

DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL NOTIFICATION UNDER \$95A AND \$95B AND DETERMINATION UNDER \$104 RESOURCE MANAGEMENT ACT 1991

Applicant: Upper Clutha Radio Telephone Users Association Incorporated

RM reference: RM180522

Application: Application under Section 88 of the Resource Management Act 1991

(RMA) for land use consent to establish a solar array structure and a battery hut. Consent is also sought to clear indigenous vegetation.

Location: Roys Peak, Wanaka

Legal Description: Section 1-3 Survey Office Plan 22998 held in Computer Freehold

Register 73984; Section 3, 7-8 Survey Office Plan 332310 and Section 1 Survey Office Plan 24977 and Section 1 Survey Office Plan 24716 held in Computer Freehold Register 251913; and Part Section 1 Survey Office Plan 22998 and Section 2-3 Survey Office Plan 22998 and Section 1 Survey Office Plan 24118 held in Computer Freehold

Register OT14C/991

Zoning: Rural General

Proposed Zoning: Rural

Activity Status: Discretionary

Decision Date 24 April 2018

SUMMARY OF DECISIONS

- 1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Erin Stagg, Senior Planner, on 24 April 2018 under delegated authority pursuant to Section 34A of the RMA.
- 2. Pursuant to Section 104 of the RMA, consent is GRANTED SUBJECT TO CONDITIONS outlined in Appendix 1 of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Erin Stagg, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

1.1 DESCRIPTION OF PROPOSED ACTIVITY

Consent is sought to establish 24m of solar panels upon 11 steel A-frames. The structure will have a maximum height of 2.15m. The structural steel components of the solar array will be finished in Resene Ironsand (LRV 9%). The concrete used for the pads upon which the panel and hut will be erected will contain at least 2% black oxide additive in reduce the reflectivity of the concrete.

Consent is also sought for a new battery hut to be finished in Resene Desert Sand (LRV 43%) with Ironsand for the roof to match that of the existing radio hut. The hut will have a maximum height of 2.2m and be located approximately 30m to the south of the radio hut. The total installation of the hut consists of a 3.9m x 2.7m concrete base with associated reinforcing onto which the hut will be placed and a 1.2m x 1.2m concrete pad to support a jib crane.

Both the proposed solar array and battery hut will be located at an altitude of approximately 1500m above sea level. The proposal will require minor earthworks of approximately 19m³ in volume to form the concrete pads. As such, consent is also sought for the removal of indigenous vegetation growing above 1070masl.

The cut material is to be deposited in the gully to the north of the hut.

The concrete used for the pads upon which the solar array and battery hut will be placed will include at least 2% black oxide additive to reduce its light reflectance.

The proposal is to be completed in the following colours and materials:

Item	Materials	Colour
Hut cladding	Bondor Panels	Resene Desert Sand (LRV 42%)
Hut roof	Bondor Panels	Resene Ironsand (LRV 9%)
Solar Array A-frames	Steel	Resene Ironsand (LRV 9%)
Support Pads	Concrete	At least 2% black oxide additive

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 1-3 of an Assessment of Environmental Effects entitled 'Resource Consent Application to Construct a Solar Structure and Battery Hut,' prepared by Joubert Bekker of Paterson Pitts and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

1.2 SITE DESCRIPTION

The subject sites are located at the top of Roy's Peak to the south-west of Wanaka Township. There are currently two radio huts and associated communication masts located in the area of land that has been set apart for police and public safety radio communications and telecommunications purposes.



Fig. 1 Subject site and surrounding environment

1.3 SITE HISTORY

RM051165 – Resource consent was approved on 6 April 2006 for the replacement of an existing utility shed with a larger utility shed.

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General and the proposed activity requires resource consent for the following reasons:

- A controlled activity resource consent pursuant to Rule 17.2.3.2(iii) for the construction of a building associated with a utility within the Rural General Zone
- A **restricted discretionary** activity pursuant to Rule 5.3.3.3(x0) as the proposal breaches Site Standard 5.3.5.1(x)(a) in relation to the clearance of indigenous vegetation above 1070masl. It is proposed to clear snow tussocks located at approximately 1500masl. Council's discretion is restricted to this matter
- A **restricted discretionary** activity pursuant to Rule 17.2.3.3(vi) as the proposal breaches Site Standard 17.2.5(ii) in relation to the provision of landscaping. No landscaping is proposed. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3(i) for the construction of any building. The proposed solar array is not classified as a utility so can be assessed as a proposed building within the Rural General Zone.
- A **discretionary** activity resource consent pursuant to Rule 17.2.3.3(iii)(a) for any addition, alteration or construction of utility buildings and structures at an altitude greater than 1070m above sea level. Resource consent is required for the battery but which will be located approximately 1500m above sea level.

PROPOSED DISTRICT PLAN

QLDC notified Stage 1 of the Proposed District Plan on 26th August 2015 and Stage 2 on 23 November 2017. There are no rules with immediate legal effect that apply to this proposal.

Overall, the application is considered to be a discretionary activity.

3. SECTION 95A NOTIFICATION

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The applicant does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity, a restricted discretionary or discretionary subdivision or a residential activity, or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB and public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv).

Therefore, public notification is not precluded by Step 2.

<u>3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances</u>

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect is therefore made in section 3.1 below:

3.3.1 Assessment of Effects On The Environment (S95D)

3.3.2 Mandatory Exclusions From Assessment (s95D)

- A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).
- B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer section 3.3.3 below).
- C: Trade competition and the effects of trade competition (s95D(d)).
- D: The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).

Person (owner/occupier)	Address (location in respect of subject site)	
Department of Conservation	Section 1-3 Survey Office Plan 22998; Section 3, 7-8 Survey Office Plan 332310 and Section 1 Survey Office Plan 24977 and Section 1 Survey Office Plan 24716	

3.3.3 Permitted Baseline (S95D(B))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, all buildings, structures and utilities require resource consent under Chapters 5 and 17 so there is no relevant permitted baseline for this consent.

3.3.4 Assessment: Effects On The Environment

Taking into account sections 3.3.2 and 3.3.3 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Section 5.4.2.2(2) (*Rural Areas*) and 17.3.2 (*Utilities*) of the District Plan and have been considered in the assessment below.

The Assessment of Effects on the Environment provided at section 4 of the applicant's AEE, is considered accurate and is therefore adopted in part for the purposes of this report as Appendix 2, with the following additional assessment:

Landscape Matters

Council's Consultant Landscape Architect, Helen Mellsop, has assessed the proposal in terms of landscape effects. Ms Mellsop's report has been adopted for the purposes of this assessment and has been attached as Appendix 3.

Ms Mellsop is of the opinion that the proposed hut and solar array would not be visible from the public four wheel drive track leading to the summit, or from the summit of Roy's Peak itself. The building and solar array would be visible from the walking track that continues north-east along the ridge to Mt Alpha. Ms Mellsop also notes that the solar array could be visible from the Matuikituki and Motatapu valleys, and Treble Cone Ski Field, but considers glare and reflection to be unlikely to be a significant issue.

Ms Mellsop has assessed the proposal in relation to the assessment matters in the District Plan in relation to Outstanding Natural Landscapes (ONLs). Ms Mellsop notes that the proposed development would increase the apparent level of modification on Roys Peak and would further reduce the perceived naturalness, visual coherence and openness of the mountain top. However, Ms Mellsop considers that the structures would not be visible from the most visited locations on the peak and that the solar array would not be an unexpected element in the vicinity of other masts and sheds.

Ms Mellsop considers that glare from the solar array is unlikely to adversely affect the character or amenity of the surrounding environment to any more than a very low extent and that any planting to screen the proposed solar array and hut would not be appropriate or feasible in this location. Ms Mellsops notes that there is come potential for the array the breach the skyline when viewed from the Matukituki and Motatapu valleys, but considers the viewing distance to be such that the structures are unlikely to be visible.

A condition of consent will ensure that the proposed hut is finished in appropriate colours. The roof of the hut will be finished in Ironsand (Light Reflectance Value 9%) with the walls being finished in Desert Sand (LRV 42%). Although the LRV of Desert Sand is higher than the recommended maximum value of 36% in rural locations, Ms Mellsop considers that battery hut would appear recessive in the surrounding tussock vegetation and would be consistent with the walls of the existing radio shed to the north. The ironsand roof will match that of the radio shed, thereby aiding to blend the hut in with the existing built form as it will maintain consistency between structures.

A condition of consent will ensure that the proposed solar array is finished in appropriate colours. The structural steel components of the solar array will be finished in ironsand whilst any exposed concrete components shall have a low reflectance value with the concrete mix including at least 2% black oxide additive.

Ms Mellsop considers that landscape mitigation will only highlight the presence of the structures within their respective environments, the proposed colours for the hut and solar array are considered sufficient mitigation to ensure that any adverse effects on the visual amenity of the surrounding rural landscape, resulting from the introduction of the structures, will be less than minor.

Overall, Ms Mellsop considers that any adverse effects from the proposal on the active and passive recreational experiences of people in terms of naturalness, remoteness and scenic value, would be low in extent.

Given the above, the proposal is considered unlikely to degrade the quality of the outstanding natural landscape. Any adverse effects can be further reduced through conditions of consent that require the solar array and hut to be finished in appropriately recessive colours that will allow the structures to blend in with the surrounding tussock vegetation. Further conditions of consent will ensure that any vegetation removed as a result of the proposed earthworks will be replanted in the adjacent gully once the fill has been deposited and re-contoured to appear seamless with the existing topography.

The applicant has agreed to the proposed conditions of consent.

Overall, it is considered that adverse effects on the landscape surrounding the location for the proposed solar array and hut will be less than minor.

Indigenous Vegetation

It is noted that consent is required to remove indigenous vegetation, primarily snow tussock, to accommodate the new buildings and solar array. The area of the removal is considered to be relatively minor. In order to minimise adverse effects on the natural character of the site, Ms Mellsop supports a condition of consent which requires the replanting of any vegetation removed as part of the construction process in the gully in front of the hut. A further condition will ensure that no vegetation is buried by any fill removed during the excavations required for levelling the areas for the concrete pads. Ms Mellsop considers that that if the fill is appropriately shaped to be consistent with the natural landform of the gully and if no vegetation is buried by this fill, the adverse effects of earthworks on the natural patterns and processes within the site would be low in extent.

Overall, adverse effects in relation to the removal of indigenous vegetation are considered to be no more than minor.

3.3.5 Decision: Effects On The Environment (S95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4.0 EFFECTS ON PERSONS (s95B)

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

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

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

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

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity.

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

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity.

The effects of the proposal on owners of allotments with infringed boundaries are assessed in section 4.3.3 below and will be less than minor.

