential lifestyle enclave as determined by Ms Steven – a character which this proposal conforms to.

In terms of effects of the proposal on visual amenity values, Ms Steven notes that the site is largely screened from the surrounding public roads and is largely only visible from the immediate private roads and private properties. Ms Steven notes that the site is located on an elevated rolling terrain which confers a high degree of discreetness relative to public viewpoints such as the state highways either side of the Clutha River and from local roads in the Queensberry/Pukerangi area. Ms Steven considers there are no public views that would be visually affected by this proposal to any meaningful extent. This assessment is logical and accepted and therefore visual effects on the wider environment are no more than minor and localised.

For these reasons, it is considered the proposal will generate no more than minor adverse visual effects.

Effects on productive capacity of land

In considering effects of this proposal on the productive capacity of land, it is useful to understand the prevailing uses of the site.

At present, the site represents one of the last un-touched areas within the wider subdivision which has been largely left to regenerate, as opposed to the extensive pastoral use that has occurred on adjacent properties. Ms Steven records:

The Site retains some of the most extensive and diverse native vegetation on the lower plateau lands, within its ravine area mainly but also through its undeveloped drylands. As stated earlier this is an ecosystem that is now rare due to substantial loss through development, and the Site supports some at-risk species and provides insect, lizard and bird habitat. Due to fragmentation, these values are somewhat limited to the Site with intermittent wider connectivity (in the absence of any protective framework). There are no Significant Natural Areas in the Queensberry area.

The gully system and wetlands, which represents areas of undesirable pastoral land, represents around 70% of the total site area while the remaining 30% of the site consists of the flat terrace characterising the area adjacent to the access. This limits opportunities for any meaningful productive use.

Overall, the limited area of land available in the upper terrace is unlikely to provide any meaningful contribution in terms of primary production and therefore the loss of land resulting from the proposal is considered to be no more than minor. In my opinion, the site more appropriately lends itself as an opportunity to harness the protection of indigenous biodiversity rather than trying to maximise the return where the surrounding residential development will likely constrain efficient and effective farming use.

Reverse Sensitivity

Subdivision and the provision of residential activities have the potential to generate reverse sensitivity effects on adjacent properties, compromising the efficiency for those properties to

operate legitimate 'rural' activities without generating adverse effects on new sensitive receptors being introduced to the catchment.

As established, the site is located firmly within an established rural residential lifestyle development. The proposed subdivision, which will function in much the same manner, will not compromise this current practice. As such, reverse sensitivity effects will be no more than minor.

Effects on Indigenous Vegetation (expanded as Ecological effects)

While no ecological assessment has been undertaken, Ms Steven, in her capacity as a landscape architect, is able to identify indigenous vegetation and has observed an extensive network of indigenous cushion field and herb field which characterises the flats, and indigenous shrublands which characterises the wider wetland/gully areas.

The applicant has liaised with QEII representative Mr Rob Wardle in relation to the value of the gully for protection to which Mr Wardle confirms the site has the necessary values that would qualify for covenanting.

Through the covenanting of the gully area, will maintain, in perpetuity, the ecological values of the creek/wetland which is at risk from clearance and degradation as evident at 55 Totara Place where this area has been cleared/grazed and modified.

Ms Steven notes that there would be some loss of dryland species and habitat through the additional RBP and access. Given the very degraded nature of the habitat and the very small scale loss of any at risk species which will be able to thrive within the protected area, the degree of adverse effect would be Very Low in her opinion. The volunteered protection of the ravine and western slopes would more than adequately balance this adverse effect.

Ms Steven's assessment is accepted in that the proposal seeks to protect (in perpetuity) a significant portion of the site that has been identified as holding some ecological value worthy of protection. The development of the flatter terrace is somewhat anticipated through the development of a single dwelling or through general over sowing/topdressing as illustrated on adjacent properties. As such, the adverse effects of these permitted activities are to be anticipated. On balance, the proposal represents a positive change through protection of the gully and the implementation of a significant area of indigenous planting.

Access and Servicing

The site will be adequately serviced for water, irrigation and firefighting as proposed. The provision of a power connection has been confirmed. With regard to wastewater disposal, it is anticipated that an onsite wastewater option that complies with AS/NZS1547:2012 will be feasible given that the site is topographically consistent with the surrounding properties which have already demonstrated compliance. For this reason, it is considered that the provision of standard conditions of consent requiring all dwellings to be suitably serviced in accordance with Council's standards will sufficiently mitigate effects associated with onsite disposal.

In terms of access, the site is accessed via Totara Place which is a privately owned and maintained Right of Way. It is not proposed to make any changes to the access recognising that as a private road, all effects are largely limited to the immediate residents that utilise the

access. The effects of an additional allotment and the consequential traffic generation on the access does not extend beyond the immediate residents.

The access was recently reviewed by Abley Ltd (Transport Consultants) on 1 August 2023 as part of an application to subdivide 55 Totara Place. I have attached this report in **Appendix [H]** for completeness. There have been no subdivision applications lodged since this review was considered and represents the latest traffic review of the access at this time. In that review, Abley reviewed earlier trip modelling done by others and these surveys resulted in a trip generation rate of 7.2vpd per dwelling. This is lower than the rates contained within NZTA Research Report 453 for a rural dwelling (10.1 trips per day). However, given there is site specific survey data available, Abley considers this is appropriate to apply in this instance.

For 55 Totara Place, Abley's findings were that for 27 lots (being the current number of Lots which are collectively served by Queensberry and Totara Place) this equates to a daily trip generation rate of 194 vehicles at the beginning of the unsealed section of Queensberry terrace. An additional lot as is proposed for the 55 Totara Place, will increase this figure to 202 vehicles per day. This equates to an increase of approximately 4% in daily traffic flows. The peak hour traffic flows are anticipated to increase in the order of one vehicle per hour (from 19 to 20). Abley concludes that this level of additional traffic is low, and it is noted that NZS2890.1:2004 states that as a guide, 30 or more movements in a peak hour (in and out combined) would normally require provision for passing on a driveway. The current and predicted flows will remain well below this, and in any event there are numerous passing opportunities along Queensberry Terrace and Totara Place such that there will be no noticeable traffic capacity constraints.

The proposal would seek to add another Lot and therefore relying on the earlier modelled traffic rate of 7.2vpd per dwelling, this proposal would presumably bring the total vpd to 209. Given the marginal increase in traffic volumes and recognising that one additional Lot is unlikely to exceed the peak hour traffic flows of 30 or more to warrant provision of passing, the road width (which Abley confirms is approximately 4.5 metres for Totara Place) is considered sufficient to the extent that there will be no noticeable traffic capacity constraints.

In terms of the ability of the unsealed road to cater for the additional traffic, Abley considers that based on the assessment of trip generation above, there were no significant concerns relating to the ability of the existing unsealed road network to accommodate the proposed subdivision at 55 Totara Place, in isolation. In that assessment however, Abley recommends that a portion of the Queensberry Terrace is upgraded proportionate to the level of traffic demand generated. From my perspective, the road is a private road and deemed by Abley as appropriate to accommodate the additional traffic demand proposed. I do not consider any further upgrades are necessary with the ongoing maintenance and management of the road remaining a private matter.

Effects on Heritage and Cultural Values

The site is not known to consist of any cultural or heritage value sites.

Hazards

The site is not identified on any hazard maps as being subject to natural hazards.

Positive

The proposal is considered to result in the following positive effects:

- Additional residential allotment in an area that is characterised predominantly by rural lifestyle living.
- Ecological and biodiversity improvements resulting from the protection afforded to the gully of as a result of the applicant volunteering a QEII covenant.

Summary of Effects

The subdivision of rural land can lead to a general reduction in productive capacity, loss of rural amenity values, and compromise landscape character and visual amenities. The provision of additional housing in the rural environment can threaten the ongoing viability of legitimate rural activities and further constrain the efficient and sustainable use of the rural land resource.

In this case, the site does not function in any capacity as a productive Lot and therefore no loss will result in this regard. The area is fundamentally a residential lifestyle enclave which has effectively been further developed by all surrounding neighbours.

Overall, the proposal is not considered to result in more than minor adverse effects on the receiving environment.

If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

No hazardous substances are proposed.

If the activity includes the discharge of any contaminant, a description of:

- The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and*
- Any possible alternative methods of discharge, including discharge into any other receiving environment.*

No discharge of contaminants is proposed.

A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects.

No mitigation measures over and above those inherent to the proposal are considered necessary.

Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted

The applicant has undertaken consultation with the immediate adjoining neighbours and has obtained the following affected party approvals. A copy of the written approvals are included in **Appendix [G]**:

Table 3: List of neighbouring properties that have provided written approval.

Property Address	Owners	Written Approval Provided
29 Totara Place	Barr/Maddock	Yes
21 Totara Place	White/Champion	Yes
55 Totara Place	Gordon/Smith	Yes
127 Pukerangi Drive	Ragg/Prendergast	Yes

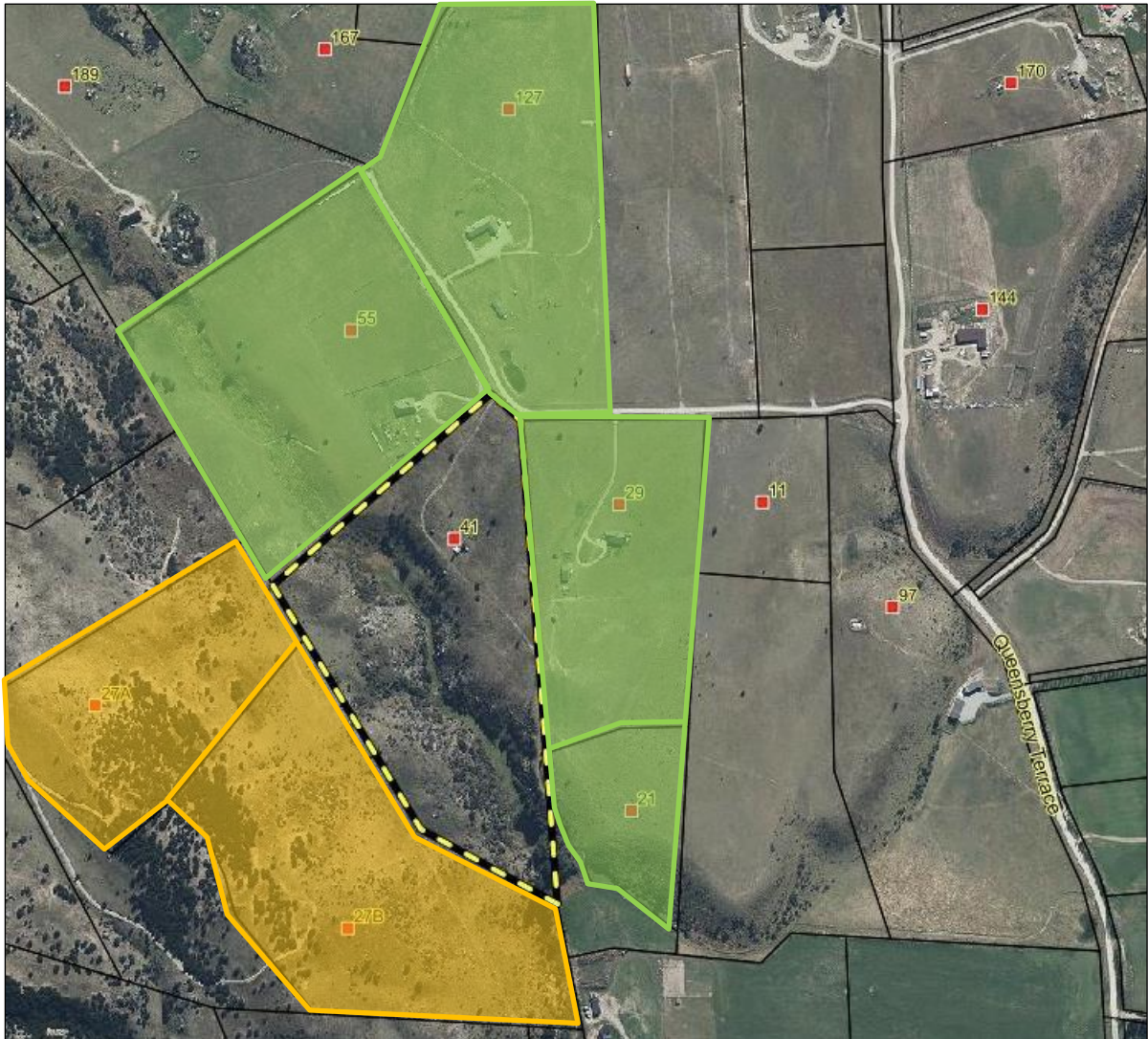


Figure 3: Location of properties which have provided written approval highlighted in green. Properties highlighted orange have been approached but have not responded.

All properties that have provided written approval (as detailed in Table 1 and Figure 3 above) are to be disregarded in the effects assessment herein.

With respect to the properties at 27A and 27B Miharo Lane, these property owners were approached but have not responded. As such, consideration of the proposal must be had on these persons.

Both properties are located to the south-west of the site and sit at a higher elevation to that of the site and surrounds. Any views of the proposed subdivision (from these properties) will be viewed in the context of a patchwork of rural residential lifestyle allotments that

characterises the wider Totara Place enclave. The proposal is not considered to fundamentally affect these neighbours in any way.

In considering the above, the proposal is considered to generate less than minor adverse effects on neighbouring properties and therefore no person is considered to be adversely affected.

If the scale or 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.

The proposal is not considered to warrant any special monitoring over and above Council's standard monitoring regime.

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).

Not applicable.

9 SECTION 95 NOTIFICATION

9.1 PUBLIC NOTIFICATION

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A(3)		
Has the applicant requested that the application be publicly notified?	No	
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)		
Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	

Is the application a boundary activity (other than a controlled activity)?	No	
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)		
Does a rule or NES require public notification?	No	
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	
Step 4: Relevant to all applications that don't already require notification – section 95A(9)		
Do special circumstances exist that warrant the application being publicly notified?	No	

9.2 LIMITED NOTIFICATION

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Test	Yes/No	Comments
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)		
Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)		
In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	
Step 4: Notification in special circumstances – section 95B(10)		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

9.3 NOTIFICATION CONCLUSION

Based on the assessment above, it is considered that the proposal does not warrant notification in that notification is precluded.

In addition, the proposal is not considered to warrant limited notification in that no person(s) are considered to be adversely affected by the proposed activities.

10 SECTION 104(1)(b) ASSESSMENT

10.1 OVERVIEW

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) (of the RMA). This includes;

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

10.2 NATIONAL POLICY STATEMENT

The National Policy Statement for Highly Productive Land (NPS-HPL) is intended to improve the way highly productive land is managed under the RMA⁴. The NPS-HPL was gazetted on 19 September 2022.

The NPS-HPL requires regional councils and territorial authorities to identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land, in an integrated way and require the extensive mapping of highly productive land through the use of a standardise categorisation system.

The site is currently mapped on the NZLRI as a combination of LUC Class 6, 4 and 3 Soils as illustrated in the following Figure 4. The LUC Class 3 soils relates to the southernmost corner of the site and largely coincides with the steep gully. The topography and slope alone would suggest that the mapping is inaccurate. Nonetheless, the proposal does not result in any fragmentation of LUC Class 3 Soils.

⁴ <https://www.mpi.govt.nz/dmsdocument/36621-Valuing-highly-productive-land-a-summary>

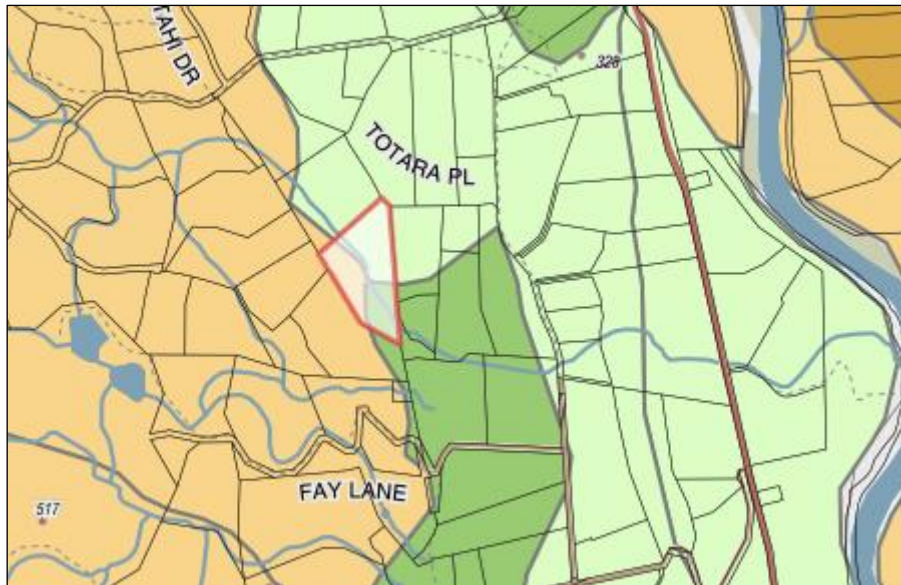


Figure 4: Extract of NZLRI.

10.3 REGIONAL POLICY STATEMENT

After taking into consideration the Partially Operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

10.4 DISTRICT PLAN

With regard to the Central Otago District Plan, the most relevant policy framework is those contained in the Rural Resource Area Chapter.

While the site is located in the Rural Resource Area, it is prudent to acknowledge the character and prevailing uses of the immediate area which is predominantly that of a rural residential lifestyle area.

Objective 4.3.1 - Needs of the District's People and Communities

To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.

Objective 4.3.1 is considered to be met insofar as the proposal would provide for the social and economic wellbeing of the applicant and prospective landowners through the provision of an additional allotment and associated RBP. In addition, an effects assessment on the environment concludes that such effects will be appropriately avoided, remedied or mitigated and therefore environmental quality is at least maintained, if not enhanced, through the application of a QEII covenant over the wetland areas.

Accordingly, it is considered that the proposal is broadly consistent with Objective 4.3.1.

Objective 4.3.3 - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

Policy 4.4.2 – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,**
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,**
- (c) The ability to adequately dispose of effluent on site,**
- (d) Controlling the generation of noise in back country areas,**
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,**
- (f) Controlling the spread of wilding trees.**
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.**

Objective 4.3.3 and associated Policy 4.4.2 seek to maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges. Policy 4.4.2 expands on how this can be achieved through consideration around location of platforms/structures, compatibility of surrounding environment and location of landscaping.

The subdivision was designed through engagement with the neighbours and advice from Ms Steven in relation to landscape matters. Ms Steven's assessment concludes that rural amenity values are maintained through the retention of open space between the proposed RBPs with the pattern of development reflecting the prevailing character and density of the terrace generally. Ms Steven considers the proposal does not compromise the hills and ranges with the proposed RBPs and associated curtilage and driveways being positioned at a consistent elevation/setting to that of the rest of the Totara Place enclave.

In terms of natural character, Ms Steven notes that the proposal to protect in perpetuity the whole of the ravine and its vegetation and the western side of the Site, as far south as the pond, is a significant positive effect.

It is considered subject to conditions of consent, that the proposed Lots can be adequately serviced for onsite wastewater disposal.

Overall, the proposal is considered broadly consistent with these policies.

