



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	J Cossens
RM reference:	RM170182
Location:	Te Awa Road, Lake Hawea
Proposal:	Undertake a four lot subdivision and identify residential building platforms on each allotment
Type of Consent:	Subdivision Land Use Cancellation of Consent Notice
Legal Description:	Lot 11 Deposited Plan 303860 held in Computer Freehold Register 20866
Zoning:	Rural General
Activity Status:	Discretionary
Notification:	Publicly notified 20 April 2017
Commissioner:	Commissioners Wendy Baker and David Whitney
Date Issued:	15 September 2017
Decision:	Consent is GRANTED IN PART

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the Queenstown Lakes District Plan
IN THE MATTER	of an application for resource consent to undertake a four lot subdivision and identify residential building platforms on each allotment and to cancel Consent Notice 5033930.3
BY	J Cossens – RM170182

DECISION OF COMMISSIONERS DAVID WHITNEY AND WENDY BAKER

Introduction

1. The applicant sought to undertake a four lot subdivision of Lot 11 DP 303860 comprising three vacant rural living allotments being proposed Lots 1, 2 and 3 and proposed Lot 4 that contains existing buildings. Residential Building Platforms (RBPs) are to be identified on each allotment.
2. We have been delegated the Queenstown Lakes District Council's powers pursuant to section 34A of the Resource Management Act 1991 (the Act/RMA) to hear and decide this application and decide on any procedural matters related to the hearing of it.

Hearing and Site Visit

3. We undertook a site visit on 4 August 2017 accompanied by Ms Jenny Carter, Queenstown Lakes District Council Consultant Planner. We viewed the site from Te Awa Road, from the right of way (ROW) on the eastern boundary of the site and from the access further east which runs on the south boundary of the Steegh property. We then drove both north and south along State Highway 6 to view the site.
4. The hearing was held in Wanaka on 4 August 2017.
5. We adjourned the hearing on 4 August 2017 having heard all evidence. The Applicant was granted leave to provide written closing submissions by 16 August which were received.

Abbreviations

6. "ODP" – the Operative District Plan
- "ONL" - Outstanding Natural Landscape
- "PDP" – the Proposed District Plan
- "RPS" – the Regional Policy Statement
- "PRPS" – the Proposed Regional Policy Statement
- "the Applicant" – Ballantyne Barker Holdings Limited
- "VAL" – Visual Amenity Landscape
- "RBP" – Residential building platform /building platform

Appearances

7. For the applicant:
 - Dr J Cossens– the Applicant and Ms Cossens
 - Mr D White – Planner
 - Ms A Steven – Landscape Architect

Submitter

Mr J Howarth on behalf of the Upper Clutha Environmental Society Inc (UCESI)

Council Officers

Ms J Carter – Reporting Consultant Planner
 Ms L Overton – Engineer
 Ms H Mellsop – Consultant Landscape Architect
 Ms C Evans – Administrative Support

8. The Council's section 42A report and the Applicant's evidence were pre-circulated in accordance with the requirements of the Act. We pre-read that material and took it as read.

The Application

9. Consent is sought to undertake a subdivision which will result in four allotments with four RBPs.
10. The application is described in the Assessment of Effects on the Environment (AEE) lodged by the Applicant with the application. Some changes were made post-notification by the Applicant, which are set out in Mr White's evidence paragraphs 8 through 19. We do not repeat these and adopt the descriptions in the AEE and evidence.
11. In the closing submissions, the Applicant has made further changes which in summary are as follows:
 - Building height restrictions for proposed Lots 1, 2 and 3 of 4.5m and for proposed Lot 4 of 5m;
 - Mitigation planting for Lot 1 as recommended by Ms Mellsop;

- RBP on Lot 2 is moved 25m north and 28.3m west;
- A curtilage area is identified around the existing lodge on Lot 4; and
- The conservation area concept over the entirety of Lot 3 is withdrawn and a fenced off area of 'core ecological zone' is proffered instead.

12. The matter of moving RBP on proposed Lot 2 was raised during the hearing and Ms Carter expressed concerns that an amended location may be outside the scope of the application as notified, particularly in terms of privacy, visual and amenity effects on the neighbouring Steegh property.
13. We have considered this matter and reached the conclusion that the amended location, whilst closer to the Steegh property is visually less prominent from the Steegh RBP; and that the scarp effectively separates the two sites such that any nuisance effects of noise and light will be similar regardless of which location is selected for the RBP on proposed Lot 2. For these reasons, we consider that the relocated RBP is within scope of the application as served on the Steeghs.

Submissions

14. The Application was publicly notified with submissions closing on 19 May 2017. Five submissions were received, three in opposition and two in support:

Name	Location of Submitters' Property	Relief Sought
Upper Clutha Environmental Society (UCESI) – Julian Hawoth	N/A	Decline application in its entirety
Robert Marshall-Smith	Rapid 66 Lot 1 Te Awa Road Lake Hawea	Refuse consent
Paul and Glenys Steegh	Lot 1 DP 315808 Lake Hawea-Albert Town Road	Relocate platforms to lessen visual impact. Alter the height of the landscape plan.
Scott Pascoe	136 Te Awa Road Wanaka Rural	
Graham Haslam	122 Te Awa Road Wanaka	Conditions on the subdivision <ul style="list-style-type: none"> - Design construction of buildings - No permanent siting of containers - Planting plans to be approved.

15. Three submissions were received after the closing date of 19 May 2017. Ms Carter recommended that we accept these submissions and the Applicant and Submitter present raised no objection. Having taken into account the matters listed in to Section 37A(1) of the Act, we determine that the late submissions from Mr Pascoe, Mr Haslam and Ms Steegh are accepted.
16. The only submitter to attend the hearing was Mr Haworth for the UCESI. We were advised that Mr Haslam sent apologies. An email was tabled at the hearing from Mr Marshall-Smith, some parts of which were retracted by Mr Marshall-Smith subsequent to the hearing on 10 August 2017.
17. Three parties provided written approvals in respect of the proposal :

Person (owner/occupier)	Address (location in respect of subject site)
David Ross Morgan and Elizabeth Ann Morgan	Lot 2 Lot 3 DP 311830, 118 and 92 Te Awa Road
Bernard William Kennedy	Lake Hawea-Albert Town Road, Lot 1 and 2 DP303793
Dennis Brundell	Lake Hawea-Albert Town Road, Lot 2 DP 419931

18. Ms Carter expressed concerns with the validity of these approvals given they did not include signed plans. Whilst Ms Carter explained that Council policy required plans to be initialled, this is not a requirement under the Act. The approvals clearly refer to plans and we accept that those parties providing approval indicate that they are approving the proposal as shown on those plans. We therefore consider that the written approvals are valid and have disregarded effects on the above parties who have provided such written approval.

Reasons consent is required

19. The site is zoned Rural General in the ODP.

20. The Applicant and Ms Carter agreed that the proposal falls to be considered as a **discretionary** activity under the Operative Queenstown Lakes District Plan and that resource consent is required for the following reasons:

Subdivision Consent

- **Discretionary Activity** under Rule 15.2.3.3 (vi) for a four lot fee simple subdivision including four residential building platforms (three currently vacant and one around the existing lodge) and rights of way in the Rural General zone.