The proposal therefore falls into the 'any other activity' category and the effects of the proposal on any persons are assessed in accordance with section 95E in section 4.1 below to determine if limited notification is required.

4.3.1 Assessment Of Effects On Persons (s95E)

4.3.2 Permitted Baseline (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 3.3.3 above.

4.3.3 Assessment: Effects on Persons

Taking into account the exclusions in section 95E(2) and (3) and 4.3.2 (Permitted Baseline) above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The openness of the ONL site will be maintained and the structures can be absorbed into the surrounding landscape without the area's visual amenity being adversely affected in more than a minor way. While Ms Mellsop considers that there is some potential for the solar array to be visible on the skyline from the Matukituki and Motatapu valleys, Ms Mellsop is of the opinion that the viewing distance means that the appropriately coloured and recessive structures are unlikely to be clearly visible or detract from the visual integrity and amenity of the Roys Peak summit for any persons in those two valleys.

Ms Mellsop states that it appears that the proposed battery hut and solar array would not be visible from the public four wheel drive track leading to the summit of Roys Peak or from the summit itself. This track attracts high numbers of users during summer months. The structures would be clearly visible from the track that continues north-east along the ridge towards Mount Alpha. It is possible that glare may affect some people using the Mount Roy ridge tracks at certain times of the day or year when the sun is low in the sky, but this is likely to be a rare occurrence. Glare and reflection from the solar panels, which can occur at certain sun positions, is therefore unlikely to be an issue as the panels face north and are screened from more distant viewpoints by the summit of Roys Peak.

Overall, any adverse effects on the active and passive recreational experiences of people visiting Roys Peak, in terms of scenic value and the experience of naturalness or remoteness, would be low in extent.

Due to natural topography, separation distances, appropriate colours and reflectivity the proposed solar array and battery hut will not be highly visible within the surrounding landscape for any users of the nearby walking tracks, or by any adjacent land owners. Therefore, it is considered that the proposal will not result in any adverse effects on any persons.

4.3.3 Decision: Effects on Persons (s95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

5.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 3 and 4 above, the application is to be processed on a non-notified basis.

6.0 S104 ASSESSMENT

6.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 3 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The Applicant's AEE contains an assessment against the relevant Objectives and Policies that is considered accurate. It is therefore adopted for the purposes of this report, with the following additions:

Operative District Plan

The relevant objectives and policies are contained within Part 4, (*District-wide Issues*), Part 5 (*Rural areas*) and Part 17 (*Utilities*) of the Operative District Plan.

Part 4 (District-wide Issues)

Objective 4.1.4.1 and associated policies encourage the protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District. Policies 4.1.4.1[1.4] and [[1.7] encourage the long-term protection of indigenous ecosystems and sites containing indigenous plants. Although some of the indigenous tussock vegetation will be removed from the two chosen locations for the placement of the concrete pads, conditions of consent will ensure that this vegetation is not removed from the location and is replanted within the adjacent gully following the placement of fill. Therefore, no indigenous vegetation will be lost or removed from the location. No other indigenous vegetation will be disturbed by the proposed activity.

Policy 4.2.5(2) applies to Outstanding Natural Landscapes (ONL) (District-Wide/Greater Wakatipu). It seeks to maintain the openness of those outstanding natural landscapes and features which have an open character at present, avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change, and to recognise and provide for amenity values of views from public roads.

The introduction of the solar array and battery hut within the proposed location on Mount Roy is consistent with this policy. The openness of the ONL site will be maintained and the structures can be absorbed into the landscape without the area's visual amenity being adversely affected in more than a minor way. For the reasons outlined in sections 3 and 4 above, the appropriately coloured and recessive structures are unlikely to be clearly visible or detract from the visual integrity and amenity of the Roy's Peak summit.

Policy 4.2.5(10) encourages utilities to be sited away from skylines, ridgelines, prominent locations and landscape features. The proposed structures will not appear prominently upon any skyline and will be co-located with existing structures as much as practicality allows. The appropriately coloured and recessive structures will be as unobtrusive as possible within the surrounding landscape. For these reasons, and those outlined in section 3.3.4 above, the solar array and hut will not be highly visible and the proposal is therefore considered to be consistent with Objective 4.2.5(10) and associated policies.

Policy 4.2.5(15) encourages the retention of existing indigenous vegetation in gullies and along watercourses. Any indigenous vegetation disturbed due to the proposed activity will be replanted in the nearby gully in front of the battery hut. Therefore, the proposal is considered to be consistent with Policy 4.2.5(15).

The proposal is considered to be consistent with Objective 4.2.5 and associated policies. Overall, the proposed development is considered to be consistent with the relevant Part 4 objectives and policies.

Part 5 (Rural Areas)

Objective 5.2.1 encourages the protection of the character and landscape values of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities. The proposal is considered to be consistent with Policy 1.6 as any adverse effects of the array and battery hut upon the landscape value of the surrounding area can be effectively mitigated through the appropriately low reflective and coloured finish which will aid in blending the structures into the surrounding landscape. The proposal is also consistent with Policy 1.7 as the visual coherence of the landscape will be preserved as the area has the potential to absorb the introduction of the structures for the above reasons.

Overall, the proposed development is considered to be consistent with the relevant Part 5 objectives and policies.

Part 17 (Utilities)

Objective 2 and supporting policies seek the establishment, efficient use and maintenance of utilities necessary for the wellbeing of the community. Objective 3 and supporting policies seek to avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly those in or on land of high landscape value.

The proposed structures have been designed to maintain the existing rural character and amenity values of the site and will be positioned and finished to minimise the visual effects of the structures on the surrounding landscapes. Therefore, the proposal is considered to be in accordance with the relevant Part 17 objectives and policies.

<u>Summary</u>

It is considered that the proposal is in accordance with the relevant objectives and policies of the Operative District Plan.

Proposed District Plan

QLDC notified the Proposed District Plan on 26 August 2015. In this case, the objective and policies contained within Chapter 6 (*Landscapes*), Chapter 21 (*Rural*), Chapter 30 (*Energy and Utilities*) and Chapter 33 (*Indigenous Vegetation & Biodiversity*) are relevant.

Chapter 6 (Landscapes)

Chapter 6 (Landscapes) introduces objectives and policies specific to Outstanding Natural Landscapes and Features.

- 6.3.1.3 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases
- 6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

As outlined above in Section 3.3.4, the minimal adverse effects on landscape character and visual amenity values associated with the development will be effectively mitigated through the topography and appropriately recessive colours.

Therefore, although the proposal may not be considered an exceptional case, and is therefore inconsistent with Policy 6.3.1.3, the proposal is considered to not diminish the landscape character and visual amenity of the three hill locations, including when viewed from public places. Further, the proposal does not produce cumulative effects on the landscape that are beyond the threshold of the Mount Roy site to absorb.

Overall, it is considered that the proposed development is consistent with Policies 6.3.1.3 and 6.3.1.11.

6.3.4 - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

Policies

- 6.3.4.1 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.
- 6.3.4.2 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.
- 6.3.4.3 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

The proposal will not degrade the important qualities of the landscape character, and the site currently has the ability to absorb change. The separation distance from the structures to public places are sufficient for the development to have minimal adverse effect on landscape character and visual amenity values when viewed from public places.

Objective 6.3.7 encourages the recognition and protection of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes. Although some of the indigenous snow tussock will be removed to from the areas for the concrete pads, all of the vegetation will be retained and moved into the nearby gully. This protection of the indigenous vegetation is consistent with Objective 6.3.7 and associated policies.

Overall, despite the proposal being inconsistent with Policy 6.3.1.3, for the reasons outlined above, it is not considered to be inconsistent with the overall outcome directed by the objectives and policies of Part 6 of the PDP.

Chapter 21 (Rural)

21.2.1 Objective – Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

- 21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.
- 21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

Chapter 21 identifies that it is necessary to recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places. Subdivision and development is only appropriate where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape. The PDP seeks to enable farming, permitted and established activities while protecting landscape, amenity and nature conservation values associated with the Rural Zone, and ensuring that built form is suitably setback from boundaries to mitigate effects.

For the reasons outlined above, the proposal will appropriately mitigate potential adverse effects on established views, although the structures will be visible from the track that runs north east along the ridge towards Mount Alpha. The introduction of the proposed array and hut will not adversely affect permitted farming activities in the surrounding area and recognises nature conservation values, whilst also protecting and maintaining landscape values. Therefore, it is consistent with Objective 21.2.1 and related policies.

Overall, the proposal protects landscape and amenity values and is consistent with the relevant objectives and policies of Part 21.

Chapter 30 (Energy and Utilities)

These provisions seek to recognise that utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

It is considered that the proposal is of strategic importance due to many organisations in the District relying on the telecommunications provided by the applicant, including for emergency purposes. This important function can be provided without the landscape values of the site being compromised in more than a minor way.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies of Part 30.

Chapter 33 (Indigenous Vegetation & Biodiversity)

There provisions encourage the protection, maintenance and enhancement of the District's Indigenous vegetation. Policy 33.2.1.7 encourages activities involving the clearance of indigenous vegetation to be undertaken in a manner that ensures the District's indigenous biodiversity values are protected, maintained or enhanced. The proposed activity is considered to be consistent with this policy as the minimal areas of tussock that will be removed prior to the placement of the concrete pads will be retained on site in the nearby gully. This retention of the tussock elsewhere on the site is precisely what is encouraged by Policy 33.2.3.2. Therefore, it is considered that the proposal is consistent with the relevant objectives and policies of Part 33.

It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage.

Notwithstanding this, it is considered the proposal would be in accordance with the relevant Proposed District Plan objectives and associated policies.

6.3 PART 2 OF THE RMA

The proposal has been assessed as generally consistent with achieving the outcomes sought by the District Plan which gives effect to Part 2 of the RMA. Case Law has established that there are no grounds to revisit Part 2 unless the planning document is either invalid, has incomplete coverage or is uncertain.

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

6.4 <u>DECISION</u> ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to Upper Clutha Radio Telephone Users Association Incorporated to establish a solar array structure and a battery hut subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

7.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities. For the foregoing reasons a Development Contribution is not required.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Simon Childs on phone (03) 441 0467 or email simon.childs@qldc.govt.nz.