Policy 4.4.10 - To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges,**
 - (b) The natural character and values of the District's wetlands, lakes, rivers and their margins,**
 - (c) The production and amenity values of neighbouring properties,**
 - (d) The safety and efficiency of the roading network,**
 - (e) The loss of soils with special qualities,**
 - (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,**
 - (g) The heritage and cultural values of the District,**
 - (h) The water quality of the District's surface and groundwater resources, and**
 - (i) Public access to or along the rivers and lakes of the District,**
- particularly through the use of minimum (and average) allotment sizes.**

Policy 4.4.10 does not prohibit subdivision in the Rural Resource Area because it does not say that adverse effects are to be avoided. Instead, the policy requires consideration as to whether subdivision of land in the Rural Resource Area avoids, or remedies or mitigates adverse effects. This is further emphasised by the "Explanation" that follows the Policy. It reads (my emphasis added):

"Council's duty under the Resource Management Act is to control the effects of activities. The creation of a new allotment on a plan has, in itself, no real direct effect on the environment. However, the control of subdivision, particularly in respect of minimum (and average) allotment sizes, is a tool which assists in controlling the adverse effects of the land use that follows thereby promoting sustainable management. Minimum allotment sizes for subdivision are considered to be the best practicable methods to control adverse effects. In some instances adherence to an arbitrary minimum is not always the most appropriate approach. This is particularly true when subdivision for existing activities, network utilities, and reserves and heritage resources are considered."

While the proposal does not accord to the averaging criteria prescribed to the Rural Resource Area, this 'arbitrary minimum' (as it is noted in the District Plan), is only one tool for controlling effects that follows subdivision but is not always the most appropriate mechanism. I consider that simply concluding a subdivision in the Rural Resource Area is not appropriate by relying on its size does not correctly implements the intent of this policy.

Rather, it is my reading that the policy directs consideration as to whether a subdivision, avoids, or remedies, or mitigates adverse effects given the circumstances of the site in question.

In the assessment above, we have established that the scale and density of this subdivision is consistent with the character and amenity values of the area, and it is determined that environmental effects are suitably managed, while enhancing the ecological and biodiversity characteristics of the site.

As such, I consider that irrespective of the allotment sizes proposed, the subdivision avoids, remedies and mitigates effects on the environment and therefore is consistent with Policy 4.4.10.

Overall, the proposal is considered to be broadly consistent with the objectives and policies of the District Plan as it appears today.

10.5 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is considered to not be contrary to the relevant policies and objectives of the relevant plans.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

10.6 OTHER MATTERS

Other Matters (s104(1)(c))

In considering precedent, each application needs to be considered on its own merits, noting that Council has full discretion when considering an application to subdivide⁵ or establish residential activities⁶ in the Rural Resource Area. For subdivision of the Rural Resource Area, the assessment matters listed under Rule 4.7.4(ii) requires the following matters to be considered (paraphrased):

- a. Consideration that future building can be suitably absorbed having regard to effects on open space, natural character and amenity values of the rural environment;
- b. Whether the associated earthworks, planting and driveways will adversely affect open space, natural character and amenity values;
- c. Whether the building would compromise landscape values;
- d. Capability for sustainable use of productive land resources;
- e. Adverse cumulative effects when assessed in conjunction with existing and consented (unimplemented) development;
- f. Reverse sensitivity; and
- g. Servicing.

⁵ Given that subdivision is at a minimum, a Discretionary Activity under Rule 4.7.4(ii).

⁶ Where there is more than one dwelling proposed per Title.

Broadly speaking, all of the assessment matters noted above requires prospective applicants seeking subdivision (in the Rural Resource Area) to satisfy the decision maker that effects on the rural environment (my emphasis added) are appropriately avoided, remedied or mitigated. Assuming one can satisfactorily demonstrate that effects have been suitably avoided or mitigated, then the proposal can be granted. If the effects of the proposal are not suitably mitigated or are inappropriate, then that proposal can be declined.

We can now consider the effects of the subdivision proposed (in line with the assessment matters listed above) and whether this will indeed result in an undesirable fragmentation of 'rural land'. In terms of the assessment above, we can conclude that:

- The site is not located in a visually sensitive landscape with the proposed RBPs being largely screened from public view due to the elevated nature of the site above the surrounding public roads. Visual, landscape and character effects are limited to adjacent neighbours which have provided their approval.
- The density of the proposed subdivision is consistent with the prevailing landscape character that characterises the wider Totara Place/Queensberry area as assessed by Ms Steven. The proposal does not represent a scale of development that compromises or is at odds with this character.
- The proposal does not undermine the productive capacity of the site in any meaningful capacity recognising that the majority of the site is not suitable for primary production due to the topography and wetlands. The site has never functioned in a manner that would see any loss of contribution to the primary production economy.
- Reverse sensitivity effects are not considered to arise given that the surrounding environment is in effect, a rural residential setting; and
- The proposal contributes positively by taking advantage of an undeveloped gully system that is characterised by extensive indigenous vegetation.

Acknowledging the above, there is no precedent effect because the effects of the Proposal are adequately managed by this proposal.

Subdivision (s106)

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

In this case, access to both of the proposed allotments is from an existing access point. Further, it is not likely that the subdivision will accelerate material damage from natural hazards.

11 PART 2 ASSESSMENT

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 5

Section 5 of the Act is to promote the sustainable management of natural and physical resources.

The site and that of the surrounding subdivision is predominantly residential and is limited in its ability to be utilised in a primary productive manner. The site does however exhibit other qualities in the form of an extensive wetland/gully environment that is characterised by extensive indigenous vegetation which QEII identifies as worthy of protection. The proposal would facilitate the effective protection of land while developing marginal land in a manner that is entirely consistent with the prevailing character of the surrounding area.

It is considered that in this particular environment, the proposal represents a suitable sustainable use of the resource.

Section 6

In considering matters of national importance, the site is not classified as an outstanding natural landscape or feature.

Section 7

Section 7 identifies a number of "other matters" to be given particular regard by a council in the consideration of any assessment for resource consent and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The proposal enhances amenity values through the intended protection of the wider gully network and through ensuring the subdivision design remains sympathetic to that of the surrounding area.

Section 8

Through management of environment effects, along with the adoption of accidental discovery protocols, the proposal is considered to align with Section 8 of the Act.

12 SUMMARY

Resource consent is sought to undertake a two-Lot subdivision of the property at 41 Totara Place, Queensberry, and to establish a residential building platform.

Overall, the activity is assessed as a **non-complying activity**.

The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor.

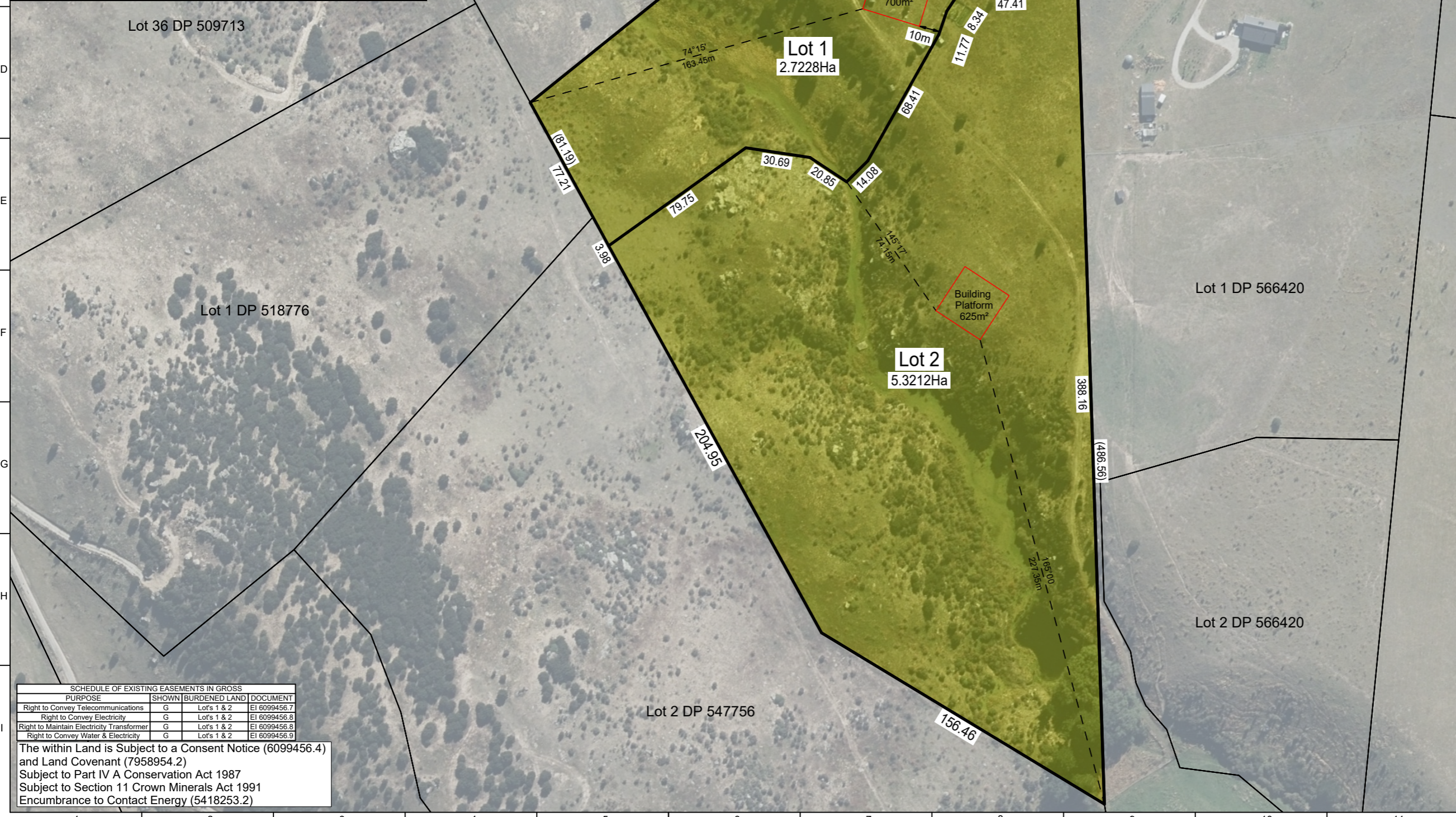
The proposal is considered consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

jake@jakewoodward.co.nz
022 315 8370
jakewoodward.co.nz
1 Hortons Way,
Cromwell
9310





Site Location



NOTES:

Coordinates are in terms of Lindis Peak 2000
 Origin of coordinates: IT 9 DP 328097
 795499.62mN
 388278.22mE

SERVICES DATA
 The location of underground services are unknown.
 Service providers should be consulted prior to undertaking any earthworks.

PROPERTY DATA
 External boundaries and images have been extracted from the LINZ Data Website Oct 2021 and are provided under the Creative Commons License V4.0

REV	DATE	REVD	APPD	AMENDMENT
A	18/10/21	CL	CL	ISSUED FOR INFORMATION
B	4/09/2023	CL	CL	Layout updates
C				
D				
E				

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TITLE:
Lots 1 & 2 Being a Proposed Subdivision of Lot 17 DP 328097

Scale 1: 2000	PROJECT No 555	DRAWING No PLA_001	ADMT C
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CLIENT Mac Gardner			
PROJECT			
DRAWN CL	DRAFTING CHK CL	REVIEWED	APPROVED
DATE 4/09/23	SHEET OF 1 of 1		



63 Dale Street, Albert Town, Wanaka
 charlie@latchfordsurveying.co.nz Ph: 021 275 6249

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED LAND	DOCUMENT
Right to Convey Telecommunications	G	Lot's 1 & 2	EI 6099456.7
Right to Convey Electricity	G	Lot's 1 & 2	EI 6099456.8
Right to Maintain Electricity Transformer	G	Lot's 1 & 2	EI 6099456.8
Right to Convey Water & Electricity	G	Lot's 1 & 2	EI 6099456.9

The within Land is Subject to a Consent Notice (6099456.4) and Land Covenant (7958954.2)
 Subject to Part IV A Conservation Act 1987
 Subject to Section 11 Crown Minerals Act 1991
 Encumbrance to Contact Energy (5418253.2)

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): _____

Type of resource consent: _____

Proposed activity: _____

Location of site: _____

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Brad White and Andrea Champion

Organisation: _____

Address: 21 Totara Place, Queensberry

12 August 2023

Signature

Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:

Signature of all legal owners

Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)



Affected Persons Approval

To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Anthony Robert GARDNER, Daniel Richard GARDNER, Nicholas Douglas McKinlay

Type of resource consent: Subdivision consent GARDNER, and Robert James McKinlay GARDNER

Proposed activity: 2 lots subdivision. Lot 1, approx 2.2 ha; Lot 2, approx 5.8 ha

Location of site: 41 Totara Place, Queensberry 9383

I have sighted all the attached plans and supporting information for the above activity. I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Jessica Maddock JESSICA MADDOCK

Organisation: _____ Address: 29 TOTARA PLACE, QUEENSBERRY

Jessica Maddock 30-3-23 Signature Date

Name: Craig Barr 29 Totara place

Organisation: _____ Address: _____

Craig Barr 30-3-23 Signature Date

Checklist: Signature of all legal owners Site and/or subdivision plan with all <input checked="" type="checkbox"/> required signatures	Elevations with all required signatures
---	---

And having sighted the amended plan of June 2023, showing replacement of the Lot 1 building site

Signed: Jessica Maddock Craig Barr

Date: 28-7-23

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Anthony Robert GARDNER, Daniel Richard GARDNER, Nicholas Douglas McKinlay

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TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Matthew Ragg
Organisation: 54 Totara Place Address: _____

MR R Matthew Ragg Signature Date 6/6/23

Name: Rachel Prendergast
Organisation: 54 Totara Place Address: _____

R Prendergast 6/10/2023 Signature Date

Checklist:

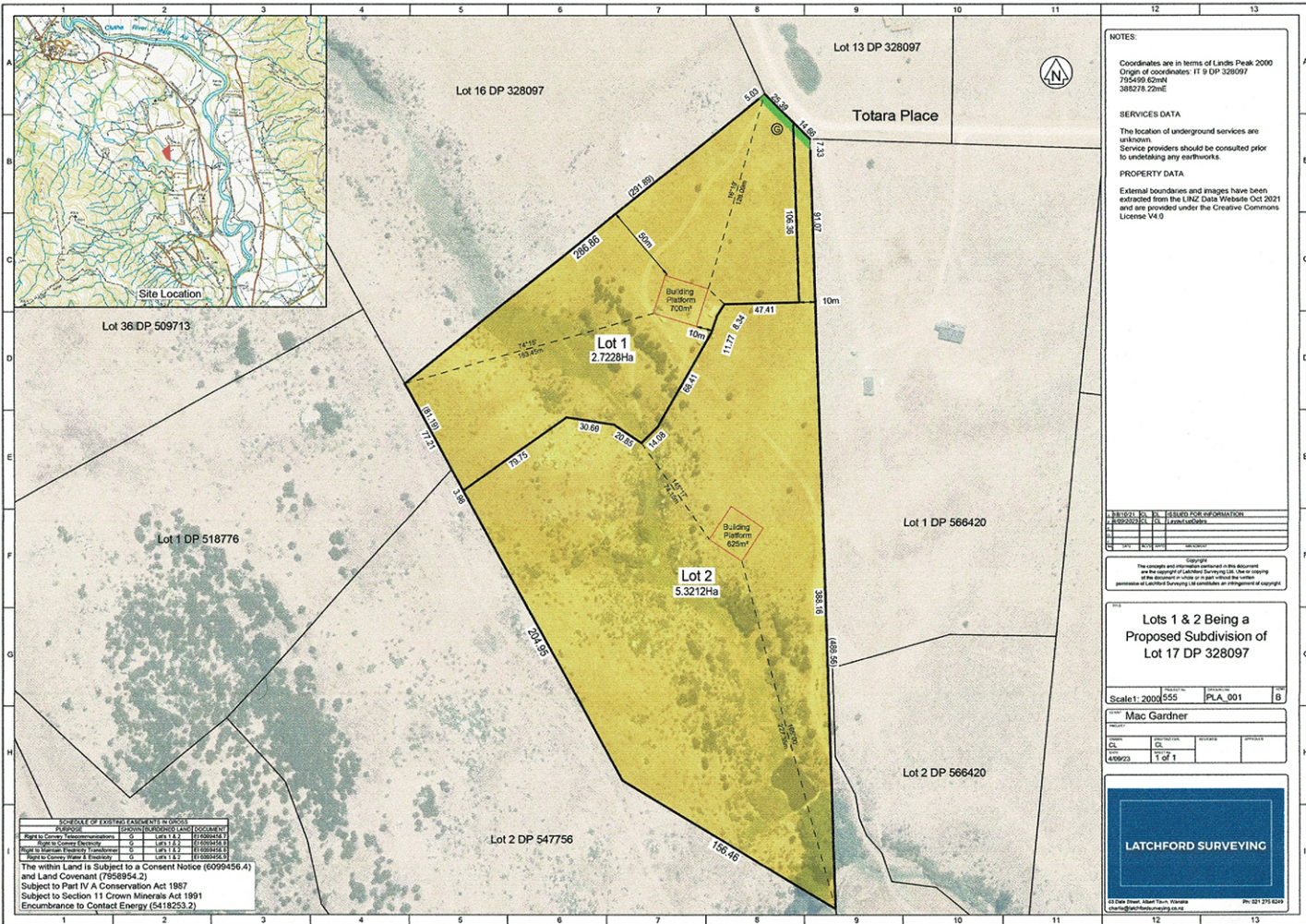
Signature of all legal owners Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)

And having sighted the amended plan of June 2023, showing replacement of the Lot 1 building site

Signed: P.P. Rachel Prendergast

Date: 28/7/23



NOTES:
 Coordinates are in terms of Lands Peak 2000
 Origin of coordinates: IT 9 DP 328097
 795449.62mE
 385278.22mE

SERVICES DATA
 The location of underground services are unknown.
 Service providers should be consulted prior to undertaking any earthworks.

PROPERTY DATA
 External boundaries and images have been extracted from the LINZ Data Website Oct 2021 and are provided under the Creative Commons License V4.0

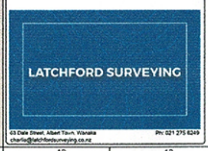
FILE NO.	DATE	DESCRIPTION
1	15/09/2023	ISSUE FOR INFORMATION
2	15/09/2023	FOR CONSIDERATION
3		
4		

The lengths and bearings mentioned in this document are the lengths and bearings measured in the field. The bearings are the bearings in whole or in part without the suffix. The suffix is either 'bearing' or 'azimuth' as appropriate.