Land use Consent

- **Restricted Discretionary Activity** under Rule 14.2.2.3 for a site standard infringement of Rule 14.2.4.2 iv as the sight distance in an easterly direction from the proposed access is less than 170m. There is a 30m section between 95m and 125m from the proposed access point where visibility is restricted by a sag in the curve of the road.
- **Restricted Discretionary Activity** under Rule 5.3.3.3 xi for clearance of indigenous vegetation in the Rural General zone that does not comply with site standard Rule 5.3.5.1 x(a)(iv). There is potential that some indigenous vegetation may be removed from Lot 3 and this may include *Raoulia parkii* which is a species listed in Appendix 9 of the Plan.

Consent Notice Cancellation

- **Discretionary Activity** under section 221(3) of the Resource Management Act 1991 for the cancellation of conditions specified in Consent Notice 5033930.6.

21. An updated Preliminary Site Investigation (PSI) from Warren Crawford, Geo-Environmental Engineer at Opus, attached to Mr White's evidence clarified matters in relation to The National Environmental Standard for Assessing and Managing Contaminants in Soil to

Protect Human Health (NESCS). As a result the Ms Carter agreed with the Applicant that the NESCS does not apply, and we concur.

Relevant Statutory Provisions

22. Section 104 sets out the matters to be considered in determining an application for resource consent. Under section 104B we may grant or refuse consent; and under section 106 we may refuse subdivision consent or impose conditions relating to the provision of access and effects of natural hazards. If we grant consent we may impose conditions under sections 108 and 220.

Relevant Regional Policy Statement Provisions

23. Both the Operative and Proposed Regional Policy Statements are relevant to this application.

RPS

24. The AEE lodged with the application advised us that the RPS is given effect to by the District Plan and the Regional Plans. Mr White considers that none of the Regional Plans are relevant and provides an assessment of the objectives and policies of the District Plan, based on which he concludes that the proposal is consistent with the objectives and policies of the RPS.
25. Ms Carter summarises her findings at the end of paragraph 8.3.3 of her section 42A report as follows:

“...The Operative RPS does not include policy provision for land outside the ONL, and therefore does not provide policy direction in terms of management of landscape values. Generally, given that the site is not currently used as a productive farm, its subdivision into smaller lifestyle blocks is not inconsistent with the relevant provisions of the Operative RPS.”

26. Having reviewed the RPS, we concur with Ms Carter’s statement with regards to landscape values as set out in Part 5 (Land). However, these landscape values are recognised in Part 9 (Built Environment) and we consider Objective 9.4.1 is of relevance as it seeks to conserve and enhance environmental and landscape quality. Also applicable in our view are Objectives 5.4.1 and 5.4.2 which address Issue 5.3.5 as they relate to the effects on ecological, amenity and intrinsic values associated with Otago’s significant indigenous vegetation. Policy 5.5.4 is relevant as it seeks to promote the diversification and use of Otago’s land resource.
27. We agree with Mr White that all these matters are appropriately given effect to in the District Plan provisions.

PRPS

28. The PRPS was notified on 23 May 2015, and decisions were notified on 1 October 2016. Some 26 Notices of Appeal have been lodged. Ms Carter advises us that:
- “The Proposed RPS introduces policy provisions relating to landscapes and features that are not outstanding, but that are highly valued. The Policies are to avoid the adverse effects on*

the qualities that make the landscape highly valued. The qualities of the subject site are its open, pastoral character and the proposal does not avoid the adverse effects on those values. Therefore, the proposal is inconsistent with Policy 3.2.6 of the PRPS.”

29. We consider that further objectives and policies are of relevance:

- Objective 1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago. Particularly the appeal seeking to include the natural environment.
- Policy 1.1.1 Integrated Resource Management
- Policy 1.1.2 Economic Wellbeing
- Objective 3.1 The values of Otago’s natural resources are recognised, maintained and enhanced.
- Policy 3.1.9 Ecosystems and indigenous biological diversity
- Policy 3.1.10 Natural features, landscapes and seascapes
- Policy 3.1.12 Environmental Enhancement
- Objective 3.2 Otago’s significant and highly-valued natural resources are identified, and protected or enhanced.
- Policy 3.2.1 Identifying significant vegetation and habitats
- Policy 3.2.2 Managing significant vegetation and habitats
- Objective 5.4 Adverse effects of using and enjoying Otago’s natural and physical resources are minimised
- Policy 5.4.6 Offsetting for indigenous biological diversity

30. Most of the above are given effect to through the PDP, although as neither document is fully operative and both are still subject to either Council level decision making or appeals, we consider that we are unable to give any significant weight to either.

Relevant District Plan Provisions

31. The section 42A report and the Applicant’s AEE referred us to Parts 4, 5 and 15 of the ODP, which we agree are the relevant provisions to consider.

32. Ms Carter’s section 42A report referred us to Chapters 3, 6, 21 and 27 of the PDP. The AEE also referred us to Chapter 33. We consider all these are relevant albeit that limited weight can be placed on the PDP.

The existing environment

33. The site is described in Section 2.1 of the AEE. This was adopted by Ms Carter for her report and we also adopt this description.

Permitted baseline

34. Ms Carter set out in her section 42A report at paragraph 8.2.1 some activities that are permitted in the Rural General zone and we accept this. She advises that the only relevant matter is 1000m³ of earthworks in any 12 month period. We add to this fencing up to 2m in height and farming excluding buildings. Where relevant we have considered the adverse effects associated with these permitted activities, although in our view they are not particularly helpful as this proposal includes provision for RBPs to accommodate built form which is not permitted.

Submissions and Evidence

Landowner – Dr Cossens

35. Dr Cossens supported his submission with a slide presentation. Most of his submission and presentation related to matters within the evidence of Mr White and Ms Steven who presented evidence in support of the application. We prefer the evidence of the experts in their respective fields and give little weight to Dr Cossens' opinions on these matters.
36. Dr Cossens advised that he and Ms Cossens did not own the subject site, but had operated and occupied the lodge on the property for some time. They now however have an unconditional sale and purchase agreement and will become the owners in due course.
37. In Dr Cossens' opinion proposed Lots 1, 2 and 3 have little economic value and the Cossens are seeking through this subdivision to increase the economic value such that they could protect the ecological values of Lot 3.

Applicant Planner

38. Mr White provided opening comments for the applicant. Of relevance, Mr White invited us to consider each allotment individually, and on questioning confirmed that if we were not minded to grant consent to a four lot subdivision, the Applicant was seeking we grant consent in part to either two or three allotments. As it can be difficult to separate distinct elements of an application with the potential to grant in part, we sought that the Applicant be clear in the evidence and closing submissions of what exactly is volunteered in the various scenarios. For this reason, at various points within this decision we consider the creation of the proposed Lots 1, 2, 3 and 4 with their associated RBP's separately.
39. Mr White presented planning evidence for the applicant. He concluded in his evidence at paragraph 89 that:

"...the application is specifically considered to achieve the environmental results anticipated in the Visual Amenity Landscape as it will enhance the natural character of the VAL with additional exotic plantings and the protection and enhancement of existing indigenous vegetation on Lot 3, results in a variety in the form of settlement pattern in an area that is considered to have the capacity to absorb the proposed development, not create reverse sensitivity issues and appropriately maintain rural amenity. The proposed development is also considered to enhance natural character by proposed indigenous plantings and be in keeping

with and sympathetic to the character of the Rural General area. It is therefore considered consent could be granted subject to appropriate conditions."