Report prepared by

Decision made by

Simon Childs

PLANNER

Erin Stagg
SENIOR PLANNER

APPENDIX 1 – Consent Conditions **APPENDIX 2** – Applicant's AEE

APPENDIX 3 - Consultant Landscape Architect Assessment

<u>APPENDIX 1 – CONSENT CONDITIONS</u>

General

- 1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Paterson Pitts Mt Roy: Solar Site Contours [Sheet 100 Rev A] [09.04.18]'
 - 'Paterson Pitts Mt Roy: Battery Hut Earthworks Plan [Sheet 200 Rev A] [09.04.18]'
 - 'CRS Communications Mount Roy Battery Hut Location Plan [drg. 16101548-00] [20.10.16]'
 - 'Hut Elevation Plan'
 - 'Location Plan 1'
 - 'Location Plan 2'
 - 'CRS Communications Mount Roy Solar Array Location Plan [drg. 17061032-00] [sheet 1 of 3] [06.06.17]'
 - 'CRS Communications Mount Roy Solar Array Location Plan [drg. 17061032-00] [sheet 2 of 3] [06.06.17]'
 - 'CRS Communications Mount Roy Solar Array Location Plan [drg. 17061032-00] [sheet 3 of 3] [06.06.17]'

stamped as approved on 24 April 2018

and the application as submitted (including the further information provided), with the exception of the amendments required by the following conditions of consent.

- 2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
- 4. In the event that the hut should cease to be utilised for communication purposes, the building and all associated foundations shall be removed from the site and landforms of the original site restored. This is to be completed within three months of the facility ceasing operations.
- 5. No part of the new hut shall obstruct the informal walking track leading from Roy's Peak to Mount Alpha.

Colours and Materials

6. The materials and colours approved by this resource consent are as follows:

Item	Materials	Colour
Hut cladding	Bondor Panels	Resene Desert Sand (LRV 42%)
Hut roof	Bondor Panels	Resene Ironsand (LRV 9%)
Solar Array A-frames	Steel	Resene Ironsand (LRV 9%)
Support Pads	Concrete	At least 2% black oxide additive

Any amendment to this schedule of colours and materials shall be first certified as appropriate in writing by Council, and confirmed as being in the natural range of greens, browns, or greys with an LRV of less than 36% in accordance with the Queenstown Lakes District Council's "A Guide to Suitable Building Colours and Materials in Rural Zones" prior to being used on the building and shall also comply with consent notice conditions to be registered on the Title.

Appearance

- 7. The maximum roof height of the new battery hut shall be no higher in altitude than the roof of the existing radio hut and utility shed.
- 8. No part of the new shed shall appear to break the skyline when viewed from Wanaka Township.
- 9. No external lighting shall be attached to or included within the structures.

Earthworks

- 10. The consent holder shall install measures to control and/or mitigate any silt runoff and sedimentation that may occur. These measures shall be implemented prior to the commencement of any earthworks on site any shall remain in place for the duration of the project.
- 11. No vegetation is to be buried by spoil generated by excavation of the site.
- 12. The consent holder shall reinstate all areas affected by the proposed works, including the establishment of working areas to a condition at least equal to their condition at the commencement of the works, with the exception of the areas to be covered by the new building and solar array. The vegetation located in this area shall be replanted in the gully in front of the battery hut. In addition, the clearance and replanting shall be undertaken as follows:
 - a) The consent holder shall ensure that no vegetation is disturbed or removed beyond the defined areas of works as depicted in the approved plans, in order to prevent any unnecessary degradation or damage to the surrounding area.
 - b) All rocks placed on top of vegetation shall be immediately removed.
 - The consent holder shall reinstate the removed vegetation within five days after the works are completed.
- 13. Should any areas of revegetation die, the consent holder shall take all necessary steps to revegetate that area with the same native vegetation in the next available planting season.
- 14. Fill generated by earthworks required for the shed shall be deposited within the gully to the north of the battery hut. The fill shall be re-contoured to appear seamless with the existing topography.
- 15. Following the minor earthworks required, all earth worked areas shall be re-vegetated or otherwise stabilised against erosion as soon as practicable and in a progressive manner as the earthworks are completed.

Note: Within the context of this condition, revegetation refers to the reinstatement of vegetation that is similar to that which existed on each site immediately prior to the establishment of the solar array and battery hut. It does not suggest a requirement to undertake landscaping at each site.

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "Notice of Works Starting Form" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the Engineering Approval Application form and submit this completed form and an electronic set of documents to engineeringapprovals@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. http://www.qldc.govt.nz/planning/development-contributions/ If you wish to make a DC estimate calculation yourself, please use this link: http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/ And for full details on current and past policies, please use this link: http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/

APPENDIX 2 - APPLICANT'S AEE

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Your Land Professionals www.ppgroup.co.nz 0800 PPGROUP

Our Ref: W2443 10 April 2018

Upper Clutha Radio Telephone Users Associations Incorporated

Resource Consent Application to Construct a Solar Structure and Battery Hut

Roy's Peak, Wanaka

QUEENSTOWN:



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1.0 APPLICATION DETAILS

Applicant: Upper Clutha Radio Telephone Users Associations Incorporated

Site Location: Roy's Peak, Wanaka

Legal Descriptions: Section 1 SO 24118

Section 7 SO 332310

CFR References: 73984

251913

Area: 2.1986 ha (Section 1 SO 24118)

4144.2000 ha (Section 7 SO 332310)

Zoning: Rural General (Operative District Plan)

Rural (Proposed District Plan)

2.0 DESCRIPTION OF PROPOSAL

2.1 THE SITE

The subject sites are located at the top of Roy's Peak to the south-west of Wanaka Township. There are currently two radio huts and associated communication masts located in the area of land that has been set apart for police and public safety radio communications and telecommunications purposes. The CFR's for the subject sites are contained in Appendix A.

2.2 BACKGROUND

The Upper Clutha Radio Telephone Users Association was formed in 1977 to provide for communication in emergency situations. The association started with one channel and has progressively grown since then to provide communication in the Upper Clutha region including Wanaka Search and Rescue, Department of Conservation, emergency marine channel for the Wanaka lake and river users, internet for Makarora Primary School, NETSPEED, Team Talk, local farmers and contractors, Alpine Helicopters and Civil Defence.

The proposed upgrade to the site is essential as the existing power cable was destroyed approximately two months ago by a lightning strike. The site has since been powered by a diesel generator with fuel being delivered to the site via helicopter. The use of a generator is not a sustainable power source and the method will become increasingly challenging with the weather conditions changing as winter approaches. In addition construction needs to occur in settled weather before the site is covered in snow. Therefore, it is essential that the works are undertaken as soon as possible to ensure the ongoing service to the community.



2.3 PROPOSAL

Resource consent is sought to establish a solar array structure and a battery hut. The solar structure will be located to the west of the existing radio hut and proposed battery hut on land described as Sec 7 SO 332310. The structure will consist of 24m of solar panels with a maximum height of 2.15m which is made up of 11 A-frames. The location diagrams for the proposal are included in Appendix **E**.

The proposed battery hut will be located approximately 30m to the south of the existing radio hut on land described as Sec 1 SO 24118. The battery hut will be 2.2m in height and "Desert Sand" in colour. The total installation of the hut consists of a 3.9m x 2.7m concrete base with associated reinforcing onto which the hut will be placed and a 1.2m x 1.2m concrete pad to support a jib crane. A design report for the solar structure and the battery hut structure and foundation is included in Appendix **D**.

A location plan for the proposal is included in Appendix C.

3.0 ASSESSMENT AGAINST OPERATIVE DISTRICT PLAN

The site is zoned as Rural General under the Operative District Plan.

Land use consent is required under the Operative District Plan as a **Discretionary Activity** under Rule 17.2.3.3.iii(a) relating to buildings for utilities.

3.1 ASSESSMENT AGAINST DISTRICT PLAN RULES

The land use activity has been considered against the Permitted, Controlled, Discretionary and Non-Complying Activities in Rule 17.2.3.

In the Utilities Chapter of the Operative District Plan, Rule 17.2.3.3iii notes: "Any addition, alteration or construction of **buildings and structures**, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines in: (a) Any part of the District which has an altitude greater than 1070m above sea level".

The proposed structures will be located at an altitude of approximately 1,500m above sea level. The height of the solar structure will be 2.15m with the battery hut being 2.2m in height which is similar to the existing huts in the surrounding area. The proposal will require minor earthworks of approximately $19m^3$ in volume to form a concrete pad which is well within the permitted standards in the Rural General Zone. The cut material is to be deposited in the gully to the north of the hut. The fill will be re-contoured to appear seamless with the existing topography. Any vegetation removed at the time will be replanted on the re-contoured land to the north of the hut. An earthworks plan is included in Appendix **C**.

The application has also been assessed against the site and zone standards, and the relevant assessment matters contained in Sections 5, 17 and 22 of the District Plan as outlined below. For brevity, only the relevant provisions are quoted and an assessment against these matters is documented. The other provisions have been assessed but are not considered relevant to this application.

3.1.1 Assessment against Rural General Zone Site and Zone Standards

Rule 5.3.5.1 Rural General Site Standards

Site S	tandard	Comments		
(i)	Setback from Neighbours of Buildings Housing Animals	N/A		
(ii) Access		N/A, access to the site is from an access track from Mt Aspiring Road.		
(iii)	Scale and Nature of Activities	Complies.		
(iv)	Retail Sales	N/A		
(v)	Significant Indigenous Vegetation	N/A, the site is not located in an area identified as being of significant indigenous vegetation in Appendix D of the Operative District Plan.		
(vi)	Minimum Setback from Internal Boundaries	N/A		
(vii)	Forestry and Shelterbelt Planting	N/A		
(ix)	Commercial Recreation Activities (other than on the surface of lakes and rivers)	N/A		
(x)	Indigenous Vegetation	Will comply, any vegetation required to be removed as part of the proposal will be replanted.		
(xi)	Farm Buildings	N/A		
(xii)	Alpine Environments	Complies.		
(xiii)	Planting of tree species with wilding potential	N/A, planting of trees do not form part of this application.		

Rule 5.3.5.2 Rural General Zone Standards

Zone	Standard	Comments
(i)	Building Height	Complies, the solar structure will have a maximum
		height of 2.15m with the battery hut being 2.2m in
		height.
(ii)	Setback from Roads	N/A
(iii)	Retail Sales	N/A
(iv)	Surface of Lakes and Rivers	N/A
(v)	Noise	N/A
(vi)	Lighting	N/A
(vii)	Airport Noise – Queenstown Airport	N/A
(viii)	Screening	N/A
(ix)	Airport Noise – Wanaka Airport	N/A
(x)	Residential Density	N/A
(xi)	Building Coverage	N/A
(xii)	Building Line Restriction	N/A

The proposed land use activity complies with all the site and zone standards of the Rural General Zone.

3.1.2 Assessment against Utilities Site Standards

Rule 17.2.5 Utilities Site Standards

Site Standard		Comments	
(i) Setback from boundaries		Complies, all setback requirements are able to be	
		met.	