Lots 1 & 2 Being a Proposed Subdivision of Lot 17 DP 328097

Scale: 2000/555 PROJECT: PLA_001 SHEET: B

Mac Gardner
 459923 1 of 1



SCHEDULE OF INTEREST ENCUMBRANCES TO CROSS PURPOSE

INTEREST	DATE	DESCRIPTION	LOCALITY
Right to Carry Telecommunications	01/01/2011	111580495.1	
Right to Carry Electricity	01/01/2011	111580495.1	
Right to Carry Telecommunications	01/01/2011	111580495.1	
Right to Carry Water & Electricity	01/01/2011	111580495.1	

The within Land is Subject to a Consent Notice (6099456.4) and Land Covenant (7958954.2)
 Subject to Part IV A Conservation Act 1987
 Subject to Section 11 Crown Minerals Act 1991
 Encumbrance to Contact Energy (5418253.2)

Plotted Name: 555 Scoehne Totara Place Queensberry 555-Lots 1 & 2 Being a-Proposed Subdivision of Lot 17 DP 328097,Queensbury

AR RF

Date Plotted: Tue Sep 5 14:16:34 2023

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Anthony Robert GARDNER, Daniel Richard GARDNER, Nicholas Douglas McKinlay
Type of resource consent: Subdivision consent. GARDNER, and Robert James McKinlay GARDNER
Proposed activity: 2 lot subdivision. Lot 1, approx. 2.8 ha; Lot 2, approx. 5.2 ha

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I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

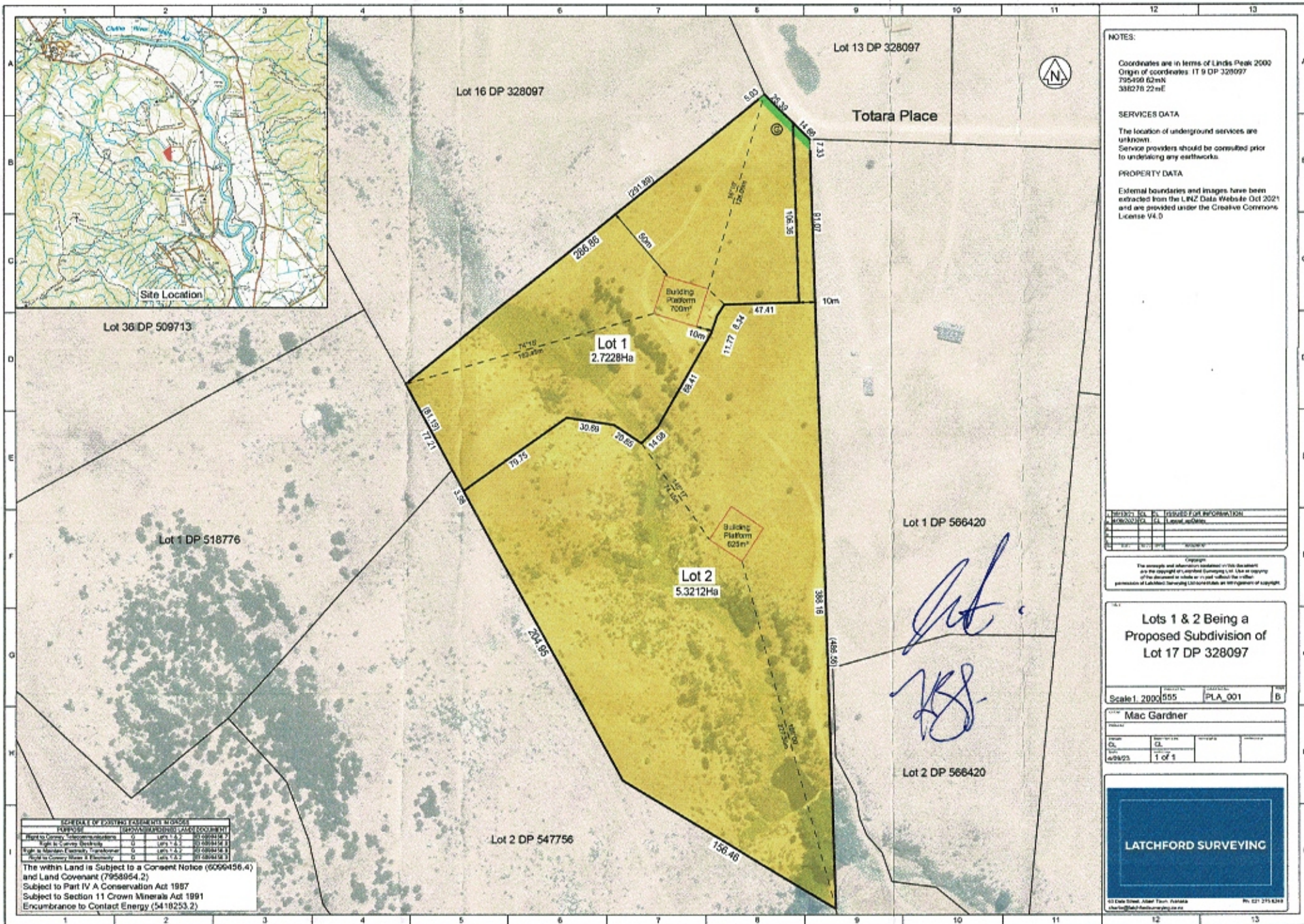
I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: JEFFREY RONALD SMITH
Organisation: _____
Address: 55 TOTARA PLACE QUEENSBERRY
[Signature] _____ Date: 5 OCT 2023
Signature Date

Name: Katherine Bridget Gordon-Smith
Organisation: _____
Address: 55 Totara Place, Queensberry
[Signature] _____ Date: 5/10/23
Signature Date

Checklist:		
<input type="checkbox"/> Signature of all legal owners	<input type="checkbox"/> Site and/or subdivision plan with all required signatures	<input type="checkbox"/> Elevations with all required signatures (if applicable)



NOTES:

Coordinates are in terms of Linds Peak 2000
 Origin of coordinates: 17 9 DP 328097
 795450 62mN
 386276 22mE

SERVICES DATA
 The location of underground services are unknown.
 Service providers should be consulted prior to underground any earthworks.

PROPERTY DATA
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PROJECT NO.	PROJECT TITLE	DATE
17/00000000	17 DP 328097	10/09/2023

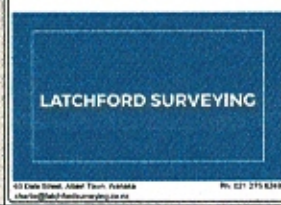
The copyright and information contained in this document are the copyright of Latchford Surveying Ltd. Use or copying of this document or parts of it without the written permission of Latchford Surveying Ltd constitutes an infringement of copyright.

Lots 1 & 2 Being a Proposed Subdivision of Lot 17 DP 328097

Scale 1:2000 555 PLA_001 B

Mac Gardner

1 of 1



PROPERTY	STATUS	DATE
Right to Occupy	0	1/1/2023
Right to Occupy	0	1/1/2023
Right to Occupy	0	1/1/2023
Right to Occupy	0	1/1/2023

The within Land is Subject to a Consent Notice (6096436.4) and Land Covenant (7958954.2)
 Subject to Part IV A Conservation Act 1987
 Subject to Section 11 Crown Minerals Act 1991
 Encumbrance to Contact Energy (5418253.2)

**PROPOSED SUBDIVISION AND
NEW DWELLINGS
41 Totara Place, Queensberry**



Landscape Assessment Report



August 2023

**LANDSCAPE ASSESSMENT
PROPOSED SUBDIVISION AND BUILDING PLATFORMS
41 Totara Place, Queensberry**

August 2023

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APPENDIX

**LANDSCAPE ASSESSMENT
PROPOSED SUBDIVISION AND BUILDING PLATFORMS
41 Totara Place, Queensberry**

1 Introduction

ASLA Ltd has been engaged by the Gardner family (Applicant) to advise on a proposed subdivision and associated development of their property at 41 Totara Place (LOT 17 DP 328097)(the Site) in the Queensberry area of the Central Otago District (COD), and to provide an assessment of effects on landscape character and visual amenity for their subdivision and land use consent application.

The 8.05ha Site is located in the Rural Resource Area of the District. It is not within any Significant Amenity Landscape (SAL) or Outstanding Natural Landscape (ONL).

The site was visited several times between January and May 2023 for the purposes of site and contextual analysis, vegetation assessment and visual record of profile poles for proposed building platforms.

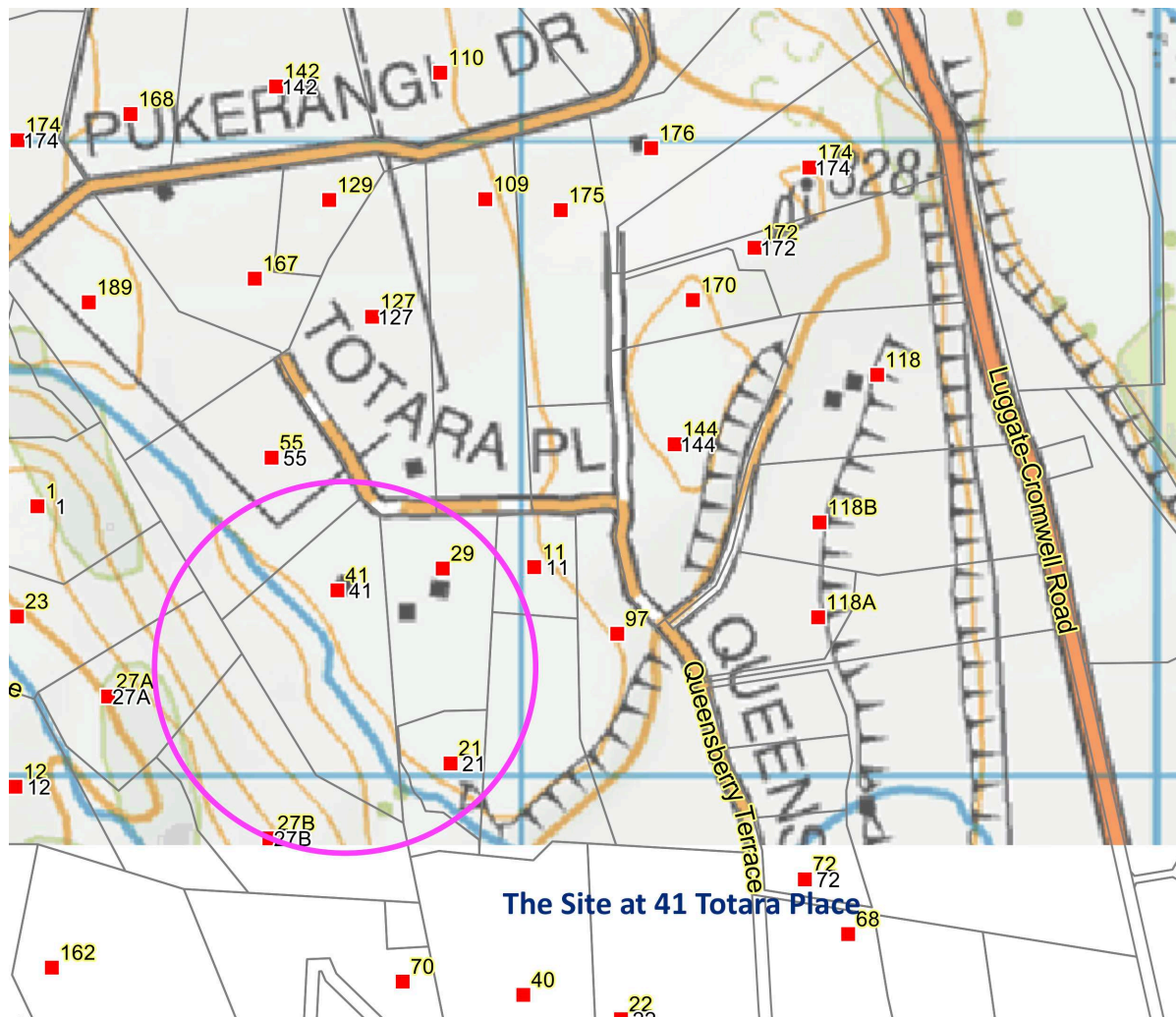


Fig. 1 Site Location and Immediate Landscape Context

2 The Site

The Site is an 8.05 ha rural lifestyle property. At present it has no residential dwelling or building platform. There is a small stone cottage providing short term accommodation for recreational use and site management and three small outbuildings for storage, ablution, etc. Access is via an informal grass and dirt track from a gateway on Totara Place in the northern corner of the site.



The property is essentially in a retired state from extensive grazing some 30 years ago. It comprises a rocky ravine running north-south through the property with many small bluffs of schist rock, and areas of gently rolling moraine and loess-covered ice-scoured bedrock mainly to the east of the ravine. Kanuka shrubland and grey shrubland form dense thickets on the sides of the ravine and around rocky bluffs and more sparsely cover the rolling grassland areas. The latter are dominated by exotic grasses and herbs but contain a diversity of indigenous dryland grassland cushion- and herbfield species. Low open cushionfields of mainly indigenous species cover exposed dry knolls. A dense carex and grass/herb turf wetland occupy the flat ravine floor, terminating in an artificial pond at the lower south end of the property. Woody shrub weed species are present throughout. There is a cluster of over-mature willows and pines on the south boundary by the pond.

The Site is within an Acutely Threatened Land Environment with <10% of indigenous cover left. The indigenous species include At Risk Species. A full species list is included in the Appendix.





The dense Carex sedgeland in the wider upper part of the ravine



View up the ravine to the dense Carex sedgeland in the wider upper part



Typical vegetation cover and topography of the plateau surface east of the ravine. Dwelling on 55 Totara Place visible to the right. Arboretum and collection of small buildings on the Site visible in the middle of the image.



Vegetation from top left:
Typical open low stature dryland grassland with a mix of exotic and native species and bare dirt
Typical more indigenous-dominated turf/cushionfield on rocky outcrops;
Typical mixed grey shrubland with *Carex secta* in foreground

Some planting has been undertaken on the Site by the Applicant, including a small arboretum of both exotic and native species and some vines; two rows of flaxes along the northeastern boundary; a small number of native trees (totara, kowhai) along the east side of the ravine (still very small); and a line of *Elaeagnus* shrubs along the informal access track.

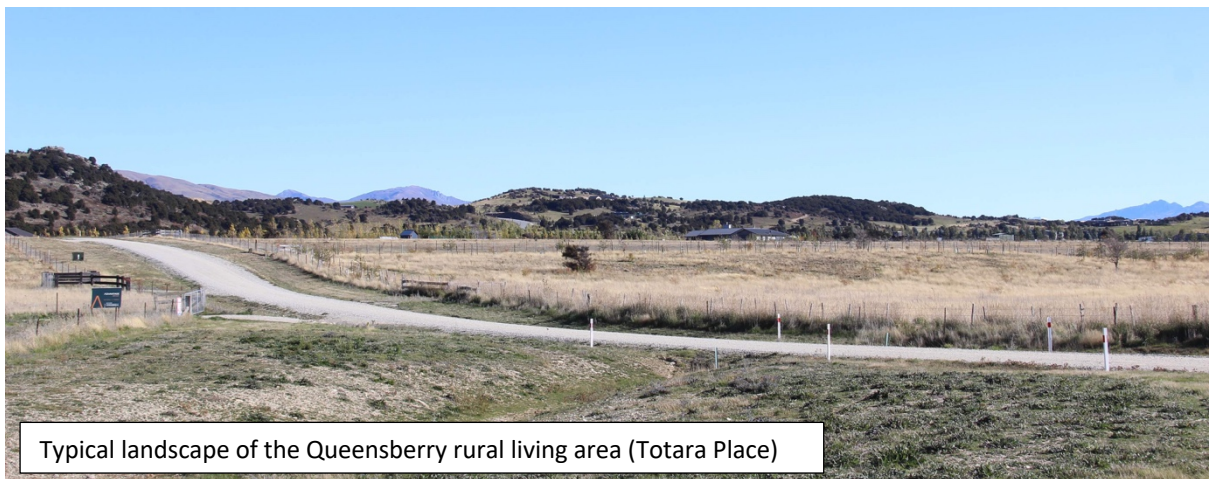
A plan of the existing Site elements and features is in Fig. 2 in the Attachment. The names of features on the plan are given by the Gardner family only.

Neighbouring Properties

Five rural living properties of similar area surround the Site. Further afield, more rural living properties comprise the Site locality. The Site fronts on to Totara Place, a private road, over a distance of around 40m. The immediate landscape context is shown on Fig. 1 in Section 1 of this Report.

3 Landscape Context

The Site is located within a large area of former pastoral run land subdivided for rural living and small scale intensive arable/horticulture on the lower rolling northern slopes of the Pisa Range, known as Queensberry (refer Fig. 3 in the Attachment). This area covers around 1700ha. Rural living properties completely surround the Site for 1.5 to 2km or more. A large number of them are now established with a dwelling, outbuildings, fencing and tree planting. The Site is not near to any public road or place, as it is accessed from a private road as are a number of the properties around the Site.



The surrounding properties are a mix of properties like the Site with a predominance of dry rough pasture and mixed indigenous/woody weed shrubland including expanses of kanuka; and properties with cleared and cultivated pasture in paddocks, notably for equestrian use. These are mostly on the easier lower rolling terrain including to the north, east and south of the Site. Properties higher up to the west tend to have more rugged terrain with rocky outcrops and more kanuka. There is a strong contrast between the Site's character and the immediately adjoining property to the north which has been almost completely cleared and established in pasture. A narrow band of Sedge wetland remains in the floor of the gully which runs through this property in gentler more open form.



The landscape context has developed a more domesticated and less open character, with dozens of dwellings, curtilage areas, roading networks, small cultivated paddocks and various tree plantings now visible scattered through the rolling terrain broadly between Luggate and the northeast “corner” of the Pisa Range opposite Maori Point. This is also the case at night with many dwelling lights visible through the area. Natural character, visual coherence and legibility of landscape has declined.

Individual properties within the area however enjoy a moderately high to high level of amenity depending on location which determines degree of exposure to often strong and/or cold winds, how many other buildings and associated clutter are in their views, the nature of their distant views of rangeland landscape and the nature of the terrain and vegetation on each property.

With respect to landscape values, the Site contributes a relatively high level of natural character and visual coherence and legibility at a local site level, as it remains undeveloped. It retains a natural looking vegetation cover dominated by kanuka and grey shrubland amongst small rocky bluffs. The large carex wetland is a distinctive and intact natural feature (although unnaturally truncated at its north end at the Site boundary). The open areas are mainly exotic grasses and weed species but retain a rough dryland natural character.

This character provides amenity within the property and for neighbouring properties but has little wider value due to the small scale and visual discreetness of the Site relative to any public viewing locations. In a wider sense whilst its natural character is continuous with that of adjoining properties above, that wider landscape value is diminished because of fragmentation due to subdivision and development in the absence of frameworks of protected landscape. The neighbouring land to the north, and to lesser degree to the northeast/east, has been largely cleared of native vegetation and developed. The gully area further to the northwest on the next property up retains some of its natural character but the adjoining plateau land has been cleared and developed.

The Site retains some of the most extensive and diverse native vegetation on the lower plateau lands, within its ravine area mainly but also through its undeveloped drylands. As stated earlier this is an ecosystem that is now rare due to substantial loss through development, and the Site supports some at-risk species and provides insect, lizard and bird habitat. Due to fragmentation, these values are somewhat limited to the Site with intermittent wider connectivity (in the absence of any protective framework). There are no Significant Natural Areas in the Queensberry area.

The Land Use Class of the Site is 4¹ thus is not in the Highly Productive Soil category.

4 The Proposals

The details of the proposals are shown in Fig. 4 in the Attachment. It is proposed to subdivide the Site into two lots. One lot of 2.78ha would comprise a slice across the northern part of the Site including a part of the ravine. The balance of the Site would form Lot 2 of approximately 5.26ha. Each lot has an identified residential building platform (RBP). On Lot 1 this is 700m², on Lot 2 it is 625m². A maximum building height of 4.5m is proposed for both, above natural ground. The proposed BP on proposed Lot 1 is sited more than 50m from the boundary to maintain a sense of separation between it and the neighbouring dwelling to the north. A curtilage is proposed around each RBP within which any accessory utility buildings (such as water tanks) and general domestic clutter and stored/parked items must be located.

Independent access from Totara Place is proposed, as shown on the Proposed Subdivision Plan. They are designed to follow the subtle ridge and swale topography.

The RBPs, curtilages and access are located on those parts of the Site that have a minor presence of indigenous species. Some *Raoulia* spp. *Leucopogon*, mosses, lichens and *Acaeana novae-zealandiae*

¹ <https://ourenvironment.scinfo.org.nz/maps-and-tools/app/> land use capability classes

was observed within the RBP areas amongst the dominant cover exotic grasses and herbs. These species are widely present on other parts of the Site.

Various areas of native tree and shrub planting are proposed to provide some visual screening from Totara Place and to provide mutual screening and privacy between neighbouring properties. The owners of 55 Totara Place have requested planting to 2.5m high with occasional trees along the shared boundary as far west as the ravine. It is assumed the berm planting on the Site's frontage will be reinstated (by the relevant entity, not by the Applicant).

A Fire Risk Management Area is proposed around each RBP. The requirements will be set out in the proposed conditions of consent but essentially will require management of the area to minimize fire-carrying capacity. This relates to stored materials and presence of dry/flammable vegetation cover such as kanuka and tussock, and organic litter. Mown green grass areas may be established within the FRMA even though outside the curtilage. Sprinkler systems are an option if more flammable vegetation is desired and is ecologically appropriate, such as tussock grasses and kanuka.

