

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	TJ Investments Pte Limited & Ta Property Trust Limited
RM reference:	RM150118
Location:	Malaghans Road, Wakatipu Basin
Proposal:	Establish and operate a polo club, subdivision and creation of residential building platforms.
Type of Consent:	Land Use and Subdivision
Legal Description:	Lot 1 DP 24501 – 8958 m ² Lot 3 DP 24501 – 29.4722 ha Lot 4 DP 24501 – 27.3462 ha Lot 5 DP 24501 – 13.4373 ha Section 2 SO 468375 – 13.8119 ha
Zoning:	Rural General
Activity Status:	Non-Complying
Notification:	23 March 2015
Commissioner:	Commissioner Nixon and Nugent
Date Issued:	13 October 2015
Decision:	Granted with conditions

BEFORE THE HEARING COMMISSIONERS

AT QUEENSTOWN

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Of an Application to **QUEENSTOWN LAKES DISTRICT COUNCIL** by **TJ INVESTMENTS PTE LIMITED** AND **TA PROPERTY TRUST LIMITED (RM150118)**

DECISION OF COMMISSIONERS APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL

Commissioners:

Robert Nixon (Chair – Christchurch)

Denis Nugent (Wanaka)

The Hearing and Appearances

Hearing Date: Wednesday, 16 September 2015 at Queenstown

Appearances for the Applicant:

Ms Vanessa Robb, Legal Counsel,
Anderson Lloyd Lawyers

Mr Jonathan Gabler on behalf of TJ
Investment Proprietary Limited

Mr Scott Freeman, Planning
Consultant, Southern Planning
Group Limited

Mr Ben Espie, Landscape Architect,
Vivian and Espie Limited

Mr Alistair Porter, owner of the
application site.

Appearances for the Queenstown Lakes District Council

Ms Anita Vanstone, Senior Resource
Consents Planner

Mr Blair Devlin, Resource
Management Planning Manager

Dr Marion Read, Landscape
Architect, Read Landscapes

Submitters:

No submitters appeared at the hearing to give evidence, but one submitter, Mr Nelson, briefly stated that he supported the application.

A letter from the New Zealand Fire Service Commission was tabled at the hearing.

Abbreviations

The following abbreviations are used in this decision:

TJ Investments PTE Ltd and TA Property Trust Limited

“the Applicant”

Queenstown Lakes District Council

“the Council”

The Operative Queenstown Lakes District Plan

“the District Plan”

The land subject to this application is referred to as “the site”.

INTRODUCTION AND BACKGROUND

1. The Application site is located on the northern side of Malaghans Road between Arthurs Point and Arrowtown and comprises a total area of 84.96 ha in five separate certificates of title. These are Lot 1 DP 24501, and Lots 3 to 6 DP 24501. (Subsequently Lot 6 DP 24501 was subject to a road vesting process and now has a description of Section 2 SO 468375). There is an unformed legal road along the western boundary, and a formed legal road along the eastern boundary (Alan Reids Road). The site is generally level but contains undulating terrain at its northern end, at the base of Coronet Peak. It is currently used and fenced for deer farming. There is an immature belt of conifers along the Malaghans Road frontage, and scattered trees along the eastern and western boundaries.
2. The site contains an existing dwelling near the south-western corner of the site, and there is another dwelling enclosed by the application site on three sides, situated on a small allotment off Alan Reids Road, but this does not form part of the application site.
3. Two previous applications have some bearing on the current proposal. On 17 December 2009 under RM 090233 consent was granted for a residential building platform on Lot 4 DP 24501, and a further consent was obtained to extend the lapse date for giving effect to the original consent, so that it now expires on 21 November 2019.
4. Recently, resource consent RM 140034 was granted by the Council of 17 June 2014 approving a subdivision consent and rearrangement of existing allotment boundaries to establish four new building platforms. This consent exercised considerable influence on the applicant's presentation, particularly as it was argued to create what was effectively a 'baseline' for consideration of the current proposal.
5. We visited the site on the morning of Wednesday 16 September, and later that day also took the opportunity to observe the site from Coronet Peak Road.

THE PROPOSAL

6. Broadly speaking, the current proposal contains two components. The first of these is to establish a Polo facility on the site (we use the words "polo facility" in this decision, as this is the term used by the proponent, Mr Gabler.) Partly to give effect to this, a resubdivision of the five existing allotments is proposed. The size of these existing allotments are set out below:

Lot 1 DP 24501 – 8958 m²

Lot 3 DP 24501 – 29.4722 ha

Lot 4 DP 24501 – 27.3462 ha

Lot 5 DP 24501 – 13.4373 ha

Section 2 SO 468375 – 13.8119 ha

7. The resubdivision of the site proposed through this application has major implications, as it will result in four large lots and one small one being reconfigured to create one very large lot and four small ones. The significance of this, which was heavily emphasised throughout the applicant's presentation, is that while the future building platforms would remain concentrated along the eastern and western boundaries of the overall site, there would be no

lot boundaries running through the centre of the site. Instead this would remain in single ownership with the future building development associated with the polo facility being concentrated primarily on the western boundary, keeping the central part of the site free of building development.

8. The proposed rearrangement of lot boundaries would see the minor relocation of two building platforms within two much smaller lots along the western boundary, being Lot 1 (4240 m²) and Lot 2 (4300m²). The existing dwelling on the western boundary is proposed to be contained within a slightly smaller Lot 5 (6170m²). Another relocated building platform will be located on a much smaller Lot 3 on the eastern boundary adjacent to Alan Reids Road (8800m²).
9. The previously approved building platform on the greatly enlarged Lot 4 will remain. The new Lot 4 of 82.6124 ha will occupy 97.2% of the total site area and it is this proposed lot which the vendor plans to sell to the applicant to operate the polo facility with all of its associated buildings and fencing.
10. It was apparent to us that the arrangement between the vendor and the applicant did not involve a substitution for the polo facility for residential development, but modification of the proposed lot boundaries to provide for the same number of residential units, while accommodating the polo facility. A significant part of the site would however remain in use for grazing purposes.
11. The other key features associated with the development of the polo facility are as follows:
 - two polo fields with dimensions of 270m x 145 m. Polo Field 1 will require approximately 9467m³ and polo field 2 5512m³ respectively, of earthworks involving material to be excavated and redistributed.
 - three horse arenas near the western boundary, one with a circumference of 20m and two rectangular arenas of 100m X 50m and 25m X 20m respectively.
 - a polo clubhouse with a gross floor area of 244 m² and a maximum height of 5.4m.
 - a large stables building in an 'H shaped' configuration with an overall gross floor area of 951m² and a maximum height of 6.2m.
 - a barn in the north-east corner of the site with a gross floor area of 195m² and a maximum height of 6.55m.
12. The main polo playing season is proposed to be from October to the end of April, generally starting at 7 a.m. and finishing at 9 p.m. There will be an on-site farm manager and additional staff in season. Seven polo events, each of seven days duration, are envisaged each summer which are expected to attract between 200 and 300 people to the site.
13. A relocated access point is proposed once the site is developed, replacing the current access point opposite the intersection of Malaghans and Hunters Roads, at a point approximately 145m to the east.
14. All of the above is accompanied by a landscaping scheme. The horse paddocks will be enclosed within post and rail fences. On the balance of the site, the existing pastoral farming activities and deer fencing would remain. It was acknowledged that for the purposes of this

application, that the existing conifers along the Malaghans Road frontage would be disregarded in terms of being a potential 'screening' mechanism.

Amendments

15. At this point it is necessary to record a number of amendments which were drawn to our attention at the beginning of the hearing. These were outlined in the evidence of Mr Freeman.
16. Firstly, in a letter dated 12th of March 2015, the Council was advised that the clubhouse, including a cafe/restaurant, would also be available to the general public rather than being confined to patrons involved in polo related activities. Mr Freeman clarified that the clubhouse would not be utilised for private functions such as wedding receptions. Through a question, it was clarified that this was made clear prior to public notification.
17. Clarification was also provided that the barn on the eastern side of the site would be a single level structure for workers use and would not be used for residential purposes.
18. Following a desktop acoustic assessment of the polo facilities prepared by Dr Chiles on behalf of the Council, application was formally made for a noncomplying activity to breach the District Plan noise limits measured at the boundary of proposed Lot 5, and the future notional boundaries of residential dwellings within proposed Lots 1 and 2. This was based on a precautionary approach that there was a potential, but not confirmed, breach of the noise standards. Affected party approval has been obtained from the landowner, who in this case is the vendor of the site.
19. Clarification was also provided with respect to a volunteered condition concerning the maximum number of organised polo tournaments, the length of the tournaments, and provision for general training and practice sessions. An updated 'farm area space plan' and fencing plan was provided to the hearing.
20. Finally, the applicant has volunteered a condition such that the polo related activities and infrastructure have to be established *prior* to the granting of new Certificates of Title for the proposed allotments. A further proposed condition requires establishment of the polo fields, fencing and landscaping *prior* to the construction of the clubhouse, to provide assurance that a standalone cafe/restaurant is not established first.

NOTIFICATION AND SUBMISSIONS

21. The application was publicly notified on 25 March 2015 with submissions closing on 24 April. Six submissions were received, five of which were partly or fully in support from M. and E. Lind, S Harwood, John Nelson, S. Botherway, and N. Hurle. Qualifications to the support included modifications to the siting of buildings, and traffic management particular with respect to horse floats. The New Zealand Fire Service Commission made a neutral submission containing recommended conditions to be included in an advice note.
22. The written consent of the neighbour who adjoins the eastern boundary of the site at 741 Malaghans Road was obtained.

STATUTORY MATTERS

23. The various noncompliances were identified in the application and AEE.

Land use consent is needed in terms of the following provisions of the Rural Gen Zone;

Rule 5.3.3.3 (i) – the construction of the clubhouse, stables and barn requires consent as a discretionary activity.

Rule 5.3.3.4 (a) – retail sales and the provision of alcohol from the clubhouse which requires consent as a noncomplying activity.

Rule 5.3.5 (iii) (a) – the gross floor area of all polo related buildings on the site exceeds 100 m², which requires consent as a discretionary activity.

Rule 5.3.5.1 (viii) (l) (b) – the volume of the proposed earthworks is greater than 1000 m³ within any one consecutive 12 month period, which requires consent as a restricted discretionary activity.

Rule 5.3.3 (xi) – as commercial recreational activities will be undertaken within buildings, and the proposal does not comply with site standard 5.3.5.1 (ix) (a), consent is required as a restricted discretionary activity.

Rule 5.3.3.3 (xi) – as the scale of commercial recreational activities greater than five people (in one group), the proposal does not comply with site standard 5.3.5.1 (ix) (b) requiring consent as a restricted discretionary activity.

24. Subdivision consent is also required in terms of the Subdivision Section;

Rule 15.2.3.3 (vi) – the application proposes a subdivision and the identification of building platforms within the Rural Gen Zone, which is a discretionary activity.

An additional non-compliance was identified by the reporting officer in an addendum to the Section 42 a report and tabled on the day of the hearing. This Notes the following non-compliance;

Rule 19.2.2.3 (ii) (a&b) – where an outdoor sporting events involves more than 200 people when the activity is undertaken outside and remains on site for more than seven days in any calendar year, consent is required as a discretionary activity.

(For the purposes of this rule, is expected that up to 300 people per day could remain on the site for potentially as many as 49 days per annum for seven organise polo tournaments per year. This was assessed in the officer's report but the non-compliance had not been specifically identified)

Transport

25. The applicant commissioned a traffic engineering report from Bartlett Consulting, the primary point of which was that the current residential access directly opposite the intersection of Malaghans and Hunters Road was not suitable once the polo activities and clubhouse were established. At this point it was recommended that a new access point be formed at least 100 m to the east. A temporary Traffic Management plan was also suggested as necessary where there were more than 150 patrons at a tournament. Some parking and access standards would need to be checked for compliance at that stage.

26. Overall, the application falls to be assessed as a **non-complying** activity.

LEGAL SUBMISSIONS AND EVIDENCE

27. **Ms Vanessa Robb** began by emphasising the importance of taking into account the economic, social and recreational benefits that would flow from a grant of consent. She submitted that pastoral farming was uneconomic both on the site, and throughout this part of the District, and that in any event there was no requirement in the District Plan for productive rural land use. She claimed that the officers assessed the site as if it were part of an Outstanding Natural Landscape (ONL) rather than a Visual Amenity Landscape (VAL) and had applied an unduly onerous test.
28. She argued a key point in the applicant's case was that the concentration of buildings on the eastern and western boundaries meant that the central part of the site remained open, and that the officers had placed too much emphasis on the proposed aggregation of buildings along the western boundary. She contrasted this with the effects of implementing the consents that had already been granted to establish building platforms scattered across the site on larger allotments.
29. She contended that an overall balancing was required, concluding that the benefits had to be weighed against any adverse effects which she said could be adequately addressed through conditions. In response to a question as to the implications of the *King Salmon* decision (1.) she considered there were no comparable 'directive' policies bearing on this application such that it called into question the appropriateness of a balancing approach.
30. **Mr Jonathan Gabler** explained his experience and background as a player in the sport of polo. He said that the site was physically suitable, and being close to a major tourism centre meant that synergies could be developed as a result. He made it clear that proposed Lot 4 to contain the polo facility would not be purchased unless consent was obtained. He added that this development would be undertaken in conjunction with, not as a substitution for, the residential development already approved on the land owned by the vendor under RM 140034. He explained that he expected the site to be developed over a period of approximately two years, allowing for the grounds to be established to the point where it would be suitable for polo tournaments. He expected to employ a full-time manager, a seasonal polo professional, and a seasonal polo groom (compared to the existing land use with a part-time farm manager working 8 – 10 hours per week).
31. **Mr Ben Espie** began by noting that the development only affected the lower slopes of the property, and had been configured so that the central part of the site would remain free of buildings. He considered that the development would only be visible from Malaghans Road and from some properties on the rising land further to the south and east of Hunters Road.
32. He explained his understanding of the landscape provisions in the District Plan, and made reference to Environment Court decisions that suggested that concluded that 'openness' was

not an expected outcome in a VAL **(2.)**. He noted that there was a certificate of compliance for the tree planting programme within the site, and was firmly of the view (in contrast to Dr Read for the Council) that a more intensive pattern of fencing including post and rail fences would not be inconsistent with the rural environment of the area. He also contended that the presence of horses and facilities/fencing associated with their containment and welfare was already present in the Wakatipu basin. He considered that *“an equestrian land use of this sort can sit comfortably, in terms of landscape character, within its broad context without any degradation of the character of the VAL”* **(3.)**. In his opinion the earthworks proposed would not have a long-term adverse effect, as while the areas of cut and fill were reasonably extensive, the depth of cut or fill was quite shallow and the edges would be battered with very gentle slopes.

33. In his opinion, Dr Read’s view that the development amounted to ‘domestication’ of the environment was an unhelpful term, and was normally associated with residential development. He opposed Dr Read’s contention that the ‘development’ of the site included not only the buildings, but all 34 ha of land to be fenced for polo fields. In his view there was a dichotomy between the evidence of Dr Read whose primary concern appeared to be the ‘domestication’ of the landscape to provide for the polo grounds and its associated fencing and that of the reporting planner, which was primarily concerned with the proposed aggregation of dwellings and other buildings along the western boundary.
34. A point central to the applicant’s case, was the significance of the fact that the District Plan did not contain a minimum area provision in the Rural General Zone. In responding to the reporting officer with respect to her concerns about the proposed concentration of small residential allotments and other buildings along the western boundary, he stated that the management regime that had developed under the District Plan *“..... suggested that an adaptive regime provisions would be best; one that directs development to locations that have the capacity to absorb change, while leaving large swathes of the Rural General Zone undeveloped. The abandonment of minimum lot sizes would mean that lots used for rural living purposes could be small and would allow built form to be clustered together in locations where it can be absorbed, while leaving larger balance areas undeveloped and undivided”*. **(4)**.
35. During the presentation of his evidence and upon questioning, he noted that the current District Plan use of the term “Arcadian landscape” had caused some ambiguity and was not proposed to be perpetuated in the reviewed district plan. He nevertheless concluded that the application was nevertheless consistent with an ‘Arcadian landscape’, bearing in mind that changes in the size of paddocks, fencing, stocking types, crop regimes and tree planting were permitted activities, and that this clearly provided significant scope for visual change over time within the context of this landscape type.

36. **Mr Alistair Porter** explained that he had extensive background in the farming and property industry both nationally and particularly in the Queenstown area. He submitted that the property, despite previous investment, could not operate as an economic deer unit on its own, nor was it economic to farm either sheep or cattle. If the current application was unsuccessful, he said that the site and residential platforms would be developed in accordance with the previous consent granted under RM 140034. He noted that this would result in the 'domestication' that was a concern expressed in the officer's report. He added that small block owners were frequently poor farmers and that the visual outcomes resulting from small block ownership were often less than optimal.
37. **Mr Scott Freeman** presented his evidence, as is now common practice, in two parts. Firstly he introduced the planning background to the proposal and the various amendments that have been made to it. He then concluded the expert evidence by addressing the non-compliances and the objective and policy framework.
38. He tabled an attachment to his evidence from the Welfare Department of the British Horse Society, which sets out requirements for the housing and fencing of horses, noting that post and rail fencing was preferred, particularly on safety grounds.
39. He considered the permitted baseline was of relevance in this case, given that under the approved subdivision of the site, each land owner could pursue different land management practices, potentially leading to different visual outcomes. He added that the District Plan allowed for a range of activities including fencing and planting as of right, with only minor qualifications, and moreover the Plan also anticipated temporary activities such as the seven annual polo tournaments that were proposed in association with the proposed polo facility.
40. He sought to emphasise that 95% of the site would remain in rural use should consent be granted. (5). In his view, the proposal was consistent with the relevant objectives and policies in both the Operative Plan and in the Proposed Plan. This was because the site concerned had the ability to absorb change, and the development would result in a large area of land in the centre of the site which was free of buildings. The proposal was also linked to a legitimate rural use in the form of horse grazing (in partial substitution of deer) and with appropriate mitigation such as planting, would not result in adverse visual impacts as seen from outside the site. He agreed with Mr Espie that upon development of the site there would be a transition area created between the more developed land to the east/south-east and the more open pastoral environment to the west/south-west. He said that in any event the District Plan did not require the maintenance of an 'open' landscape.
41. He noted that there were no other major issues in contention. Safe access could be provided subject to the relocated vehicular access point to the site, there was no significant risk from natural hazards, and the land could be readily serviced. The property had not been identified as a *HAIL* site. He observed that the Council were of the same opinion with respect to these matters.