40. Mr White drew our attention to the three public viewpoints from which this proposal may have visual effects, being: Te Awa Road, the State Highway at the intersection with Te Awa Road in both directions and the State Highway on the north side of the hill. We concur that these are the relevant public views. He stated that the poplars which were planted post 2002 along Te Awa Road provided shelter to the lodge and were therefore appropriate in this context. He also clarified for us that the subdivision design aimed to be as consistent as possible with the existing surrounding dwellings and RBPs.
41. In terms of granting possibly only part of the application, Mr White stated that if an RBP on Lot 3 were not granted, the ecological values would still be protected but future owners would have a dual focus. Mr White also stressed that the proposed consent notice regarding the protection of the indigenous vegetation would require active management, as opposed to reliance on the District Plan provisions which would be passive only. In any event, we note that this is largely overtaken now by the amended proposal that the Applicant presented in its closing submissions whereby only part of proposed Lot 3 would be protected.
42. Mr White advised that the Applicant was happy to volunteer the following, which we have been cognisant of in our determination:
- That proposed Lot 3 with the associated ecological protection be created as part of the first stage of the subdivision to ensure the protection that the Applicant was promoted is achieved regardless of whether all stages of the proposal are complete; .
 - On questioning he advised that the 'sunset clause' in terms of no further subdivision or development except where rezoning occurs could be removed and that the Applicant volunteered a condition to be subject to a consent notice to the effect that no further subdivision or development would occur; and
 - Access to proposed Lot 3 would be from the ROW and within the area identified as the curtilage.

Applicant Landscape Architect

43. Anne Steven provided landscape evidence for the applicant. Ms Steven prepared a four page evidence summary which was circulated and which she read out. Ms Steven identifies the key issues as being whether there is a significant adverse effect on natural and Arcadian pastoral character and whether there would be an outcome of over-domestication; and whether there are significant nature conservation benefits. Ms Steven addressed us on the issue of 'openness' and 'pastoral' and whether this is an outcome sought in the VAL. She directed us to page 4-9 of the ODP where Issues for the VAL are set out. She stated that if they were relevant she would have expected to see them here, rather than only in the Assessment Matters. We pointed out that 'pastoral' was mentioned at the start of the Issue. Ms Steven considered that only enhancement of natural character is relevant in the VAL.

44. Ms Steven concludes that natural character would be slightly enhanced by the proposal despite the additional man-made elements. This is in her opinion due to the substantial protection and active enhancement of the tussock land, restoring biodiversity and ecological function and pattern. She considers that this would improve the integrity of the outwash plain as an ecosystem and will considerably enhance the visual amenity and sense of place for users of Te Awa Road and the private ROW. We note that in closing submissions the Applicant has withdrawn the 'substantial protection' and the active enhancement of the tussock land.
45. Ms Steven stresses that the proposal does not rely on the poplar trees which were planted along Te Awa Road post September 2002. Ms Steven advises that shelter must be planted to make land more productive, including enabling ecological restoration. Without shelter the soil blows away. On this basis Ms Steven considers that the open character of the site is not a positive attribute as it is associated with degradation.
46. Ms Steven opines that within 10 years the vegetation if closely spaced and well cared for would become the visually dominant element and the visibility of a future dwelling on Lot 3 would be moderate to low from SH6. Very little of the other future dwellings would be visible if at all. In terms of weight to be placed on public views, Ms Steven considers that greater weight should be afforded to views from SH6 as this road is significantly more frequented than Te Awa Road.

Upper Clutha Environmental Society (UCESI)

47. Julian Howarth, representing UCESI, stated that in the Society's view the applicant had not meaningfully avoided, remedied or mitigated adverse effects of the proposal. UCESI considers that the proposal will have effects on visual, amenity and natural landscape values; affect views of the ONL, will result in degradation and in cumulative over-domestication of the landscape.
48. UCESI supports the building design controls, landscaping and the protection of the indigenous vegetation proposed, but does not consider them to meaningfully mitigate the adverse effects of the proposed subdivision.
49. Mr Howarth pointed out to us that consent for subdivision of the site had previously been declined and, given the ODP and RMA had not changed in the intervening time, there was no reason for a different decision on this proposal. In terms of the economic effects referred to by Dr Cossens, Mr Haworth opined that the landscape must be protected as visitors to the district largely came to experience the untouched landscape rather than to view dwellings.

Council Planner

50. Jenny Carter, Council Consultant Planner, prepared a report pursuant to Section 42A containing a landscape report and an engineering report upon which the section 42A report is based. She listed the following actual and potential effects on the environment as relevant:

- Effects on natural and pastoral character
- Visibility of development
- Form and Density of Development
- Cumulative effects
- Rural Amenities
- Nature Conservation Values
- Access
- Infrastructure
- Earthworks
- Hazards

51. In her assessment, Ms Carter considers that the adverse effects of the activity will be inappropriate and will not be adequately mitigated as the subdivision spreads development across an open and flat outwash plain, and future development would detract from the natural and pastoral character of the site, diminishing openness of the landscape and the legibility of the outwash plain. She considers that Lots 2 and 3 locate residential building platforms where they cannot be absorbed by the landscape and that the proposed mitigation planting will itself adversely affect the open, pastoral character. In her view the proposal is inconsistent with the objectives and policies of the ODP and PDP as the development will be visible from State Highway 6 and Te Awa Road, will detract from landscape and visual amenity values and the density of subdivision and development are increased to a point where the benefits of further planting and building are outweighed by the adverse effects. She recommends that consent be refused for these reasons.
52. In terms of the ecological protection provided, Ms Carter advised that she did not consider that the proposed protection provisions would contribute significantly compared to the rules already in force in the PDP and ODP.
53. Ms Carter stated that she would be able to support a proposal subject to appropriate conditions if:
- RBP on Lot 3 is removed
 - RBP on Lot 2 is relocated as recommended by Ms Mellisop
 - Indigenous vegetation is appropriately protected
 - Curtilage area is identified around Lot 4

Council Engineer

54. Lyn Overton, Council Engineer, prepared a report which generally found that most engineering related issues could be dealt with by standard conditions.
55. Ms Overton expressed significant concerns in terms of sight distances from the proposed ROW to access proposed Lots 1 and 2. The Applicant amended the location of the right of way and in response Ms Overton confirmed that she no longer has these concerns. Ms Overton advises that in terms of access to Lot 3, condition 5d(i) as recommended by her will need to be amended as the easement extends over the entire ROW.

56. Ms Overton also sought that the Applicant provide clarification with respect to the water supply. The bore log and documentation relating to the water supply have now been provided and Ms Overton is now satisfied that the supply will be in accordance with Council standards. She also recommends that if the water bore is to be used a management company will need to be formed which will need to be conditioned.
57. In terms of the relocation of Lot 2, Ms Overton advises that there are no hazards of concern and that this is covered in the Geosolve report submitted with the application.