The Applicant intends to establish a QEII Open Space Covenant over the entire ravine area and the western side of the Site, as far south as the pond. The purpose is to protect and foster the enhancement of the native shrubland, cushionfield/grass drylands and wetland areas. The QEII Otago officer has viewed the Site² and is happy to proceed with a process of creating a covenant regardless of this application. However, a condition of consent could be proposed that the Applicant enter into a process with QEII Trust to form this covenant. Copies of email communication between the Applicant and the QEII Trust representative including a statement of support are included the Appendix.

5 Landscape Assessment

5.1 Methodology

Te Tangi a te Manu Aotearoa NZ Landscape Assessment guidelines are referred to in assessing the landscape and visual effects of this proposal (Paragraph 6.21 particularly). The rating definitions I have used for assessing degree of visibility, and effects on visual amenity and landscape effects are set out in the Appendix. I have developed these independently based on my experience, the NZILA Guidelines and rating schedules used by other landscape architects experienced in assessment.

This is compared to RMA terminology in accordance with parts 6.36 to 6.38 of the Guidelines.

The table below sets out my rating of effects compared to the NZILA ratings, the differences being that in my opinion some Low and Mod-Low degrees of effect can have a Less than Minor effect, and some Moderate degrees of effect can be have Minor ratings, depending on context and the nature of the effect. The guidelines suggest avoiding an overly mechanical approach.

Ranking Increments	Very Low	Low	Mod-Low	Moderate	Mod-High	High	Very High
ASLA	Nil or negligible	Less than Minor	Minor or Less than Minor	Minor to More than Minor	More than minor	significant	Significant/unacceptable
NZILA	Less than Minor	Minor	Minor	More than Minor	More than Minor	Significant	Significant

² The Site was visited with Rob Wardle on May 12 2023

	Negligible						
--	------------	--	--	--	--	--	--

In terms of what particular aspects of the landscape are assessed, the wording of the relevant “landscape” objectives and policies in the operative district plan is referred to.

5.2 Visual Effect

The Site is of **very low to nil visibility from any public road** or location as it is located on a private road, surrounded by other private rural living properties. It is on elevated rolling terrain which confers a high degree of discreteness relative to public viewpoints such as the state highways either side of the Clutha River and from local roads in the Queensberry/Pukerangi area.

There are no public views that would be visually affected by this proposal to any meaningful extent.

With respect to private views the two RBPs can be seen from Totara Place and from neighbouring properties. There would be a visual effect of two additional residential complexes with new access drives. From Totara Place driving west, only the upper walls and/or roof of future dwellings would be seen set against the large-scale backdrop of the Pisa Range. They would be visually discreet until drawing close to the Site for the Lot 1 dwelling. There are a number of other dwellings and curtilage elements visible in the view, and all around on surrounding properties. This includes dwellings seen on prominent ridgelines and skylines from some locations. The view of the proposed RBPs from Totara place is shown in two photo images in the Attachment.

Views of the Site from Totara Place are across neighbouring properties and are reliant on them remaining open in character. Only at the narrow frontage to the Site are there direct views and even then, a berm forms the immediate foreground. My understanding is that it is meant to have been planted out as part of the founding subdivision. Had it been so, the views into the Site, and of the RBPs, would be significantly curtailed. The only clear view would be through the gateway and only of the Lot 1 RBP.

I have not viewed the RBPs from any neighbouring properties as there have been no requests to do so. The neighbour to the north at 55 Totara Place would like the amenity of their view out to the southeast to be protected. The RBPs do not interfere with that view but the Lot 1 RBP is visible in a peripheral manner. They have requested that no accessory buildings be visible in front of the RBP and that planting to 2.5m high and including occasional trees be established along the north boundary of the Site for privacy.

APAs have been obtained from the neighbouring properties of Lot 16 to the north, Lot 13 to the northeast and Lot 18 to the east. These are the neighbours most affected by the proposed development due to proximity. Remaining neighbours to the west southwest and southeast (dwellings located some distance away and at a higher altitude) have either failed to respond or not objected in principle but have preferred not to sign an APA.

Overall, private amenity issues need not be considered for three of the neighbours and I am not aware of any issues expressed by the other three neighbours.

5.3 Effect on Landscape Character

There would be no change in the existing landscape character as residential development of a rural living nature is the dominant existing land use. No change is proposed to the vegetation cover on the Site, however both protection of existing dryland character (exotic/grassland/native shrubland) and development of easier land for pasture or fodder crop is typical of the area. The three properties to the northwest to north illustrate this well. The immediate neighbour to the north has almost completely cleared their property to develop pasture, leaving only a strip of sedgeland in the bottom

of the gully. The next neighbour to the north has retained the natural gully form/vegetation but developed their flatter areas. The neighbour to the northwest has retained their natural dryland shrubland and grassland, being on steeper land.

With respect to dwelling density, the distance between the Lot 1 dwelling and 55 Totara Place is typical at around 100m or more. It is 155m to the neighbour to the east. However at least one dwelling is anticipated on this property and due to the shape of the Site the wider northern end is the more logical place to locate it. The Lot 2 dwelling is the “additional” dwelling in my opinion. The distance between it and the Lot 1 and other neighbouring dwellings is also typical of the density in the locality. In my opinion there would not be an outcome of out-of-character density.

Existing dwellings to the north and east are set back some 50-115m from Totara Place. Lot 1 BP would be set back around 115m as well. The proposed Lot 2 BP would be set back over 230m.

A curtilage area is proposed for both RBPs to limit the spread of domestic clutter. Other neighbouring properties do not appear to have limited curtilages with a greater spread of cultural elements across the properties.

6 Assessment Against District Plan Objectives and Policies

Objectives and policies relevant to landscape and natural heritage matters are set out fully in the Appendix. I also address briefly the soil resource as an integral aspect of the natural character and landscape value.

6.1 Assessment of Effects on Outstanding Natural Landscape and Features (ONL/ONF) and Significant Amenity Landscape (SAL)

The Site is not in or near any Outstanding Natural Landscape of Feature or any Significant Amenity Landscape, so no objectives and policies relating to these matters apply.

6.2 Assessment of Effects on Landscape Character and Amenity Values of Rural Landscape

The subdivision and development of rural areas for residential use, especially in more elevated and more natural landscape, and the effect on landscape character and visual amenity is an issue identified in Chapter 4 Part 4.2.15 for the Rural Resource area and addressed by objectives and policies:

4.2.15 Development in Rural Areas

Increased development in the rural environment may have adverse effects, such as:

- *compromising landscape and amenity values of the rural environment especially on prominent hillsides and terraces;*

and in the Explanation for this Issue;

Explanation

There is increasing pressure for lifestyle and residential subdivision and development in what has historically been the rural area of the District. This development trend has the potential to create significant adverse effects that must be dealt with:

(e) The introduction of residential subdivision and built development on hillsides, skylines and prominent places.

The positive outcomes of development are also noted, such as strengthening rural communities and the enhancement of heritage resources, which can be natural or cultural.

Lifestyle development can also bring positive benefits to the district’s rural communities and this must also be recognised. (in the Explanation)

4.3.3. Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

4.4.2 Policy – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,*
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*
- (c) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,*
- (f) Controlling the spread of wilding trees.*
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.*

4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- (a) Noise (including noise associated with traffic generation, night time operations), and vibration,*
 - (b) The generation of a high level of traffic, in particular heavy vehicles,*
 - (c) Glare, particularly from building finish,*
 - (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,*
- do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.*

4.4.10 Policy – Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges,*
- (b) The natural character and values of the District's wetlands, lakes, rivers and their margins,*
- (c) The production and amenity values of neighbouring properties,*
- (e) The loss of soils with special qualities,*
- (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,*
- (g) The heritage and cultural values of the District,*
- (h) The water quality of the District's surface and groundwater resources, and*

SUBDIVISION

16.3 OBJECTIVES

16.3.4 Objective - Amenity Values

To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.

The matters to assess collectively expressed through these objectives and policies relate to effects on open space/open character (taken to mean the degree of presence of built form and associated clutter and human activity rather than or not necessarily including tree and shrub vegetation per se); natural character including any identifiable natural features; and any other identified landscape values the Site may contribute to, and the degree to which these values are maintained or enhanced. Effects on the open and natural character of the hills and ranges, and whether built form appears on prominent slopes, terrace edges, ridges and/or skylines need particular consideration.

The effect on the natural character of wetlands and their margins is also to be assessed related back to s6a of the Resource Management Act 1991.

Effects on visual amenity values public and private, as a subset of landscape values, must also be assessed relating to impacts on the extent and/or content of views (which relate back to effects on landscape values). Other amenity values to consider are effects on privacy and spaciousness, and on rural peacefulness, quiet and dark (i.e., activity, noise, glare, night lighting).

Effects on indigenous vegetation and natural habitat of indigenous fauna and ecological values generally, and effects on the soil resource are also to be assessed. As a landscape architect with some 30 years of professional experience mostly in the rural environment I have some expertise and a good working knowledge in these matters.

6.3 Effects on Open Space and Natural Character

The proposed development would result in two smaller lots and one additional residential complex. The Lot 1 residential activity is regarded as anticipated and therefore to have no adverse effects on open space and natural character in a wider sense (effects on private amenity are addressed separately). The Lot 1 RBP is located in a logical part of the Site being the flatter and wider part and closer to the access road. On its own it could be located in other parts of the Site east of the ravine however this would not change its effect on natural character and open space.

The Site is large enough in my opinion to contain the two residential complexes. There is sufficient separation between the RBPs and the neighbouring dwellings to maintain the expected level of open space. Moreover, the limited area of the RBPs and the limited maximum building heights, and the imposition of a curtilage to restrict the visible presence of clutter would ensure an appropriate level of open space is maintained especially adjacent to the road (notwithstanding it is a private road).

I assess the effect on open space/open character to be adverse to a Very Low degree.

With regards to natural character, the proposal to protect in perpetuity the whole of the ravine and its vegetation and the western side of the Site, as far south as the pond, is a significant positive effect. Even if the dryland plateau areas east of the ravine are developed into pasture, the degree of positive effect would remain high. This is in the context of the landscape context for the Site being an area of subdivision and development for rural living and small-scale rural activities which include the conversion of natural and semi-natural dryland to pasture. The degree of conversion possible on easier sites is exemplified by the neighbouring property to the north. In the absence of identification of significant indigenous vegetation and/or habitat or threatened species and the maintenance of a protective integrating framework through consent notice conditions, the clearance of native vegetation is a permitted activity. This is typical of the landscape context for the Site on much of the easier topography.

I assess the effect on natural character to be positive to a High degree.

With respect to more specific effects on natural features (in this case these would be the wetland and rock bluffs) and effects on prominent hillsides, terrace edges, ridges and skylines (from public places) there would be no effects on these due to the discreet location of the proposed RBPs, access ways and curtilage and the proposed protection area for the ravine and western side of the Site.

These natural elements would all be maintained if not enhanced.

Other values the Site has are high degrees of visual coherence and legibility, largely as viewed within the Site or by neighbours above. This is due to the undeveloped nature of the Site. These attributes would be adversely affected inevitably. The effect to consider however is that of the additional Lot 2

RBP as the Lot 1 development is anticipated and should be discounted. The difference in degree of adverse effect is Very Low in my opinion. The proposal to protect the ravine and western side of the Site would maintain a higher degree of legibility and visual coherence than might otherwise occur due to potential for development of the nature shown on the neighbouring property to the north. With this in mind, the **effect on legibility and visual coherence could in fact be regarded as slightly positive (Very Low degree)** by protecting a substantial part of the Site from any development and retaining the integrity of the ravine and more natural areas of the Site.

There would be **no adverse effect on the natural character** of the wetland and its margins as these would be within the proposed protected area. In fact, there would be potential for enhancement.

6.4 Effects on Private Amenity

I have not assessed the effects from any neighbouring property as I have not been requested to do so. APAs have been obtained from the most affected neighbours. Effects on private amenity need not be considered from these properties. No amenity issues have been raised by the remaining three neighbours as explained earlier. Overall there do not appear to be any issues of adverse effect on private amenity.

The neighbour to the north at 55 Totara Place requested that their view to the south/southeast be maintained. This was to be achieved by planting up to 2.5m high along the Site's north boundary with occasional trees (it is recommended that the location of these to be determined in consultation with neighbour), and by restricting accessory buildings to the RBP (and by extension behind it within the curtilage). The planting is an element of the proposal. A curtilage has been defined within which it is proposed accessory utility buildings may be located such as water tanks, for practical reasons.

6.5 Effects on Indigenous Vegetation, Habitat and Soil Resource

The proposal to put the ravine and western slopes and their vegetation into a QEII Open Space Covenant protects the indigenous vegetation and habitat there. As a minimum these ecological values would be protected in perpetuity, and most likely enhanced as long as pest plants and animals are managed to very low or nil presence as would be likely required by covenant conditions.

There would be some loss of dryland species and habitat through the additional RBP and access. Given the very degraded nature of the habitat and the very small scale loss of any at risk species which will be able to thrive within the protected area, the degree of adverse effect would be Very Low in my opinion. The volunteered protection of the ravine and western slopes would more than adequately balance this adverse effect.

7 CONCLUSIONS

The Site is an essentially undeveloped 8.05ha rural property, including a large ravine with significant wetland, dryland and shrubland vegetation and wildlife habitat. An existing informal vehicle track entering at the northeast corner provides access to a small stone cottage used occasionally when the Applicant visits the Site. The widest flattest area of the Site and the part closest to Totara Place is the northeast part as the steep-sided deep ravine occupies the western half and the Site narrows to the south.

The Site is surrounded by other rural lifestyle properties with existing dwellings on most of them. The dwelling to the north is located at the southern end of their Lot around 33m from the boundary with the Site. The other closest dwelling to the east is located around 75m away. Setbacks from the road are in the range of 50-115m.

Compared to some of the other properties around it the Site retains a high degree of openness, natural character, ecological integrity, legibility and coherence. In particular the ravine area is relatively intact and retains the character it had when it was farmed. This character confers visual

amenity values at a local level only however as it is visually well contained within the developed rural living area which has no public access. The ecological values are inherent.

It is proposed to subdivide the property into two lots each with a modest residential building platform, with separate access. Curtilage areas have been defined. The Applicant intends to create a QEII Open Space covenant over the ravine area. Areas of native tree and shrub planting are proposed in selected locations for mutual screening and to provide a setting.

Assessment

The Site is of very low to nil public visibility. The proposal would not have any effect on public views or experiences of landscape. There are no effects on private amenity that have been expressed by neighbours, and the three most affected neighbours to the north northeast and east have signed APAs.

There would be no change to the landscape character of the context landscape. The density of dwellings that would result is consistent with existing patterns. The road setbacks are also consistent if not more generous. The definition of curtilage areas would limit the spread of “clutter” evident on other properties.

The proposed open space covenant would give certainty to the protection in perpetuity of the most natural and ecologically valuable part of the Site.

The effect of the proposal would generally give effect to or be consistent with the relevant objectives and policies of the Central Otago district plan. There would be no adverse effects on openness of the wider landscape. With respect to the more immediate context, there would be a reduction in openness, inevitably. However, at least one residential complex is an anticipated outcome. The density of dwellings that would result is consistent with the general density and patterning of the area in my opinion. The modest scale of the proposed development and the definition of curtilage would help contain and limit the degree of effect. I assess the effect on open space/open character to be adverse to a Very low degree.

The effect on natural character would be positive to a high degree because of the certainty of protection in perpetuity of the ravine area, which is a large part of the Site and the area with high natural character including wetlands.

There would be no effects on natural features; or on prominent hillsides, terrace edges ridges or skylines in respect of public views.

The protection of the ravine would maintain a higher level of visual coherence and legibility across the Site than might otherwise occur. There would be no adverse effect on the natural character of the wetland and its margins. There would be potential for enhancement.

Effects on private amenity have been addressed previously.

With regard to effects on indigenous vegetation and habitat, which is regarded as significant, the most important areas of the Site would be protected in perpetuity, a positive effect. A QEII Open Space covenant is being sought to place over this area.

Anne Steven
Registered Landscape Architect
WANAKA

August 2023

APPENDIX

**To LANDSCAPE ASSESSMENT REPORT
PROPOSED SUBDIVISION AND BUILDING PLATFORMS
GARDNER, 41 Totara Place, Queensberry**

CONTENTS

- **PLANT SPECIES LIST**
- **Email Communication between
Applicant and QEII Representative**
- **ASSESSMENT RATINGS AND DEFINITIONS**
 - **OBJECTIVES AND POLICIES
CO DISTRICT PLAN**

PLANT SPECIES LIST

PLANT SPECIES

41 TOTARA PLACE QUEENSBERRY

The following species¹ were observed (pink highlight for Threatened/At Risk species):

Flatter Plateau Area east of Ravine

Shrubs (very minor presence)

Kunzea serotina/ericoides - classed as Threatened Nationally Vulnerable due to Myrtle Rust

Discaria toumatou

Melicytus alpinus

Coprosma propinqua

Rosa rubignosa (exotic, scattered)

Grasses

Mainly Browntop and Sweet Vernal but may include minor native grass presence

Herbs and Subshrubs/Cushion Plants (minor to locally dominant)

Raoulia spp. (*beauverdii*, *australis*, *apice nigra*, *parkii*)

Leucopogon fraserii now *Styphelia nesophila*

Geranium brevicaule

Orchids

Carex breviculmis

Luzula rufa

Acaena novae-zealandiae

Muehlenbeckia axillaris

Leptinella serrulata (including in wheel tracks!)

Mosses and Tumbleweed Lichen

These exotic species are generally dominant (along with the grasses):

St Johns Wort

Sheeps Burr

Golden Rod

Vipers Bugloss

Haresfoot Trefoil

Hieracium spp

Sheep Sorrel

¹ Species confirmed through site visit 6/1/23 with Geoff Rogers retired landscape ecologist (former Manaaki Whenua and DOC scientist)

Native Shrublands in Ravine

Kanuka – classed as Threatened Nationally Vulnerable due to Myrtle Rust

Matagouri

Coprosma propinqua

Coprosma crassifolia

Coprosma intertexta

Melicytus alpinus

Corokia cotoneaster

Aristotelia fruticosa

Carmichaelia petriei

Olearia odorata

Olearia lineata

Muehlenbeckia complexa and australis

Bracken Fern

Sweet brier

Pest Broom

Various native ferns, herbs, grasses including

Elymus apricus Blue Wheatgrass

Senecio quadridentatus Fireweed

Pentapogon crinitus Plume Grass

Poa colensoi Blue Tussock

Acaena caesii-glauca and other prostrate/cushion plants as above

Mosses, lichens (*Chondropsis* – Tumbleweed Lichen)

The various exotic grass and herb species also widely present

Include Horehound

Wetland

Dense area of *Carex lessoniana* and *Carex coriacea*

Occasional *Carex secta*

Carex sinclairii

Occasional clumps of *Juncus edgarii*

Hypericum pusillum

Isolepis aucklandica

Ranunculus foliosus

Eleocharis gracilis

Olearia lineata shrubs present in the wetland

**Email Communication between
Applicant and QEII Representative**

Copy of Email confirming interest dated 12 May 2023:

From Rob Wardle Regional Representative Central Otago:

Thanks Mac – yes it's a wonderful gully and from what I have seen, QEII would be interested to covenant the site. Just for clarification I am the Central Otago rep for the QEII National Trust (not DOC).

I mentioned to Anne that where a covenant is part of a mitigation package we are unable to make a fencing contribution (which does not appear to be required in any case) or pay for survey. Given that much of the proposed protected area follows existing boundaries and that you will be having other survey work being undertaken, the covenant survey cost will be modest. Once registered the covenant is like any other with you becoming members of the Trust.