42. In response to concerns from the reporting officer, he concluded that there would be no precedent effect, noting that each application had to be considered on its merits. In his view, the concept of clustering development on smaller lots had already been established in the district (6), and such a technique could be taken as implied by the District Plan. He considered that the link between the development of the polo facility and the rest of the site created a point of difference, and that a condition was proposed such that titles would not be issued until the polo grounds and some associated facilities were established first. He also considered that the development was not contrary to the objectives and policies.

The officers report

43. **Dr Marion Read** stated that the development would not affect the ONL on the slopes beyond the site to the north. In her view the relocation of three building platforms would not *“create any new effects over and above those of the consented development”* (7). However she noted that with the additional buildings and the three dwellings the buildings would have a cumulative footprint of approximately 1388m². She also said that the *“boundaries proposed by the subdivision would not have any adverse effect above that which would already be the case of the consented development were to be implemented”* (8).
44. In her view the development – which in landscape terms she insisted should be considered to include the polo fields – would occupy 34.48 ha, and was accordingly a large scale development, and beyond that which the landscape could absorb without adverse effects. Notwithstanding her view regarding the reconfiguration of the subdivision and building platforms, she considered that the development along the western boundary of the site would constitute sprawl along the roads of the district and was inconsistent with the density normally found in the Rural General Zone. She also maintained that it was unusual in this part of the country to stable horses and contain them within post and rail fenced paddocks.
45. At the point in which the officers commented on the applicant’s evidence, she remained firm in her opinion that the polo facility would be visually incongruous and have a significant adverse cumulative effect on the landscape.
46. **Ms Anita Vanstone** set out the background to the application and also furnished us with useful written material in the form of the previous consent history of the site.
47. Her opinion was that the scale and nature of the built form proposed was such that it would compromise the natural and pastoral character of the landscape in this area, considering it was comparable to rural residential development in nature. She remained firm in her view during the hearing that the concentration of development along the western boundary of the site in particular would have a significant adverse effect and that the proposed sites were too small for any realistic agricultural use. In principle, she was supportive of the polo grounds being established ahead of the construction of any further houses.

6. Freeman paragraphs 149 – 150

7. Dr.Read paragraph 5.2.2.1

8. Dr.Read paragraph 5.3.7

48. She made it clear that her primary concerns were about built form, and her evidence had a somewhat different emphasis to Dr Read in that she did not consider that the keeping of horses would domesticate the site.
49. She was satisfied that the issues relating to provision of infrastructure, management of natural Hazards and earthworks could be dealt with satisfactorily. Nevertheless, her overall conclusion was that the application should be declined on the basis that the level of built development was beyond the threshold that the landscape could absorb without significant adverse effects.

Right of reply

50. Ms Robb emphasised the key points raised by Mr Espie and Mr Freeman, submitting that the reporting officers had overstated the potential for adverse effects and had not placed enough weight on the landscape effects of development which had already been consented on the site. In response to questions from the Panel that the retention of the central part of the site from built development might well be undermined by subsequent applications for subdivision and building platforms, she argued that the district plan could be relied on, but if necessary a consent notice would be acceptable if it were confined to the life of the proposed District Plan.

ASSESSMENT OF EFFECTS

51. From the outset of the hearing, it was apparent that the key issues relating to whether this consent should be granted or declined turned almost exclusively on the landscape impacts of the proposal.
52. With respect to the permitted baseline, we are aware that it is not mandatory for a consent authority to take this matter into account, but in this case we considered it would be appropriate to do so. With respect to the effects that could be anticipated on the landscape from implementing the approved application RM 140034, and the Certificate of Compliance with respect to landscaping on the site, it was apparent that development in accordance with these consents would be undertaken in the absence of the current proposal proceeding.
53. We note that were it not for the commercial activities proposed within the clubhouse, the activity would be discretionary in status rather noncomplying.
54. Previous consents provide for two further dwellings along the western boundary in addition to an existing dwelling on the eastern boundary. Although the building platforms for the two new dwellings have moved slightly, we did not consider that this was a significant factor with respect to potential impacts on landscape values. The other building platform on Lot 4, which is proposed to be greatly enlarged, is located within a rolling landscape at the rear of Lot 4, readily enabling the screening of the future dwelling, without the need for artificial earthworks. This was not a matter in contention at the hearing.
55. We note the existence of an existing dwelling on a small lot on the western side of Alan Reids Road which is outside the application site, but which is physically partly enclosed by it. An additional proposed dwelling is proposed to the north of this existing dwelling, again on a relocated building platform. Once again, we considered that the effects of slightly relocating the building platform would not be significant.

56. The case for the applicant strongly emphasised that the large intervening area in the centre, comprising over 90% of the site, would be free of built form. However by way of comparison with the previous consent, we did not consider this was a major factor in itself, because the development approved under RM 140034 would result in a similar outcome, albeit on a much bigger lots, because the building platforms are also proposed to be located on the eastern and western edges of the site. Overall, and allowing for the additional buildings that are also proposed as part of the polo facility, we considered the visual outcome with respect to the additional *dwelling*s would have been generally similar under either proposal, even without the impact of additional buildings proposed through this application.
57. There was however some force in the applicant's argument to the extent that the subdivision pattern under the consented subdivision would have fragmented the central part of the site in a north-south pattern, with much smaller lots along the eastern and western boundaries.
58. The effect of subdividing properties can have consequent landscape effects resulting from fragmented ownership, whereby each separate owner may pursue different land use options, planting styles, and fencing arrangements. The applicant's proposal was to manage the central portion of the site for polo playing and its associated grazing and holding facilities, with the balance of the land remaining in pastoral farming. The effect of this would be to have an integrated management regime over 90% of the site, rather than four separate owners 'doing their own thing'.
59. However the difference between the proposal consented under RM 140034, and the current proposal, is that there will be a substantial stables building and a clubhouse, in addition to the existing and proposed dwellings on the western boundary, and a barn structure in addition to the proposed dwelling and an existing dwelling on the eastern boundary. This would result in a significant cluster of buildings and associated fencing and planting which can reasonably be expected to significantly modify the landscape as seen from Malaghans Road and potentially from some properties on rising ground to the south (*we have disregarded the partly mature conifer trees along the Malaghans Road frontage*). We are satisfied that the development on the site would only have relatively limited and fleeting visibility as seen from Coronet Peak Road. We are also mindful of the fact that despite widespread notification, there have been no submissions opposing the development.
60. We acknowledge the comments made in evidence by Mr Porter that from his experience, purchasers of small lots do not tend to use their properties for farming activities, but there is at least the possibility that farm related buildings might be sought on at least some of the larger properties if resource consent RM 140034 were to be implemented. Consequently we don't think it would be fanciful to expect that under this earlier consent that some additional buildings may have been sought on these properties to provide for their future management.
61. A key point in the applicant's case – that was repeated a number of times in the evidence of witnesses – was that the District Plan did not have a minimum area standard. Indeed the basis for this was explained in some detail in Mr Espie's evidence (9). From this it was argued that

it would be preferable, at least in this case, to aggregate buildings on the eastern and western boundaries, thus enabling the great majority of the site to be free of buildings, and maintaining a generally open environment. The applicant sought to qualify this to the extent that within a VAL there was no specific requirement to maintain 'openness', with reference to permitted activity provisions in the District Plan relating to planting and fencing.

62. Given the emphasis placed on maintaining 'openness in the central part of the site, it seems clear to us that in the absence of this outcome being *secured*, the assertions that the concept of clustering would mitigate adverse effects on the landscape would be significantly compromised. It was put to us, and has also arisen in other hearings, that traditional farming is no longer economic in most of the Wakatipu Basin, and certainly not on this particular site **(10)**. We feel it is necessary to approach arguments about farm economics with some caution, as it can easily provide justification for ongoing subdivision and re-subdivision. We consider that would be the case here, if subsequently there were to be further subdivision and building platforms within what is currently proposed to be the central area of the site. We consider this is particularly significant when it is considered that there will be five significant buildings along the western boundary with a total floor area of nearly 1400 m² (instead of the current single dwelling) and three along the eastern boundary including the neighbours existing dwelling, a further dwelling and a barn. We return to this issue again shortly.
63. A parallel, albeit closely related issue relating to landscape impacts concerns the nature of the proposed land use itself, and its use for two polo fields, the three arenas, and associated grazing and fencing arrangements. The 'intensity' of the fencing arrangements and the style of the fencing was an issue that figured particularly prominently in the evidence of Dr Read. This led to some debate at the hearing and questions relating to what is expected with respect to the vexed term of an 'Arcadian' landscape, used in the District Plan.
64. From our understanding of the plans provided to the hearing, not all of the site was to be used for activities associated with polo, and a significant part of the site would be used in a supplementary manner for pastoral farming activities including that currently undertaken with respect to deer farming. From the evidence, and from questioning, it was apparent that the sport of polo and associated fencing and containment arrangements, exhibited an 'English Country' character, as well as reflecting practical concerns about animal safety. Traditionally, New Zealand high country areas are sometimes characterised as having a 'big sky' character, with utilitarian post and wire fences, very large paddocks, and simple shelter belts. This is similar to the kind of environment found in the Maniototo or the Mackenzie Country. By way of contrast, the activity proposed here would result in a much more genteel pastoral environment ('domesticated' to use the words of Dr Read – **(11)**). In combination with buildings and planting, it is a more intensively developed and intimate environment than one which is characterised by the large open spaces often associated with high country pastoral farming. To that extent, the facilities and fencing proposed with the polo activity would be incongruous with this traditional image of high country farming.

10. A. Porter paras 6-10

11. M. Read para 5.2.3

65. However, we consider that the proposed activity is not precluded by the provisions of the District Plan, the outcomes expected within a VAL (in contrast to an ONL), and the environment which is evolving in the Wakatipu Basin. In other words, while we can well understand the basis of Dr Read's conclusions, we preferred the views of Mr Espie in this case, if only because we agree with his view (which was supported by the reporting officer) that the kind of development proposed in this case would not be inconsistent with what the District Plan anticipates. The resulting outcome will not visually reflect that of a traditional New Zealand high country environment, but it will not detract from the environment and will present a visually pleasant contribution to the evolving landscape of much of the Wakatipu Basin. Were the site within an ONL, our conclusions may well have been very different.
66. We note that Dr Read's concerns were as much about the effects of the proposed polo activity and the style and intensity of fencing arrangements, as it was about the increased aggregation of buildings, which contrasted with that of Ms Vanstone, which was much more focused on the latter.
67. We earlier commented that the key issue concerning landscape impacts centred on the aggregation of buildings (or clustering), particularly on the western boundary. The evidence for the applicant commented that the legal road along this boundary was unlikely to ever be formed, and that the proposed development would not represent sprawl along a road. We doubt whether this could be regarded as 'urban' development, but it would still appear from Malaghans Road as a line of planting and buildings extending towards the toe of Coronet Peak.
68. Our overall conclusion is while the aggregation of buildings on the site, and particularly on the western boundary would be reasonably significant, resulting in the matter being finely balanced, we agree that the effects on the landscape acceptable in this location, subject to compensating retention of the large area in the centre of the site as open space free of future building activity. Maintaining over 80 ha of land in the Wakatipu Basin free of internal subdivision or buildings would in our view be of significant benefit given the degree of modification by existing and proposed dwellings on the numerous building platforms throughout the VAL. This needs to be secured by condition at least in the form of a consent notice, without which we consider that the adverse effects of the proposal would not be able to be adequately mitigated. While this conclusion differs from that reached in an earlier decision on RM140034, we consider that this proposal can be differentiated, particularly given the premise on which the current application is based.
69. In her written right of reply, Ms Robb again emphasised the key justification for the concept put to us, stating that "*..... It is the Applicant's case, that when considered as a whole, the proposal does not breach the threshold of the sites ability to absorb development. As noted throughout the hearing the development as a whole includes a significant open space component which balances the built form proposed*" **(12)**. She explained that the applicant would be prepared to accept a consent notice with a life of 15 years, which we would regard as a minimum requirement.

70. There is a further matter which we considered was important with respect to the case put to us to justify a grant of consent. As described to us, the use of most of Lot 4 for the polo activity was put to us as an 'integrated package' – that is, it comprised the polo grounds, the grazing area, the clubhouse/restaurant, the stables and the barn as a functional entity. These were outlined in the plan contained in the Tony Butel Design Studio Plan 1419, sheet A102 forming part of Mr Freeman's bundle, and including the 69.7878 ha of grazing and hay farming shown around the polo fields to the north and west. For this reason, we consider that a further condition is justified, tying the use of the grazing and hay farming area to the polo activity.

Positive effects

71. As well as providing benefits for the applicant in terms of land suitable for polo activities, and for the vendor of the land, there would be at least a modest benefit for tourists and recreational activities in the District through providing for an activity that is currently not represented or provided for.

Other effects

72. The applicant's proposal to relocate the access point 145m east of the Malaghans Road/Hunters Road intersection was considered satisfactory by the Council, and with the imposition of standard access and formation conditions, there are no issues of significance relating to traffic and access matters. We are satisfied subject to the relocated access point, and the formation of access into the site to satisfactory standards as required by conditions, there would be no significant adverse effects on the safety and efficiency of Malaghans Road.
73. With respect to potential noise, a report was provided to the Council by its consultant acoustic engineer, Dr Stephen Chiles. Dr Chiles expected that events at the clubhouse/cafe could result in District Plan noise limits being breached at the boundaries of proposed Lots 1, 2 and 5, and at the boundary of 741 Malaghans Road to the west (the Dagg property), who however have given their written approval to the proposal. All of the other affected lots are owned by the applicant. His recommendation was that subject to conditions, noise effects would not be expected to be significant, and his suggested conditions were accepted by the applicant.
74. No other issues relating to the provision of services or concerns relating to natural hazards or engineering issues were drawn to our attention.
75. Our overall conclusions were that while there were some additional adverse effects in terms of the aggregation of dwellings and buildings arising *over and above those* which could be expected under the current resource consent for dwellings on the site, these adverse effects were not more than minor. Accordingly we consider that with respect to effects, the first of the tests under section 104D of the Act for noncomplying activities, has been satisfied.

OBJECTIVES AND POLICIES

76. The nature of this application, and its dominance by issues relating to potential effects on landscape values, means that the objective and policy framework is particularly important. The District Plan contains an extensive suite of objectives and policies, and there are at least

three objectives and 18 policies of direct relevance to rural landscape and amenity issues in the District Plan, and additional examples which have indirect reference.

77. In addition, the Proposed District Plan was notified on 26 August 2015, and we are required to have regard to the objectives and policies in this plan. However, as this plan is only in its very early stages, even prior to the point upon which submissions have been received, we can only place very limited weight on its provisions.
78. Part 4 of the Operative District Plan addresses district wide issues, and Objective 4.2 and its related policies have direct reference to landscape and visual amenity.

Objective 4.2.5:

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.

79. This overarching objective is expressed in very general terms paraphrasing the provisions of section 5(2)(c) of the Act, but which is given more specific focus in its accompanying policies. Policy 1 reads as follows:

Future Developments

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
80. The extent to which this particular location has the capacity to absorb change without adverse effects was a specific matter of concern in the officer's report. This part of the Rural General Zone and of the VAL is in a transitional area where there is significant existing development to the south and east, but only limited development to the north of Malaghans Road and to the west. Given this context, the proposed concentration of further buildings in addition to the dwellings along the western boundary would result in visual change to the existing pattern of development in this location, although a component of this has already been consented under RM 140034. For this reason, we consider that while the proposed development is not entirely consistent with the two policies, it is not contrary to them. Other changes such as the more intensive scale of fencing and planting will again result in a degree of change, although it is a form of change which is permitted by the District Plan and which has occurred elsewhere in Wakatipu Basin.
81. Policy 4 is specific to VAL's.

Visual Amenity Landscapes

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
 - *Visible from public roads.*

(b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.

82. Disregarding the somewhat unremarkable conifer plantings along the frontage of Malaghan's Road, the site will be clearly visible to traffic passing between Queenstown/Arthurs Point and Arrowtown. The effect of the current application is to increase the visible presence of buildings and their associated curtilages beyond that already consented for the additional dwellings already consented on site. However there is an approved landscaping scheme associated with development on the site, and the consented dwelling on Lot 4 is well screened by existing landscape features. Once again, while the development is to some extent not consistent with these policy provisions, it is not contrary to them.

83. Policy 6 seeks to restrain urban development within a VAL.

Urban Development

(d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

We do not consider that the development proposed constitutes "urban development".