(ii)	Landscaping	N/A, additional landscaping is not proposed as part
		of the application as it is considered that the
		proposed activity will not have adverse effects on
		the visual amenity of the area.
(iii)	Height	Complies, the proposed solar structure and battery
		hut will not exceed the permitted height limit for
		buildings in the Rural General Zone.
(iv)	Colour	Complies, the proposed structures will be "Desert
		Sand" in colour to ensure the structures are able to
		be integrated into the surrounding landscape.

The proposed activity complies with all relevant site standards. The application is classed as a **Discretionary Activity** under Rule 17.2.3.3iii.

3.1.3 Assessment against Earthworks Site Standards

Rule 22.3.3 Utilities Site Standards

Site	Standard	Comments	
i.	Volume of Earthworks	Complies, a total of 19m³ of earthworks will be undertaken as part of the proposal.	
ii.	Height of cut and fill and slope	Complies.	
iii.	Fill	N/A	
iv.	Environmental Protection Measures	Complies, standard construction mitigation measures to avoid or mitigate temporary effects of earthworks will be carried out.	
ν.	Water bodies	N/A	
vi.	Cultural heritage and archaeological sites	N/A	
vii.	Construction Noise	Will comply with NZS 6803:1999 standards for construction noise.	

3.2 RELEVANT OBJECTIVES AND POLICIES

As a **Discretionary Activity** the application has been assessed against the relevant objectives and policies of the Operative District Plan. The relevant objectives and policies of the District Plan are found in three sections:

- Part 4 District Wide Issues
- Part 5 Rural Areas
- Part 17 Utilities

Objectives, policies and assessment matters not listed below have been considered, but are not considered pertinent to the application and so have not been included in this report for the sake of conciseness.

3.2.1 Part 4 – District Wide Issues

The District Wide objectives and policies under Part 4.2 of the District Plan provide specific guidance for managing the effects of development on landscape and visual amenity values.

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4.2.5 Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies, or mitigates adverse effects on landscape and visual amenity values.

Policies:

9 Structures

To preserve the visual coherence of:

- (a) Outstanding natural landscapes and features and visual amenity landscapes by:
 - Encouraging structures which are in harmony with the line and form of the landscape;
 - Avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;
 - Encouraging the colour of buildings and structures to complement the dominant colours I the landscape;
 - Encouraging placement of structures in locations where they are in harmony with the landscapes;
 - Promoting the use of local, natural materials in construction.

(b) Visual amenity landscapes

• By screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and

(c) All rural landscapes by

- Limiting the size of signs, corporate images and logos
- Providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.

<u>Comments:</u> The proposed location of the structures preserve the visual coherence of the landscape as the site's topography is used to integrate the structures with the surrounding environment while leaving the skyline unaltered.

10 Utilities

To avoid, remedy or mitigate the adverse effects of utilities on the landscapes of the district by:

- Avoiding siting utilities in outstanding natural landscapes or features in the Wakatipu Basin (except on Slope Hill in the vicinity of the current utilities)
- Encouraging utilities to be sited away from skylines, ridgelines, prominent locations, and landscape features
- Encouraging utilities to be co-located wherever possible
- Encouraging utilities to be located along the edges of landforms and vegetation patterns
- Encouraging or requiring the alignment and/or location of utilities to be based on the dominant lines in the landscape.



- Requiring that structures be as unobtrusive as is practicable with forms appropriate for the landscape and finished in low reflective colours derived from the background landscape
- Requiring that transmission lines (where technically and economically feasible) be placed underground.

<u>Comments:</u> The proposed solar structure and battery hut will be co-located with the existing radio huts on a site which has proven to be able to absorb similar structures. The structures will be tucked away into the landscape away from the dominant ridgelines of the area.

3.2.2 Part 5 – Rural Ares (Rural General)

Objective 1 - Character and Landscape Values

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.
- 1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
- 1.8 Avoid, remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.

<u>Comments:</u> The subject site is not suitable for rural productive activities and has been previously been used for similar activities to that proposed in this application. The solar structure and battery hut will be located in an area that has the potential to absorb the proposed structures through the utilisation of the surrounding area's topography to mitigate any potential adverse effects on the visual amenity and rural character of the landscape.

Objective 3 - Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

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3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.

<u>Comments:</u> The development within the subject site has been positioned to preserve the existing amenity and character of the surrounding area with adverse environmental effects appropriately mitigated through utilising the site's topography to the extent that effects will be less than minor.

3.2.3 Part 17 - Utilities

Objective 2 - Efficient Use and Establishment of Utilities

The establishment, efficient use and maintenance of utilities necessary for the well being of the community.

Policies:

- 2.1 To recognise the need for the maintenance or upgrading of a utility to ensure its on-going use and efficiency.
- 2.2 To take economic costs into account when considering the alternative locations, sites or methods for the establishment or alteration of a utility.
- 2.3 To take into account the strategic needs of a utility when considering possible alternative locations for establishment.
- 2.5 To encourage the co-location of facilities where operationally and technically feasible.

<u>Comments:</u> The site is currently powered by a diesel generator since the existing power cable was destroyed by lightning two months ago. The proposed upgrade of the site will involve the construction of a solar structure and battery hut which will provide the site with a sustainable source of power and ensure the site is able to operate effectively. The solar structure and battery hut will be co-located in an area which has existing radio huts and other similar telecommunication services.

Objective 3 – Environmental Impacts

Avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly those in or on land of high landscape value.

Policies:

- 3.1 To avoid, remedy or mitigate the adverse environmental effects created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenity and the quality of the environment.
- 3.2 To make specific provision for certain utilities which are land extensive and/or which have specific locational needs, ensuring the type and scale of development avoids, remedies or mitigates adverse effects on the environment.

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- 3.4 To protect areas identified as possessing important natural features or significant habitats of indigenous fauna from utilities which are visually and environmentally incompatible.
- 3.5 To encourage utility operators to adopt monitoring systems to ensure the effects of utilities and their operation is regularly evaluated to avoid or mitigate adverse effects, including the removal of unnecessary equipment (including buildings and masts).
- 3.9 To take into account of economic and operational needs in assessing the location and external appearance of utilities.

<u>Comments:</u> The nature and scale of the proposal together with the topography and existing telecommunication facilities in the surrounding area, are such that the proposed structures will be seen in the context of the site. The subject site was chosen as it is able to absorb activities such as which is proposed into the landscape while maintaining the visual amenity and quality of the surrounding environment. The upgrading of the operation to use solar power will provide the site with a sustainable source of power and allow the utility operators to remove any excess equipment that is required to power the site. The use of solar power is also seen to be economically viable and will reduce any adverse effects associated with the use of a generator in the rural area.

4.0 ASSESSMENT AGAINST PROPOSED DISTRICT PLAN

The first stage of the Proposed Queenstown Lakes District Plan 2015 was notified on 24 August 2015.

Submissions on the second stage of the Proposed Queenstown Lakes District Plan 2015 closed on 23 February 2018.

The site is zoned Rural in the Proposed District Plan. Stage 1 of the Proposed District Plan does not change the Zone and so does not change the zoning of the site, the site and zone standards or the Objectives and Policies. The application has been assessed against the relevant objectives and policies of the Proposed District Plan and is shown in the following table.

Relevant rules with immediate legal effect contained in the same sections have also been considered. Other objectives and policies not mentioned below have been considered, but are not considered pertinent to the application and so have not been included in this report for the sake of conciseness.

4.1.1 Rural

Objective 21.2.4 – Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.

Policies:

21.2.4.2 – Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

The subject site was selected as it has the ability to absorb the proposed structures into the environment through the use of the sites topography and location. The site has two existing radio huts and is not considered to be viable for agricultural practises.

4.1.2 Energy and Utilities

Objective 30.2.6 –The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.

Policies:

30.2.6.1 – Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.

30.2.6.3 – Encourage the co-location of facilities where operational and technically feasible.

The proposed solar structure and battery hut will allow the existing essential emergency communication services to operate efficiently.

The solar structure and the battery hut will be colocated with the existing radio huts in an area of Roy's Peak which is able to absorb the proposed development.

Objective 30.2.7 – Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value, and within special character areas.

Policies:

30.2.7.1 – Reduce the adverse effects associated with utilities by:

- Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines
- Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment
- Ensuring that redundant utilities are removed.
- Using landscaping and or colours and finishes to reduce visual effects
- Integrating utilities with the surrounding environment; whether that is a rural environment or existing building form.

As described previously, the site was selected on its ability to effectively absorb structures similar to that proposed in this application. The proposed structures will be tucked away into the surrounding terrain and will not be seen from Wanaka Township or the Lake. No development will take place on the skylines or ridgelines of the area to preserve the visual amenity and character of the surrounding environment.

Summary of Relevant Proposed District Plan Objectives and Policies:

The above assessment of the proposal against the objectives and policies of the Proposed District Plan demonstrates the proposed land use activity is considered to be consistent with the relevant objectives and policies.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The environmental effects of the proposed subdivision have been assessed under the following headings:

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Neighbourhood/Community

Effect	Effects	on	the	Other Comments
	Environmen	it		
Character and amenity				The nature and scale of the proposal together with the topography and the existing radio huts are such that the proposed solar structure and battery hut will be able to be absorbed into the surrounding landscape.
Over-domestication	Nil			
Cumulative effects	Less than m	inor		See above
Precedent effect	Nil			
Reverse sensitivity	Nil			

Locality and Landscape/Visual

Effect	Effects on the Environment	Other Comments
Visibility	Less than minor	The proposed structures will be "Desert Sand" in colour and located away from any ridgelines and will not be visible from Wanaka Township or the Lake.
Views and outlook	Nil	
Landscape and visual	Less than minor	See above
Landform	Nil	
Aesthetic values	Less than minor	See above

Ecosystems

Effect	Effects on t	he	Other Comments
	Environment		
Vegetation	Less than minor		Any vegetation which may be removed at
			the time of construction will be re-
			planted on the re-contoured land.
Wildlife	Nil		
Waterbodies	Nil		
Groundwater	Nil		
Contamination	Nil		

Natural and Physical Resources

Effect	Effects on the Environment	Other Comments
Recreational values	Nil	The solar structure and battery hut will be visible towards the top of the Mt. Roy walking track. As the site has existing radio huts and associated communication masts, it is anticipated that the proposed structures will be seen in the existing context of the site.
Scientific values	Nil	

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Sites of Heritage Significance	Nil	
Sites of Cultural Significance	Nil	
Protected Customary Rights	Nil	
Other values	Nil	