I'm not sure how familiar you are with the QEII Trust. Below is a link to a web page which will give you a good background. I'm happy to answer any queries you may have.

Regards



Rob Wardle | Regional Representative | Central Otago

QEII National Trust | Ngā Kairauhi Papa

Landline: 03 448 9519 | Mobile: 020 4012 6483 |



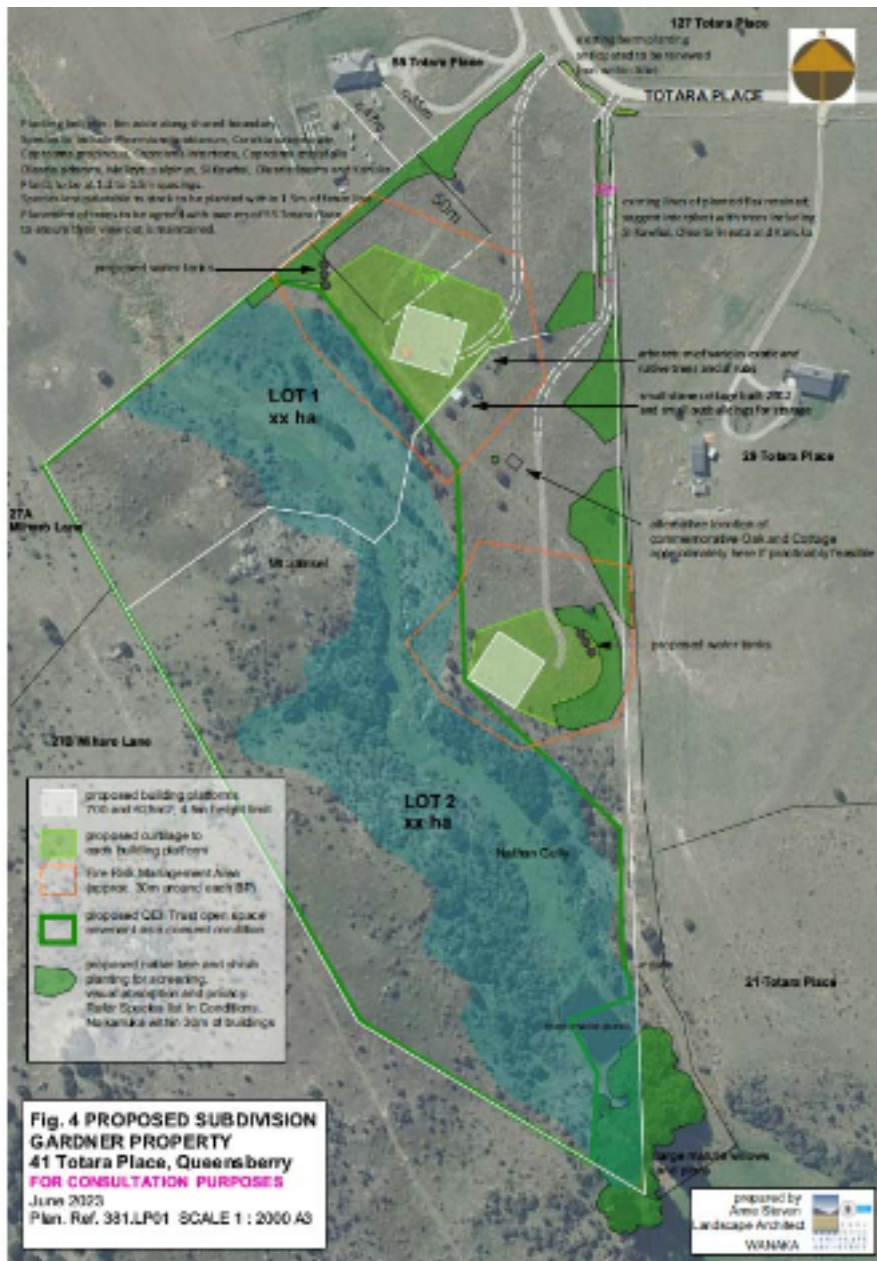
2. Email communication between the Applicant and Rob Wardle July 2023:

From: Mac Gardner <macgardner@gmail.com>
Sent: Tuesday, July 11, 2023 5:56 PM
To: The Stephenson Fund <thestephenfund@qeii.org.nz>
Cc: Rob Wardle - Central Otago <RWardle@qeii.org.nz>; anne steven <a.steven@xtra.co.nz>; Tony Gardner <tonygardner@me.com>; Nick Gardner <nickdgardner@gmail.com>; Danny Gardner <thedannygardner@gmail.com>
Subject: A QE2 covenant proposed for our property in Queensberry, Central Otago

The Stephenson fund:

Might we mention a plan we have, to create a QE2 covenant over our land in Queensberry?
ref -44.777617, 169.317772

We are presently in a process to create a subdivision, and as part of that process, we want to declare a QE2 covenant over the wooded and wetlands area, for both of the 2 Lots that will (we hope) be created. You can see this area within the green lines (the plan produced by our landscape architect, Anne Steven). We have been in corresp apropos with Rob Wardle on behalf of QE2 in Otago.



We call this part of the property our mini-National Park!

The gully, looking west, kanuka flowering:



The wetlands:

Sometimes brown, sometimes strongly flowing:



Scarcely visible here are 2 family members removing broom:



We have planted a number of totaras, although the strike rate has not been brilliant (the recent rainless summer not helping).



We would wish to undertake much planting of natives, as advised by Anne Steven, once the covenant applied, and certainly, any help apropos would indeed be appreciated -- that is, if the Fund is available to private owners.

Yours faithfully,

Mac Gardner

Lot 17, 41 Totara Place

Queensberry

----- Forwarded Message -----

Subject:RE: A QE2 covenant proposed for our property in Queensberry, Central Otago

Date:Wed, 12 Jul 2023 20:35:50 +0000

From:Rob Wardle - Central Otago <RWardle@qeii.org.nz>

To:Mac Gardner <macgardner@gmail.com>, The Stephenson Fund <thestephensonfund@qeii.org.nz>

CC:anne steven <a.steven@xtra.co.nz>, Tony Gardner <tonygardner@me.com>, Nick Gardner <nickdgardner@gmail.com>, Danny Gardner <thedannygardner@gmail.com>

Hi Mac - thanks for your email to the Stephenson fund. The fund is available for holders of registered QEII covenants to apply to so unfortunately you cannot apply for this round; however in the future when a covenant is registered you can apply for funding from future rounds. As you are aware I visited the area with Anne Steven and have little doubt that it has the values present for covenanting. I have held off progressing the covenant until your sub-division resource consent has progressed further. I am happy to progress the covenant separately from the consenting process if you are confident you will progress the covenant regardless of the council decision on your sub-division application. This is something you may want to discuss with Anne.

Regards



Rob Wardle | Regional Representative | Central Otago

QEII National Trust | Ngā Kairauhi Papa

Mobile: 020 4012 6483 |



ASSESSMENT RATINGS AND DEFINITIONS

LANDSCAPE AND VISUAL EFFECTS ASSESSMENT RATING DEFINITIONS

Visibility Rating Method

The degree of visibility of the proposed development from a particular viewpoint, or from collectively a number of viewpoints, has been rated as follows:

Visually dominant – the element being assessed is fully visible, stands out and attracts the most visual attention rendering all other elements subordinate and less influential

Visually prominent – the element is fully to mostly visible, is very noticeable and may be a visual focus but is co-dominant with other elements

Highly visible (but not prominent) – the element is easy to see and most or all of its form is visible but there are other elements that are a visual focus or dominate visually

Moderately Visible – the element is partially visible and is less easily discernible as an entity, it is not a visual focus and is visually subordinate to other landscape elements

Low visibility – very little of the element is visible, it can be discerned but it is a minor landscape element

Very Low – hardly any of the element is visible such that it is easily over looked or missed; it may not be recognised.

Not Visible

Adverse Visual Amenity Effects Rating

Very High – the proposal changes the scene to such a degree that valued visible elements and patterns are completely lost and replaced by ones that do not contribute to the visual amenity expected or previously experienced. The overall level of visual amenity that will result is very substantially less than the visual amenity expected or previously experienced despite mitigation.

High - the proposal changes the scene to such a degree that most valued visible elements and patterns are lost and replaced by ones that do not contribute to the visual amenity expected. The overall level of visual amenity that will result is markedly less than the visual amenity expected or previously experienced despite mitigation.

Moderate-High - the proposal changes the scene to the extent many valued visible elements and patterns are lost and replaced by ones that do not contribute to the type or level of visual amenity expected or previously experienced. The overall level of visual amenity that will result is noticeably less than the visual amenity expected or previously experienced despite mitigation.

Moderate - the proposal changes the scene to the extent that some valued visible elements and patterns are lost or disrupted; or are augmented to the degree less desirable elements/patterns are partially offset. The overall level of visual amenity that will result is lower than the visual amenity expected or previously experienced despite mitigation.

Moderate-Low - the proposal changes the scene to the extent that most valued visible elements and patterns remain or are augmented to the degree that less desirable

elements/patterns are mostly offset and new elements generally integrate well. The overall level of visual amenity that will result is somewhat lower than the visual amenity expected or previously experienced despite mitigation.

Low - the proposal changes the scene to the extent that most valued visible elements and patterns remain and/or are enhanced to the degree that less desirable elements/patterns are largely offset and new elements integrate well. The overall level of visual amenity that will result is lower but close to the visual amenity expected or previously experienced despite mitigation.

Very Low – the proposal changes the scene to the extent that valued visible elements/patterns are almost completely retained and/or enhanced to the degree detracting elements fit in well and have negligible effect on overall visual amenity. The overall level of visual amenity that will result is marginally lower than the visual amenity expected or previously experienced even with mitigation.

No Effect – there is no change to the nature and/or level visual amenity enjoyed (i.e. it is neutral)

Positive Visual Amenity Effects

Very High –The overall level of visual amenity that will result is very substantially higher than that previously experienced.

High - The overall level of visual amenity that will result is markedly higher than that previously experienced.

Moderate-High - The overall level of visual amenity that will result is noticeably higher than that previously experienced.

Moderate - The overall level of visual amenity that will result is higher than that previously experienced.

Moderate-Low - The overall level of visual amenity that will result is somewhat higher than that previously experienced.

Low - The overall level of visual amenity that will result is slightly higher than that expected or previously experienced.

Very Low –the overall level of visual amenity that will result is marginally higher than that previously experienced.

No Effect – there is no change to the nature and/or level visual amenity enjoyed (ie, it is neutral)

Improvements in visual amenity are due to elements and patterns restored/enhanced or introduced to the site that are valued in context, and to detracting elements and patterns being removed or remediated (either physically or through screening so they no longer contribute). A positive effect must improve on the ambient visual amenity of the site in context (acknowledging some sites can be very degraded prior to development). The higher the degree of positive effect the more valued elements and patterns dominate. Very High and High positive effects are also relative to what is expected in context, i.e. they are over and above what might be expected.

Adverse Landscape Effects

Very High – there is a total loss of key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a

very substantial change to landscape character is evident. The new elements and patterns do not create a different character that would be potentially valued.

High - there is a substantial loss of or reduction in key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a substantial change to landscape character is evident. The new elements and patterns do not create a different character that would be potentially valued.

Moderate-High - there is a loss of or reduction in a number of key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a marked change to landscape character is evident. The new elements and patterns do not create a different character that would be potentially valued.

Moderate - there is a loss of or reduction in some key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is evident. The new elements and patterns do not create a different character that would be potentially valued but a few aspects are neutral in effect or contribute positively to landscape character.

Moderate-Low - there is a loss of or reduction in some key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is evident but a number of aspects are neutral in effect or contribute positively to landscape character.

Low - there is a slight loss of or reduction in some key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is slightly noticeable and many aspects of the development are neutral in effect or contribute positively to landscape character.

Very Low - there is very little loss of or reduction in key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is marginally noticeable and most aspects of the development are neutral in effect or contribute positively to landscape character.

No Effect – there is no change to the character of the landscape and its values (ie, the effect is neutral)

In assessing landscape character, the scale of assessment is important. It includes the site and its context and how it is experienced and valued from different viewpoints.

Positive Landscape Effects

Very High – there is an almost total change in landscape character with restoration of the key elements, patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a very substantial change to landscape character is evident.

High - there is a substantial increase in key elements, patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a substantial change to landscape character is evident.

Moderate-High - there is an increase in a number of key elements, patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a marked improvement to landscape character is evident.

Moderate - there is an increase in several key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is evident. Some few aspects remain neutral in effect.

Moderate-Low - there is an increase in some key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is evident but a number of aspects are neutral in effect.

Low - there is a slight increase in some of the key elements and patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is slightly noticeable; many aspects of the development are neutral in effect.

Very Low - there is very little slight increase in the key elements, patterns and attributes of the site that are characteristic and valued in context. The scale and nature of the change is such that a change to landscape character is marginally noticeable and most aspects of the development are neutral in effect.

No Effect – there is no change to the character of the landscape and its values (ie, the effect is neutral)

**OBJECTIVES AND POLICIES
CO DISTRICT PLAN**

CENTRAL OTAGO DISTRICT PLAN OBJECTIVES AND POLICIES

Downloaded 9 May 2023

4.2 ISSUES

The significant resource management issues of the Rural Resource Area are set out below. The issues set out in Section 2 of the Plan which are relevant to the Rural Resource Area are included here with no explanation. Reference should be made to the relevant part of Section 2 for a discussion on these issues. Issue 4.2.15 and 4.2.16 are specific to the Rural Resource Area and an explanation is included.

4.2.1 Outstanding Natural Landscapes and Outstanding Natural Features

The District contains a number of outstanding natural landscapes and outstanding natural features that require identification and protection from inappropriate subdivision, use and development. In determining what is inappropriate subdivision, use and development in these landscapes it must be recognised that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing.

Cross Reference Section 2.3.1 Objectives: 4.3.1, 4.3.2 4.2.2

Central Otago's Unique and Distinctive Landscape

The Central Otago District contains many unique and distinctive landscapes. While those landscapes are constantly evolving through natural processes, farming and other land use activities the semi-arid, rocky nature of the landscape means it can be vulnerable to the visual effects of new structures (including telecommunication masts, wind farms, transmission line pylons, and other large structures), cultivation of tussock grasslands, large scale earthworks, new roads, residential built development on elevated land, establishing woodlots, production forestry or shelterbelts on elevated land and wilding tree spread. Subdivision is often the precursor of land use activities such as those listed above. The District's built heritage, particularly in the form of cottages and ruins, and remnants of the early goldmining era has also made a significant contribution to the landscape values of Central Otago.

4.2.3 Natural Features

Major development work has potential to damage or destroy outstanding natural features. It is also acknowledged that major development work if properly managed can enhance natural features. This plan seeks to manage the use, development and protection of outstanding natural features to ensure protection in terms of section 6(b) of the Act.

4.2.5 Soil Resources

Some of Central Otago's soils are readily susceptible to damage from physical causes and lack of adequate care. Unimproved areas require care and management, and effective rabbit control, while areas which have been modified by cultivation, oversowing, topdressing and irrigation may require ongoing fertiliser inputs as well as effective rabbit control, if soil degradation is to be prevented. All soils are vulnerable to activities that can cause erosion, compaction or contamination, or to loss of nutrients or loss of water-holding capacity.

4.2.9 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

The Central Otago District contains a number of areas of significant indigenous vegetation and significant habitats of indigenous fauna which have their own intrinsic values that are not always recognised. Some of these areas can also have value for activities enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety. The potential for conflict in protecting these intrinsic values and utilising them is a significant issue facing the community in the sustainable management of the natural and physical resources of the District

4.2.15 Development in Rural Areas

Increased development in the rural environment may have adverse effects, such as:

- compromising landscape and amenity values of the rural environment especially on prominent hillsides and terraces;

- adversely affecting the sustainable management of natural and physical resources (in particular, water quality and infrastructure);
- creating situations where effects of existing primary production and residential activities come into conflict.

Such development can also contribute to the sustainable management of natural and physical resources and have the positive effects of strengthening rural communities, creating diversity in the rural community and economy, and maintaining or enhancing heritage resources.

Explanation

There is increasing pressure for lifestyle and residential subdivision and development in what has historically been the rural area of the District. This development trend has the potential to create significant adverse effects that must be dealt with:

(d) Potential loss of landscape values and detracting from outstanding natural landscape and outstanding natural features and heritage items or values.

(e) The introduction of residential subdivision and built development on hillsides, skylines and prominent places.

(g) The potential for irreversible loss of unique land resources, including areas of high class soils and high growing degree days.

Lifestyle development can also bring positive benefits to the district's rural communities and this must also be recognised.

4.3 OBJECTIVES

The objectives contained in this section are specific to the Rural Resource Area. The objectives contained in the following sections are also relevant to the subdivision, use, development, and protection of land in the Rural Resource Area;

4.3.2 Objective – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

To protect the District's outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.

Cross Reference Issues: 4.2.1, 4.2.3, 4.2.13, Policies: 4.4.1, 4.4.14, 4.4.18 4.3.3

4.3.3. Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

4.3.5 Objective - Water Resources

To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.

4.3.6 Objective - Margins of Water bodies

To preserve the natural character of the District's water bodies and their margins.

Cross Reference Issues: 4.2.7, 4.2.8, 4.2.10, 4.2.13, 4.2.15 Policies: 4.4.4, 4.4.5, 4.4.7, 4.4.10

4.3.7 Objective - Soil Resource

To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.

Cross Reference Issues: 4.2.4 to 4.2.6, 4.2.15, 4.2.16 Policies: 4.4.6, 4.4.10, 4.4.12, 4.4.18

4.3.8 Objective - Significant Indigenous Vegetation and Habitats of Indigenous Fauna

To recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

4.4 POLICIES

The policies contained in this section apply to the Rural Resource Area. Some of these policies also apply in the Water Surface and Margin Resource Area. The policies contained in the following sections are also relevant to the subdivision, use, development and protection of land in the Rural Resource Area;

4.4.1 Policy - Outstanding Natural Landscapes and Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

To recognise the District's outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which:

- (a) Are unique to the district, region or New Zealand; or
- (b) Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District its particular character; or
- (c) Represent areas of cultural or historic significance in the district, region or New Zealand; or
- (d) Contain visually or scientifically outstanding geological features; or
- (e) Have characteristics of cultural, historical and spiritual value that are significant to Kai Tahu ki Otago;
- (f) Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District and provide protection for them from inappropriate subdivision, use and development.

Explanation

Section 6(b) of the Act requires Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance. There are activities that have the potential to compromise the values of these areas. In these circumstances resource consents will be required to enable a thorough environmental impact assessment to take place. This assessment must include recognition of the fact that people and communities often utilise these areas to provide for their social, economic and cultural wellbeing. Landscapes and natural features considered to Central Otago District Plan 15 July 2013 Page 4:11 Rural Resource Area be outstanding in the Central Otago District are identified in Sections 2.3.1 and 2.3.2 commencing on page 2:6 and are identified on the planning maps. Land in the Upper Manorburn/Lake Onslow Management Area is also identified on the planning maps.

4.4.2 Policy – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,
- (c) The ability to adequately dispose of effluent on site,
- (d) Controlling the generation of noise in back country areas,
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,
- (f) Controlling the spread of wilding trees.
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.

Cross Reference Objectives: 4.3.1, 4.3.3, 4.3.4, 4.3.5, 4.3.8 Method: 4.5.6 Rules: 4.7.1 to 4.7.6

Explanation

Central Otago has a unique landscape in the context of New Zealand. The District is dominated by parallel mountain ranges separated by broad valley basins and has a semi-arid character. This type of landscape is sensitive to modification. To sustainably manage what is considered a significant resource of the District, for both present and future generations, care must be taken with respect to the impact of activities on landscape and natural character. The open space and natural character of the rural environment is also seen as a significant resource of the District. These values are capable of being compromised by commercial, industrial and/or residential forms of development not traditionally found in a rural context. Some activities, particularly

those involving motorised vehicles, can also adversely impact on the amenity values of back country areas. The effects of such activities need to be addressed through the resource consent process.