84. Policy 8 is concerned with cumulative effects, again an issue that was subject to some debate during the hearing.

Avoiding Cumulative Degradation

In applying the policies above the Council's policy is:

(a) To ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.

(b) To encourage comprehensive and sympathetic development of rural areas.

85. We consider that reasonable steps have been taken as part of this proposal to ensure that the development of the site is undertaken comprehensively and sympathetically with the rural area – bearing in mind what is expected within a VAL under the District Plan rules. We also consider that in terms of the alternative permitted development under RM 140034, the subdivision pattern would have had the effect, over time, of exacerbating the visual impacts of four large properties and separate ownership. However we consider that to avoid cumulative degradation, and to achieve the mitigation upon which the application was based, it is necessary to ensure that future subdivision and building platforms on the site are restricted to achieve the intent of this policy.

86. Policy 9 addresses the effect of structures in the landscape and reads as follows:

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 in the landscape;*
- *Encouraging placement of structures in locations where they are in harmony with the landscape;*
- *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

- *Providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.*

87. We have taken account of the building platforms and curtilages already approved on the site. The additional building activities, and approve planting will form a significant cluster adjacent to the western boundary and a smaller cluster on the eastern boundary which will contrast with the existing more open landscape of the area. The smaller allotment sizes and the planting along the boundaries of the dwellings will screen the buildings albeit that the screening in itself will to some extent emphasise the presence of activities on the site. Overall however we consider that the landscape scheme and the siting of the additional buildings in association with the previously approved dwellings has been carefully designed and would be consistent with this policy given the outcomes expected within a VAL. It also has the advantage, subject to being secured by way of a consent order, of keeping built development and the effects of further land-use fragmentation resulting from subdivision, out of the large central area of the site.
88. Objective 4.4.2 concerns the environmental effects of open space and recreation. This was subject to some debate between Dr Read on behalf of the Council and the applicant. We consider the scale location and design of the buildings was reasonably consistent with rural amenity and would not disturb natural character, peace, or tranquility in the District. The polo activity proposed would not have any adverse effects on other recreational activities and would assist in maintaining the open character in the centre of the site. We concluded that the proposed activity was not contrary to this objective and its related policies.
89. The multiple objectives under 4.11.13 concern potential adverse effects of earthworks. The surface area of land affected by earthworks is quite substantial in this case, although the depth of cut and fill is quite shallow given the relatively gentle topography on the site. Potential issues arising from the temporary exposure of ground surfaces and recontouring activity can be addressed through the typical conditions relating to earthworks to avoid issues such as sedimentation, dust nuisance and noise. Matters concerning discovery of archaeological material can be covered through an accidental discovery protocol. With conditions we are satisfied that the application is not contrary to the objectives under 4.11.3.
90. Part 5 contains the objectives and policies relevant to 'Rural Areas'. Objective 5.2.1 and its related policies state as follows:

Objective 5.2.1 – Character and Landscape Value

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.*
 - 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*
 - 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.*
 - 1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation.*
 - 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.*
-
91. While Dr Read suggested that use of the property for equine activities, particularly if it included polo grounds, would be somewhat unusual in the district, it is an activity that for reasons of necessity would logically be located in a rural location, and we consider it makes sustainable use of the land and soil resource. It is at least arguably as legitimate as a use of rural resources, as deer farming. It is noted that the policy prescription under 1.2 above emphasises sustainability rather than productivity, which is a difficult issue in the Wakatipu Basin given the economics of farming. The buildings proposed with the polo activity are functionally related in terms of the need to care for horses and for staff associated with the activity. We consider the proposed clubhouse and cafe/restaurant component is an appropriate adjunct to the development.
 92. The proposed buildings associated with the proposed polo activity are of a sympathetic design and colour palette, with a detailed landscaping scheme which we consider as consistent with this general policy framework. The area to be developed does not affect any prominent skylines or other natural features. Overall we consider the development as consistent with this objective and group of policies.
 93. Objective 15.1.3.5 addresses the effects of subdivision on amenity. We accept that subdivision in itself, and not only building activity can have effects on landscape values through the process of fragmented ownership, on the visual outcomes which result from different owners aspirations with respect to boundary fencing and on-site land use activities. The objective and its associated policies read as follows:

Objective 15.1.3.5 – Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
94. A key component of this proposal is to cluster dwellings on small lots along the eastern and western boundaries while leaving the central part of the site free of subdivision boundaries and building activity. Given that the District Plan does not contain minimum area criteria and for that reason enables (but does not promote) the clustering of development on small lots, we see merit in this approach subject to appropriate conditions to ensure that the benefits flowing from clustering are not subsequently undermined by ongoing applications for further subdivision. Overall, we consider the pattern of subdivision and related building activity as an appropriate concept on this relatively large site.
95. We are satisfied that the proposed activity is a use which by its character makes use of the rural land and soil resource, and accordingly is not contrary to Objective 5.2.2 and its related policies concerning the life supporting capacity of soils.
96. We consider that the proposed modifications for access arrangements to the site would be sufficient in terms of safety and capacity and accordingly is not contrary to objective 14.1.3.2 and its related policies under Part 14 (Transport).

The Proposed District Plan

97. There is a significant extent of continuity, but some differences of emphasis, between the provisions of the Operative District Plan and the Proposed Plan. A noticeable difference is the abandonment of the paraphrasing of section 5(2)(c) and the substitution of more targeted objectives and policies addressing environmental effects. Concepts carried over from the Operative Plan include:
- recognising the potential of both subdivision and building activity to impact on landscape character (Objective 3.2.5.1, Policy 6.3.2.5);
 - avoiding adverse cumulative effects and sprawl along roads (Policy 6.3.2.4;
 - avoiding adverse effects on landscape character in areas which have limited capacity to absorb change (Policy 6.3.4.1);

- avoiding adverse effects on landscape character and visual amenity as seen from roads (Policy 6.3.4.3).
98. The Proposed Plan also continues or develops the concept that there is a finite capacity for residential activities on rural zones (Objective 3.2.5.4); that the ongoing viability of farming, and evolving agricultural use, may change landscape values (Objective 3.2.5.5 and Policy 6.3.4.2); recognising the importance of tourism infrastructure consistent with landscape values (Policy 6.3.8.1 and 6.3.8.2); that commercial activities in the rural zones should have a demonstrated link with the rural land resource (Policy 21.2.9.1); and to recognise the complementary value of commercial recreation or visitor accommodation in support of farming and the rural landscape (Policy 21.2.10.3).
99. Taken overall, the provisions of the Proposed Plan appear to be at least marginally more sympathetic to the kinds of development proposed to this application, particularly as it is linked to the use of a rural resource and provides a complementary commercial/recreational adjunct to the current farming of the land. Moreover it would do this more effectively than would be the case if existing resource consent RM 140034 were implemented instead.
100. Our overall conclusions with respect to the Operative Plan were that while the aggregation of building development on the site beyond that already consented is not entirely consistent with some objectives and policies, the extent of the proposed development is such that it was not *contrary* to the objectives and policies. There were no objectives and policies which we considered were of a particularly directive nature such as to conclude that the application was in conflict with them.

Precedent Effects

101. Care has to be exercised in any assumptions relating to precedent, unless successive applications have very similar context and scale, which is frequently not the case. At this point however, we do want to sound a note of caution with respect to the similar but distinguishable concept of confidence in the administration of the plan. While each particular proposal has to be considered on its merits, the concept of clustering and any subsequent re-subdivision would have the potential to undermine confidence in the administration of the district plan, particularly given the basis on which an original subdivision or development is promoted

PART 2 RESOURCE MANAGEMENT ACT

102. The assessment of an application under Section 104 of the Act is subject to the provisions of Part 2 comprising sections 5 to section 8.
103. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. The only matter of potential relevance under this section relates to the requirement to protect outstanding natural features and landscapes from inappropriate subdivision, use and development under subsection (b). It was common ground at the hearing that none of the land affected by the development was within an area identified as an

Outstanding Natural Landscape under the District Plan. Accordingly the application is not contrary to the matters contained in Section 6.

104. Section 7 contains three subclauses which are relevant to this application. These are:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) the maintenance and enhancement of the quality of the environment.

105. We were satisfied that the proposed activity would make at least as efficient, and arguably more efficient use of the site, than would occur under the currently consented proposal for subdivision and dwellings, and its associated fragmentation of the land into what would almost inevitably be hobby farming blocks. It would also produce greater benefits in terms of recreational opportunities and tourism, than maintaining the property for the existing deer farming operation. We were satisfied that although there are some adverse effects associated with the aggregation of dwellings and buildings on the site, that these would be offset by the compensating maintenance of over 90% of the land in an 'open' environment in the sense that it would be free of buildings, subject to an appropriate condition to ensure this outcome is maintained.

106. As discussed earlier in this decision, we have concluded that the combination of the siting and design of the proposed buildings, the planting scheme proposed, and the improved access arrangements would maintain the amenity of the site and the quality of the environment. Noting that the site is within a VAL, we consider that outcomes in terms of landscape and amenity values will be consistent with what would be anticipated in terms of the relevant rules applying to the site.

107. No matters were drawn to our attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.

108. Turning to the purpose of the act under section 5, we considered that the proposal would best enable the applicant, and the district as a whole, to provide for its social economic and cultural welfare in the form of an additional recreational facility which is currently not present in the District, and which is consistent with the outcomes expected in a VAL. We consider that the qualification under section 5(2)(c) has been satisfied in that the potential adverse effects of the activity are sufficiently avoided or mitigated.

DECISION

Pursuant to Sections 104, 104D and 108 of the Resource Management Act 1991, consent is hereby granted to application RM150118 subject to the conditions as specified below:

A handwritten signature in blue ink, appearing to read 'Bob Nixon', with a small 'H' written above the first part of the signature.

Bob Nixon

INDEPENDENT COMMISSIONER

CONDITIONS

SUBDIVISION

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Subdivision of Lot 1, 3, 4 & 5 DP 24501 & Section 2 SO 468375, Ref: 2620-015, v2 by Apex Surveying Limited dated February 2015'

stamped as approved on 13 October 2015

and the application as submitted, 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.

Engineering Conditions

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
5. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions (6-8) below shall be demonstrated.
6. Prior to commencing physical works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised. Measures shall include hay bales or silt fences to prevent silt and sediment entering any waterways within the development site.

8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
- a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1-4 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - b) The provision of a sealed vehicle crossing to Lots 1, 2, 4 and 5 with Malaghans Road to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
 - c) The provision of an unsealed vehicle crossing to Lot 3 from Alan Reid Road to be in terms of Diagram 2, Appendix 7 of the District Plan. Provision shall be made to continue any roadside drainage.
 - d) The provision of a 600mm high protection bund to the north and west of the building platform on Lot 3 in accordance Figure 4 of Appendix A of the Tonkin & Taylor report Ref 880428 dated 11/2/13 and the recommendations of the Geosolve report ref 150101 dated 16/2/15.
 - e) The provision of an access way to the building platforms on Lots 1-5 to Council's standards. This shall have the following requirements:
 - i. The carriageway shall have a minimum cross fall of 4% to prevent stormwater ponding;
 - ii. Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of water table shall be at least 200mm below the lowest portion of the sub-grade;
 - iii. The minimum standard of the carriageway formation shall be a compacted depth of 150mm AP40 metal and a carriageway width of 3.5 metres to the building platforms on Lots 3 and 4; and
 - iv. The minimum standard of the carriageway formation shall be a compacted depth of 150mm AP40 metal and a carriageway width 5.5 metres to building platforms on Lots 1, 2 and 5.
 - f) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

To be completed before Council approval of the Survey Plan

9. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate;

10. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder must complete the construction of Polo Field 1, stage one of the Stables (consisting of Block "B"), the three arenas, the Structural Landscaping (as illustrated on the Site Plan referenced 1419, Sheet A101 dated 8/1/15 and Stables Plan referenced 1419, Sheet A3-01 dated 15/1/15), the new post and rail fencing highlighted in the colour brown (in Fencing Plan REF 1419/A103 dated 08.01.15) as approved pursuant to Land Use Consent RM150118.
 - b) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - c) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - d) The completion and implementation of all certified works detailed in Condition (8) above.
 - e) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
 - f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - g) Provide written evidence of an existing electricity and telecommunications connection to the building(s) on Lot 5.
 - h) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- j) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- k) The existing firefighting provision to Lot 5 shall be upgraded to comply with firefighting requirements as recommended by the New Zealand Fire Service Area Manager. This shall include either; the provision of a suitable firefighting connection located 10m from the existing tank and a minimum 60 minute fire rating to the rear interior wall of the existing garage, or the tank to be relocated in accordance with Councils standards. Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.
- l) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading, service infrastructure and facilities associated with the subdivision and land use activities. The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

Ongoing Conditions/Consent Notices

11. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
 - a) The finished floor level of any building/dwelling on Lots 1-3 shall be a minimum of 250mm above the finished ground level at the time of subdivision.
 - b) 0.6m high by 5m wide flood protection bunds installed to the immediate north and west side of the Lot 3 building platform shall be maintained by the lot owner as per the cross section shown in Figure 4 Appendix A of the Tonkin and Taylor Report ref 880428 dated 11/2013.
 - c) The building platforms on Lots 1-3 are located on 'Shallow soil' in accordance with NZS1170.5.2004. Investigations have revealed that these soils do not meet the requirements to be defined as 'good ground' in terms of NZS3604 (New Zealand Building Code) due to the ultimate bearing pressure being less than 300 kPa. The foundations of all buildings on each building platform, shall be designed, supervised during construction and certified by a suitably qualified and experienced engineer.
 - d) At the time a dwelling is erected on Lots 1-4, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Holmes Consulting Report ref 111264 dated 6/12/13.

- e) At the time a dwelling/building is erected on Lots 1-4, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method.

The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

- f) The Structural Landscaping undertaken within Lots 1-5 shall be in accordance with the Site Plan (referenced 1419/A101 dated 8/1/15). Planting shall be maintained in perpetuity by

the Lot owners. Should any tree become diseased or die it shall be replaced within the next available planting season. All planting shall be protected from stock and rabbit browsing.

- g) The Structural Landscape Plan that was approved for RM090233 (referenced 0149LPS – 09/09/14) shall be implemented within the first planting season from the date of issue of the Code of Compliance authorised under the Building Act 2004 (or any subsequent replacement legislation) for the dwelling constructed within Lot 4. Planting shall be maintained and irrigated (if required) in perpetuity. If any plant or tree dies, it shall be replaced with the next available planting season
- h) Any future building shall be contained within a residential building platform.
- i) Any future building within proposed Lots 1-3 and 5 shall not exceed a maximum height of 5.5 metres above existing ground level at the date of this consent. Any future building within proposed Lot 4 shall not exceed a maximum of 5 metres above existing ground level at the date of this consent.
- j) All ancillary structures (excluding boundary fencing) shall be located within the approved building platforms (for example, garden sheds, garages and water tanks) and shall be clad and coloured to match the principal dwelling.
- k) The exterior cladding of any future building shall have a light reflectance of 23% or less and shall be unpainted timber, stacked stone or solid plaster. All colours are to be dark and recessive only in accordance with Council's *"Guide to Suitable Building Colours and Materials in Rural Zones"*.
- l) Roofing of any future building shall comprise shingles, slate or Colorsteel. Colorsteel shall be in dark, recessive colours only and with a reflectance of 23% or less.
- m) The road entrances for Lots 3 and 4 shall consist of traditional rural elements only and may include post and wire fencing and wooden farm gates. The road entrances shall exclude monumental gates, lighting, and entrance features (including stone walls and post- and-rail fencing)
- n) The formed access to Lots 1, 2, 4 and 5 within the road reserve shall in no way obstruct the right of public passage on the unformed legal road.
- o) The owners of Lots 1, 2, 4 and 5 shall not inhibit, obstruct, delay or prevent in any way the formation of a road within the road reserve by the Queenstown Lakes District Council at any time in the future.
- p) The owners of Lots 1, 2, 4 and 5 shall be responsible for the ongoing maintenance of the private access formed to these lots within the paper road legal road reserve, directly adjacent to their boundaries. This access has been formed to the standard of a private Right of Way. Council shall not be responsible for any ongoing maintenance associated with this access until such time as the access is upgraded to the standard of a public road or until an alternative agreement is obtained with Council for the maintenance of this access.
- q) The owners and occupiers of Lots 1 to 5 must not make any claim, proceeding, complaint or similar action in relation to the use, or effects of the use of the Flight Park (land being legally described as Lot 1 DP 22979 and Lot 4 DP 23950) for land use activities approved under

RM940585, RM070749 and RM980452.

- r) The owners and occupiers of Lots 1 to 5 must not make any claim, proceeding, complaint or similar action in relation to the use, or effects of the use of Lot 2 DP 24277 (743 Malaghans Road) for land use activities approved through RM050588.
- s) In respect of Lot 4 identified on approved plan 'Proposed Subdivision of Lot 1, 3, 4 & 5 DP 24501 & Section 2 SO 468375, Ref 2620-015 v2 by Apex Surveying Limited dated February 2015 there shall be no further subdivision or the creation of any further building platforms beyond that which is approved pursuant to RM150118 for a period of 15 years commencing on the date of the grant of consent RM150118.
- t) All of the land identified on the Tony Butel Design Studio Ltd Plan 1419, Sheet A102 dated 8 January 2015 for "Grazing and hay farming" (69.7878 ha) must remain use for this purpose so long as the other buildings and activities being within Lot 4 shown on that plan and granted resource consent pursuant to RM 150118 remain in use.