Consultant Landscape Architect

58. Helen Mellsop, Consultant Landscape Architect, prepared a peer review report on the landscape aspects of the proposal. She concluded that the proposal would enhance the ecological values, but that the addition of three houses and associated domestication would outweigh the potential positive effects on natural character. Spreading built form across an open and legible part of the Hawea outwash plain would in Ms Mellsop's opinion have moderate to high adverse effects on the natural and pastoral character of the landscape. The visibility of the dwellings, curtilage area and exotic screen planting would detract from the character and amenity of the views from public places as well as obstructing some views to the wider landscape. Ms Mellsop also considers that the cumulative effects would result in over-domestication of the landscape with future dwellings on proposed Lots 2 and 3 spreading over the sensitive open outwash plain. She considers that the future dwelling on proposed Lot 1 can be absorbed without significant landscape effects subject to indigenous planting adequately screening views of a future dwelling roof from SH6 and the western part of Te Awa Road.
59. Ms Mellsop advised that if the RBP on Lot 2 were shifted 20/30m west towards the scarp such that it is not visible from SH6 – as is volunteered by the Applicant in the closing submissions – then subject to appropriate conditions she would be able to support this aspect of the proposal as it would have reduced effects in terms of visibility from Te Awa Road and would be more closely clustered with existing and future development. Her opinion is that moving the RBP on Lot 2 closer to the scarp would reduce the effects on the Steegh property in terms of visibility.
60. In response to Mr Howarth's submission, Ms Mellsop is of the opinion that this location has a greater absorption capacity for built form due to the type of development in the vicinity.

Effects Assessment

61. In most areas the Applicant and Ms Carter were in agreement and no concerns were raised by Submitters with respect to several matters which we do not address further. The areas of contention at the hearing were:
- Effects on landscape character
 - Effects on visual amenity;
 - Cumulative effects; and
 - Nature conservation.

62. Following consideration of the evidence at the hearing, the volunteered conditions and the changes made to the proposal both throughout the hearing and in the closing submissions, it is apparent that there is now agreement between the Applicant and Ms Carter that:

- There will be no adverse effects resulting from creating a RBP and curtilage on Lot 4 around the existing buildings.
- The adverse effects in terms of character and visual amenity of the proposed RBP on Lot 1 will be acceptable subject to appropriate landscaping.

As we have no contradictory expert evidence before us in relation to these allotments, we accept this advice and do not consider the effects associated with them further. We conclude that the adverse effects of the creation of RBPs on proposed Lots 1 and 4 are able to be appropriately mitigated, such that they will be acceptable. We do consider these allotments in terms of cumulative effects.

Landscape Character

63. All landscape architects advised us that this landscape is pastoral and we agree. The topography of the landscape with the terracing down towards the river is a dominant natural characteristic in this location.

64. It was accepted among the parties that the introduction of a further three additional future dwellings into this landscape will change the character of the landscape. The disagreement arose in respect of the extent to which the character would be changed and the effects of the mitigating planting. Ms Steven is of the opinion that all the additional future dwellings can be absorbed without any significant effects on the landscape. Ms Mellsoop does not agree. She contends that the RBP proposed on Lot 3 will have significant effects.

65. As the RBP on proposed Lot 2 has now been moved to a location which is supported by both Landscape Architects and both Planners, we now have no expert evidence in front of us suggesting that this is not appropriate, although Submitters in opposition have raised concerns. We agree with Ms Steven and Ms Mellsoop that the nature of the receiving environment will not be substantially changed by the inclusion of two future dwellings close to the base of the scarp, being proposed Lots 1 and 2. We agree that these will be read in the context of the existing development and will appear congruent with the established pattern without significantly changing the character. We also agree with both Landscape Architects and both Planners that the effects of the change in natural character are mitigated and offset to some degree by the proposed protection of indigenous vegetation on proposed Lot 3, although we do not agree with Ms Steven that natural character would be enhanced. For the avoidance of doubt, we note here that we have only considered the 'core ecological zone' as now proposed in the closing submissions.

66. The effects of Lot 3 and the associated RBP is the area in which the Landscape Architects and Planners are not in agreement. On balance we prefer the evidence of Ms Mellsoop in respect of this allotment. The character of this area is defined by openness and somewhat marginal

vegetation interspersed with indigenous vegetation. This character is in keeping with the outcomes sought in the VAL and we consider that there is no location on proposed Lot 3 that a dwelling could be placed that would not change the character of the area significantly. The proposed vegetation around a future dwelling would equally affect the open, pastoral character.

67. The expert evidence focussed on the open character; with the Applicant considering that this was given too much weight. We have considered this carefully and have reached the view that the existing open character is very much affected by the scarp which breaks up the terraces. Locating dwellings and vegetation in a position closely associated with the scarp does not affect the character of the area, whereas the location of future built form away from this scarp does change the character. Both Ms Steven and Mr White contend that promotion of open character is restricted to Outstanding Natural Landscapes (ONL) and that within VALs the District Plan seeks to focus on enhancement of natural character. We accept that this correctly reflects the emphasis within the ODP. However, this does not in our opinion preclude open areas from having a natural character and we do not accept that relatively intensive planting to screen a dwelling will enhance natural character. The planting as proposed on all lots will have a domesticating effect on the character. This will be a significant effect in terms of Lot 3 where the level of domestication is currently low.
68. We reach the conclusion that the character of the site will be changed by the proposal as there will be a reduction in natural and pastoral character as a result of the future dwellings. The core ecological zone will enhance the natural character of the site. A future dwelling on proposed Lot 3 with associated curtilage will have significant adverse effects on the character which are unable in our view to be mitigated to an acceptable extent. The changes in character resulting from future dwellings on proposed Lots 1 and 2 with associated curtilage will be offset by the enhancement of the natural character of proposed Lot 3.

Visual Amenity

69. All experts agree that the location of the RBPs on Lots 1, 2 (as amended) and 4 in combination with the protection of the indigenous vegetation on proposed Lot 3 will have limited effects on the visual amenity. We concur with this opinion and accept their expert advice. We do note here that the Applicant has volunteered additional planting on Lot 1 to screen views from SH6 of any future dwelling on the RBP.
70. We consider that the location of the proposed RBP on Lot 3 will result in a future dwelling in a visually prominent location which is not in keeping with the surrounding rural lifestyle type development. Whilst the protection of the indigenous vegetation is sufficient to somewhat offset the visual effects of future dwellings on proposed Lots 1 and 2, it is not sufficient to mitigate the effects of a future dwelling on proposed Lot 3. We consider that the visual impact of such a dwelling with associated curtilage would be unacceptable.

Cumulative Effects

71. Cumulatively, the adverse effects on the character and the visual amenity are significant and in our view these cannot be mitigated by further planting, landscaping or other measures. This opinion is strongly affected by the inclusion of an RBP on proposed Lot 3 and we consider that an alternative of RBPs only on Lots 1, 2 and 4 can serve to mitigate the cumulative effects of the proposal, such that they are acceptable.