4.4.4 Policy - Riparian Margins

To manage the effects of the use, development or protection of land within riparian margins of water bodies (including wetlands) to ensure that the natural character and amenity of water bodies and their margins are preserved, by, as far as practicable:

- (a) Maintaining bank stability,
- (b) Protecting, and where appropriate, enhancing riparian and instream habitat quality,
- (c) Maintaining and enhancing riparian vegetation,
- (d) Maintaining water quality,
- (e) Maintaining and enhancing public access to and along the lakes and rivers,
- (f) Reducing the incidence and severity of flooding where this is achievable, and
- (g) Maintaining and enhancing the safety and efficiency of navigation on the adjacent water body where this is relevant while recognising that some activities need to locate within riparian margins to operate efficiently.

Note: In matters relating to riparian vegetation Policies 8.7.1 and 8.7.2 of the Otago Regional Council's Regional Plan : Water are relevant.

Cross Reference Objectives 4.3.1, 4.3.3, 4.3.4, 4.3.5, 4.3.6 Methods 4.5.2, 4.5.6 Rules: 4.7.6A 4.7.6I

Explanation

Water resources are critical to the economic and ecological base of the District and management of this resource must recognise the needs of present and future generations. Management should also attempt to provide optimum flexibility in the use of water resources both for the present and the future. Riparian margins play an extremely important part in the sustainable management of water bodies. Riparian vegetation filters sediment, nutrients and surface runoff, reduces stream bank erosion and provides habitat for aquatic species. The adverse effects of activities involving earthworks, removal of vegetation, the dumping of fill and other waste must therefore be controlled. Vegetation within riparian margins is also a significant component in the natural character of water bodies. Development of land and activities within riparian margins have the potential to compromise public access to and along the District's water bodies. It is recognised that some activities (such as bridges, jetties etc) need to locate within riparian margins to operate efficiently.

4.4.6 Policy – Adverse Effects on the Soil Resource

To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by avoiding, remedying or mitigating the adverse effects of practices which may cause:

- (a) Erosion, instability or loss of topsoil,
- (b) Loss of nutrient or incidence of soil contamination,
- (c) Loss of soils with special qualities,
- (d) A reduction in vegetation cover and moisture holding capacity, and
- (e) Soil compaction

Explanation

Some land use activities (eg. mining) can have a significant impact on the soil resource. As soil resources are considered non-renewable resources and are of great significance to the District, practices that avoid, remedy or mitigate these effects are encouraged when considering land use proposals. It must also be recognised that the rehabilitation process involved in land disturbance activities applying current technology and good practice, (such as in mining) can enhance the productive capacity of the soil resource.

4.4.7 Policy – Significant Indigenous Vegetation, Wetlands and Wildlife

To protect areas of:

- (a) Significant indigenous vegetation,
- (b) Significant habitats of indigenous fauna,
- (c) Significant wetlands,
- (d) Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and
- (e) Habitats of statutorily managed sports fish and game.

from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.

Cross Reference: Objectives: 4.3.1, 4.3.5, 4.3.6, 4.3.8 Methods: 4.5.2 4.5.6 Rule: 4.7.6K, 4.7.6KA

Explanation

Section 6(a) of the Act requires the preservation of wetlands and their margins from inappropriate subdivision, use and development while section 6(c) requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 7(h) of the Act requires consideration of the protection of the habitat of trout and salmon. Activities that significantly impact on these resources will need some form of control, however, this must be balanced against the sustainable management of those resources for other purposes. The promotion and encouragement of retaining and enhancing indigenous ecosystems within the District will also assist in maintaining biodiversity and preserving the landscape values of the District. Voluntary protection or use of covenants promoted by developers through the resource consent process will be seen by Council as a positive aspect of any development and/or subdivision proposal. Areas of significant indigenous vegetation, habitats of indigenous fauna and wetlands are listed at Schedule 19.6.1 and are identified on the planning maps. Acutely threatened and chronically threatened plant species found within the District are listed in Schedule 19.6B. Method 4.5.2(iv) provides for a review of the areas currently listed in Schedule 19.6.1 to provide for further sites to be included, as necessary. Policy 10.5.2 of the Regional Policy Statement for Otago may apply in establishing a site's significance; as may guidelines in the anticipated national policy statement on biodiversity. Wetland policies in Chapter 10 of the Regional Plan : Water for Otago apply in terms of Policy 4.4.7(c).

4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- (a) Noise (including noise associated with traffic generation, night time operations), and vibration,
 - (b) The generation of a high level of traffic, in particular heavy vehicles,
 - (c) Glare, particularly from building finish,
 - (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,
 - (e) The generation of odour, dusts, wastes and hazardous substances, and
 - (f) The use and/or storage of hazardous goods or substances
- do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.

Cross Reference Objectives 4.3.1, 4.3.3 Policy 4.4.9 Method 4.5.6 Rule 4.7.6

Explanation

Effects such as noise, dust, odour and impacts on the landscape have the potential to compromise the amenity values of neighbouring properties. The safe and efficient operation of the roading network can also be compromised by increased traffic generation and the proliferation of signs. These potential adverse effects must therefore be controlled.

4.4.10 Policy – Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges,
- (b) The natural character and values of the District's wetlands, lakes, rivers and their margins,
- (c) The production and amenity values of neighbouring properties,
- (d) The safety and efficiency of the roading network,
- (e) The loss of soils with special qualities,
- (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,
- (g) The heritage and cultural values of the District,
- (h) The water quality of the District's surface and groundwater resources, and
- (i) Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.

Cross Reference Objectives: 4.3.1, 4.3.3, 4.3.5, 4.3.6, 4.3.7 Method 4.5.6 Rules 4.7.2(ii) and (ib), 4.7.4(iii) & 4.7.5(iii) Section 16 Subdivision

Explanation

Council's duty under the Resource Management Act is to control the effects of activities. The creation of a new allotment on a plan has, in itself, no real direct effect on the environment. However, the control of subdivision, particularly in respect of minimum (and average) allotment sizes, is a tool which assists in controlling the adverse effects of the land use that follows thereby promoting sustainable management. Minimum allotment sizes for subdivision are considered to be the best practicable methods to control adverse effects. In some instances adherence to an arbitrary minimum is not always the most appropriate approach. This is particularly true when subdivision for existing activities, network utilities, and reserves and heritage resources are considered. Furthermore, there is no difference in terms of effects on the environment between development on an 8 hectare property and the same development on property having a slightly lesser area. Because of these issues, subdivision in the Rural Resource Area is subject to a three tiered approach which will allow Council to assess the effect of the subdivision in terms of the objectives of the plan.

Subdivision control in the Rural Resource Area also recognises a number of special areas created under previous planning instruments. These areas, identified as Rural Resource Areas (1) and (2), are located east of State Highway 8 in the Bendigo locality.

4.4.12 Policy - Weed and Pest Plant and Animal Infestation

To encourage land use practices that avoid, remedy or mitigate weed infestation, in particular wilding tree spread, and the spread of pest plants and animals throughout the district. Objectives 4.3.1, 4.3.3, 4.3.7, 4.3.8 Methods 4.5.2, 4.5.3

Explanation

Weeds (including wilding trees), and pest plants and animals are an increasing problem within the Central Otago District. Spread of weeds and pest plants and animals can result in the loss of biodiversity and land productivity and can also have an adverse effect on landscape values. Landowners are responsible for pest control on their properties, through the pest management strategy requirements formulated by the Otago Regional Council. While the Regional Council has primary responsibility in the area of pest plants and animals management, the District Council can assist through actively promoting good land management practices and advocacy to regional and national authorities to ensure there is an ongoing commitment to managing the problem within the District.

4.5 METHODS OF IMPLEMENTATION

4.5.2 Promotion, Education and Investigation Initiatives

(iv) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

With respect to areas of significant indigenous vegetation and habitats of indigenous fauna, the Council shall:

(a) Encourage and advocate to the Minister of Conservation that the Department of Conservation negotiate directly with landowners (and adjoining landowners that may be affected) whose properties may contain areas of significance, worthy of protection.

(b) Encourage and advocate to central Government, that in consultation with affected lessees, areas of significance be appropriately protected through the tenure review process.

(c) Encourage landowners to provide voluntary protection and enhancement for areas of significant indigenous vegetation and significant habitats of indigenous fauna and areas with particular landscape values, through the following methods:

- Developing sustainable land management plans that take into account the values of those areas.
- Utilising covenants under the QEII Trust, Conservation and Reserves Acts, and other covenants.
- Sale to public bodies.
- Fencing off such areas to enable more control over management.
- Regular weed and pest eradication.
- By taking account of the benefits provided by such voluntary protection and/or environmental compensation when considering applications for resource consents.

(d) Review the extent to which significant areas are protected by being included in the conservation estate or made subject to restrictions to protect natural values within 5 years of the operative date of this District Plan. A plan change may be initiated to revise relevant provisions of the District Plan within this 5 year period.

SUBDIVISION

16.3 OBJECTIVES

16.3.4 Objective - Amenity Values

To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.

ATTACHMENT
Figs. 2 to 4
Photoviews

Proposed Subdivision and Building Platforms
Gardner Property, 41 Totara Place, Queensberry

Landscape Assessment Report
Anne Steven Landscape Architect



August 2023

**Land Use Capability
Dominant NZLUC Unit Class 4
nz4s-23**

Description
Flat to rolling terraces and fans below 600 m asl with shallow, stony Brown, Pallic and Recent (yellow grey and brown grey earth) soils in low (450-650 mm) rainfall inland districts with cold winters and very dry summers.



127 Totara Place

TOTARA PLACE

55 Totara Place

29 Totara Place

27A
Miharo Lane

27B
Miharo Lane

LOT 17 8.044ha

Mt Samuel

Nathan Gully

21 Totara Place

rocky ravine with dense *Carex lessoniana/coriacea/secta* wetland fen vegetation and grass/herb turf in the bottom; mixed exotic/"grey" shrubland, herb/cushionfields and sparse grasslands on rocky sides, amongst numerous small schist rock outcrops and bluffs

Fig. 2 EXISTING FEATURES

**GARDNER PROPERTY
41 Totara Place, Queensberry**

March 2023 SCALE 1 : 2000 A3

slight rounded rise

line of planted *Elaeagnus* shrubs at 1m spacings

scattered planting of totara and kowhai trees

largest shrub throughout the site is kanuka

glaciated schist bedrock on true right of ravine probably with minor patches of outwash gravels, overlain and softened by loess deposits. Terrain is more strongly rolling than on true left.

slight rounded rise

broad shallow swale

Nathan Gully

line of planted flax at 1m spacings

arboretum of various exotic and native trees and shrubs

small stone cottage built 2012 and small outbuildings for storage

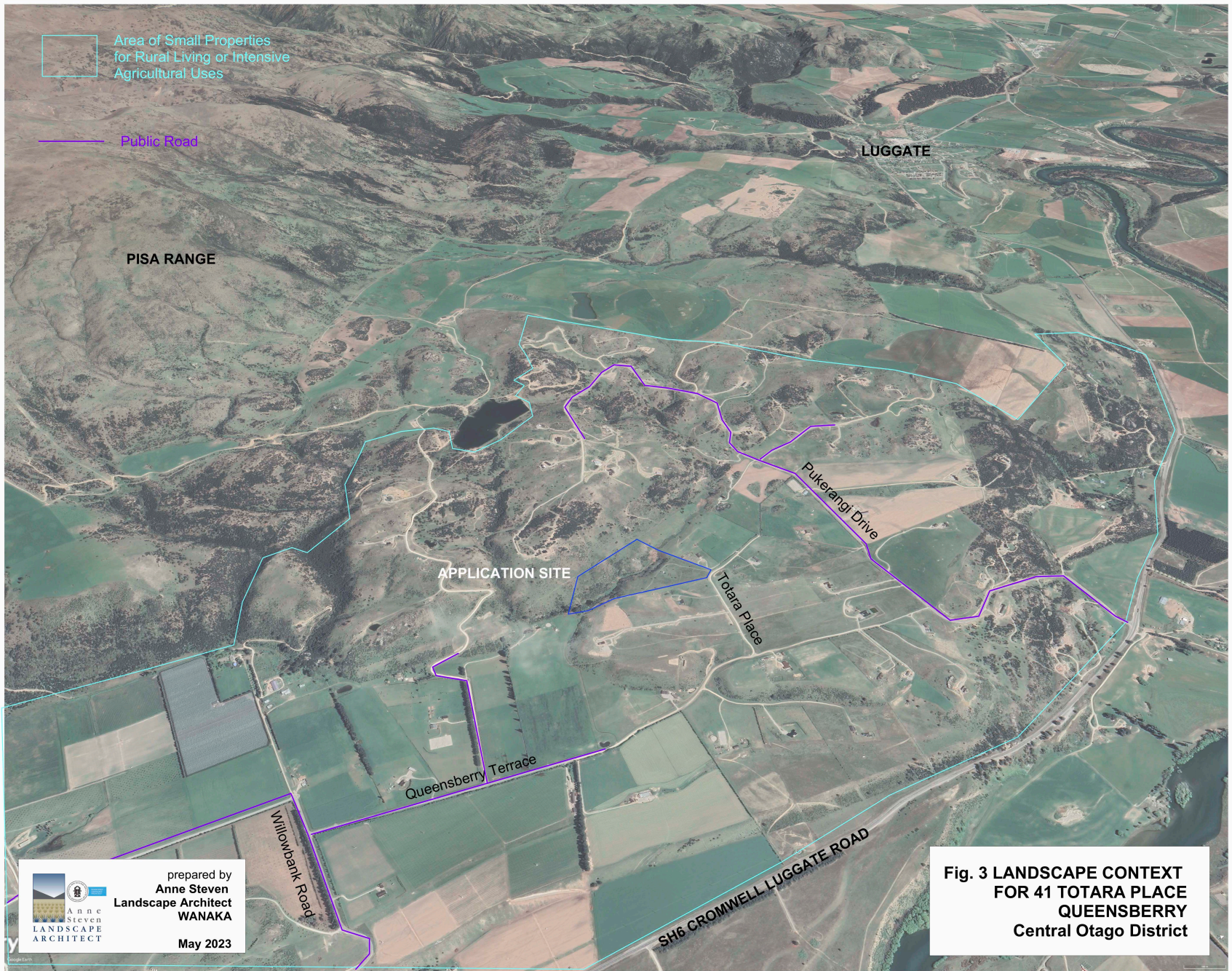
slight rounded rise

smooth rolling terrain on true left of ravine formed by weathered mid-Pleistocene outwash gravel deposits over glaciated schist bedrock. Dryland grassland and herbs dominated by exotic grasses, St Johns Wort, Sheeps Burr, Haresfoot Trefoil, vipers bugloss, Golden Rod; including minor component of diminutive native species (grasses, low herbs and mat plants) and scattered shrubs of sweet brier, kanuka, matagouri, coprosma and porcupine shrub. Indigenous ground-hugging species dominate on thinner drier sites.

man-made pond

gate

large mature willows and pines



Area of Small Properties
for Rural Living or Intensive
Agricultural Uses

Public Road

PISA RANGE

LUGGATE

APPLICATION SITE

Pukerangi Drive

Totara Place

Queensberry Terrace

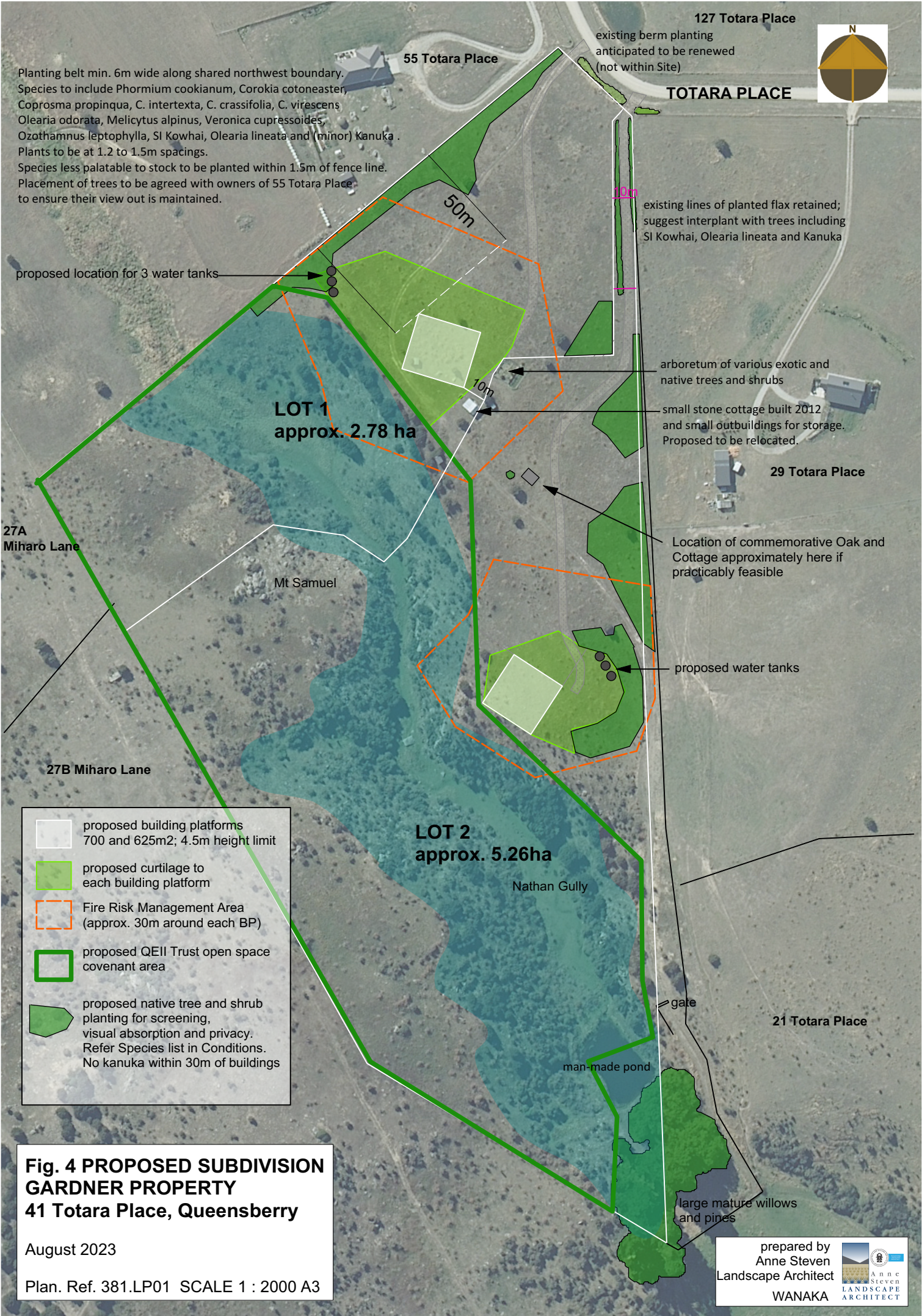
Willowbank Road

SH6 CROMWELL LUGGATE ROAD

prepared by
Anne Steven
Landscape Architect
WANAKA
May 2023

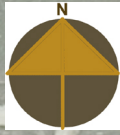


**Fig. 3 LANDSCAPE CONTEXT
FOR 41 TOTARA PLACE
QUEENSBERRY
Central Otago District**



Planting belt min. 6m wide along shared northwest boundary. Species to include *Phormium cookianum*, *Corokia cotoneaster*, *Coprosma propinqua*, *C. intertexta*, *C. crassifolia*, *C. virescens*, *Olearia odorata*, *Melicactus alpinus*, *Veronica cupressoides*, *Ozothamnus leptophylla*, *SI Kowhai*, *Olearia lineata* and (minor) *Kanuka*. Plants to be at 1.2 to 1.5m spacings. Species less palatable to stock to be planted within 1.5m of fence line. Placement of trees to be agreed with owners of 55 Totara Place to ensure their view out is maintained.