Advice Notes

- i. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
- ii. The consent holder shall be responsible for obtaining any necessary consent from the Otago Regional Council for flood protection works and/or discharge of wastewater to land.
- iii. The consent holder may register a consent notice on each new title requiring regional consent from the Otago Regional Council with respect to discharge of treated wastewater to ground.

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General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- 'Site Plan' Ref: 1419, Sheet A101 – 8/1/15
- 'Polo field 1 detail plan & sections, Ref 1419, Sheet A102 – 8/1/15
- 'Polo field 2 detail plan & sections, Ref 1419, , Sheet A103 – 8/1/15
- 'Large Vehicle Entrance', Ref 1419, Sheet A104 – 8/1/15
- 'Farm Area Space Plan', Ref 1419, Sheet A102 – 8/1/15
- 'Fencing Plan' – Ref 1419, Sheet A103 – 8/1/15
- 'Stables', Ref 1419, Sheet A3-01 – 15/1/15
- 'Clubrooms', Ref 1419, Sheet A3-02 – 15/1/15
- 'Barn – worker amenities', Ref 1419, Sheet A3-03– 15/1/15
- 'Clubrooms carpark', Ref 1419, Sheet A106 – 8/1/15

stamped as approved on 13 October 2015

and the application as submitted, 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:
 - a. The Council has received formal notice that RM140034 is surrendered; and
 - b. 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 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

Engineering Conditions

4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

5. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition (6 -9) below shall be demonstrated.
6. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
7. Prior to commencing physical works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised. Measures shall include hay bales or silt fences to prevent silt and sediment entering any waterways within the development site.

Prior to commencing works on site.

9. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary

and adequate, in accordance with Condition (4), to detail the following engineering works required:

- a) The provision of an unsealed vehicle crossing to the barn in Lot 4 from Alan Reid's Road to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the District Plan. Provision shall be made to continue any roadside drainage.
- b) The provision of an accessway to service the polo club facilities (fields, stables and clubhouse) from Malaghans Road having a formation width of not less than 5.5m and minimum formation depth of 150mm AP40 metal.
- c) The provision of an accessway to service the polo club facilities (field and stables) from Malaghans Road shall include provision of a sealed vehicle crossing in terms of Diagram 2, Appendix 7 of the District Plan. Provision shall be made to continue any roadside drainage.
- d) The provision of all access, parking and manoeuvring areas and carpark illumination associated with the polo clubhouse detailing compliance with all rules in the Transport Section Part 14 of the operative Queenstown Lakes District Plan.
- e) The provision of any temporary parking and access to be used during organised polo tournaments. Organised polo tournament access shall comply with Appendix 7 Diagram 2 and include a sealed access to the boundary, formation width of not less than 3.5m (or 5.5m for two directional traffic flow) and minimum formation depth of 150mm AP40 metal that extends 10m into the site.
- f) The provision of a water supply to the polo clubhouse, stables and barn in terms of Councils standards.
- g) The provision of a fire fighting water supply in accordance with SNZ PAS 4509:2008 for the clubhouse, stables and barn. The consent holder shall consult with the New Zealand Fire Service on the required capacities and flow rates required.

To be monitored throughout earthworks

- 10. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

On completion of earthworks and prior to construction of any buildings

- 12. On completion of earthworks within any of the proposed building footprints and prior to the construction of any buildings, a suitably qualified engineer experienced in soils investigations shall take into account the following:
 - a) The building areas identified for polo club facilities (stables, barn and clubhouse) on lot 4 are located on 'Shallow soil' in accordance with NZS1170.5.2004. Investigations have revealed that these soils do not meet the requirements to be defined as 'good ground' in terms of

NZS3604 (New Zealand Building Code) due to the ultimate bearing pressure being less than 300 kPa. The foundations of all buildings, shall be designed, supervised during construction and certified by a suitably qualified and experienced engineer.

13. On completion of each significant stage of the earthworks, the consent holder shall complete the following:
 - a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

On completion of earthworks and prior to occupation of any buildings or the staging of any organised polo tournaments at the site

14. The completion of all works listed in Condition 9.
15. The consent holder shall create a Right of Way in favour of Lot 3 DP 24501 over Lot 1 DP 24501 to secure the new access formed under Condition 9(b and c) above. Prior to the first use of the clubhouse the consent holder shall apply to the Council to change the Right of Way that has been registered on the title of Lots 1 and 3 DP 24501 to be consistent with the plan titled 'Large Vehicle Entrance', Ref 1419, Sheet A104 – 8/1/15 approved in Condition 1 above, and shall cancel the portion of the Right of Way that is no longer necessary to provide access to these lots and physically close this access to Malaghans Road. The costs of registering the easements shall be borne by the consent holder.
16. Within 8 weeks of completion of the filling operation, a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 shall be registered on Lot 4 of this consent in favour of Council and providing for the following:
 - a) Advice to future land owners that Lot 4 contains uncertified fill which may be susceptible to subsidence, and that any future buildings will require foundation design by a suitably qualified engineer.

The costs of registering the covenant shall be borne by the consent holder and the final wording shall be determined by Councils legal representatives.

Landscaping

17. The Structural Planting shown on the approved Site Plan (referenced 1419/A101 – 8/1/15) shall be implemented within the first planting season from the date of issue of the Code of Compliance issued under the Building Act 2004 for the first polo related building (including stables, clubhouse or barn) constructed on the site. All trees to be planted shall be in excess of 1.5m in height at the time of planting. Planting shall be maintained and irrigated (if required) in perpetuity. If any plant or tree dies, it shall be replaced with the next available planting season.
18. To maintain the rural character of the landscape any gravelled internal access ways shall be constructed of locally sourced grey gravel.

Clubhouse/café & restaurant

19. Prior to commencing construction of the clubhouse the consent holder must complete the construction of Polo Field 1, stage one of the Stables (consisting of Block "B"), the three arenas, the Structural Landscaping (as illustrated on the Site Plan 1419, Sheet A101 – 8/1/15 and Stables Plan referenced 1419, Sheet A3-01 – 15/1/15), the new post and rail fencing highlighted in the colour brown (illustrated on Fencing Plan REF 1419/A103 dated 08.01.15) as approved pursuant to Land Use Consent RM150118.
20. Prior to the operation of the clubhouse, the provision of a vehicle crossing with Malaghans Road shall be established as shown on the Tony Butel Design plans titled 'Site Plan' ref 1419 dated 8/1/15 and 'Large Vehicle Entrance' ref 1419 dated 8/1/15 in accordance with Appendix 7 Diagram 3 and the report prepared by Bartlett Consulting Ltd dated 19/2/15. The existing access shall be closed and shall be ceased to be used in perpetuity. Evidence of this closure shall be provided to the Resource Consenting Manager at the Queenstown Lakes District Council.
21. Amplified sound must not exceed 70 dB LAeq (30 sec) at any point inside the clubhouse.

Operational (Organised Polo Tournaments & clubhouse)

22. This consent is for a maximum of seven (7) polo tournaments in any calendar year (being from 1 January until 31 December inclusive). The polo tournament shall cater for a maximum of 300 persons. For clarity, an organised polo tournament is defined as a sporting competition in which teams play a series of polo matches to determine the overall winner of the tournament, with a minimum of three separate polo teams partaking in the tournament. The maximum length that an organised polo tournament can occur on site shall be seven consecutive days (including pack in and pack out). Within this timeframe, equipment can be set up and dismantled, polo teams can arrive and depart, and the undertaking of the sporting competition (including practice) can occur. For avoidance of doubt, an organised polo tournament does not include the following activities:
 - General daily practice sessions
 - Regular weekly 'friendly' matches undertaken by members of the polo club
 - Competitive matches undertaken by members of the polo club
23. If any organised polo tournaments are to be held at the site prior to the opening of the clubhouse, the existing access to Lot 1 DP 24501 shall be temporarily closed for duration of the tournament. All traffic should be directed to alternative access(s) from Malaghans Road using a Traffic Management Plan approved pursuant to Condition 38.
24. The consent holder shall ensure that no more than two (2) organised polo tournaments (as defined in condition 22) occur within any calendar month, and in addition no more than two (2) polo tournaments shall occur consecutively.
25. The consent holder shall ensure that each organised polo tournament takes place between the hours of 7.00am and 9.00pm.

26. The clubhouse shall only operate between the hours of 7.00am to 12.00am (midnight), Monday to Sunday inclusive.
27. The consent holder shall ensure that the use of the arena and horse walking trails is restricted to take place between the hours of 7.00am to 9.00pm, Monday to Sunday inclusive.
28. Prior to the first organised polo tournament the consent holder shall submit a site layout plan for certification to Council showing the indicative position of marquees and toilet numbers. The organised polo tournaments shall be undertaken in general accordance with the submitted plan.
29. Prior to the first organised polo tournament the consent holder shall submit a Noise Management Plan for certification by the Council. The Noise Management Plan shall include methods, measures and techniques in order to achieve the objectives of:
 - a) Compliance with condition 35; and
 - b) Adopting the best practice options to ensure that the emission of noise from the organised polo tournament activity does not exceed a reasonable level at adjoining properties.

The Noise Management Plan shall include:

- i. A description of each of the noise generating activities associated with the site (traffic, recreation activities, patrons and entertainment);
 - ii. Details of noise controls and best practice options for minimising each source to achieve the objectives of this condition;
 - iii. A complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken.
30. Prior to the first use of the clubhouse the consent holder shall submit a Noise Management Plan for certification by the Council. The Noise Management Plan shall include methods, measures and techniques in order to achieve the objectives of:
 - a) Compliance with condition 35; and
 - b) Adopting the best practice option to ensure that the emission of noise from the clubhouse activity does not exceed a reasonable level at adjoining properties.

The Noise Management Plan shall include:

- i. A description of each of the noise generating activities associated with the clubhouse;
 - ii. Details of the noise controls and best practice options for minimising each noise source to achieve the objectives of this condition;

- iii. A complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken.
31. The operation and management of the site shall take place in accordance with the Noise Management Plans approved pursuant to conditions 29 and 30.
32. The consent holder shall ensure the pack in of marquees commences no earlier than the day prior to each organised polo tournament commences and the pack out of the marquees shall be completed by 17:00hours the day following the event.
33. The consent holder shall ensure that first aid equipment is located in appropriate locations with staff trained in evacuation at each organised polo tournament.
34. The consent holder shall keep a log of all organised polo tournaments on site and provide a copy of the log to the Council if formally requested by the Council. The log shall at a minimum provide the following information:
- a) Date of the tournament
 - b) Type of tournament
 - c) Numbers that attended the tournament
 - d) Details of transportation used
 - e) Details of any noise complaints (date and time) and how these were addressed
 - f) Details of sanitary services provided

This log should be made available to Council upon request.

Noise

35. The consent holder shall ensure that the activities do not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:
- Day time (08:00 to 20:00): 50 dB $L_{Aeq(15min)}$
 - Night time (20:00 to 08:00): 40 dB $L_{Aeq(15min)}$
 - Night time (20:00 to 08:00): 70 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics, with the exception of the residential building platforms located in Proposed Lots 1, 2, 3 and 5 of RM150118, and Lot 2 DP 24510.

36. In the event the noise monitoring demonstrates that the noise limits in listed in condition 35 have not been met, the consent holder shall provide an updated Noise Management Plan from a suitably qualified and experienced acoustic engineer, detailing methods to achieve compliance with condition 35. This Noise Management Plan shall be reviewed and certified by

Council's Principal Environmental Health Officer. Once certified, this shall form the new management plan approved under this application and must be complied with.

37. The consent holder shall ensure that there is no amplified music outside the clubhouse or during organised polo tournaments between 8.00pm and 8:00am.

Sanitation and Waste Management

38. At least one (1) month prior to the first polo tournament, the consent holder shall submit to Council a Zero Waste Event Form for certification. The consent holder shall implement waste minimisation measures as submitted in the application, in accordance with the Zero Waste recycling and rubbish strategy approved for each event; specifically that:

- a) Separate wheelie bins will be available on site for recyclable materials and general non-recyclable waste. Recycling bins for the collection of Plastics 1 and 2, tins and cardboard shall be available.
- b) Wheelie bins will be clearly identified and recycling promoted for the duration of any event.

39. The consent holder shall provide sufficient toilet facilities, one of which must be accessible, to comply with the following table:

Number of people attending	Duration of event (hours)									
	1	2	3	4	5	6	7	8	9	10
1-50	1	1	1	1	2	2	2	2	2	2
50-100	2	2	2	2	2	3	3	3	3	3
100-250	3	3	3	3	4	4	4	6	6	6
250-500	4	4	4	4	6	6	8	8	8	8

For events of greater than 10 hours duration, the requirements relating to an event of 10 hours shall apply.

40. The consent holder shall be responsible for ensuring that all sanitary facilities are monitored and serviced throughout the events. Sufficient hand washing facilities with warm / hot water, soap, and single service towels shall also be provided and serviced. In the absence of warm or hot water being provided at any event, cold water and hand sanitizer shall be provided throughout each event.
41. Deliveries, rubbish removal, and similar activities shall be limited to the hours of 08:00am and 8.00pm.

Traffic Management

42. At least one month prior to the first polo tournament, the consent holder shall submit a Traffic Management Plan to the Queenstown Lakes District Council Resource Consenting Manager for certification. The Traffic Management Plan shall include clear guidance for all road users

including tournament traffic in order to achieve the objective of safe and efficient operation of the road network. The Traffic Management Plan shall address the following matters:

- a) Any traffic management requirement of the site set up before and dismantling after, a Polo Tournament;
- b) Direction signage to the site/Polo Tournament;
- c) Warning signs on approach to the site;
- d) Signage at the site to identify car park entrances, car park exits and other specific site entrances/exits that are to be used including any site entrances/exits that are closed;
- e) Any temporary speed limits required past the site and when these should be applied;
- f) Identification of any diversion routes if these are desirable; and
- g) Contact details for the site STMS.

43. The Traffic Management Plan approved pursuant to condition 42 shall be prepared and implemented by a qualified Site Traffic Management Supervisor (certification gained by attending the STMS course and getting registration). All polo tournaments shall operate in accordance with the Traffic Management Plan approved pursuant to condition 42.

Lighting

44. Exterior lighting attached to any building shall be no higher than 3m above ground level and all other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from the property boundary, and shall not be used as highlighting or accent lighting of any buildings. There shall be no external lighting along the access drive. For clarity, this consent has not permitted any lighting of the polo fields.

Accidental Discovery Protocol

45. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

46. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:

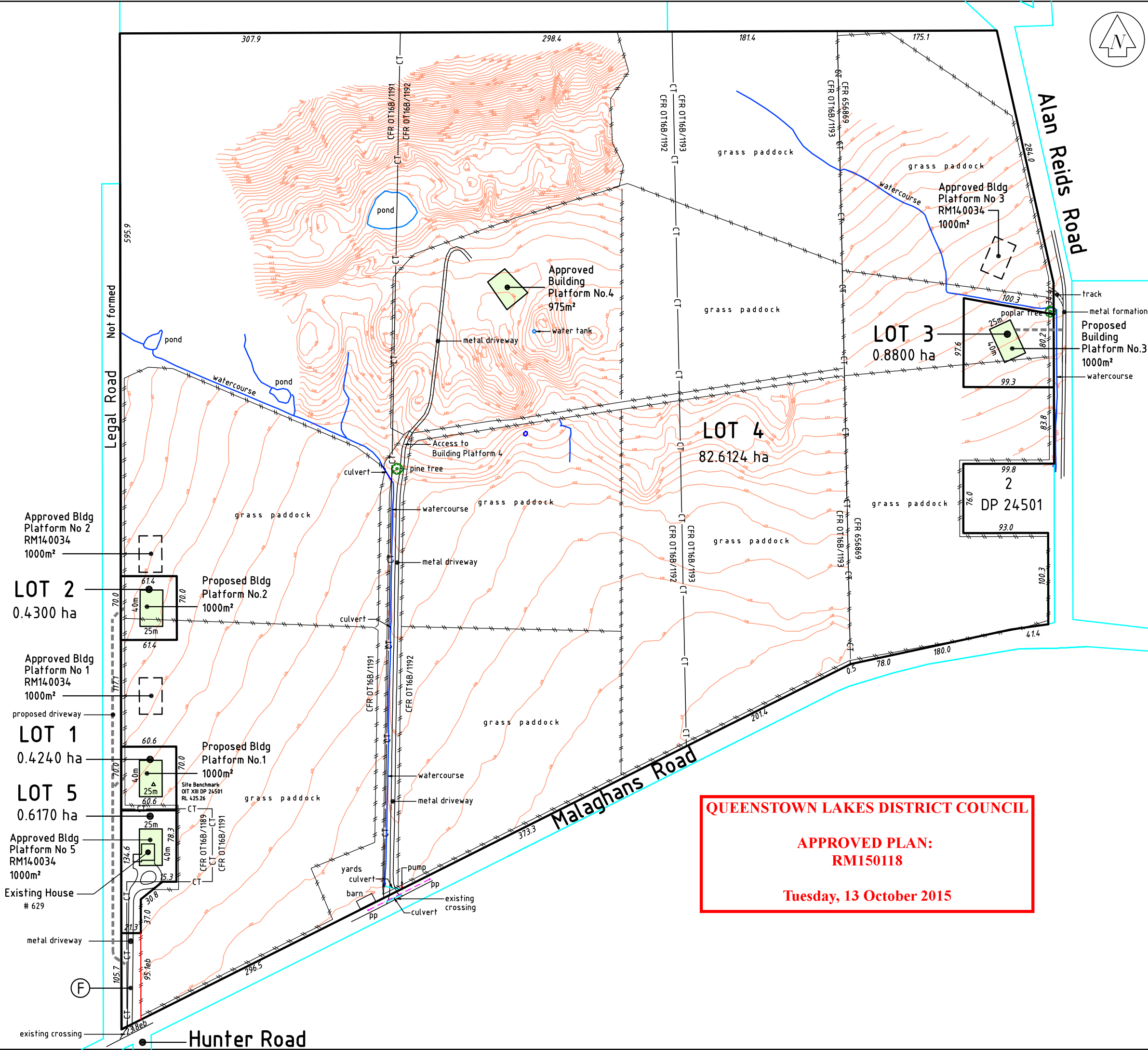
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
- (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
- (d) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent where the effects relate to the following conditions:
 - (i) Conditions 22 and 24 in relation to the frequency of organised polo tournaments;
 - (ii) Condition 28, 29 & 30 in relation to the operation, management and layout of the site; and
 - (iii) Condition 34-36 in relation to noise.