Discharge of Contaminants

Effect	Effects on the Environment	Other Comments
Odour	Nil	
Noise	Nil	
Hours of Operation	Nil	
Lighting	Nil	
Dust	Nil	
Air Discharges	Nil	
Vibration	Nil	
Onsite wastewater disposal	Nil	

<u>Hazards</u>

Effect	Effects	on	the	Other Comments
	Environme	nt		
Flooding	Nil			
Seismic Hazards	Nil			
Erosion	Nil			
Falling Debris	Nil			
Subsidence	Nil			
Slippage	Nil			
Hazardous Substances	Nil			

<u>Infrastructure</u>

Effect	Effects	on	the	Other Comments
	Environmen	t		
Water supply	Nil			
Effluent disposal	Nil			
Stormwater control	Nil			
Energy supply	Nil			
Telecommunication	Nil			
Pollution	Nil			

Traffic Generation and Vehicle Movements

Effect	Effects on the Environment	Other Comments
On-Site Parking	Nil	
On-Street Parking	Nil	
Vehicle Safety	Nil	
Pedestrian Safety	Nil	
Cyclist Safety	Nil	
Traffic generation	Nil	

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Roading capacity	Nil	
Noise	Nil	
Vehicle movements	Nil	

Scale of Environmental Effects

Nil Effects	No effects at all.	
Less than Minor Adverse Effects	Adverse effects that are discernible day-to-day effects, but too small to	
	adversely affect other persons.	
Minor Adverse Effects	Adverse effects that are noticeable but that will not cause any	
	significant adverse impacts.	
More than Minor Adverse Effects	Adverse effects that are noticeable that may cause an adverse impact	
	but could potentially be mitigated or remedied.	
Significant Adverse Effects that	An effect that is noticeable and will have a serious adverse impact on	
Could Be Remedied or Mitigated.	the environment but could potentially be mitigated or remedied.	
Unacceptable Adverse Effects	Extensive adverse effects that cannot be avoided, remedied or	
	mitigated.	

The above assessment concludes that the adverse environmental effects of the proposed land use activity will be less than minor.

6.0 AFFECTED PARTIES, CONSULTATION AND NOTIFICATION

Section 5 of the application considered the environmental effects of the proposal and concluded that the adverse environmental effects associated with the proposed land use activity will be less than minor and therefore less than the notification threshold set in RMA s95A(2)(a).

The applicant has contacted the Department of Conservation (DOC) and discussions are underway as the proposed solar structure will be located on land legally described as Sec 7 SO 332310 which is managed by DOC. Affected Persons Approval was requested on 09/04/2018 and will be forwarded to Council separately.

The assessment of environmental effects concludes that the proposed land use is considered to have less than minor environmental effects. As the effects of the application are considered to be less than minor and no parties other than the Department of Conservation are considered to be adversely affected, it is considered that the application could be processed on a non-notified basis subject to DOC approval and appropriate conditions.

The applicant has not requested that the application be publicly notified, there is no national environmental standard that requires the application to be publicly notified and no circumstances sufficiently special to warrant notification. It is considered that the application could be processed on a non-notified basis.



7.0 RMA SECTION 104 MATTERS

The application has been assessed against the relevant provisions of the documents referred to in RMA Section 104(1)(b) as detailed below. The application has also been assessed against the relevant provisions of the Queenstown Lakes District Plan as detailed in previous sections.

(i) National Environmental Standards

The proposed land use is in accordance with the National Environmental Standards for Telecommunications Facilities 2016.

The following National Environmental Standards are not relevant to the current application:

- Air Quality 2004
- Sources of Human Drinking Water 2008
- Electricity Transmission 2010
- Urban Development Capacity 2016

(ii) Other Regulations

No other regulations are relevant to this application.

(iii) National Policy Statements

The following National Policy Statements are not relevant to the current application:

- Freshwater Management 2014
- Renewable Electricity Generation 2011
- Electricity Transmission 2008

(iv) New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 is not relevant to this application as the site is not in a coastal area.

(v) Otago Regional Policy Statement

The Otago Regional Policy Statement is an overview of the Otago region's resource management issues and the policies and methods to achieve the integrated management of its natural and physical resources. Other resource management plans (the various regional plans and the District Plan) reflect the provisions of the Otago Regional Policy Statement and cannot be inconsistent with it. These policies give effect to the Regional Policy Statement.

Of relevance to this application are the objectives and policies relating to land, water quality and natural hazards. These objectives seek to promote the sustainable management of Otago's land and water resources, to avoid, remedy or mitigate degradation of Otago's natural and physical resources and maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to create adverse effects.

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The Regional Policy Statement is given effect to by the regional plans and the District Plan. The objectives and policies of the land and natural hazard section of the Regional Policy Statement are primarily given effect to by the District Plan and the Regional Plan: Water. An assessment of the application against the provisions of the District Plan is contained in previous sections, while the proposed subdivision does not require consent under the Regional Plan: Water.

8.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The Operative District Plan is considered a valid, complete and certain planning document. It has already given substance to the principles in Part 2 of the RMA and therefore no further assessment against Part 2 matters are required for this application (Environmental Defence Society Incorporated v New Zealand King Salmon [2014] NZSC 38, [2014] 1 NZLR 593).

Regardless, the proposed development is considered to recognise and provide for the relevant matters of Section 6 and 7 and to represent a sustainable management of the land resource and achieve the purpose of the Resource Management Act 1991.

9.0 CONCLUSION

This application seeks resource consent to construct a solar structure and battery hut on land legally described as Section 1 SO 24118 and Section 7 SO 332310 at Roy's Peak, Wanaka. The proposed land use activity complies with all the site and zone standards of the Rural General Zone. The solar structure and battery hut will allow the existing communication services to operate efficiently and effectively while continuing to provide an important service to the community. The location diagrams of the proposed activity are contained in Appendix **E** with a location plan contained in Appendix **C**.

The environmental effects of the proposed development have been assessed and these effects are considered to be less than minor. No parties other than DOC will be adversely affected by the application and therefore it is considered that the application could be processed on a non-notified basis pending APA.

The application is considered to appropriately avoid, remedy or mitigate any adverse effects resulting from the development. Overall, the application is considered to represent a sustainable management of natural and physical resources having had regard to the Resource Management Act 1991 section 6 and 7 matters.

The application has also been assessed against the objectives and policies of the Operative and Proposed District Plans. This assessment concludes that the application is not contrary to the objectives and policies of either plan and helps to achieve the environmental outcomes sought in the Rural General Zone. It is therefore considered that consent could be granted on a non-notified basis subject to DOC approval and appropriate conditions.



Joubert Bekker
Planner
Paterson Pitts Limited Partnership



APPENDIX A – COMPUTER FREEHOLD REGISTER



APPENDIX B – GAZETTE NOTICE



APPENDIX C – LOCATION AND EARTHWORKS PLANS



Resource Consent Application – Upper Clutha Radio Telephone Users Association

APPENDIX D – DESIGN FEATURES REPORT



Resource Consent Application – Upper Clutha Radio Telephone Users Association

APPENDIX E – LOCATION DIAGRAMS

<u>APPENDIX 3 – CONSULTANT LANDSCAPE ARCHITECT ASSESSMENT</u>



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Memo

FILE REF: RM180522 – Upper Clutha Radio Telephone Users Associations Inc

TO: Simon Childs – Planner, QLDC

FROM: Helen Mellsop – Registered NZILA Landscape Architect

DATE: 19 April 2018

SUBJECT: Landscape assessment

- 1. An application has been received for resource consent to construct a solar array structure and battery hut at Roys Peak, Wanaka. The site is zoned Rural General under the Operative QLDC District Plan (ODP) and Rural under the Proposed District Plan and is within the Outstanding Natural Landscape (District Wide, ONL-DW) of the Roys Peak/Mount Alpha range. I understand that the proposal is a discretionary activity pursuant to Rule 17.2.3.3.iii(a), which relates to buildings for utilities (the battery hut), and to Rule 5.3.3.3(i), which relates to buildings in the Rural General Zone which are not utilities (the solar array).
- 2. The proposal is described in the Assessment of Environmental Effects and the plans submitted with the application. The exterior of the battery hut is proposed to be finished in 'Desert Sand' colour, but no finish colour appears to have been specified for the structural parts of the solar array. Additional conditions of consent were volunteered by the applicant on the 18 April:
 - '5) No vegetation is to be buried by spoil generated by excavation of the site.
 - 6) Any vegetation removed during earthworks shall be replanted in the gully in front of the battery hut.
 - 7) Fill generated by earthworks required for the shed shall be deposited within the gully in front of the battery hut. The fill shall be re-contoured to appear seamless with the existing topography.'
- I have not undertaken a site visit to assess the proposal and have therefore relied on photographs of the site and surrounds supplied by the applicant. Roys Peak is currently the site of two radio masts and two associated sheds, on the summit and distributed along the ridge to the south. All of these structures are visible from the public track to the summit and the masts are also visible on the ascent. The site of the proposed new structures is alpine and supports tussock and other herbaceous cover, with patches of bare ground.
- 4. From the photographs supplied, it appears that the proposed battery hut and solar array would not be visible from the public four wheel drive track leading to the summit of Roys Peak or from the summit itself. This track has become a very popular walk and has high volumes of walkers

during summer months. The structures would be clearly visible from the track that continues north-east along the ridge towards Mount Alpha. There is also potential for the solar array structure to be visible from the Matukituki and Motatapu valleys, and from Treble Cone skifield, if it is highly reflective or breaks the apparent skyline. Glare and reflection from the solar panels, which can occur at certain sun positions, is unlikely to be a significant issue. The panels face north and are screened from more distant viewpoints by the summit of Roys Peak.