127 Totara Place
existing berm planting anticipated to be renewed (not within Site)



TOTARA PLACE

10m
existing lines of planted flax retained; suggest interplant with trees including *SI Kowhai*, *Olearia lineata* and *Kanuka*

proposed location for 3 water tanks

LOT 1
approx. 2.78 ha

arboretum of various exotic and native trees and shrubs

small stone cottage built 2012 and small outbuildings for storage. Proposed to be relocated.

29 Totara Place

Location of commemorative Oak and Cottage approximately here if practicably feasible

27A Miharo Lane






Mt Samuel

proposed water tanks

27B Miharo Lane

LOT 2
approx. 5.26ha

Nathan Gully

-  proposed building platforms 700 and 625m²; 4.5m height limit
-  proposed curtilage to each building platform
-  Fire Risk Management Area (approx. 30m around each BP)
-  proposed QEII Trust open space covenant area
-  proposed native tree and shrub planting for screening, visual absorption and privacy. Refer Species list in Conditions. No kanuka within 30m of buildings

gate

21 Totara Place

man-made pond

large mature willows and pines

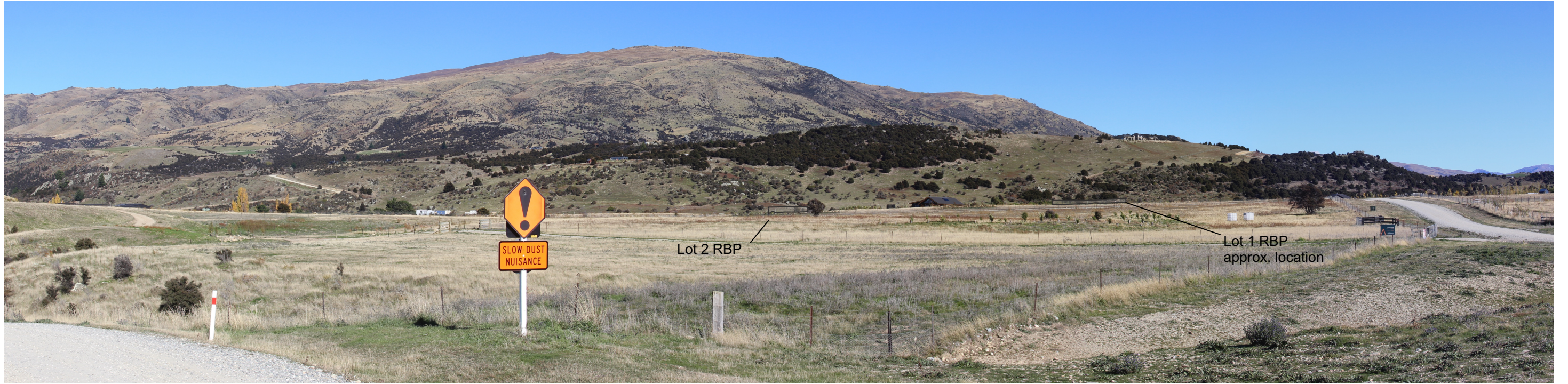
Fig. 4 PROPOSED SUBDIVISION GARDNER PROPERTY 41 Totara Place, Queensberry

August 2023

Plan. Ref. 381.LP01 SCALE 1 : 2000 A3

prepared by
Anne Steven
Landscape Architect
WANAKA





VIEW WEST TOWARDS THE SITE FROM THE EAST END OF TOTARA PLACE



VIEW SOUTHWEST FROM THE SITE BOUNDARY ON TOTARA PLACE

DATED

20 February

2012

Between

**Queensberry Irrigation Limited
("the Company")**

and

**Anthony Robert Gardner,
Daniel Richard Gardner,
Nicholas Douglas McKinlay Gardner,
Robert James McKinlay Gardner
("the Owner")**

**WATER SUPPLY AND RIGHT OF WAY MAINTENANCE
AGREEMENT**

(Lot 17 Queensberry Estates)

This agreement made this 20 day of February 2012

PARTIES:

- (1) **Queensberry Irrigation Limited (“the Company”)**
- (2) **Anthony Robert Gardner, Daniel Richard Gardner, Nicholas Douglas McKinlay Gardner, and Robert James McKinlay Gardner (“the Owner”)**

BACKGROUND

- A The Company owns and operates the water supply scheme providing water to the sections in the Queensberry Subdivision, State Highway 6, Luggate.
- B The Owner owns and/or occupies the land described in the schedule hereto (“the Land”) and owns one (1) share (“the Share”) in the Company.
- C The Company has agreed to supply water to the Land and to manage operate and maintain the Scheme and the Owner has agreed to meet its share of the Operating Expenses associated with the supply of water and the management operation and maintenance of the Scheme on the terms and conditions hereinafter provided.
- D In order to simplify administration of the right of way that serves the subdivision, the Owner in conjunction with the owners of the other land in the subdivision wish to appoint the Company as their agent to maintain the land in the subdivision subject to a right of way in a neat and tidy condition and in good order and to undertake repair and maintenance of the carriageway when required.

Agreement

1 Definitions

- 1.1 Unless the context demands otherwise, the following definitions apply to this agreement
 - a) “Operating Expenses” means all costs and expenses incurred in the operation of the Scheme and the right of way and includes (without limiting the generality of the foregoing):
 - (i) fixed charges and levies payable to the electricity supplier;
 - (ii) electricity usage charges payable to the electricity supplier;
 - (iii) the cost of testing the water quality;
 - (iv) any cost incurred in treating the water;
 - (v) costs associated with permits and consents for the operation of the scheme.
 - (vi) Repairs and maintenance costs;
 - b) “The company” means Queensberry Irrigation Limited
 - c) “the land” means that piece of land being one of the lots on the plan, owned by the owner.
 - d) “The owner” means the owner of any one of the lots on the Plan to whom the company supplies water by virtue of this agreement

- e) "the plan" means Deposited Plan 328097
- f) "right of way" means the right of way serving the lots on the plan more specifically being those pieces of land on the plan labelled AH, AE, AA, Y, AJ, L, M, N, J, I and E
- g) "The scheme" means the water supply equipment and infrastructure installed and owned by the company including the pump and bores on lots 3, 4 and 5 on the plan, all lines, meters and other equipment for the supply of electricity to the pump, and all pipes, meters, and other equipment for the carrying of water from the bore to the lots receiving a supply of water therefrom.

2 Supply of Water

- 2.1 This agreement supersedes any other agreement between the Company and the Owner extant at the time of execution of this agreement, but without prejudice to any rights and remedies either party may have had against the other arising out of the prior agreement.
- 2.2 Subject to the terms of this agreement the Company shall supply water to the Owner not exceeding the daily quota prescribed in the Schedule.
- 2.3 The Company shall maintain service repair and replace the components of the Scheme to ensure the continuous operation of the Scheme.
- 2.4 The Company shall arrange receipt and payment of all electricity and water charges and other payments necessary to ensure the continuous operation of the Scheme and arrange for all owners of the Scheme to contribute to the Operating Expenses of the Scheme and any reserve levies for their share. The amount and frequency of such contribution shall be determined by the Company.
- 2.5 The Company shall comply with the conditions of resource consent attaching to water permit number 2003.789 issued by the Otago Regional Council in the exercise of the same on behalf of all the owners and without in anyway limiting the foregoing will take all necessary steps to ensure all applications for renewal of the water permit are prepared and lodged with the Otago Regional Council prior to its expiry.
- 2.6 The Company may carry out any other function which the Company determines is in the best interests of the users of the Scheme.
- 2.7 The Company shall supply water to the legal boundary of the land or to such other location as is mutually agreed by the Company and the Owner.
- 2.8 The Owner shall be responsible for the distribution of water from the water meter to and within the land.

3 Payment of Operating Expenses

- 3.1 In consideration for the Companies promise to supply water to the Owner and to manage the maintenance of the right of way, the Owner shall pay the owners share of the Operating Expenses as and when invoiced by the Company.
- 3.2 In determining the owners share of the operating expenses:
 - A) Fixed charges shall be divided equally between the lot owners on a per lot basis;
 - B) Electricity usage charges shall be recovered based on a dollar rate per cubic metre of water used which rate shall be fixed by the company from time to time based on the cost of electricity. The company may vary the metered rate in accordance with fluctuations in the price of electricity.

- 3.3 Any amount payable by the owner to the Company pursuant to this agreement which is not paid by the due date shall, at the option of the Company, incur interest calculated at the rate of 2% per month compounding annually.

4 Failure of Supply and Water Shortage

- 4.1 If for any reason the Company can not supply the full Water Quota or the Scheme shall fail then:
- a) No person shall by reason of a diminished supply or failure have any claim or right of action against the Company; and
 - b) The available water shall be divided amongst those Owners connected to the Scheme on a pro rata basis in accordance with each Owners Water Quota.
- 4.2 If the water supply to the owner is permanently disconnected other than due to the default of the Owner then the Owner shall not be liable for any further payment of Operating Expenses provided that this clause shall not relieve the owner of its obligation to pay any amount invoiced to prior to the time of permanent discontinuation of supply, nor shall it have any bearing on the owners liability with respect to Operating Expenses in relation to the Right of Way.

5 Owner's Default

- 5.1 In the event of the Owner being in breach of any of the terms under this Agreement and such breach continues for a period of not less than 7 days, the Company may give notice ("the default notice period") requiring that the owner remedy the default within such period (being no less than 14 days) as the company may specify.
- 5.2 If the owner does not remedy the default within the time prescribed in the default notice the Company may without payment of any compensation to the Owner or to any other person and without prejudice to its other rights and remedies discontinue the water supply to the land and thereafter no person shall be entitled to be supplied with any further water to the land from the Scheme until the default has been made good.
- 5.3 All reasonable costs (including legal costs on a Solicitor own client basis) incurred by the Company pursuant to Clause 5 and in reconnecting the water supply and water meter and in seeking to recover money due and unpaid together with interest (at a rate determined by the Directors of the Company from time to time) thereon shall be added to the debt owing by the Owner to the Company and shall be paid by the Owner.

6 Reserves

- 6.1 The company may levy the owner such amount as the company deems appropriate for the purpose of establishing and maintaining a fund for anticipated future expenditure.
- 6.2 The Company will render an account to the owner for the Owner's share of such levy and the owner will within 28 days of receipt of the account make payment of the amount.

7 Use of Water

- 7.1 The owner shall ensure that water taken by him from the Scheme is used only on the Land and is used in an efficient manner without waste.
- 7.2 The Company makes no representation or gives no warranty as to the condition or quality of the water and the Owner hereby acknowledges and agrees that the Owner uses the water at their own risk.
- 7.3 The Owner shall indemnify the Company against any actions claims damages and proceedings whatsoever arising out of the Owner's use of the water.
- 7.4 The Company may, on application by the Owner, agree for the Owner to modify the coupling at the Owners property boundary to permit the Owner to draw water from the scheme at a greater rate. The

15 Trustee Limitation

15.1 If any person executing this agreement in the capacity of a trustee of a trust has no right to or interest in any of the assets of the trust except in that person's capacity as trustee of the trust, that person's liability under this agreement shall, except in the case of fraud or dishonesty, not be personal and unlimited but shall be limited to an amount equal to the value of the assets of the trust that are available to meet that person's liability coming into their hands in the ordinary course of administration thereof.

EXECUTION

SIGNED for and on behalf of
Queensberry Irrigation Limited
By its Directors

)
) *R. S. [Signature]*
)
)
)

SIGNED by the said
Anthony Robert Gardner
As owner
In the presence of:

)
) *A. R. Gardner*
)
) *Bronwyn Knott*
)
) *[Signature]*

SIGNED by the said
Daniel Richard Gardner
As owner
In the presence of:

)
) *D. R. Gardner*
)
) *[Signature]*
)

SIGNED by the said
Nicholas Douglas McKinlay Gardner
As owner
In the presence of:

)
) *[Signature]*
)
) *Katherine Greager*
)
) *[Signature]*

SIGNED by the said
Robert James McKinlay Gardner
As owner
In the presence of:

)
) *[Signature]*
)
)
)
) *[Signature]*
Richard Alan Wellman
60 Cornwall St
Dunedin

SCHEDULE

The Land:	Lot 17 DP 328097 being all that land contained in Computer Freehold Register 114458
Daily Quota: <i>2,000</i>	2,500 litres per day for domestic water supply, and 50,000 litres per day for irrigation <i>100,000</i>
Owners Postal Address:	86 Connell St Waverley Dunedin 9013
Owners Email Address:	macgardner@gmail.com

*John
Rso.*

Jake Woodward

From: Jake Woodward
Sent: Wednesday, 15 November 2023 12:39 pm
To: Jake Woodward
Subject: Water Supply Agreement
Attachments: 15112023111512-0001.pdf

From: Guy Steven <guy@guysteven.co.nz>
Sent: Wednesday, November 15, 2023 11:21 AM
To: Jake Woodward <jake@jakewoodward.co.nz>
Cc: Queensberry Irrigation Admin <queensberryirrigationltd@gmail.com>; Goldie Point Trust <macgardner@gmail.com>; Danny Gardner <thedannygardner@gmail.com>; Nick Gardner <nickdgardner@gmail.com>; Tony Gardner <tonygardner@me.com>
Subject: Re: An enquiry about splitting water provision

attached

On 15/11/2023, at 10:02 AM, Jake Woodward <jake@jakewoodward.co.nz> wrote:

Thanks Guy

Would it be possible when you get a moment to scan through the agreement? Council prefers to have evidence of the water allocations to sites when assessing resource consent applications.

Regards

Jake Woodward
Resource Management Planner
E: jake@jakewoodward.co.nz | P: 022 315 8370

<image001.png>

Visit our website: www.jakewoodward.co.nz

From: Guy Steven <guy@guysteven.co.nz>
Sent: Wednesday, November 15, 2023 9:56 AM
To: Jake Woodward <jake@jakewoodward.co.nz>
Cc: Queensberry Irrigation Admin <queensberryirrigationltd@gmail.com>; Goldie Point Trust <macgardner@gmail.com>; Danny Gardner <thedannygardner@gmail.com>; Nick Gardner <nickdgardner@gmail.com>; Tony Gardner <tonygardner@me.com>
Subject: Re: An enquiry about splitting water provision

Yes

On 15/11/2023, at 9:55 AM, Jake Woodward <jake@jakewoodward.co.nz> wrote:

Hi Guy

Thanks for that – so assuming the signed and agreed version is 5,000/100,000, presumably this is the figure we should be relying on?

Regards

Jake Woodward

Resource Management Planner

E: jake@jakewoodward.co.nz | P: 022 315 8370

<image001.png>

Visit our website: www.jakewoodward.co.nz

From: Guy Steven <guy@guysteven.co.nz>

Sent: Wednesday, November 15, 2023 9:52 AM

To: Jake Woodward <jake@jakewoodward.co.nz>

Cc: Queensberry Irrigation Admin <queensberryirrigationltd@gmail.com>; Goldie Point Trust <macgardner@gmail.com>; Danny Gardner <thedannygardner@gmail.com>; Nick Gardner <nickdgardner@gmail.com>; Tony Gardner <tonygardner@me.com>

Subject: Re: An enquiry about splitting water provision

This is a bit of an odd one. The original unsigned pdf I have on my computer has the allocation as only 2500 / 50,000, but the signed version has been changed and initialed, so the current allocation for lot 17 is 5000 / 100,000.

Guy

On 15/11/2023, at 8:52 AM, Jake Woodward <jake@jakewoodward.co.nz> wrote:

Thanks Sarah for looking.

We look forward to hearing from you on this matter Guy when you are able.

Regards

Jake Woodward

Resource Management Planner

E: jake@jakewoodward.co.nz | P: 022 315 8370

<image001.png>

Visit our website: www.jakewoodward.co.nz

From: queensberryirrigationltd@gmail.com <queensberryirrigationltd@gmail.com>

Sent: Tuesday, November 14, 2023 9:14 PM

To: 'Guy Steven' <guy@guysteven.co.nz>

Cc: Jake Woodward <jake@jakewoodward.co.nz>; Goldie Point

Trust <macgardner@gmail.com>; 'Danny Gardner'
<thedannygardner@gmail.com>; 'Nick Gardner'
<nickdgardner@gmail.com>; 'Tony Gardner'
<tonygardner@me.com>
Subject: FW: An enquiry about splitting water provision

Hi Guy

I have reviewed all the documentation I have but unfortunately I do not have a copy of Lot 17's Water Supply Agreement (it pre-dates mine and Kate's records).

I would presume that their water allocation is 5000 litres of potable water per day and 100,000 litres of irrigation water per day when irrigation water is turned on (approx. Oct – April/May) but could you please confirm.

Many thanks
Sarah

From: Jake Woodward <jake@jakewoodward.co.nz>
Sent: Tuesday, November 14, 2023 2:28 PM
To: Mac Gardner <macgardner@gmail.com>; Queensberry Irrigation Ltd <queensberryirrigationltd@gmail.com>
Cc: Danny Gardner <thedannygardner@gmail.com>; Nick Gardner <nickdgardner@gmail.com>; Tony Gardner <tonygardner@me.com>
Subject: RE: An enquiry about splitting water provision

Hi Sarah

Just wanting to follow up if I may – we're ready to file consent but would like to have confirmation on the allocated volume the site has to the scheme.

Appreciate your response when you're able.

Regards

Jake Woodward
Resource Management Planner
E: jake@jakewoodward.co.nz | P: 022 315 8370

<image001.png>

Visit our website: www.jakewoodward.co.nz

From: Jake Woodward
Sent: Friday, November 10, 2023 7:16 AM
To: Mac Gardner <macgardner@gmail.com>; Queensberry Irrigation Ltd <queensberryirrigationltd@gmail.com>
Cc: Danny Gardner <thedannygardner@gmail.com>; Nick Gardner <nickdgardner@gmail.com>; Tony Gardner <tonygardner@me.com>
Subject: RE: An enquiry about splitting water provision

Hi Sarah

Just to clarify Mac's email below, I'm actually just wanting to get confirmation on the allocated volume of water to the site – I just need to know how much water from the scheme the site is allocated per day for domestic and irrigation water. Are you able to advise what this amount is? A copy of the agreement that confirms the allocated volume would be useful thanks.

Regards

Jake Woodward

Resource Management Planner

E: jake@jakewoodward.co.nz | P: 022 315 8370

<image001.png>

Visit our website: www.jakewoodward.co.nz

From: Mac Gardner <macgardner@gmail.com>
Sent: Thursday, November 9, 2023 4:59 PM
To: Queensberry Irrigation Ltd
<queensberryirrigationltd@gmail.com>
Cc: Jake Woodward <jake@jakewoodward.co.nz>; Danny Gardner
<thedannygardner@gmail.com>; Nick Gardner
<nickdgardner@gmail.com>; Tony Gardner
<tonygardner@me.com>
Subject: An enquiry about splitting water provision

Sarah, would you be able to kindly answer a question for me?

We are planning a subdivision, at our place at 41 Totara Place, and the question has arisen as to how water, currently serving one Lot, could be rejigged to serve two. It would be anticipated that both Lots could use the one point of access at the road (where we have a toby for domestic water, and a (never used) large pipe for industrial amounts).

Do you have advice? Have others faced this issue?

Many thanks, in anticipation, for advice,

Mac Gardner

c.c. Jake Woodward, Landscape Planner

<image002.png>

Guy Steven
Solicitor

ph 443 6190
Mbl. 021 983 358
P O Box 576,
Wanaka

guy@guysteven.co.nz

Please note - I no longer operate a fax machine.