47. The Council shall review the operation and effectiveness of the event Traffic Management Plan approved pursuant to Condition 42 on an ongoing basis to ensure the safe and efficient operation of the roading network. Any changes requested by Councils Road Corridor Engineer shall be implemented by the consent holder prior to staging any Polo Tournaments. A copy of the revised approved plan shall be submitted the Manager, Resource Consenting at Queenstown Lakes District Council prior to the Polo Tournament commencing.

Advice Notes

- i. Please note this resource consent does not permit the residential use of the stables, clubhouse and barn.
- ii. During any organised polo tournament, an enforcement officer may monitor the noise from the event. Any reports may affect future noise requirements for events at this venue.
- iii. Under the Resource Management Act 1991, if an enforcement officer deems the noise from the Festival or any individual event to be excessive, the consent holder is liable to pay for the officers' time. The service of an excessive noise direction notice may result in the seizure of the noise source.
- iv. The consent holder is advised to liaise with the Queenstown based New Zealand Fire Service to ensure that fire prevention and fire control measures are provided by the consent holder.
- v. No signage was submitted as part of this application. Any signage erected onsite will either need to comply with District Plan Standards or will require a separate consent.
- vi. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
- vii. The consent holder shall be responsible for obtaining any necessary consent from the Otago Regional Council for variation to the water permit, flood protection works and/or discharge of wastewater to land.
- viii. The alcohol licence shall dictate the hours of operation the club house and events shall be open for the sale and supply of alcohol.
- ix. All grey water must be taken from the site and disposed of appropriately.
- x. The consent holder shall ensure a potable water supply is available for all food handlers at each event. Water used in conjunction with food stalls and hand washing in toilets must comply with the Drinking water standards for New Zealand 2005.
- xi. All water brought onto the site for the purposes of drinking water and water used in connection with catering must be must be from a registered water supply and supplier.
- xii. All waste water (grey and human waste) associated with temporary facilities must be taken off site to be disposed of.

C:\Projects\2620\Drawings\2620-015v2.dwg 16:35 19 February 2015



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

RM150118

Tuesday, 13 October 2015

SCHEME PLAN

Title :

**Proposed Subdivision of
Lots 1, 3, 4 & 5 DP 24501
& Section 2 SO 468375**

Malaghans Road & Alan Reids Road
ARROWTOWN

MEMORANDUM OF EASEMENTS

Purpose	Shown	Servient Ten.	Dominant Ten.
Right of Way, Right to transmit Electricity, Tele- communications & Computer Media	(F)	Lot 4	Lots 1, 2 & 5

EXISTING EASEMENTS

Lot 4 is subject to existing easements to Take Water
and Convey Water created by EC 880658.8

Note :

- (1) Cadastral boundaries have been obtained from Land on Line.
- (2) Areas and measurements are subject to a full LINZ Approved Cadastral Survey.
- (3) Easements will be created to coincide with services upon engineering design
- (4) Levels are in terms of Dunedin Vertical Datum 1958.
Origin of Levels O (Shotover SD) A3KC RL 452.23
Site Benchmark OIT XIII DP 24501 RL 425.26
- (5) Contour interval = 1m
- (6) Contours shown are for the purposes of this scheme plan only. For site development work, specific levels should be taken on site.

Comprised in : CFR's OT16B/1189,
OT16B/1191, OT16B/1192,
OT16B/1193 & 656869.

Total Area : 84.9634 ha

Scale : 1:4000 (A3)

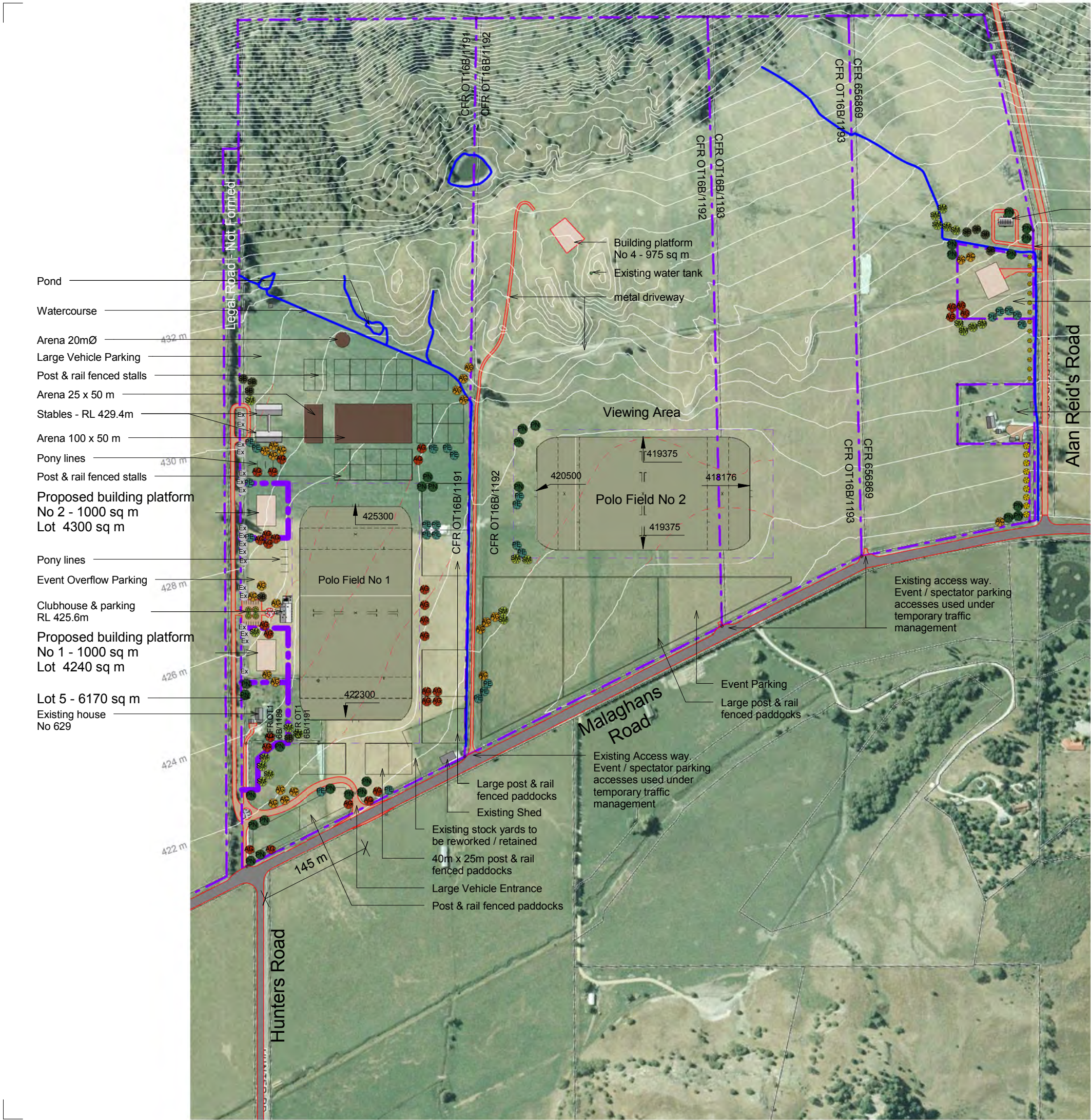
Date : February 2015



86f Bush Road, Albany ph 64-9-414 7171
Auckland, New Zealand fax 64-9-414 2021
Private Box 300 766 email office@apexsurveying.co.nz
Albany web www.apexsurveying.co.nz

Our Ref : 2620 - 015

v2



Cut & Fill Summery

Note: Fields 1 & 2
topography level
to form 1m fall
across field

Field 1	
Cut	9467
Fill	9467
	+/- 0

Field 2	
Cut	5512
Fill	5512
	+/- 0

Clubhouse
Included in Field 1

Stable	
Cut	320
Fill	320
	+/- 0

Barn	
Cut	90
Fill	90
	+/- 0

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM150118**

Tuesday, 13 October 2015

Planting Legend

Existing shelter belt
planting to be retained

**Proposed Structural Tree
Planting Legend**

- Populus nigra x Euramericana
"Crows Nest"
- Populus Euramericana
"Tasmin"
- Salix babylonica
- Salix matsudana X Alba
"Tangolo"
- Alnus glutinosa
- Alnus cordata

Existing willow planting to be
retained

**Tony
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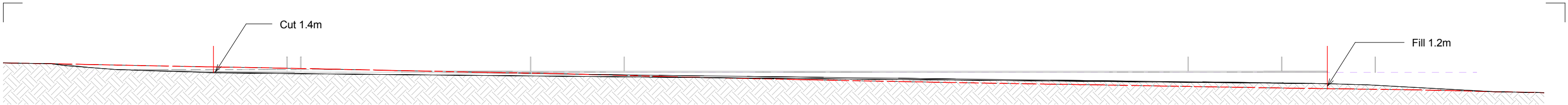
Project
Proposed Polo Club

629 Malaghans Road
Speargrass Flats

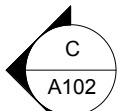
Sheet Name
Site Plan

Date	08 01 2015	Scales	@ A3
Sheets		1 : 5000	
REF:	1419	SHEET	A101

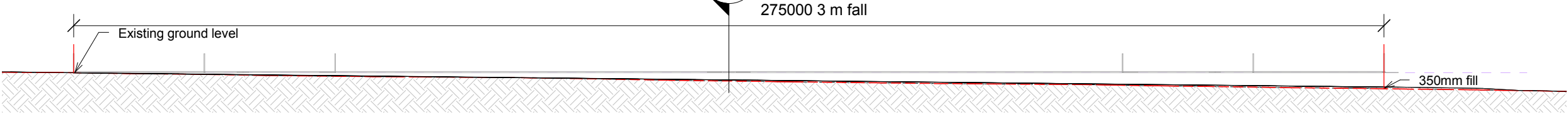
7	Resource Consent			19 02 2015
6	Resource Consent - draft			14 02 2015
5	Resource Consent - draft			06 02 2015
4	Resource Consent - draft			04 02 2015
3	Large Vehicle Access & Planting added			29 01 2015
2	Draft RC Submission			21 01 2015
1	Draft - for discussion			15 01 2015
Rev	Revision Description	By	To	Date