- 5. The relevant assessment matters for utilities are found in Part 17.3.2 of the ODP, and include the following:
 - (i) The extent to which the following effects are likely to occur:
 - degrade the quality of the landscape by increasing the apparent level of modification and/or reducing its visual coherence;
 - conflict with landform and vegetation patterns;
 - encroach upon and degrade the visual and landscape amenity of shorelines or skylines.
 - (ii) The extent of the visual impact of the utility from any adjoining Residential, Rural-Residential, Rural-Lifestyle, Township, Town Centre... Resort or Rural Visitor zoned site or from any public road or public place, and its impact on the amenity values and character of the surrounding environment taking into account its external appearance.
 - (v) The extent to which the visual impact of the utility can be mitigated by landscaping and the extent to which other factors contribute to integrating utilities with the surrounding environment including:
 - a higher quality of planting over a smaller area.
 - an unobtrusive building design.
 - the compatibility of materials used for finishing and the colour of the building with the environment.
 - use of low reflective colours within the range of earth brown, greens, greys and blue greys.
 - (xi) The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.
 - (xiii) The extent to which the utility will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
 - (xiv) The extent to which the utility will reduce opportunities for passive recreation and enjoyment.
- 6. The relevant assessment matters for discretionary buildings in the ONL-DW are found in Part 5.4.2.2 (2) of the ODP. I have considered all the relevant matters for utilities and discretionary buildings in the assessment below. The magnitude of landscape and visual effects described in the assessment is rated as very high, high, moderate-high, moderate, low-moderate, low and very low. An effect which is determined to be low or very low could be considered to be less than minor in extent.
- 7. The proposed battery shed and solar array structure would increase the apparent level of modification of Roys Peak, scattering built form further across the summit and ridge area. Given the distance of the shed and array from existing infrastructure, they would not be perceived as being closely co-located with existing utilities and would further reduce the perceived naturalness, visual coherence and openness of the mountain top. That said, the structures are

unlikely to be visible from the most frequently visited parts of Roys Peak – the four wheel drive track and the summit. For people using the ridge track to Mount Alpha the solar array would be visually prominent, but would not be an unexpected element in the vicinity of the other masts and sheds. In order to minimise the visual impact of the solar array I recommend that the metal support structure be finished in a dark grey such as 'Ironsand' and that the concrete foundations, if visible above ground, include a black oxide to reduce concrete reflectivity. This second aspect is also recommended for the battery hut concrete pad. Overall I consider that the adverse effects of the structures on the perceived natural character of the landscape and on visual amenity would be low or low-moderate in extent, depending on the location of the viewer on Roys Peak.

- 8. While there is some potential for the solar array to be visible on the skyline from the Matukituki and Motatapu valleys, the viewing distance means that a recessively coloured structure is unlikely to be clearly visible or to detract from the visual integrity and amenity of the Roys Peak summit.
- I do not consider that any screen landscaping would be appropriate or feasible in this location.
 However in order to minimise adverse effects on the natural character and ecological values of the site, I support the replanting of any vegetation removed as part of the construction process.
- 10. The applicant proposes to distribute fill from excavations for the battery hut and solar array in the gully in front of the battery hut. I assume that this means to the north-west of the hut in the shallow part of the gully. The volunteered conditions also state that no vegetation is to be buried by the spoil and that any vegetation removed as part of the hut or solar array structure construction would be replanted on the spoil. The presence of snow in the supplied photographs of the hut location means it is not possible to see what vegetation is present in the proposed fill deposition area north-west of the hut site. However I do consider that if the spoil is appropriately shaped to be consistent with the natural landform of the gully and if no vegetation is buried by the fill, the adverse effects of earthworks on the natural patterns and processes within the site would be low in extent.
- 11. The proposed 'Desert Sand' colour of the battery hut would appear recessive in the surrounding tussock vegetation and would be consistent with the walls of the radio shed to the north. However I recommend that the roof of the hut be finished in 'Ironsand', similar to the existing shed, in order to maintain consistency with the existing structures.
- 12. Glare from the solar array is unlikely to adversely affect the character or amenity of the surrounding environment to any more than a very low extent. It is possible that glare may affect some people using the Mount Roy ridge tracks at certain times of the day or year when the sun is low in the sky, but this is likely to be a rare occurrence.
- 13. I consider that any adverse effects on the active and passive recreational experiences of people visiting Roys Peak, in terms of scenic value and the experience of naturalness or remoteness, would be low in extent.
- 14. The adverse effects of the proposal on the landscape values of the ONL-DW would be cumulative with those of existing modifications and infrastructure on Roys Peak, including the masts, sheds and four-wheel drive track. However in my assessment this location has greater ability to absorb additional development than other locations on the mountain range. I do not consider that the proposed development would exceed the site's ability to absorb change. The proposed structures are not domesticating in nature and have a relatively small and potentially reversible impact on the natural values of the mountain.

RECOMMENDATIONS

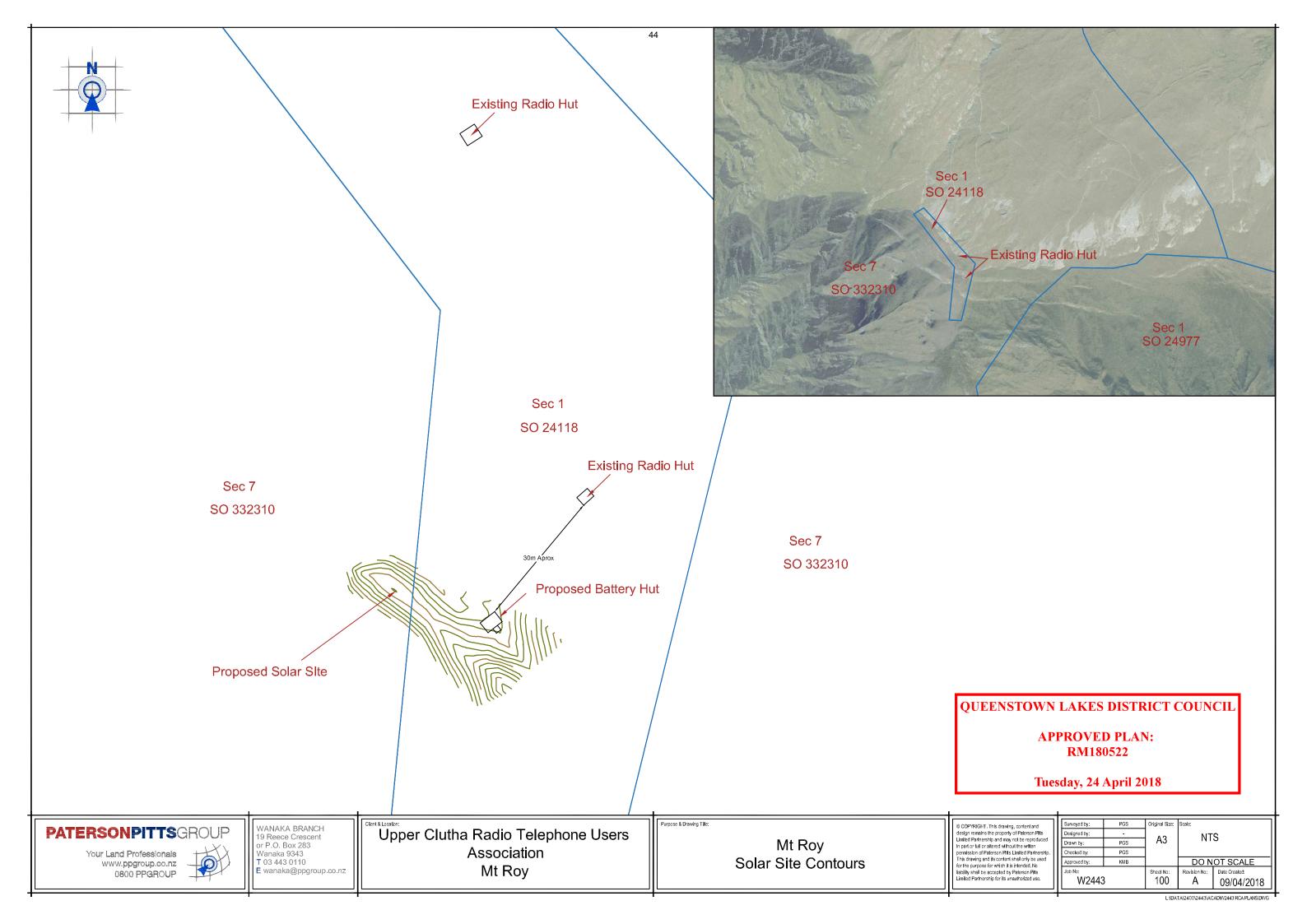
Should consent be granted I recommend that the following conditions be included:

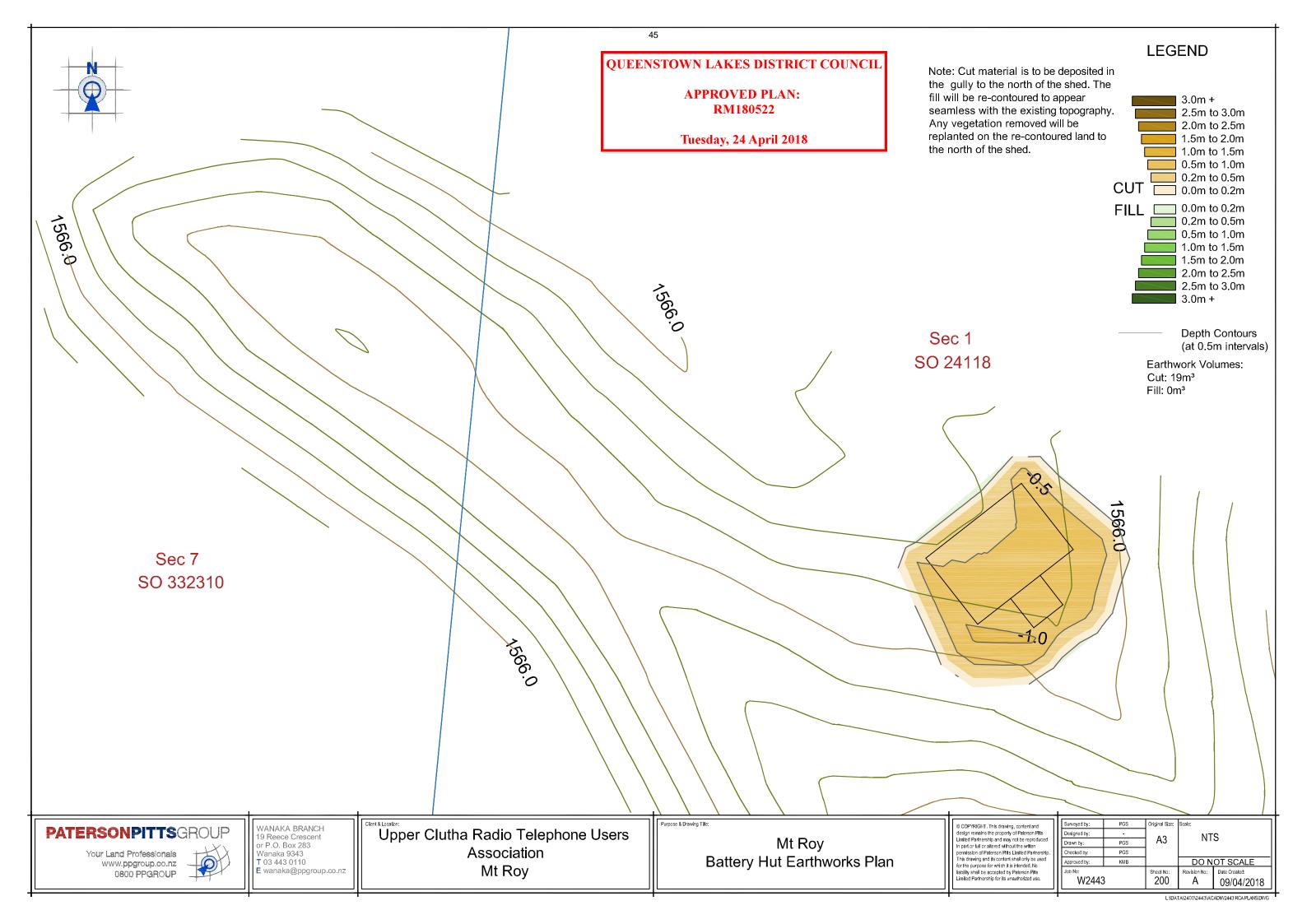
- 1. The battery shed roof shall be finished in 'Ironsand' and the walls shall be finished in 'Desert Sand'. The structural steel components of the solar array shall be finished in 'Ironsand'. Any exposed concrete components shall have a low light reflectance value (concrete mix to include at least 2% black oxide additive).
- 2. In the event that the battery shed or solar array structure should cease to be utilised for communication purposes, the building and all associated foundations shall be removed from the site and landforms of the original site restored. This is to be completed within three months of the facility ceasing operations.