Nature Conservation

72. The only potential expert evidence provided to us in regards to nature conservation is in the form of an appendix to Ms Steven's original landscape report. This appendix contains a 'Summary Evaluation of Indigenous Vegetation....' by Kate Wardle. Ms Wardle's report makes no mention of her profession, experience or qualifications and Ms Wardle did not attend the hearing. Ms Steven advises in her report that Ms Wardle is an Alexandra based drylands specialist ecologist. In the absence of any contrary statements we assume this to be the case, and rely on Ms Wardle's assessment.
73. Ms Wardle only assessed the bottom paddock of the subject site (proposed Lot 3). She described the paddock as:

"...a modified remnant of short tussock grassland on dry stony soils especially at the east end of the block. Matagouri dominated grey shrubland is also present. Areas of degraded low growing vegetation that include indigenous species are also present. The western side of the paddock has deeper soils, with exotic pasture species more prevalent."

Ms Wardle identified the occasional presence of an at risk endemic cushion plant. She also points out that there are a number of sites within the paddock that have characteristics that could support threatened spring annual herb species. She recommends a survey would be required in September/October to identify these.

74. We commend the Applicant for seeking to protect the remaining indigenous vegetation on the subject site and consider this a positive aspect of this proposal. We recognise Ms Carter's point that the vegetation is largely protected under the ODP and PDP in any event. However, the active removal of pests and the fencing will go beyond the protection already in place and we concur with the Applicant that nature conservation will be positively affected by this proposal. It is regrettable that the Applicant has now removed the original proposal to protect the entirety of proposed Lot 3 as this was, as pointed out by Ms Steven and Mr White, a unique and comprehensive protection. However, we find that nature conservation values are nonetheless enhanced by the proposed 'core ecological zone' which in combination with the existing planning provisions of the ODP and PDP will ensure ongoing protection of the indigenous vegetation.

Overall Consideration of the Proposal on the Environment

75. We are not convinced that this location can absorb the proposed RBP on Lot 3 without significant adverse effects on visual amenity and character. We consider that there is no

possible adequate mitigation of these effects. For the avoidance of doubt we record that even if the Applicant were still minded to volunteer the ecological protection of the entirety of proposed Lot 3, we do not consider that this would sufficiently offset the adverse effects and we would therefore reach the same conclusion in such circumstances.

76. We are of the view that the adverse effects of proposed RBPs on Lots 1, 2 and 4 can be mitigated by the volunteered landscaping, building controls and ecological protection such that significant adverse effects in terms of the character and visual amenity of the VAL will be acceptable.

Objectives and Policies

Operative District Plan

77. Part 4, 4.1.4 Objective 1 seeks the protection and enhancement of indigenous ecosystem functioning. The condition as proposed resulting in a protected 'core ecological zone' will assist in achieving this objective.
78. Part 4, Objective 4.2.5 promotes that any subdivision, use and development is undertaken in a manner which avoids, remedies and mitigates adverse effects on landscape and visual amenity values. Policy 1 encourages development to occur in those areas with greater potential to absorb change. We accept that this site is able to absorb some development, in the location of the scarp and in respect of proposed Lots 1, 2 and 4 with their respective RBPs we consider that the proposal is consistent with this objective. With regards to proposed Lot 3 and the RBP, based on our findings recorded earlier, we find this aspect of the proposal to be contrary to this objective.
79. Policy 4 relates to VALs and seeks to avoid, remedy or mitigate the adverse effects on VALs which are highly visible from public places and visible from roads; and also to mitigate the loss of or enhance natural character by appropriate planting and landscaping. We consider that a future dwelling and the planting on Lot 3 will be highly visible from State Highway 6 and that all RBPs will be visible from Te Awa Road. Once landscaping is established they will likely remain visible. The planting proposed around the platforms is primarily domesticating rather than enhancing natural character and the proposal contrary to this policy, in relation to the proposed RBP on Lot 3. In relation to the proposed RBPs on Lots 1, 2 and 4 the effects of these can be largely mitigated as set out earlier and without the RBP on Lot 3 we consider that the proposal is consistent with this policy.
80. Policy 8 seeks to avoid cumulative degradation by ensuring that densities of subdivision and development do 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. This proposal exceeds the threshold of development that is able to be absorbed by the receiving environment with regards to the RBP on Lot 3, which is not sympathetic to the area, and we consider it would be contrary to this policy. Again, as set out earlier, with regards to only Lots 1, 2 and 4 we do not consider that a threshold will be reached of

cumulative degradation and we deem these aspects of the proposal consistent with this policy.

81. Policy 9 relates to structures and screening them to preserve the visual coherence of VALs. Other than the RBP on Lot 3 we consider that the proposal achieves this policy. However, the proposed RBP on Lot 3 will stand out within the flat open area of the site and will not be in harmony with the line and form of the landscape. This aspect of the proposal is, in our view, inconsistent with this policy for that reason.
82. We acknowledge the effort that has been put into the proposal by the applicant and his advisors, including the use of colours, materials and height controls and planting to limit the visibility of the dwellings. This will be effective in ensuring the Policy 17 is achieved for proposed Lots 1, 2 and 4. However, as is a recurring theme, we consider the location of the proposed RBP on Lot 3 will result in significant adverse effects on the open character and visual coherence of the landscape and accordingly that this aspect of the proposal is contrary to Policy 17.
83. Part 5, 5.2 Objective 1 seeks to protect the character and landscape value of the rural area. Policies 1.2 and 1.3 seek to ensure the soil resource and rural productive activities are not compromised. Given the current and surrounding rural living land uses, and the marginal soil quality in this location, we do not consider either of these matters are of concern. The proposal is consistent with these policies. Policy 1.7 aims to preserve the visual coherence of the landscape, and Policy 1.8 aims to avoid the location of structures in prominent locations. We find that a future dwelling on the proposed RBP on Lot 3 would affect the visual coherence of the landscape and be located in a prominent location. The proposal is contrary to Policies 1.7 and 1.8 in this regard. Otherwise the proposal is consistent with achieving them.
84. Part 5, 5.2 Objective 2 deals with the retention of life supporting soils. As discussed above, this proposal will not have significant adverse effects on the life supporting capacity of soil. We consider that the proposal is neutral in relation to this objective.
85. Part 5, 5.2 Objective 3 relates to rural amenity. We consider that the rural amenity of the area, in terms of affecting rural land management practices and uses, will not change particularly as a result of this proposal. The proposal is consistent with this objective.
86. The proposal is largely consistent with the objectives and policies in Part 15, Subdivision, as they relate to ensuring the subdivision is appropriately serviced. Objective 5 seeks to maintain or enhance the amenities of the built environment through the subdivision and development process. Policy 5.2 refers to not adversely affecting landscape, visual or amenity values. In light of our findings we consider the proposal to be contrary to this policy in respect of the proposed RBP on Lot 3. Policy 5.5 relates to the safe and efficient functioning of services and roads. There are no concerns in this regard, and therefore we find the proposal consistent in this regard.

Proposed District Plan

87. To the limited extent that the PDP has weight, we conclude that the scale of development proposed through this application would be inconsistent with or contrary to its objectives and policies in relation to the RBP on Lot 3 only.

RPS and PRPS

88. The Regional Policy Statements (Operative and Proposed) are given effect to through the District Plan and Proposed District Plan. Suffice to record here that we have considered the objectives and policies as set out earlier and conclude that the conclusions reached in terms of the District Plans are applicable also to the Regional Policy Statements. Although expressed in much more general terms, the suite of policies in these policy statements do not in our view support a grant of consent for the full development as proposed.