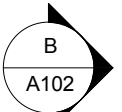
A Section A - Diagonal
1 : 1000



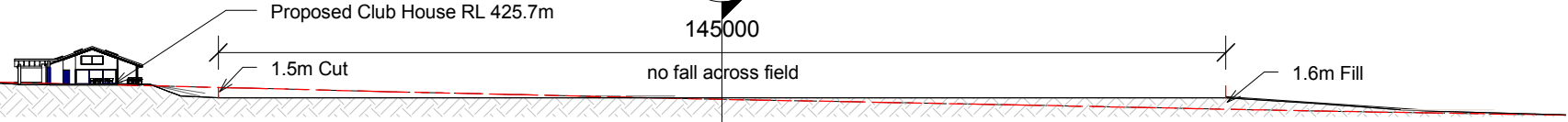
275000 3 m fall



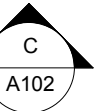
B Section B - Along field
1 : 1000



145000

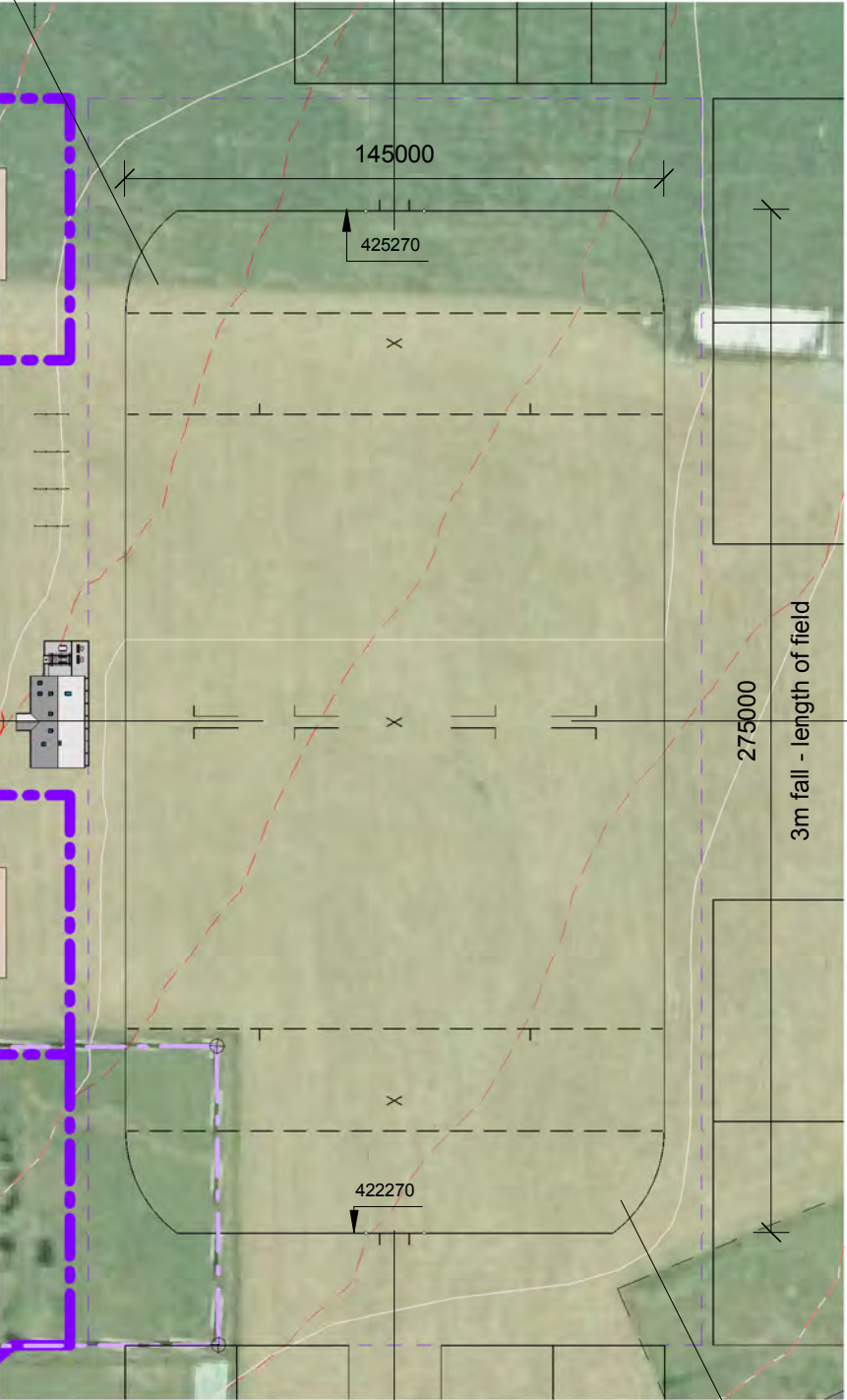


C Section C - Mid field
1 : 1000



275000
3m fall - length of field

1 Polo Field 1 detail plan
1 : 2000



QUEENSTOWN LAKES DISTRICT COUNCIL

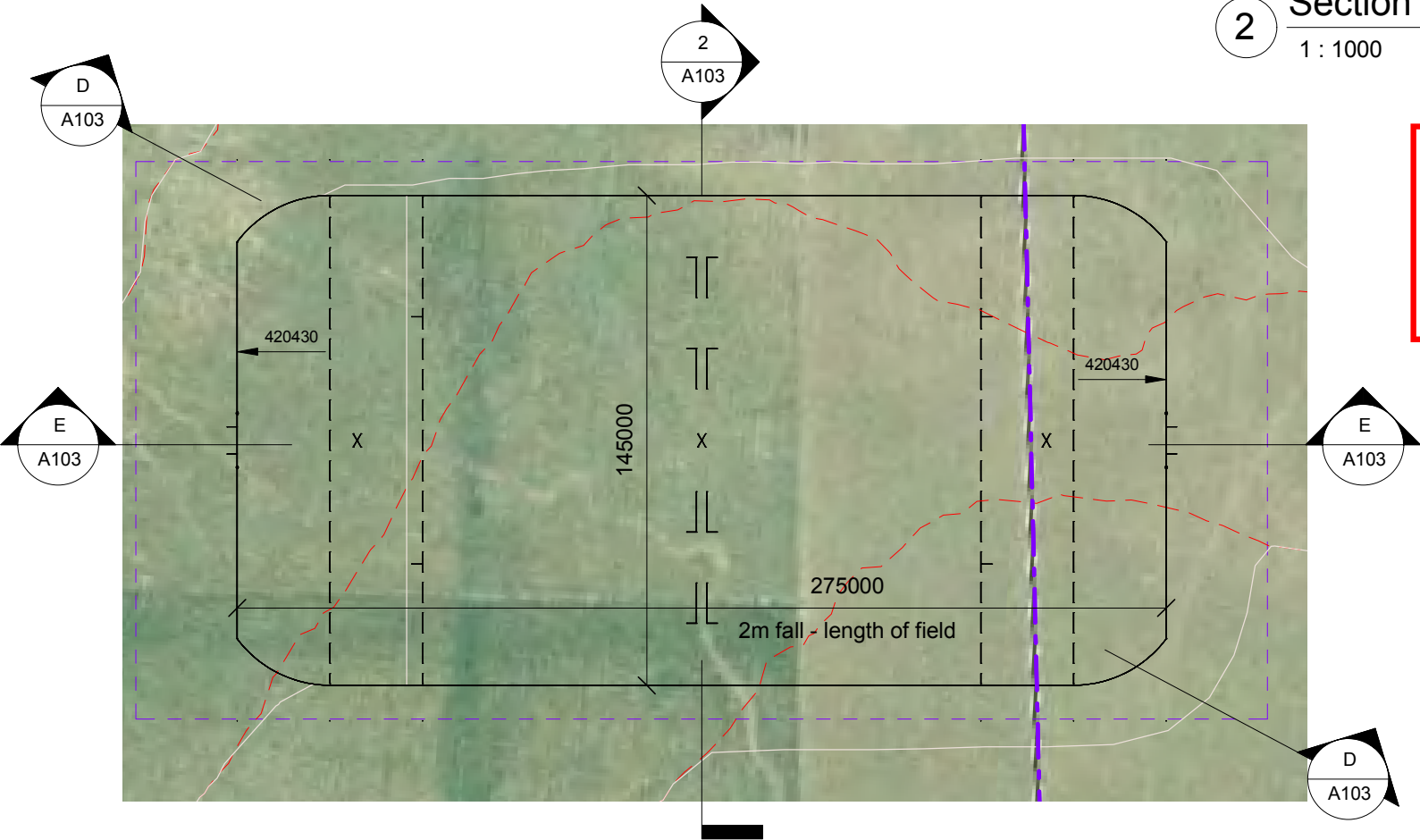
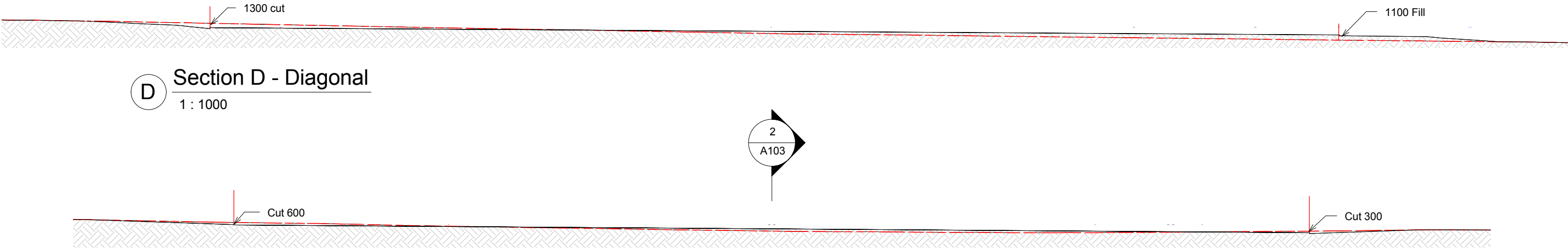
APPROVED PLAN:
RM150118

Tuesday, 13 October 2015

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tony@tbdesign.co.nz
6 Panorama Terrace
Queenstown 9300
BP 127953 - D2

Project				
Proposed Polo Club				
629 Malaghans Road Speargrass Flats				
Sheet Name				
Polo field 1 detail plan & sections				
Date	08 01 2015	Scales		@ A3
Sheets		As indicated		
REF:		1419	SHEET	
			A102	

7	Resource Consent			19 02 2015
6	Resource Consent - draft			14 02 2015
5	Resource Consent - draft			06 02 2015
4	Resource Consent - draft			04 02 2015
2	Draft RC Submission			21 01 2015
1	Draft - for discussion			15 01 2015
Rev	Revision Description	By	To	Date



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150118

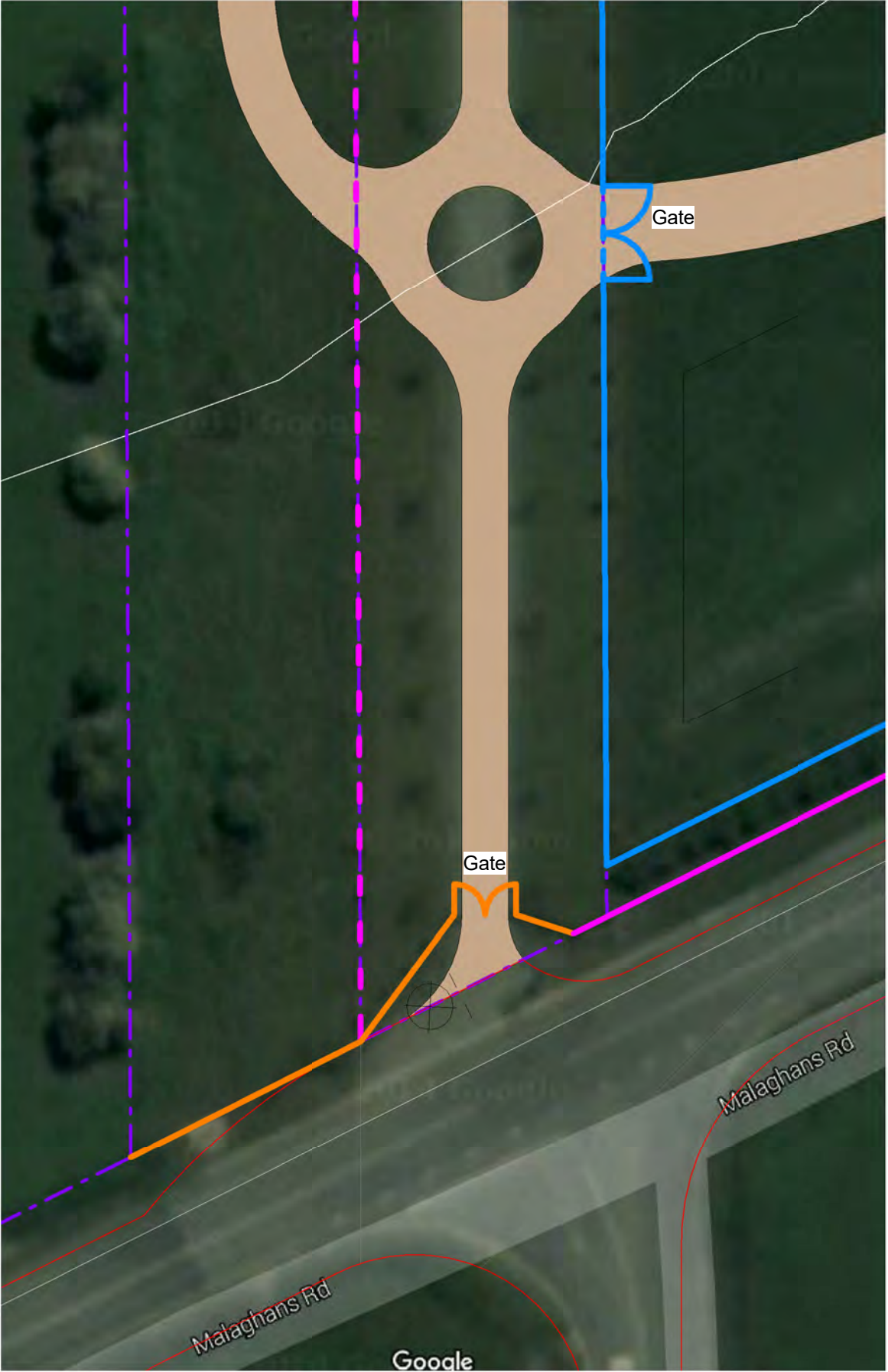
Tuesday, 13 October 2015

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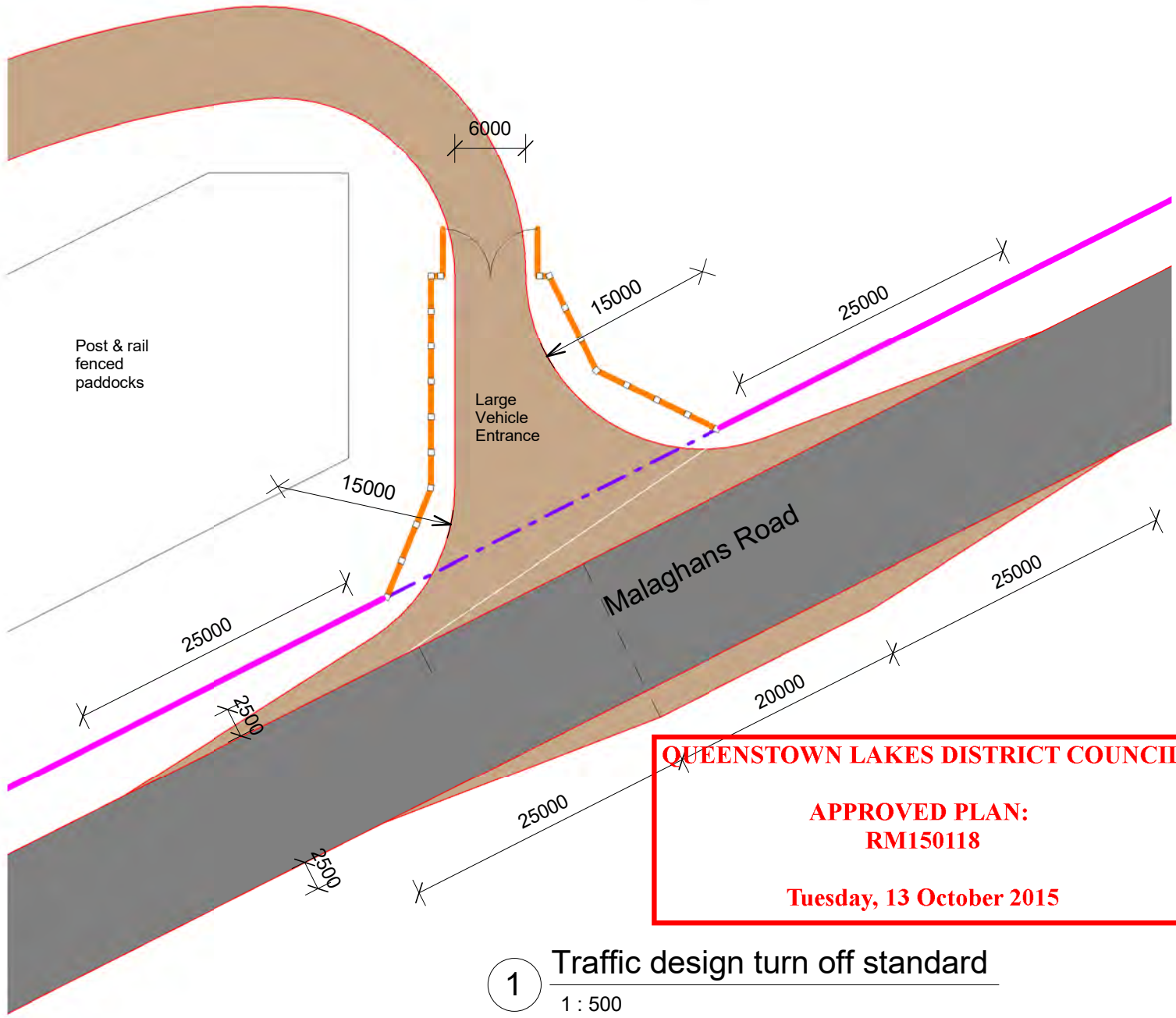
0210 277 3186
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Project			
Proposed Polo Club			
629 Malaghans Road Speargrass Flats			
Sheet Name			
Polo Field 2 detail plan & sections			
Date	08 01 2015	Scales	@ A3
Sheets		As indicated	
REF:		SHEET	
1419		A103	

7	Resource Consent			19 02 2015
6	Resource Consent - draft			14 02 2015
5	Resource Consent - draft			06 02 2015
4	Resource Consent - draft			04 02 2015
Rev	Revision Description	By	To	Date



2 Paper Rd Gateway Plan
1 : 500



1 Traffic design turn off standard
1 : 500

Fencing Legend

- Deer Fence - Removed
- Deer Fence - Retained
- Deer Fence - New
- Post & Rail Fence - New
- Post & Rail - Existing
- Post & Wire - New
- Sheep Fence - Existing
- Sheep Fence - Removed

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Project			
Proposed Polo Club			
629 Malaghans Road Speargrass Flats			
Sheet Name			
Large Vehicle Entrance			
Date	08 01 2015	Scales	@ A3
Sheets		As indicated	
REF:	1419	SHEET A104	

14	Resource Consent			09 09 2015
12	Fencing Updates			06 09 2015
7	Resource Consent			19 02 2015
6	Resource Consent - draft			14 02 2015
5	Resource Consent - draft			06 02 2015
4	Resource Consent - draft			04 02 2015
3	Large Vehicle Access & Planting added			29 01 2015
Rev	Revision Description	By	To	Date

Legend

Arena 1	5000m ²
Arena 2	1250m ²
Arena 3	314m ²
Lot 1	4241m ²
Lot 2	4310m ²
Lot 3	8797m ²
Lot 4 (Platform Only)	975m ²
Lot 5	5570m ²
Clubhouse & Surrounds	4999m ²
Stables & Surrounds	1022m ²
Barn & Surrounds	500m ²
Polo Fields x 2	110550m ²
New Access	1374m ²
Grazing & Hay Farming Land	697878m ²

Arena 3
314 m²
Arena 2
1250 m²
Stables
1022 m²
Arena 1
5000 m²

Building Lot 2
4310 m²

Club house
4999 m²

Building Lot 1
4241 m²

Built Lot 5
5570 m²

15cm high boards

New Accessway
1374 m²

Building Lot 4
975 m²

Grazing & hay farming
697878 m²

Barn
500 m²

Building Lot 3
8797 m²

Polo Field
55275 m²

Polo Field 1
55275 m²

15cm high boards

Existing deer yard



1

Area Plan - Option 2

1 : 5000

Project

Proposed Polo Club

629 Malaghans Road
Speargrass Flats

Sheet Name

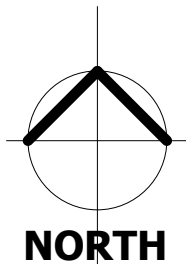
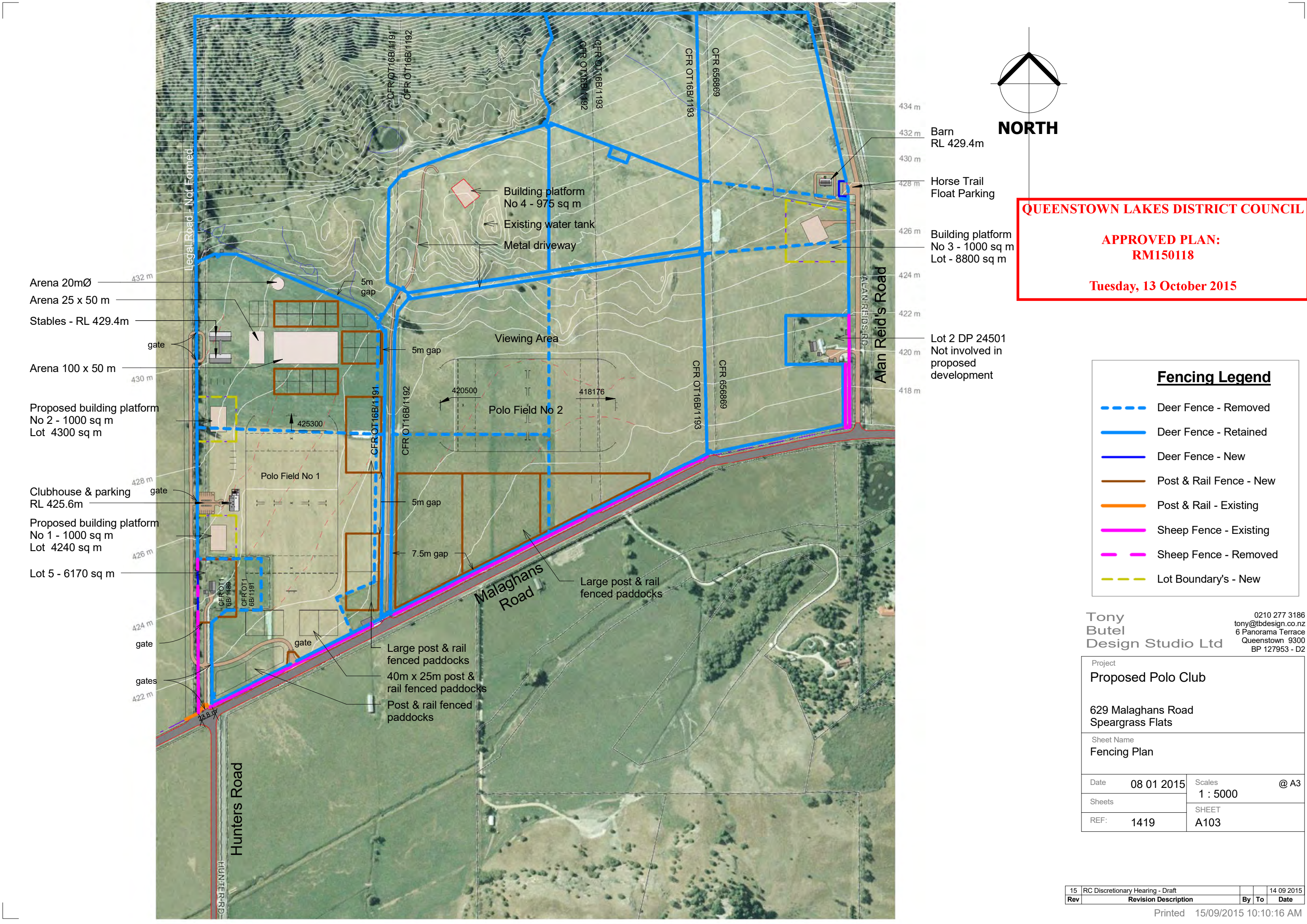
Farm Area Space Plan