Helen Mellsop

Applibal

BLA, BHB, Dip Hort (Distinction) Registered NZILA Landscape Architect

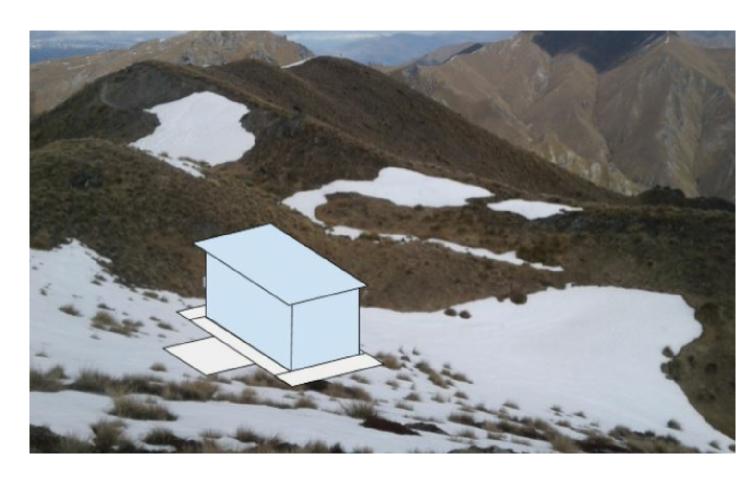




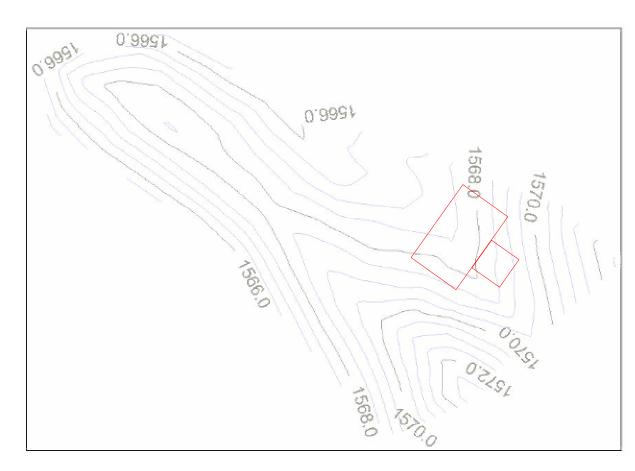
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM180522

Tuesday, 24 April 2018



APPROXIMATE POSITION OF BATTERY HUT



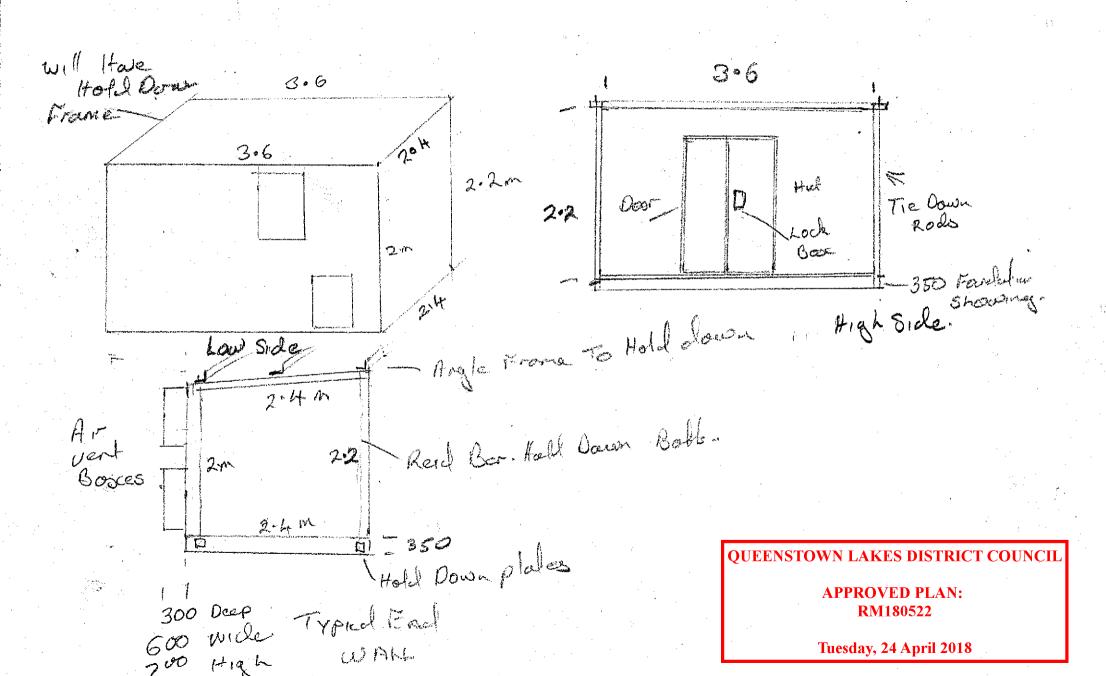
TOPOGRAPHY OF MOUNT ROY BATTERY HUT SITE

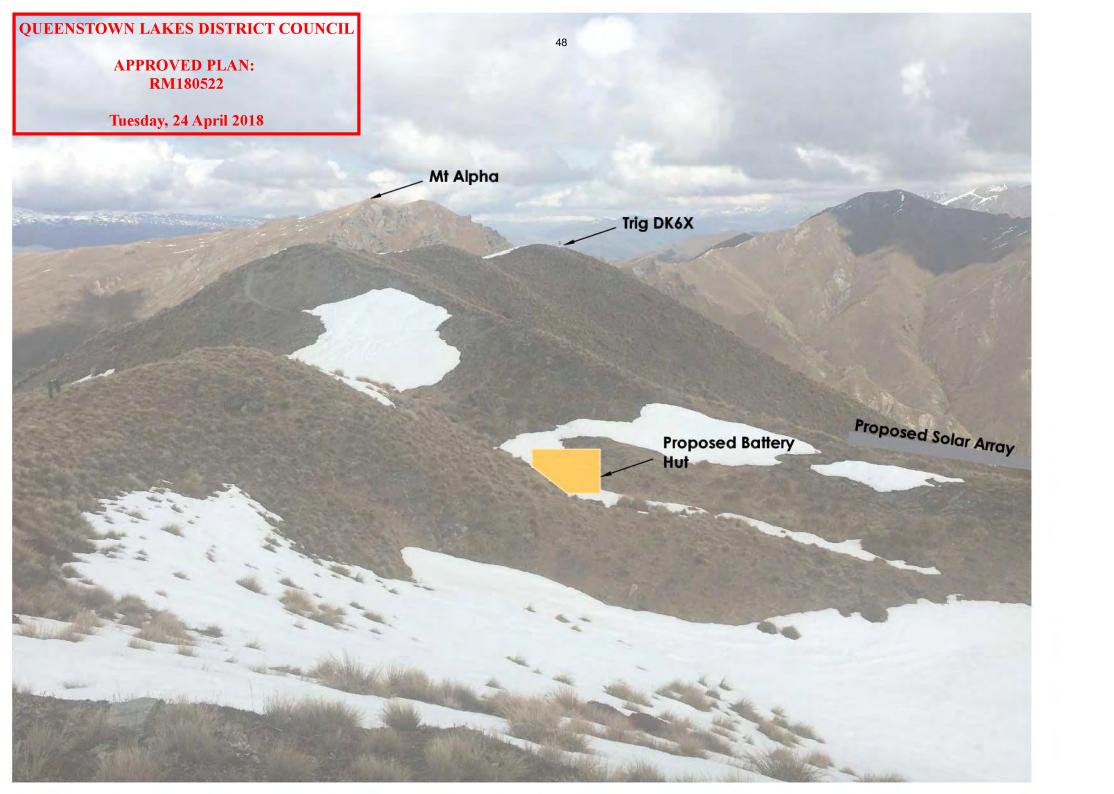
- NOTES:

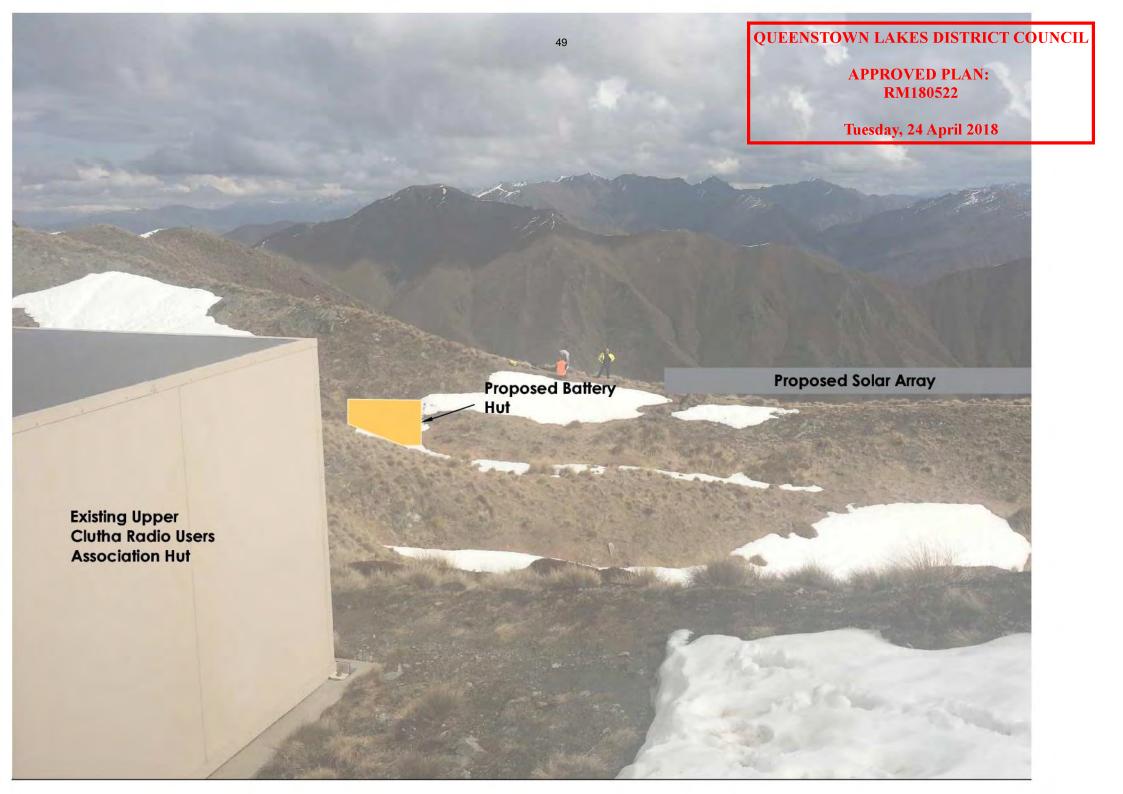
 MAIN CONCRETE PAD 3.9x2.7x0.3m

 BASE FOR JIB CRANE1.2x1.2x0.3m PAD IN FRONT OF MAIN PAD

Revision	Description	Initial	Date	© BVT Consulting Limited			Date	Tolerances	1-100 <1000	>1000	CRS COMMUNIC	CATIONS	
A	RELEASED FOR APPROVAL	DB	21/10/16	492 Moorhouse Ave Christchurch	Designed	CRS COMMUNICATIONS		(unless specified)	+05 +1	+ 2	MOUNT ROY BATTERY HUT -	- GA	
				www.bvt.co.nz	Drawn	DB	20/10/16	specified)	20.0				
				Ph: 03 371 7593	Checked	TR	21/10/16	All dim.			Project 16101548	_{Scale} Do not Scale	Sheet 1 of 2
				Fax: 03 371 7593	Approved			in mm			DRG No. 16101548-00	Date 20/10/16	BVTA3







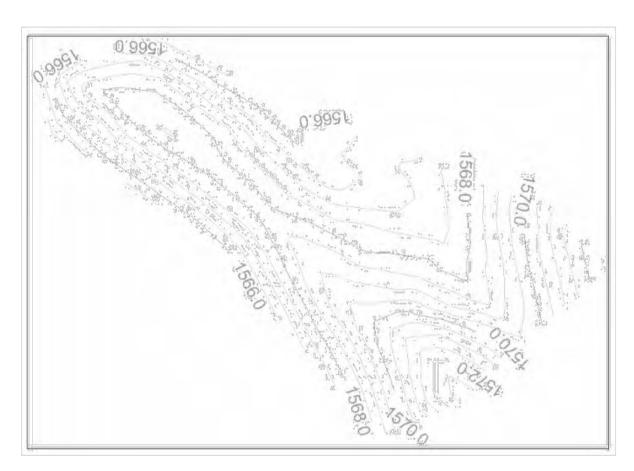
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM180522

Tuesday, 24 April 2018



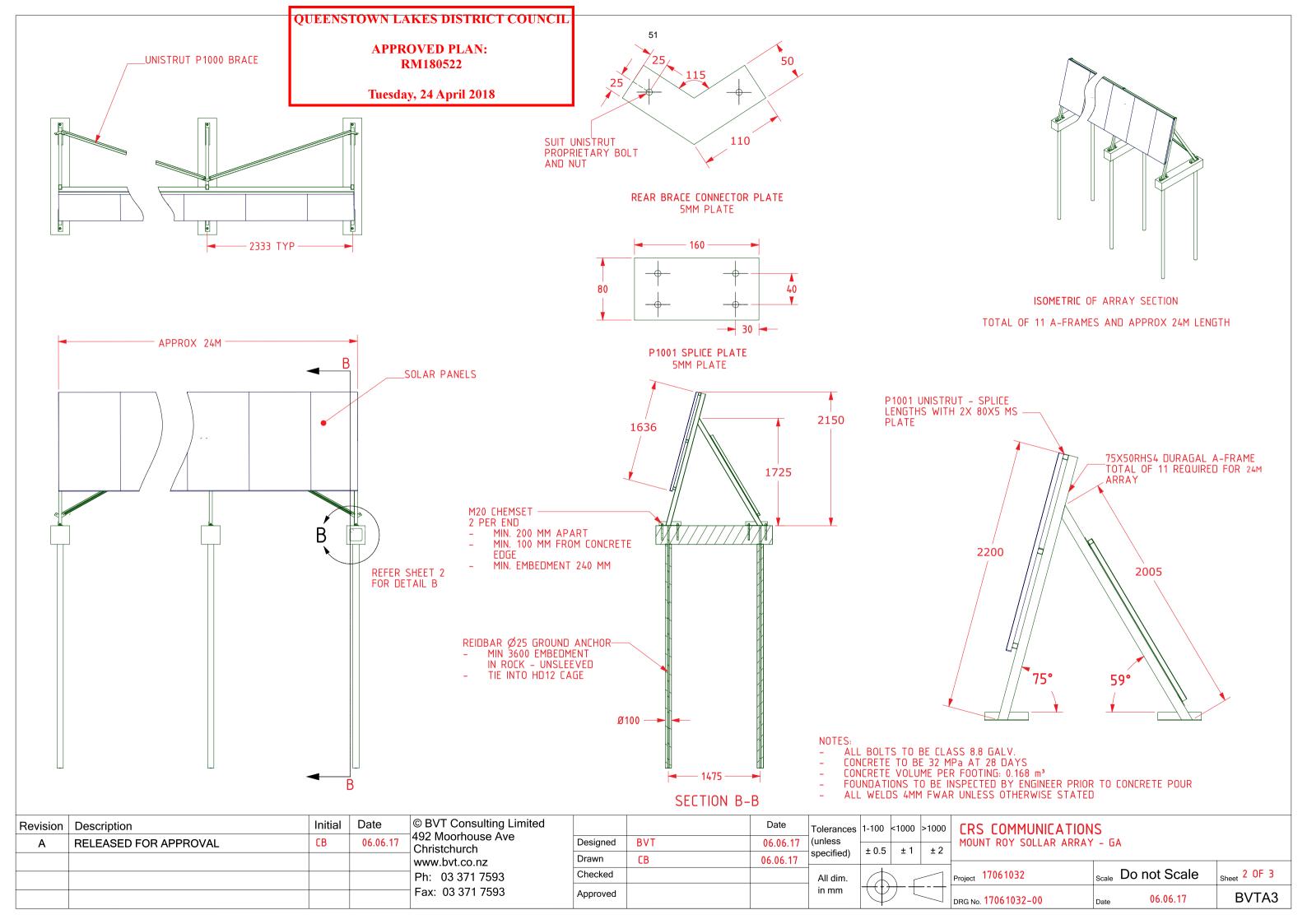
APPROXIMATE POSITION OF SOLAR ARRAY

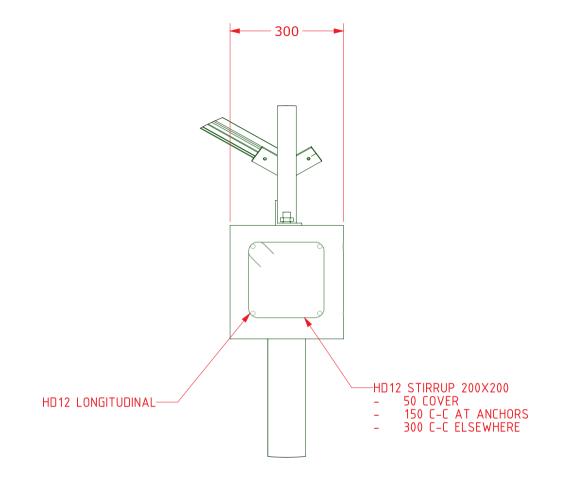


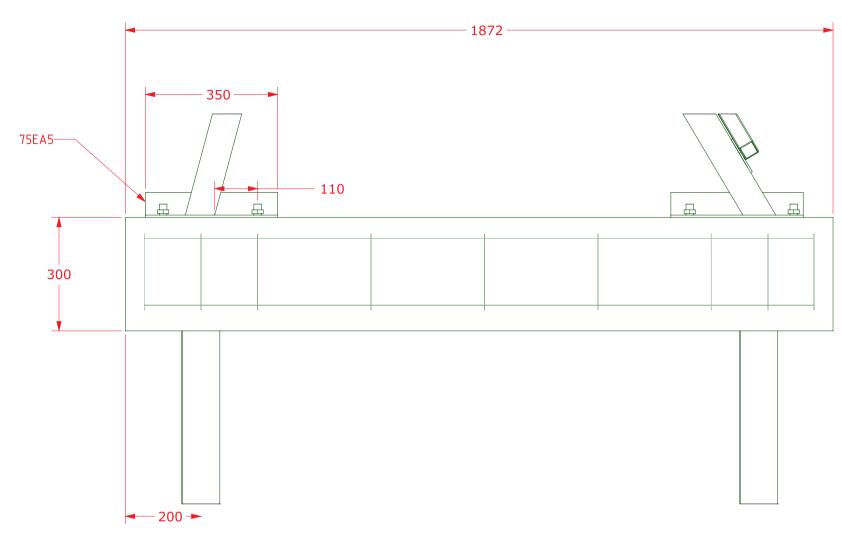
TOPOPGRAPHY OF MT ROY SOLAR ARRAY SITE

APPROXIMATE LOCATION: MT ROY - 44°41'40"S 169°02'54"E

Revision	Description	Initial	Date	© BVT Consulting Limited			Date	Tolerances	1-100	<1000	>1000	CRS COMMUNICATION	IS	
Α	RELEASED FOR APPROVAL	СВ	06.06.17	492 Moorhouse Ave Christchurch	Designed	BVT	06.06.17	(unless	± 0.5	+ 1	+ 2	MOUNT ROY SOLLAR ARRAY	' - SITE LOCATION	
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				Fax: 03 371 7593	Approved			in mm	4	<i>—</i> †		DRG No. 17061032-00	Date 06.06.17	BVTA3







QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM180522

Tuesday, 24 April 2018

Revision	Description	Initial	 © BVT (
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