Other matters

89. We consider that precedent and confidence in plan administration are relevant considerations for this proposal. The Environment Court found in John Scurr v Queenstown Lakes District Council ENV C060/2005 that the grant of consent to a discretionary activity raises issues of precedent in the Queenstown Lakes District. In our view the granting of consent to a RBP on Lot 3 which would result in significant adverse effects in terms of character and visual amenity would set an undesirable precedent and would undermine confidence in the administration of the ODP.

Overall Assessment

90. We have concluded that the proposal is contrary to key objectives and policies relating to landscape character and visual amenity in respect of the RBP on Lot 3 only. For this reason we determine that subdivision consent for the identification of the RBP on Lot 3 should not be consented. As a consequence land use consent should not be granted for the clearance of indigenous vegetation as this was associated with the creation of the RBP.
91. Subject to the conditions volunteered and discussed in the AEE, evidence, hearing and closing submissions we consider that the adverse effects on character and visual amenity of two additional RBPs (being those on Lots 1 and 2) can be adequately mitigated. Key elements volunteered by the Applicant that have contributed to us reaching this view are:
- No further subdivision and development of the site;
 - Core ecological zone;
 - Relocation of RBP on Lot 2; and
 - Increased screening for RBP on Lot 1.

92. Consent is GRANTED in PART as follows

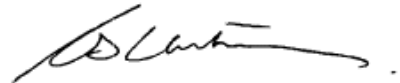
- A. Subdivision consent is granted subject to conditions set out in Appendix 1 to this decision to create Lots 1, 2, 3 and 4, whereby Lots 3 and 4 are to be amalgamated and held in one Computer Freehold register, and RBPs identified on Lots 1, 2 and 4 only, not for a RBP on Lot 3.
- B. Land use consent is granted without conditions to breach the sight distance at the ROW accessing Lots 1 and 2.
- C. Consent is granted to cancel the conditions specified in Consent Notice 5033930.6.

93. Land use consent is REFUSED for the clearance of indigenous vegetation on Lot 3.

15 September 2017



Wendy Baker



David Whitney

APPENDIX 1

Conditions of Consent

1. That the development must be undertaken/carried out in accordance with the plans:
 - ‘Scheme Plan Lots 1-4 Being Subdivision of Lot 11 DP 303860’ , Job no W5036, Drawing 01, revision N, dated 15/08/2017 (hand annotated to delete the building platform and curtilage area on proposed Lot 3)
 - Fig 4A. Proposed Subdivision and Building Platforms J Cossens, Te Awa Road, Revision A, dated August 2017 (hand annotated to delete the building platform on proposed Lot 3 and amend the location of the building platform on proposed Lot 2 to conform with the Scheme Plan)

stamped as approved on 15 September 2017

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 QLDC’s Land Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council’s website via the following link:
<http://www.qldc.govt.nz>

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

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC’s Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works within the road reserve of Te Awa Road, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council’s road reserve.

6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice 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.
7. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1, 2 and 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 secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1 and 2, and no increase in run-off onto land beyond the site from the pre-development situation.
 - c) The provision of an access way to the building platforms on Lots 1 and 2 that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. This shall include:
 - i) The access to Lots 1 and 2 shall be from the end of right of way 'A'.
 - ii) Provision shall be made for stormwater disposal from the carriageway.
 - d) The formation of the right of way 'A', in general accordance with QLDC Land Development and Subdivision Code of practice Table 3.2 Figure E1 to Council's standards. This shall include:
 - i) The intersection of the right of way and Te Awa Road shall be formed in accordance with Diagram 2, Appendix 7 of the District Plan.
 - ii) The gradient of the access way shall not exceed 1:6.
 - iii) The access shall have a sealed carriageway width of no less than 3.0 metres.
 - iv) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
 - v) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the subgrade.
 - vi) Passing bays or road widening shall be provided to prevent vehicle conflicts on curved sections of the access and at intervals not greater than 100m, or as otherwise approved by Council. The number and design of passing areas shall form part of the overall access design with consideration given to available sight lines, vehicle safety and minimising earthwork cuts.

To be monitored throughout earthworks

8. No permanent batter slope within the site shall be formed at a gradient that exceeds 1:1.
9. 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.
10. No earthworks, temporary or permanent, are to breach the boundaries of the site except for the works required for the formation of the right of way and trenching to lay services.

To be completed before Council approval of the Survey Plan

11. 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:
 - b) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - c) The following amalgamation conditions shall be shown on the Survey Plan for Stage 1 of the subdivision pursuant to section 220(1)(b)(iii) of the RMA.
 "That Lots 3 and 4 hereon be held in the same computer freehold register."

 Note: The CSN request number is to be confirmed by LINZ.
 - d) The Survey Plan shall show the location of Building Platforms on proposed Lots 1, 2 and 4, and show the location of the Core Ecological Zone on proposed Lot 3.

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

12. 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 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 Subdivision Planner 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).
 - b) A digital plan showing the location of building platforms on proposed Lots 1, 2 and 4 and the core ecological zone on proposed Lot 3 as shown on the survey plan / Land Transfer Plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The completion and implementation of all certified works detailed in Condition 7 above.

- d) The consent holder shall remove the existing fencing structure (straining post) located near the entrance to proposed right of way 'A' in the road reserve of Te Awa Road.
- e) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) 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 area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- g) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- i) The consent holder shall ensure that the existing lodge located on Lot 4 is provided with domestic water and firefighting storage. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ 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 FENZ 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.

- j) In the event the water supply comes from an existing bore on the subject site, as opposed to the Hawea Water Service Company, the consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the bore, provision of drinking water in accordance with the Drinking Water Standards for New Zealand 2005 (revised 2008).

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.

- k) The landscaping plan approved in condition 1 of this consent shall be implemented, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.

Ongoing Conditions/Consent Notice

13. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Computer Freehold Registers by way of Consent Notice pursuant to s.221 of the Act.
- i) There shall be no subdivision of Lot 1, Lot 2 or Lots 3 & 4.
 - ii) There shall be no buildings on Lot 3 and no building platform shall be identified on Lot 3.
 - iii) All future buildings on Lots 1, 2 and 4 shall be contained within the Building Platforms as shown on the Survey Plan.
 - a) At the time a building is erected on Lots 1, 2 and/or 4, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of the Manager of Resource Management Engineering at Council prior to implementation and shall be installed prior to occupation of the dwelling.

- b) At the time a dwelling is erected on Lots 1, 2 and/or 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 GeoSolve Ltd, dated 15 December 2015. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the dwelling.
- c) The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.
- d) At the time a dwelling is erected on Lots 1 and/or 2, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ 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 FENZ 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.