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14	Resource Consent			09 09 2015
13	Fencing Review			07 09 2015
12	Fencing Updates			06 09 2015
Rev	Revision Description	By	To	Date
Date	08 01 2015	REF:	1419	
Scales	1 : 5000 @ A3	Sheet	A102	

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150118

Tuesday, 13 October 2015

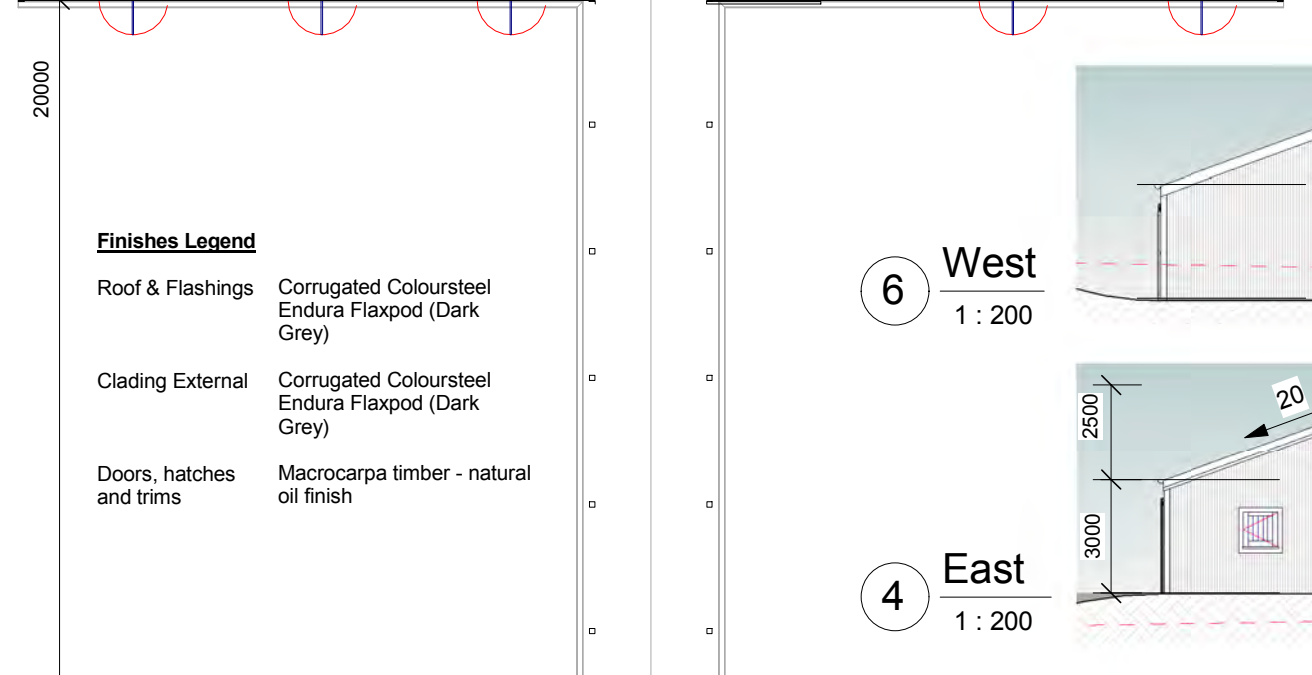
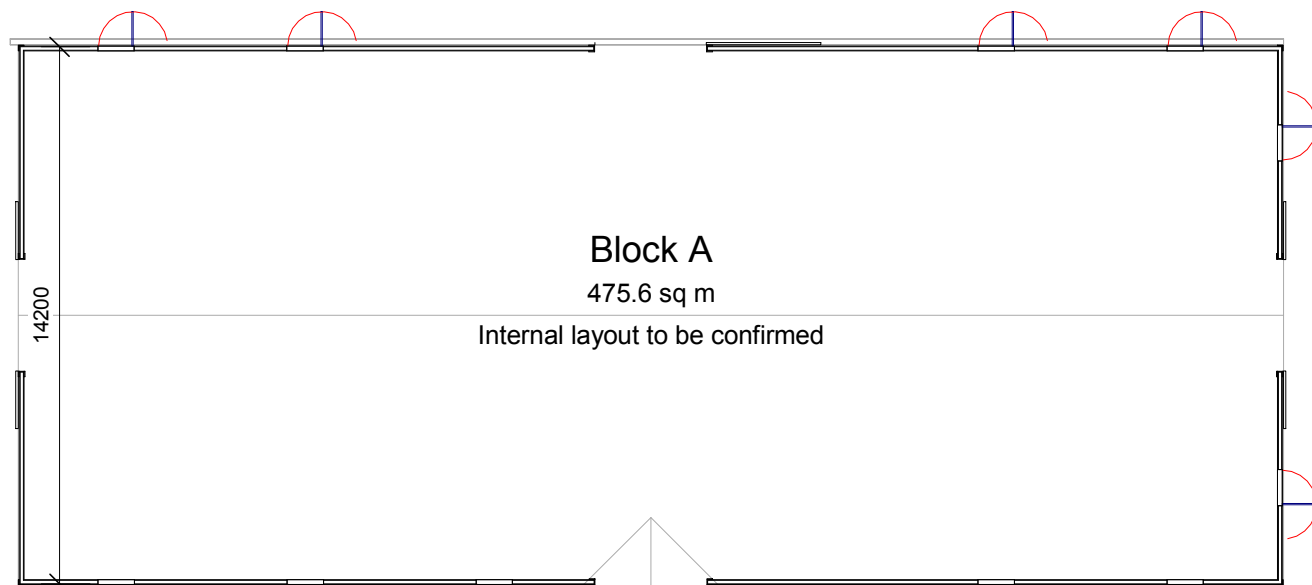
Fencing Legend

- Deer Fence - Removed
- Deer Fence - Retained
- Deer Fence - New
- Post & Rail Fence - New
- Post & Rail - Existing
- Sheep Fence - Existing
- Sheep Fence - Removed
- Lot Boundary's - New

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Project			
Proposed Polo Club			
629 Malaghans Road Speargrass Flats			
Sheet Name			
Fencing Plan			
Date	08 01 2015	Scales	@ A3
Sheets		1 : 5000	
REF: 1419		SHEET A103	

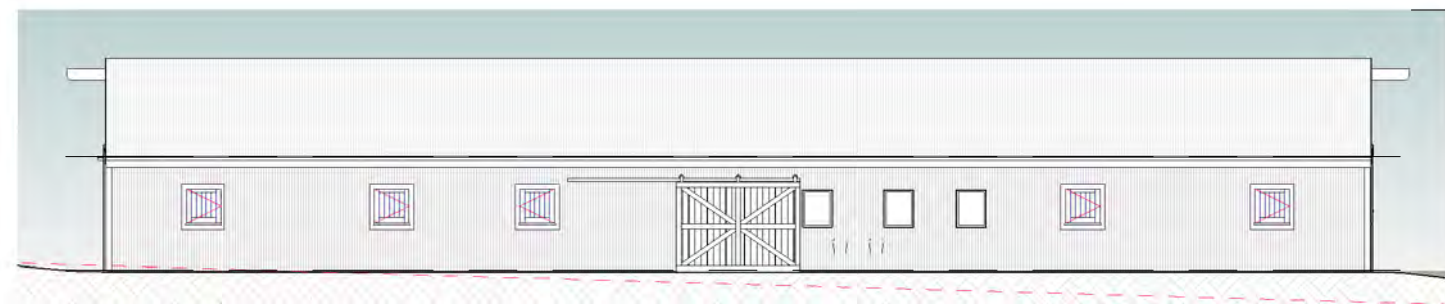
15	RC Discretionary Hearing - Draft			14 09 2015
Rev	Revision Description	By	To	Date



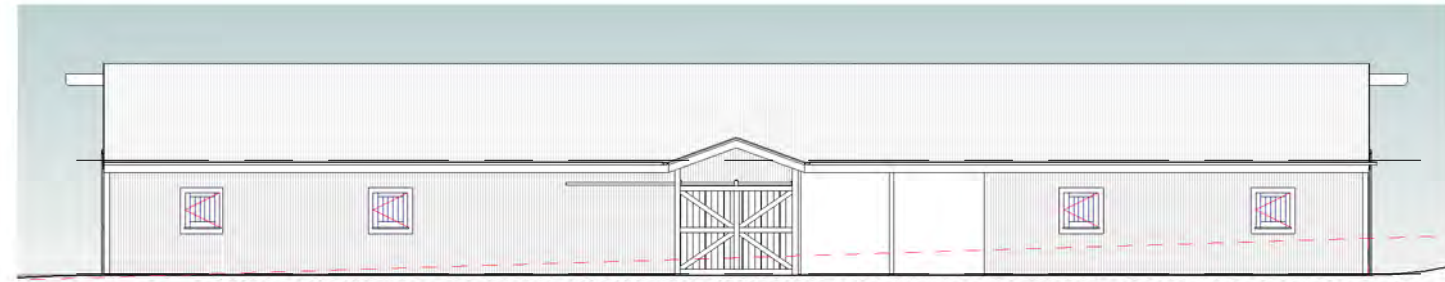
Finishes Legend

- Roof & Flashings Corrugated Coloursteel
Endura Flaxpod (Dark Grey)
- Clading External Corrugated Coloursteel
Endura Flaxpod (Dark Grey)
- Doors, hatches and trims Macrocarpa timber - natural oil finish

3 South
1 : 200



7 North
1 : 200



6 West
1 : 200



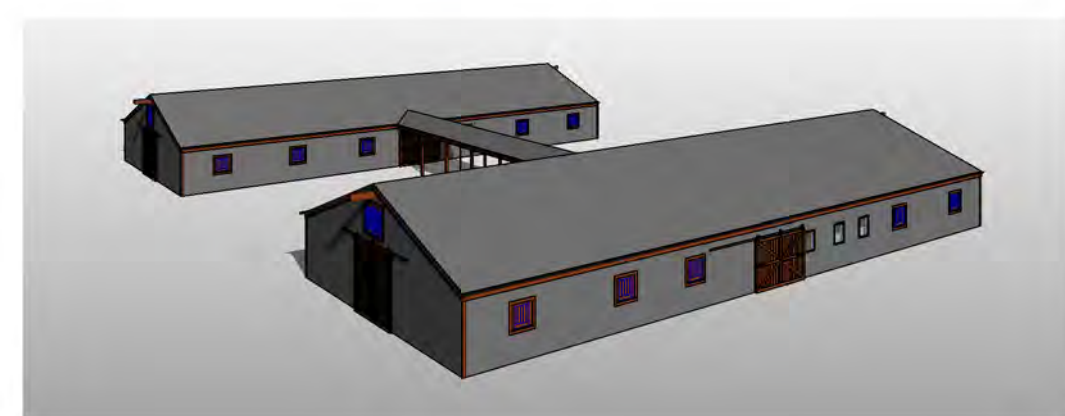
4 East
1 : 200



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150118

Tuesday, 13 October 2015



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Project			
Proposed Polo ClubJonathan Gabler & Lynly Fong			
629 Malaghans Road Speargrass Flats			
Sheet Name			
Stables			
Date	15 01 2015	Scales	@ A3
Sheets		1 : 200	
REF: 1419		SHEET A3-01	

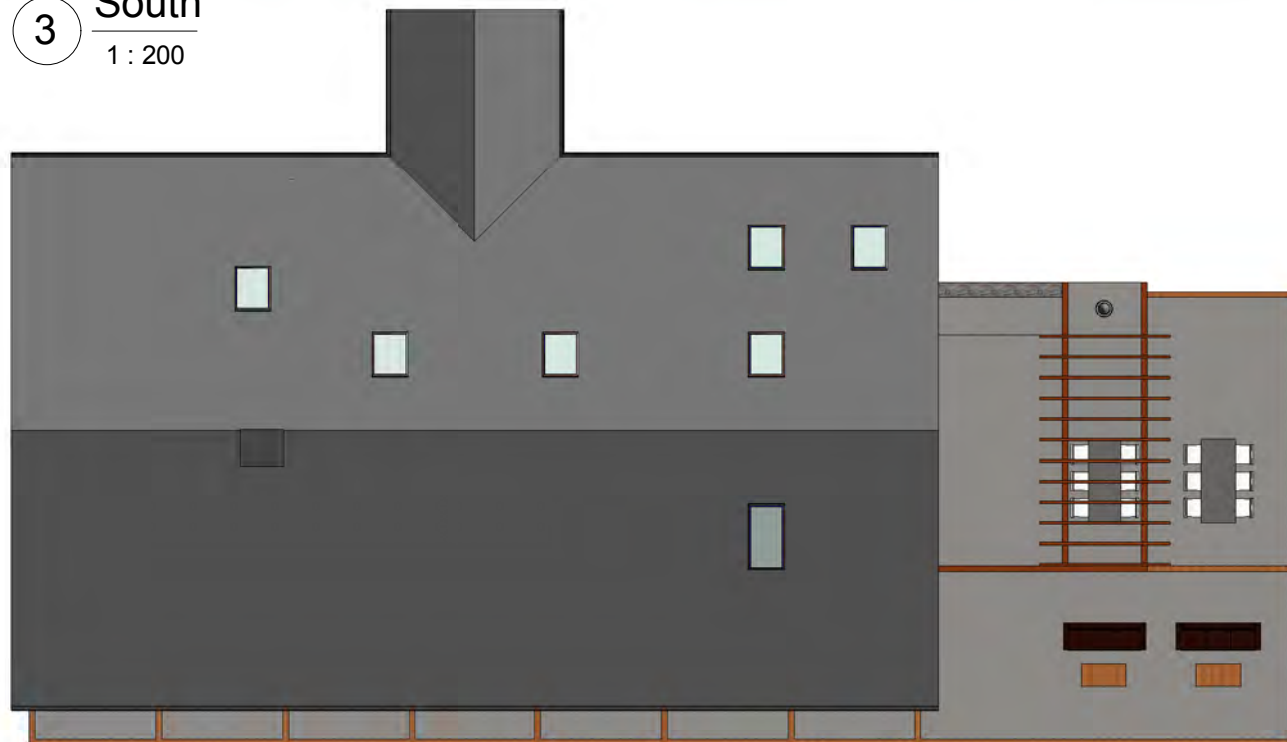
6	Resource Consent			14 02 2015
2	Resource Consent - Draft			06 02 2015
1	Resource Consent - Draft			27 01 2015
Rev	Revision Description	By	To	Date



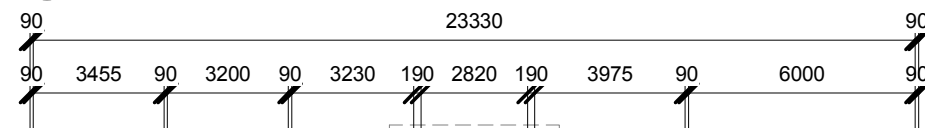
3 South
1 : 200



7 North
1 : 200



2 Roof Plan
1 : 200



Finishes Legend

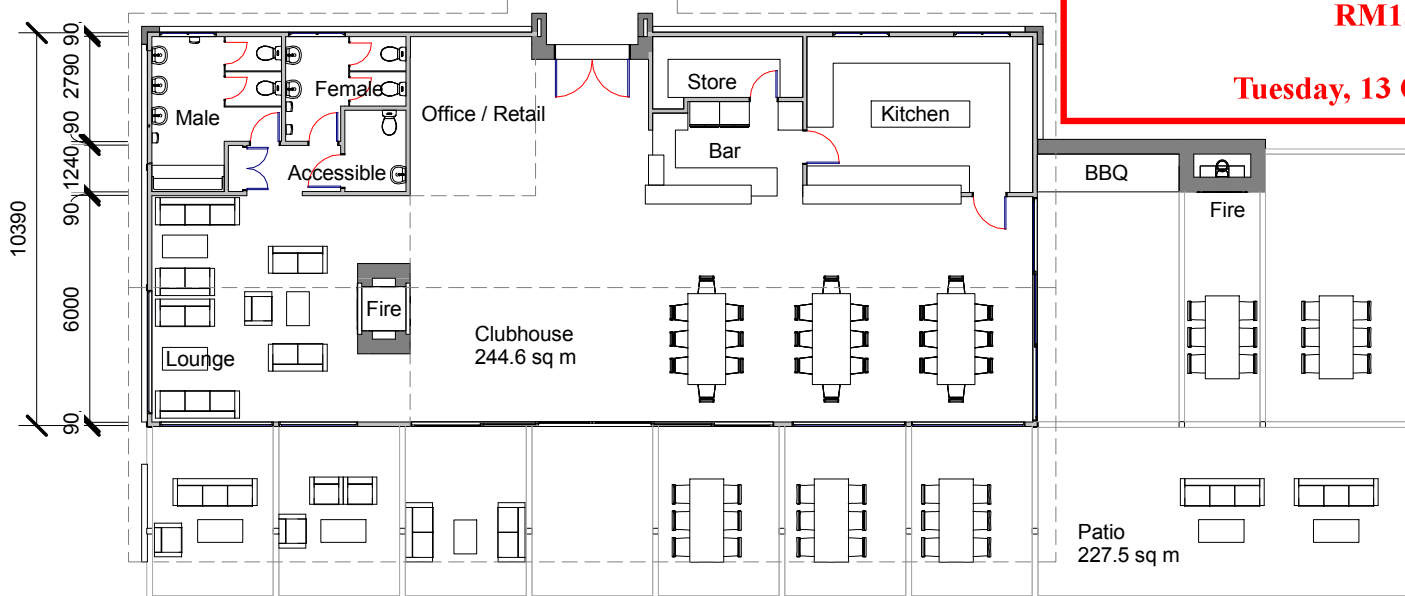
- Roof & Flashings: Long Run Tray Coloursteel, Endura Flaxpod (Dark Grey)
- Cladding External: Local Stacked Schist & Macrocarpa Weatherboard
- Doors, hatches & trims: Macrocarpa timber - natural oil finish
- Windows & ext. doors: Powdercoated Aluminium Dark Grey