Recent changes to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 mean that lawyers and other professionals will need to take steps to assess the risk of money laundering and financial terrorism within their business. From 1 July 2018, we are going to be asking for a bit more information from you, so that we can comply with these new requirements.

[Click Here for more information.](#)

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[Click Here for more information.](#)

55 Totara Place Two-Lot Subdivision

Transport Review Technical Note

Prepared for	Central Otago District Council
Job Number	CODC-J014
Revision	Final
Issue Date	1 August 2023
Prepared by	Logan Copland, Senior Transportation Planner
Reviewed by	Dave Smith, Technical Director

1. Introduction

Abley Ltd (Abley) was engaged by Central Otago District Council (CODC) to provide transport advice in respect of a resource consent application that seeks to subdivide 55 Totara Place into two lots. CODC has specifically requested advice as follows:

- An assessment of whether the transport effects of the proposal can be accommodated within the existing unsealed road network particularly in relation to the suitability of the standard of the right of way in relation to width, surface, gradient and ability of vehicles to pass given the proposed traffic volumes.
- An assessment of the proposal in relation to the safety and durability of the existing right of way.
- An assessment of potential cumulative transport effects

A site visit was undertaken at midday on 20 July 2023 to inform the assessment of the above matters. A GoPro was used to capture the full length of the unsealed section of Queensberry Terrace and Totara Place. In addition, certain parts of the carriageway were walked, and widths measured.

1.1 Transport Environment

The site is accessed from Queensberry Terrace, which is a legal road comprising a 6.0m wide sealed carriageway with one lane in each direction. It serves as access to rural residential properties and the Nanny Goat Vineyard and Cellar Door.

Figure 1.1 shows the location of the site, and the public / private transition point of Queensberry Terrace spatially.

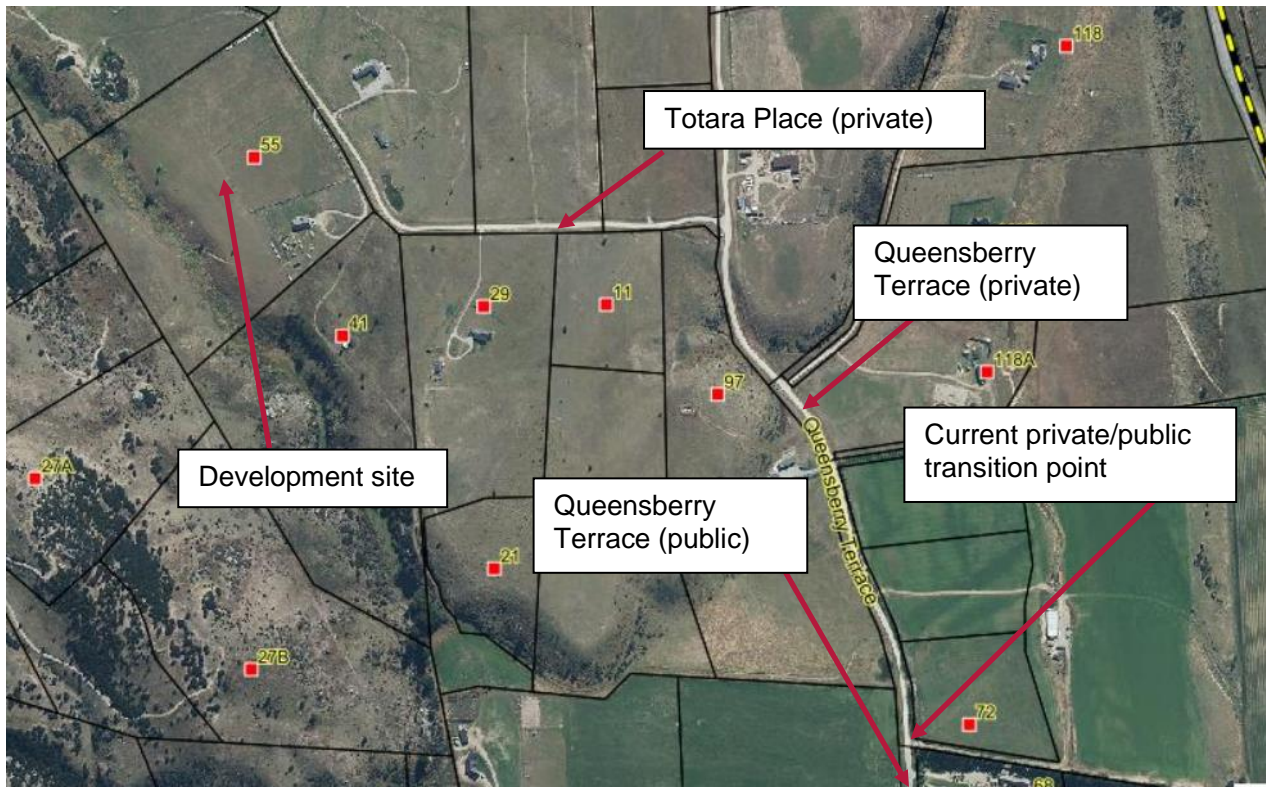


Figure 1.1 Site location and road network. (Source: CODC).

The public section of Queensberry Terrace has a posted speed of 100km/h, although the mean operating speed is significantly lower at 48km/h¹. The private section has a signed speed limit of 30km/h. The operating speed is unknown, although during the site visit vehicle speeds were observed to be low.

Queensberry Terrace (private section)

Queensberry Terrace transitions into a privately owned and maintained Right of Way slightly north of the Vineyard's vehicle entrance. This transition point is shown in Figure 1.2.

¹ Waka Kotahi MegaMaps



Figure 1.2 Transition between public and private sections of Queensberry Terrace.

As seen from Figure 1.2, the private section of Queensberry Terrace is unsealed with a carriageway width of 6.0m. Side drainage is provided in the form of shallow swale drains.

The carriageway was observed to be in a good state of repair with no significant potholing or rutting evident. However, corrugations were forming on the first circa 50m of the unsealed section as evidenced by Figure 1.3. This is not atypical at a location where vehicles transition from a sealed road to an unsealed road (or vice versa), generally due to the vibrations of a transition impacting on vehicle tyres and suspension systems. It is considered that maintenance of this area in particular should be closely monitored.



Figure 1.3 Corrugations on Queensberry Terrace.

A typical section of the flatter parts Queensberry Terrace is shown in Figure 1.4. It can be seen that the carriageway is of sufficient width for opposing vehicles to pass one another along the 6.0m wide carriageway.



Figure 1.4 Typical section of Queensberry Terrace.

The carriageway generally retains this width for its duration and provides a comfortable environment for slow speed operation. The road negotiates a steep longitudinal gradient just south of Totara Place. This section of the road is of sufficient width to enable passing of opposing vehicles, and edge markers have been installed to delineate the edge of the carriageway.



Figure 1.5 Steeper portion of Queensberry Terrace

Totara Place

At the top of the hill, Queensberry Terrace curves to the west and becomes Totara Place. The road passes over a culvert where it narrows to approximately 4.5m (which is too narrow for passing of vehicles), although the configuration either side of this culvert is adequate to allow passing.



Figure 1.6 Culvert with reflector edge markers.

The typical width west of the culvert is in the order of 5.0-5.5m, which is still constrained for passing, but is mitigated by the shallow swales and grass berms which allow drivers to pull left if they encounter an opposing vehicle. This is depicted in Figure 1.7.



Figure 1.7 Typical section of Totara Place.

There is a sharp curve in Totara Place with a formed width in the order of 5.0m but allows space for vehicles to keep left when negotiating the curve and was observed to operate safely. The traffic flows in this location are also expected to be very low with only three allotments gaining primary access past the curve. Refer to Figure 1.8.



Figure 1.8 Curve in Totara Place, south side.

North of this curve near the development site's existing accessway (to proposed Lot 1), the carriageway tapers down to circa 4.0-4.5m wide, and then down to 2.8m-3.0m north of this access way. Refer to Figure 1.9 and Figure 1.10, respectively.



Figure 1.9 Totara Place, south of development site access way.



Figure 1.10 Totara Place, north of development site access way

2. Current Situation & Consenting History

We understand that the privately owned and maintained section of Queensberry Terrace currently services 27 residential allotments, which are either developed or anticipated to be developed. Table 3.2(a) of the CODC Engineering Standards (Addendum to NZS 4404:2004) sets an upper limit of six lots for private access ways, and further requires roads to be sealed once serving 15 or more lots.

We understand that the underlying subdivision (approved in 2003) authorised creation of 20 lots, most of which relied on access from what is now known as Queensberry Terrace and Totara Place, which are Rights of Way. Since then, further subdivision of nine of those allotments has occurred, which has resulted in 27 allotments relying on access from Queensberry Terrace.

During the processing of much of those applications, CODC officers have attempted to require upgrading (sealing) of Queensberry Terrace and vesting in Council as road. However, these recommendations have been overturned by the respective Hearing Panels and the Environment Court, which have required upgrading of the road in specific sections, but those upgrades are understood to not have include sealing or vesting.

3. Transport Effects of Proposed Subdivision

3.1 Trip Generation & Width / Passing

We note that previous transport assessments (prepared in support of previous subdivisions) undertook surveys to determine the average trip generation rates of the dwellings within the subdivision. These surveys resulted in a trip generation rate of 7.2vpd per dwelling. This is lower than the rates contained within NZTA Research Report 453 for a rural dwelling (10.1 trips per day). However, given there is site specific survey data available, this is considered appropriate to apply in this instance.

For 27 lots (currently established), this equates to a permitted/approved daily trip generation rate of 194 vehicles at the beginning of the unsealed section of Queensberry terrace. An additional lot as is proposed will increase this figure to 202 vehicles per day. This equates to an increase of approximately 4% in daily traffic flows. The peak hour traffic flows are anticipated to increase in the order of one vehicle per hour (from 19 to 20). This level of additional traffic is low, and it is noted that NZS2890.1:2004 states that as a guide, 30 or more movements in a peak hour (in and out combined) would normally require provision for passing on a driveway. The current and predicated flows will remain well below this, and in any event there are numerous passing opportunities along Queensberry Terrace and Totara Place such that there will be no noticeable traffic capacity constraints.

3.2 Ability of Unsealed Road Network to Accommodate Additional Traffic

Based on the assessment of trip generation above, there are no significant concerns relating to the ability of the existing unsealed road network to accommodate the proposed subdivision in isolation. However, there are concerns relating to cumulative effects and it is recommended that an agreed approach to managing effects in the future is required.

3.3 Safety and Durability of Existing Right of Way (Queensberry Terrace and Totara Place)

During the site visit, the full length of the Right of Way was driven and certain sections were walked to test how safe the Right of Way felt to use. It was found that vehicle speeds were low, and pedestrians were observed using the Right of Way for recreation (dog walking). Even though there is no footpath, the carriageway operates as a shared space in these scenarios which ensures drivers drive defensively. This is supported by speed limit signage of 30 kph on the private road sections.

Since the road is not a public road, there is no reported crash data available in Waka Kotahi Crash Analysis System, and so it is not possible to test if there have been any reported accidents on Queensberry Road or Totara Place.

It is noted, however, that delineation via edge markers has been installed in hazard areas and that operating speeds were low such that loss of control type crashes would appear to be unlikely.

3.4 Potential Cumulative Transport Effects

As demonstrated by the above assessment of trip generation, the proposed development in of itself is unlikely to have any noticeable effects on the safety and efficiency of the unsealed road network. However, incremental subdivision (or development 'creep') has the potential to result in effects that when considered cumulatively are unacceptable. Given the number of properties involved, there remains a risk of agreement failure which could result in deferred road maintenance and subsequent pressure on CODC to step in and assume maintenance of what is considered substandard to be a public asset.

It is difficult to manage the effects of development when a piecemeal approach is adopted. This is because, despite the Engineering Code requiring a higher roading standard than what is presently provided, it is not considered reasonable to require the developer to upgrade the full length of Queensberry Terrace to a 'Local Sealed' standard as set out in Table 3.2(a) given the capital cost involved versus the scale of development proposed. However, acknowledging that future sites could be subdivided, a possible approach could be to require the developer to seal a length of Queensberry Terrace that is proportionate to the level of traffic demand that they add to the road (a pro-rated approach).

The authors are aware of similar approaches having been considered in Dunedin for similar situations. Upgrades should be applied to areas that would provide the most benefit. In this instance, the area of highest benefit is considered at the public road end as this is the location with the highest traffic flows.

In this instance, the beginning of Queensberry Terrace (near the public road end) will serve 13 lots over and above the point at which the Council's Engineering Code would require it to be sealed (28 versus 15). One out of 13 lots equates to 8% (rounded up). The length of the unsealed section of Queensberry Terrace is approximately 660m, and so with this approach the developer would be required to seal at least 53m of Queensberry Terrace.

As such, it is recommended that a condition is imposed on the consent that requires Queensberry Terrace, from the public/private delineation point, to be upgraded to a minimum 6.0m wide sealed surface and be vested in Council as road for a length of 53m. This level of physical works is considered proportionate to the scale of development and will set a standard for future subdivisions to adhere to.

3.5 Totara Place

Based on the current GIS imagery, there are 12 allotments with frontage to Totara Place (13 if this subdivision is approved); these are:

1. 97 Queensberry Terrace
2. 11 Totara place
3. Lot 20 DP 328097 (resulting new lot from subdivision of 11 Totara Place)
4. 21 Totara Place
5. 29 Totara Place
6. 41 Totara Place
7. 55 Totara Place (subject site)
8. 189 Pukerangi Drive
9. 167 Pukerangi Drive
10. 127 Pukerangi Drive
11. 109 Pukerangi Drive
12. 175 Queensberry Terrace

Note that the number of allotments on Totara Place remains below the point at which sealing of the required is required by Table 3.2(a) of the CODC Engineering Code.

However, only eight of these allotments appear to rely on Totara Place as a means of primary access (nine if this subdivision is approved). These are:

1. 11 Totara Place
2. Lot 20 DP 328097
3. 29 Totara Place
4. 21 Totara Place
5. 41 Totara Place
6. 55 Totara Place (subject site)
7. 127 Pukerangi Drive
8. 175 Queensberry Terrace

North of the curve, where the carriageway narrows to a width in the order of 4-4.5m, Totara Place serves only three lots (four of this subdivision is approved). This existing standard of road is considered appropriate to support the traffic generated by one additional lot, and no upgrades are deemed necessary. It is noted that four allotments will generate in the order of 29 vehicle movements per day, which under Table 3.2(a) of the CODC Engineering Code, requires a single lane of traffic (4.5m) with a gravelled surface.

However, north of the vehicle crossing to 55 Totara Place, the carriageway reduces in standard to a farm track / laneway with a width in the order of 2.8-3.0m wide. The track still has a solid base. This can be seen in Figure 1.10. Since this will become the primary access for one residential allotment (proposed Lot 2), it is recommended that it is upgraded to match the standard south of the site access.

3.6 Summary and Recommendations

Overall, it is considered that the proposal in of itself will not result in any significant adverse traffic or transport effects. However, considered cumulatively, there is a risk that additional development 'creep' could eventually lead to unacceptable traffic effects, and/or that over time maintenance is deferred to a point where the road cannot be passed, and/or becomes expensive to repair. It is therefore recommended that:

- The applicant be required to upgrade at least the first 53m of the unsealed section of Queensberry Terrace to a 'Local Sealed' standard, to the satisfaction of CODC, and vested in Council as road.
- Totara Place, north of Lot 1's vehicle crossing, should be upgraded to match the standard south of Lot 1's vehicle crossing.
- No further subdivision of Lots 1 or 2 is permitted, to avoid 'creep'
- Pursuant to Schedule 5 of the Property Law Act 2007, a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Auckland

Level 1/70 Shortland Street
Auckland 1010
Aotearoa New Zealand

Wellington

Level 1/119-123 Featherston Street
Wellington 6011
Aotearoa New Zealand

Christchurch

Level 1/137 Victoria Street
PO Box 36446, Merivale
Christchurch 8146
Aotearoa New Zealand

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abley.com

AURORA ENERGY LIMITED
PO Box 5140, Dunedin 9058
PH 0800 22 00 05
WEB www.auroraenergy.co.nz



7 November 2023

Jake Woodward
Resource Management Planner

Sent via email only: jake@jakewoodward.co.nz

Dear Jake,

**ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED TWO LOT SUBDIVISION.
41 TOTARA PLACE, QUEENSBERRY. LOT 17 DP 328097.**

Thank you for your inquiry outlining the above proposed development.

Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply¹ (PoS) available for this development.

Disclaimer

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

Next Steps

To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from www.auroraenergy.co.nz.

Yours sincerely

A handwritten signature in black ink that reads "Niel Frear".

Niel Frear

CUSTOMER INITIATED WORKS MANAGER

¹ Point of Supply is defined in section 2(3) of the Electricity Act 1993.

CONO 6099456.4 Consen

Cpy - 01/01, Pgs - 002, 30/07/04, 13:35



DocID: 110521465

IN THE MATTER of Lots 1 – 20 DP 328097 being a subdivision of Lot 12 DP
302685, CT 10462

AND

IN THE MATTER of resource consent RC 030141 from the Central Otago
District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 84
CROMWELL

In accordance with conditions of resource consent RC 030141 of the Central Otago District Council granted pursuant to Section 105 of the Resource Management Act 1991 dated 23 July 2003, the following condition is to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 1 – 20.

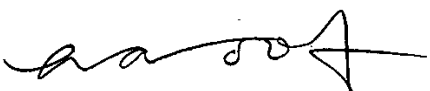
1. Lots 1 – 6 and 8 – 10 shall not obtain direct access onto State Highway 6.
2. That the owner(s) of Lots 1 – 20 is/are aware of and will take all reasonable and appropriate steps to advise all purchasers, lessees, licensees or tenants, or any other users coming to use or having an interest in Lots 1 – 20 or any part thereof, of:
 - (a) The proximity of a rural pastoral farming property located upon Lot 1 DP 300367 (now Lot 3 DP 332080)
 - (b) The usual incidences of pastoral farming including (but without limitation) stock handling, haymaking (throughout the night), spraying, rabbit control (by use of helicopters, poisoning and night shooting), deer stag roaring and 24 hour overhead irrigation, which may have consequences beyond the boundaries of Lot 1 DP 300367 (now lot 3 DP 332080).

DATED this 26th day of July 2004

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

by its Chief Executive.....


L.A. van der Voort
(Pursuant to delegated authority)



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **114458**
Land Registration District **Otago**
Date Issued 02 August 2004

Prior References
10462

Estate Fee Simple
Area 8.0440 hectares more or less
Legal Description Lot 17 Deposited Plan 328097

Registered Owners

Anthony Robert Gardner, Daniel Richard Gardner, Nicholas Douglas McKinlay Gardner and Robert James McKinlay Gardner

Interests

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

5418253.2 Encumbrance to Contact Energy Limited - 29.11.2002 at 9:00 am

6099456.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 2.8.2004 at 9:00 am

Subject to a right to convey telecommunications and computer media in gross over part marked G DP 328097 to Telecom New Zealand Limited created by Easement Instrument 6099456.7 - 2.8.2004 at 9:00 am

Subject to a right to convey electricity in gross over part marked G DP 328097 and right to establish and maintain an electricity transformer & ancillary equipment in gross over part marked G DP 328097 to Aurora Energy Limited created by Easement Instrument 6099456.8 - 2.8.2004 at 9:00 am

Subject to a right to convey water and electricity in gross over part marked G DP 328097 to Queensberry Irrigation Limited created by Easement Instrument 6099456.9 - 2.8.2004 at 9:00 am

Land Covenant in Easement Instrument 7958954.2 - 4.3.2010 at 1:14 pm

Appurtenant hereto is a right of way created by Easement Instrument 8434231.3 - 12.3.2010 at 11:47 am

The easements created by Easement Instrument 8434231.3 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way created by Easement Instrument 8434231.4 - 12.3.2010 at 11:47 am