- e) The maximum height for any building shall be:
 - Lots 1 and 2: 4.5m
 - Lot 4: 5m
- f) Chimney and other minor structures may exceed the height limit by a maximum of 1.2m, provided they do not exceed 1.2m in any dimension.
- g) Building roofs shall be grey or brown steel with a light reflectance value (LRV) of between 10% and 35% and shall have a matte finish.
- h) Exterior claddings shall be of timber (naturally weathered, stained or painted) and/or locally sourced stone, painted steel sheeting, plain concrete block or painted plaster and shall be grey, blue or brown in colour with an LRV of between 15% and 35%. Mortar in stonework shall not exceed 40% coverage and shall be tinted a grey-brown colour to avoid strong contrast. Window and door joinery shall be the same or darker colour as wall and roof colours to avoid contrast.
- i) Accessory buildings shall be similar in style and materials to the main building .
- j) All exterior lighting shall be restricted to the immediate building area or affixed to buildings and shall be down lighting only. There shall be no external lighting outside the building platform. Lighting shall be directed downward so as to avoid glare and overspill that can be detected from outside the lot.
- k) Water tanks shall be located within the identified building platforms and curtilage areas.
- l) All domestic elements including but not limited to amenity gardens and garden structures, paved areas, storage sheds, play structures, swimming pools, tennis courts, clothes lines, parked vehicles and trailers, dog kennels, firewood storage, composting facilities, henhouses and the like shall be contained within the curtilage defined for each lot on referred to in the Approved Scheme Plan in Condition 1.
- iv) Lot boundary and internal fencing outside the curtilage shall be limited to timber post and wire/steel mesh or netting for Lot boundaries. Curtilage fencing shall be timber post and wire/netting or timber post and rail.
- v) Lot entrance features shall be limited to a standard farm gate of timber or steel not exceeding 1.2m in height.

- vi) All existing trees and planting shown on the approved landscape planting plan shall be retained and managed in good health; and shall be replaced by trees of similar character (height, form, foliage density, evergreen/broadleaf) when they die or are removed.
- vii) Areas outside the curtilage and core ecological zone shall be maintained by cultivation, grazing or mowing so as to avoid weed spread and rank grass growth.
- viii) Vegetation within the Core Ecological Zone as shown on the approved Scheme Plan shall be managed to encourage establishment and maintenance of indigenous vegetation. In particular:
 - i. the area shall be fenced with rabbit proof fencing
 - ii. pests such as rabbits and weeds shall be removed
 - iii. grazing stock will be kept out
- ix) All lot owners are required to be part of the management entity as required by Condition 12j) of RM170182. This management entity shall be established and maintained at all times and ensure implementation and maintenance of the water supply associated with the development.
- x) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

Staging

14. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lot 3 and 4

Stage 2: Lot 1

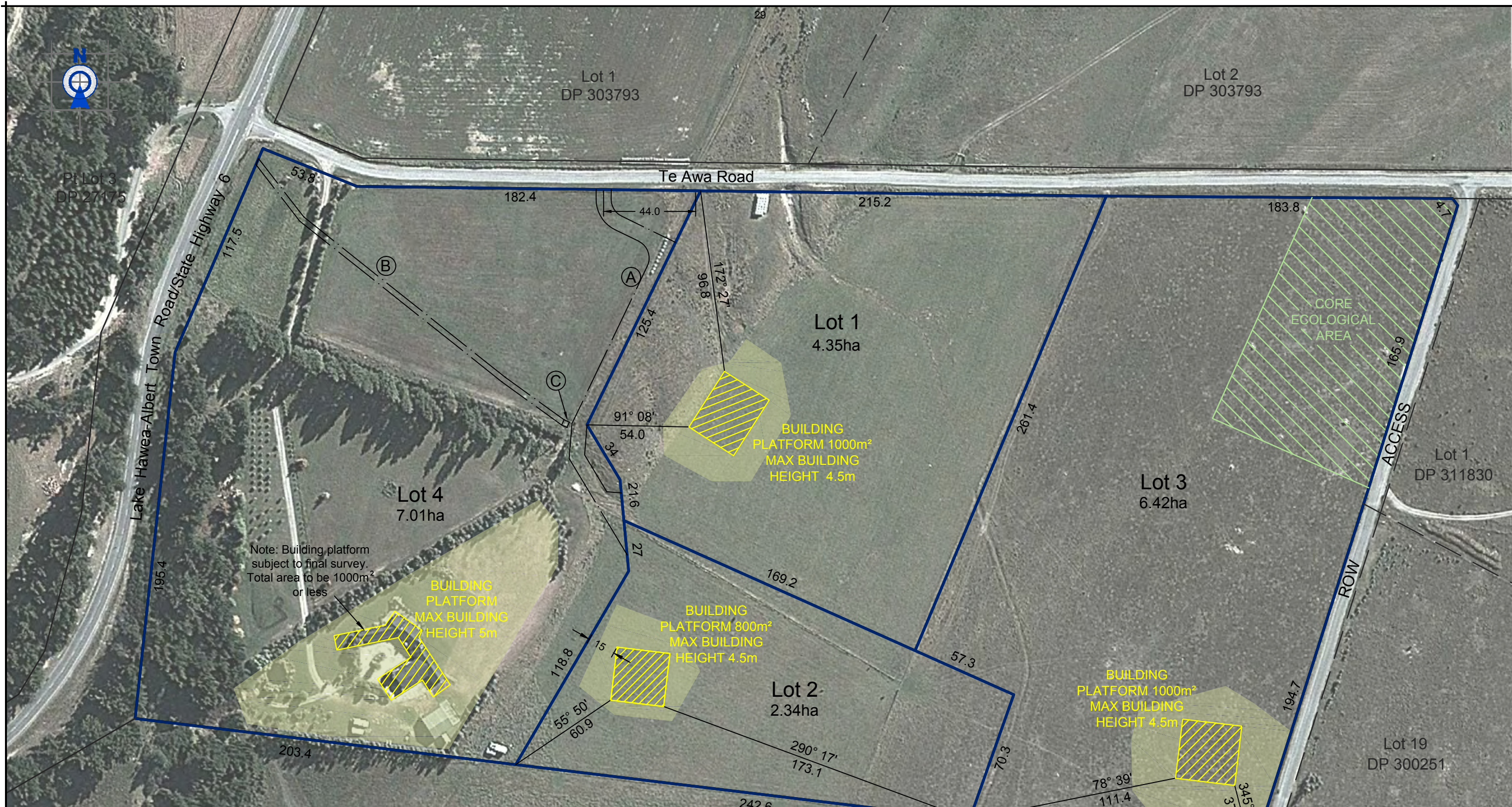
Stage 3: Lot 2

All stages may be combined and Stages 2 and 3 may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991. Any balance lots created shall either be serviced to Council's standards or held together in one title with a serviced lot.

Advice Notes

1. This consent triggers a requirement for Development Contributions. For further information please contact the DCN Officer at Council.

2. Both the Operative and Proposed District Plans contain rules relating to indigenous vegetation. The Consent Holder is made aware that these rules apply to the subject sites and that it is the consent holder's duty to ensure they are complied with at all times.
3. Water tanks may be considered buildings and further consent may be required.
4. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
5. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the water supply.
6. The drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the management group for the lots/lot owner, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
7. FENZ considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 4km from the nearest FENZ Fire Station the response times of the **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.