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150118

Tuesday, 13 October 2015



1 Floor Plan
1 : 200

4 East
1 : 200



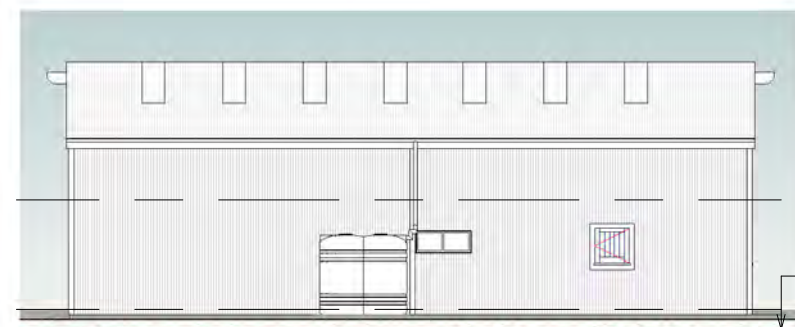
6 West
1 : 200



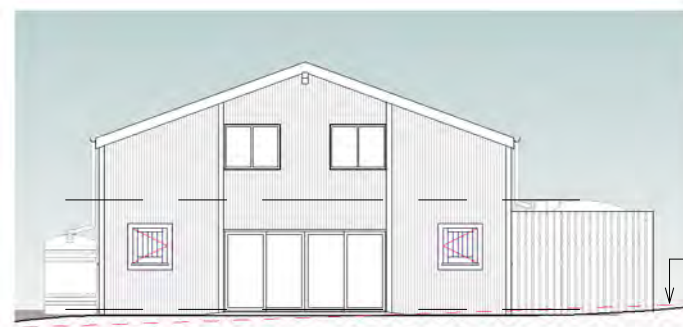
Tony Butel Design Studio Ltd
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BP 127953 - D2

Project			
Proposed Polo Club Jonathan Gabler & Lynly Fong			
629 Malaghans Road Speargrass Flats			
Sheet Name Clubrooms			
Date	15 01 2015	Scales	@ A3
Sheets		1 : 200	
REF:	1419	SHEET	A3-02

6	Resource Consent			14 02 2015
2	Resource Consent - Draft			06 02 2015
1	Resource Consent - Draft			27 01 2015
Rev	Revision Description	By	To	Date



3 South
1 : 200



4 East
1 : 200

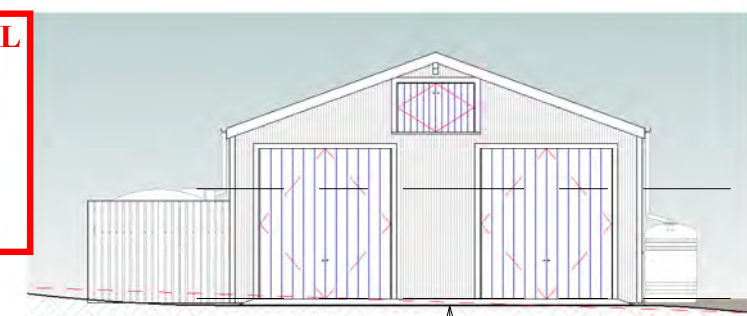


7 North
1 : 200

QUEENSTOWN LAKES DISTRICT COUNCIL

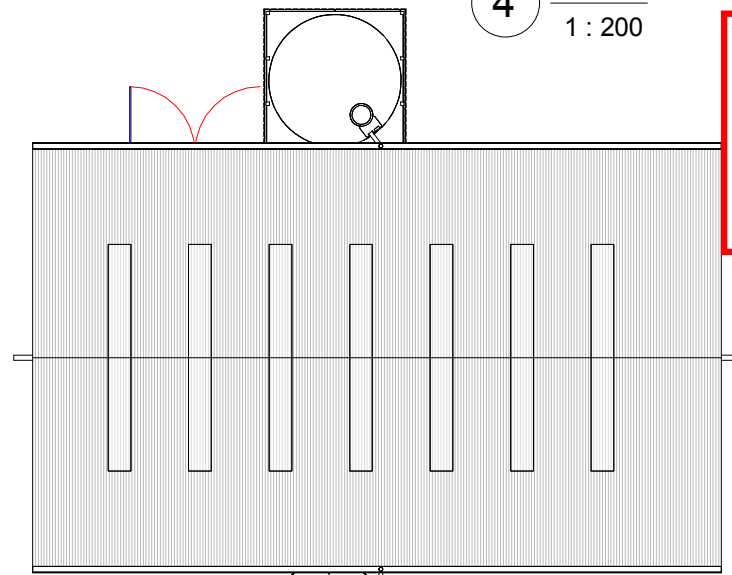
APPROVED PLAN:
RM150118

Tuesday, 13 October 2015

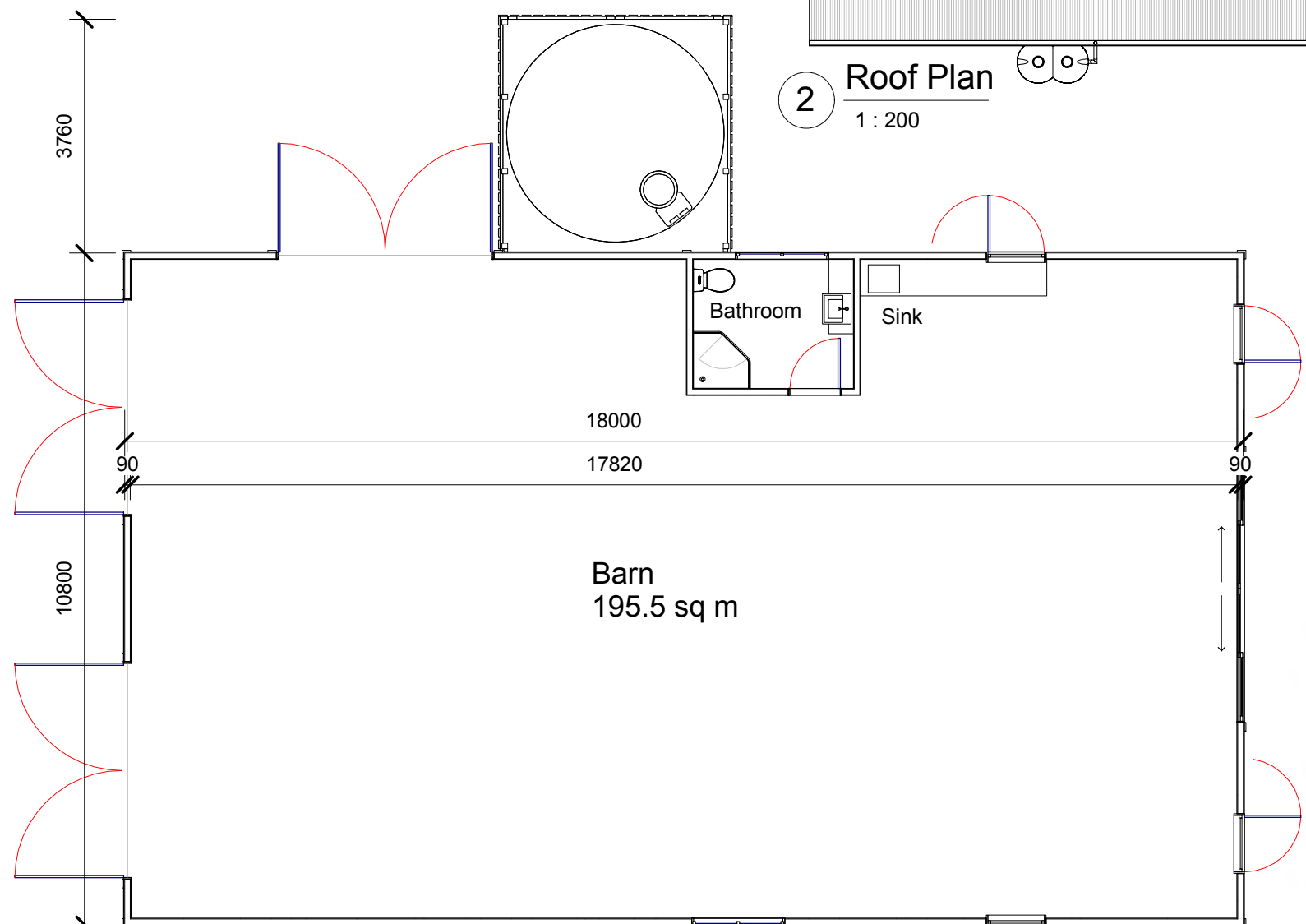


6 West
1 : 200

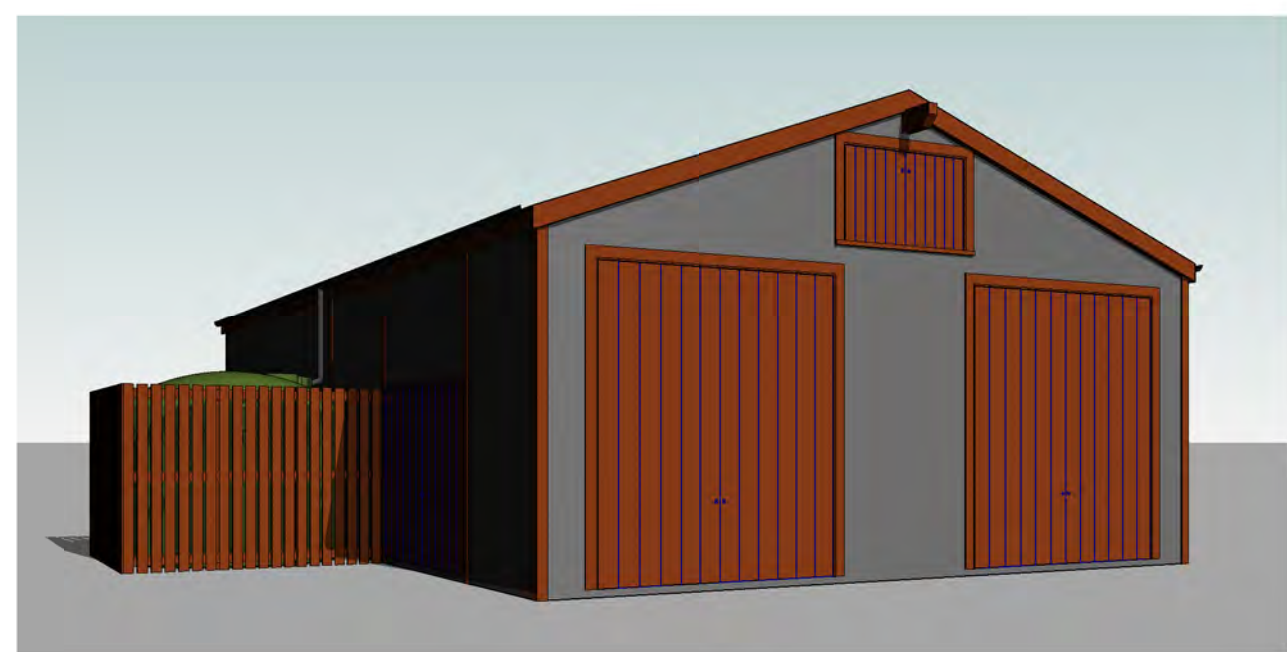
- Finishes Legend**
- Roof & Flashings: Corrugated Coloursteel Endura Flaxpod (Dark Grey)
 - Clading External: Corrugated Coloursteel Endura Flaxpod (Dark Grey)
 - Doors, hatches and trims: Macrocarpa timber - natural oil finish



2 Roof Plan
1 : 200



1 Floor Plan
1 : 100



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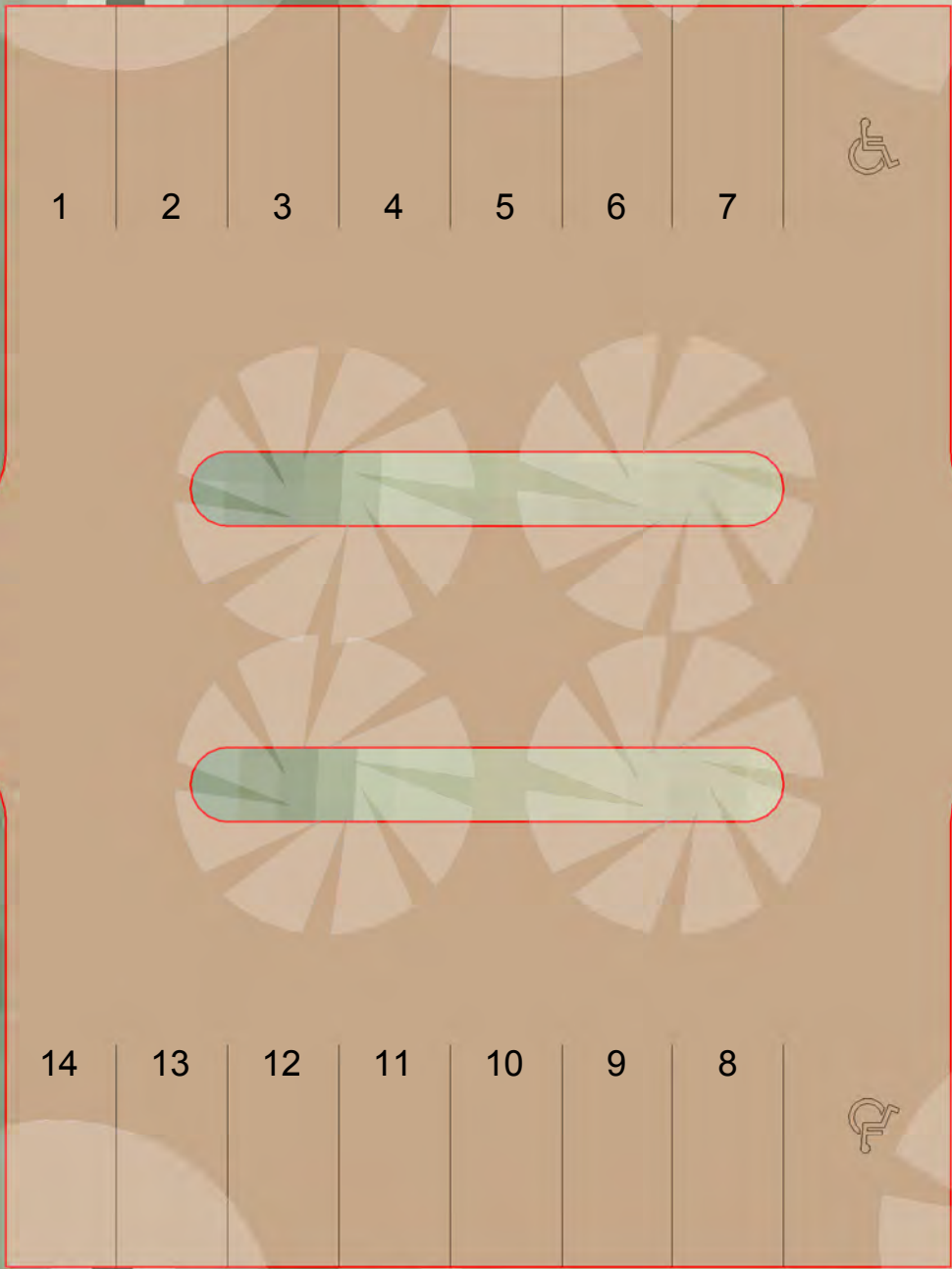
Project		Jonathan	
Proposed Polo Club Gabler & Lynly Fong			
629 Malaghans Road Speargrass Flats			
Sheet Name			
Barn - worker amenities			
Date	15 01 2015	Scales	@ A3
Sheets		As indicated	
REF:	1419	SHEET	
		A3-03	

6	Resource Consent			14 02 2015
2	Resource Consent - Draft			06 02 2015
1	Resource Consent - Draft			27 01 2015
Rev	Revision Description	By	To	Date

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150118

Tuesday, 13 October 2015



1 Site Plan - Clubrooms carpark
1 : 200

Project
Proposed Polo Club

629 Malaghans Road
Speargrass Flats

Sheet Name
Clubrooms carpark

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Rev	Revision Description	By	To	Date
Date	08 01 2015	REF:	1419	
Scales	1 : 200	@ A3	Sheet	A106