Note: Building platform subject to final survey. Total area to be 1000m² or less

Key:

Core ecological area	
Curtilage areas	
Proposed Building Platform	

Note: Additional service easements may be required following service design

Note: Residential Building Platform 3 is not granted

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN: RM170182
Monday, 18 September 2017

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	A	Lot 4	Lots 1 and 2

MEMORANDUM OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Electricity	B	Lot 4	Aurora
Right to Locate Transformer	C	Lot 4	

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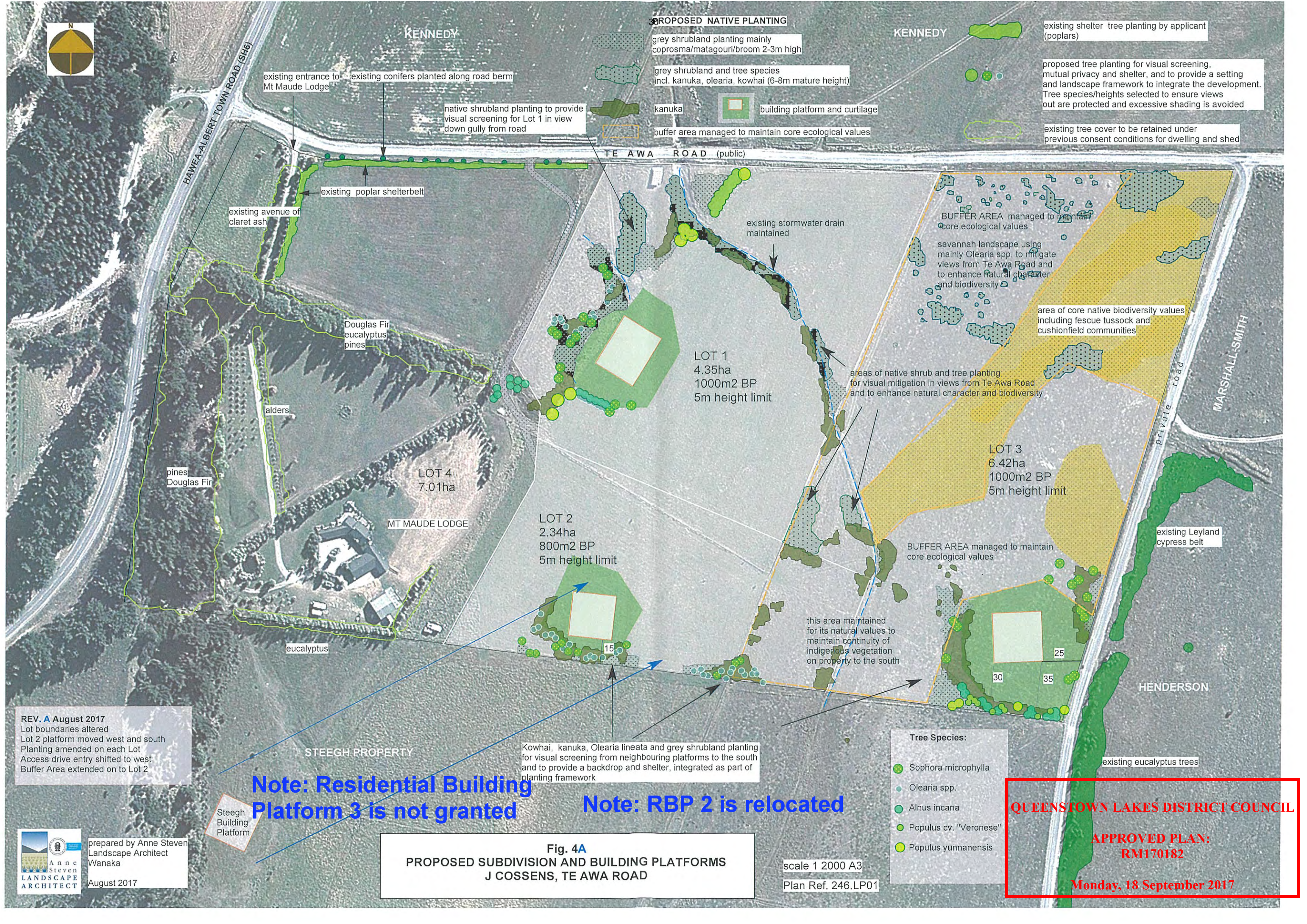
WANAKA BRANCH
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 Wanaka 9343
 T 03 443 0110
 E wanaka@ppgroup.co.nz

Client & Location:
**JOHN COSSENS
 TE AWA ROAD**

Purpose & Drawing Title:
**Scheme Plan
 Lots 1-4 Being Subdivision
 of Lot 11 DP 303860**

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Surveyed by:	-	Original Size:	A3	Scale:	1:2000 @ A3
Designed by:	AS LA				
Drawn by:	KMG				
Checked by:	DW				
Approved by:	DW				DO NOT SCALE
Job No:	W5036	Revision No:	01	Date Created:	15/08/2017



PROPOSED NATIVE PLANTING

- grey shrubland planting mainly coprosma/matagouri/broom 2-3m high
- grey shrubland and tree species incl. kanuka, olearia, kowhai (6-8m mature height)
- kanuka
- building platform and curtilage
- buffer area managed to maintain core ecological values

KENNEDY

- existing shelter tree planting by applicant (poplars)
- proposed tree planting for visual screening, mutual privacy and shelter, and to provide a setting and landscape framework to integrate the development. Tree species/heights selected to ensure views out are protected and excessive shading is avoided
- existing tree cover to be retained under previous consent conditions for dwelling and shed

existing entrance to Mt Maude Lodge

existing conifers planted along road berm

native shrubland planting to provide visual screening for Lot 1 in view down gully from road

existing poplar shelterbelt

existing avenue of claret ash

Douglas Fir eucalyptus pines

alders

pines Douglas Fir

LOT 4 7.01ha

MT MAUDE LODGE

LOT 2 2.34ha 800m2 BP 5m height limit

eucalyptus

LOT 1 4.35ha 1000m2 BP 5m height limit

existing stormwater drain maintained

areas of native shrub and tree planting for visual mitigation in views from Te Awa Road and to enhance natural character and biodiversity

BUFFER AREA managed to maintain core ecological values

savannah landscape using mainly Olearia spp. to mitigate views from Te Awa Road and to enhance natural character and biodiversity

area of core native biodiversity values including fescue tussock and cushionfield communities

LOT 3 6.42ha 1000m2 BP 5m height limit

BUFFER AREA managed to maintain core ecological values

this area maintained for its natural values to maintain continuity of indigenous vegetation on property to the south

existing Leyland cypress belt

HENDERSON

existing eucalyptus trees

REV. A August 2017
Lot boundaries altered
Lot 2 platform moved west and south
Planting amended on each Lot
Access drive entry shifted to west
Buffer Area extended on to Lot 2

Steegh Building Platform

Note: Residential Building Platform 3 is not granted

Note: RBP 2 is relocated

prepared by Anne Steven
Landscape Architect
Wanaka
August 2017

Fig. 4A
PROPOSED SUBDIVISION AND BUILDING PLATFORMS
J COSSENS, TE AWA ROAD

scale 1 2000 A3
Plan Ref. 246.LP01

- Tree Species:**
- Sophora microphylla
 - Olearia spp.
 - Alnus incana
 - Populus cv. "Veronese"
 - Populus yunnanensis

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM170182
Monday, 18 September 2017