



DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Mr F Whitaker
RM reference:	RM130822
Location:	150 Centennial Avenue, Queenstown
Proposal:	Consent to subdivide an existing property into two lots, to establish residential building platforms on each lot, and to construct a residential dwelling within the building platform on Lot 2, together with associated earthworks
Type of Consent:	Subdivision and Land Use
Legal Description:	Lot 2 Deposited Plan 15580 held in Computer Freehold Register OT6B/1132
Valuation Number:	2918401000
Zoning:	Rural General
Notification:	Publicly Notified
Commissioners:	Commissioner D Jane Taylor
Date:	4 June 2014
Decision:	The application is granted, subject to the imposition of additional conditions

BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by Mr F Whitaker
for consent to subdivide a property
located at 150 Centennial Avenue,
Arrowtown into two freehold lots, to
establish residential building
platforms on each lot, and to
construct a residential dwelling
within the building platform on
proposed Lot 2, together with
associated earthworks and
landscaping

Council file: RM130822

**DECISION OF COMMISSIONER APPOINTED BY QUEENSTOWN LAKES
DISTRICT COUNCIL**

4 June 2014

Commissioner:
D Jane Taylor (Queenstown)

Introduction

1. I have been given delegated authority to hear and determine this application and, if necessary, to impose conditions by Queenstown Lakes District Council ("Council") under the Resource Management Act 1991 ("the Act").
2. The application (reference RM130822) has been made by Mr F Whitaker ("the Applicant") for resource consent to subdivide a property located at 150 Centennial Avenue, Arrowtown into two lots and to establish a residential building platform on each lot. The residential building platform on proposed Lot 1 is to be created around the existing dwelling on the site. Land use consent is also sought to construct a residential dwelling of a specific design within the proposed building platform on Lot 2. A lapse period of 10 years is sought for the land use component of the proposal.
3. The legal description of the property is Lot 2 Deposited Plan 15580 held in Computer Freehold Register OT6B/1132.
4. A full description of the site, the application and the consenting history of the site is contained in Sections 2 and 3 of the Section 42A report, and in Sections 1.0 and 2.0 of the Application for Resource Consent prepared by John Edmonds & Associates Limited ("the AEE").
5. The proposed activity requires resource consent for the following reasons under the Operative Queenstown Lakes District Plan ("the District Plan"):

Subdivision

- (a) A **discretionary** activity pursuant to Rule 15.2.3.3(vi) for subdivision and location of residential building platforms in the Rural General Zone.

Land Use

- (b) A **controlled** activity pursuant to Rule 5.3.3.2(i)(b) in regard to new buildings constructed within an approved residential building platform. Council's control is with respect to external appearance, provision of services, associated earthworks, access and landscaping. This applies to the construction of a new dwelling on proposed Lot 2 on completion of the subdivision.
- (c) A **controlled** activity consent pursuant to Rule 5.3.3.2(vii)(b) – *Earthworks*, in regard to the maximum volume of earth moved being between 300m³ and 1,000m³ within any consecutive 12-month period. A volume of 600m³ has been estimated.
- (d) A **restricted discretionary** pursuant to Rule 5.3.3.3(xi) as the proposal does not meet Site Standard 5.3.5.1(vi), which states that the minimum setback from internal boundaries for buildings shall be 15 metres. This applies to future alterations and additions to the existing house on proposed Lot 1, as the proposed building platform will be located a minimum distance of 5 metres from the southern internal boundary. It also applies to the proposed dwelling on Lot 2, which will be located a minimum distance of 14 metres from the southern internal boundary.

6. The effects of the matters requiring consent are connected and overlapping, such that it is appropriate to bundle the activities together for assessment. Overall, the application falls to be considered as a **discretionary** activity.

Relevant Statutory Provisions

7. The provisions of the Resource Management Act 1991 relevant to the assessment of this application as a discretionary activity are sections 104, 104B, 108 and Part 2 of the Act.

Relevant Plan Provisions

8. The relevant planning documents considered were:
- (a) The Operative Queenstown Lakes District Plan (the "District Plan") and, in particular, the following parts:
 - Part 4 – *District Wide Issues*
 - Part 5 – *Rural Areas*
 - Part 15 – *Subdivision, Development and Financial Contributions*
9. Under the District Plan the site is zoned Rural General. The site is located in a Visual Amenity Landscape ("VAL") as determined by the Council's consultant landscape architect at paragraph 18 of her report. This assessment is adopted and relied on for the purposes of this decision.

Application Information

10. The following information has been received and considered by the Commissioner in reaching her decision:
- (a) A report dated 17 April 2014 prepared under section 42A of the Act by Mr Aaron Burt, the Reporting Planner for the Council (the "Section 42A report"); and
 - (b) The appendices to the Section 42A report, which included a Landscape Assessment Report dated 13 January 2013 prepared by Ms Michelle Snodgrass, Consultant Landscape Architect; and an Engineering Memorandum dated 2 April 2014 prepared by Mr Alan Hopkins, Council Engineer.
11. The following documents contained in the agenda accompanying the Section 42A report have also been considered in determining this application:
- The Application and Assessment of Environmental Effects prepared by John Edmonds & Associates Limited dated December 2013;
 - An Archaeological Assessment of the former Arrow District Hospital site prepared by Mr Andrew Winter for and on behalf of Jackie Gillies + Associates dated September 2013;
 - The proposed Subdivision Plan prepared by Mason & Wales, Architects;

- A letter dated 12 June 2013 from Aurora Energy Limited in relation to the electricity supply for the proposed subdivision;
 - A letter dated 19 June 2013 from Chorus in relation to the availability of telecommunication services;
 - An assessment of the potential effects from a proposed dwelling on the Wellingtonia tree located at 150 Centennial Avenue, Arrowtown prepared by New Zealand Tree Care Limited dated 4 November 2013;
 - The architectural plans prepared by Mason & Wales, Architects in respect of the proposed building on Lot 2;
 - An Application for Authority under Section 14 of the Historic Places Act 1993 dated 8 November 2013 confirming that the authority to undertake building development on the site has been granted; together with a copy of the Authority as issued, Number 2013/343 dated 8 November 2013;
 - An onsite Wastewater Management Assessment and Design for F Whitaker prepared by Southern Monitoring Services Limited dated 8 January 2014;
 - A Preliminary Geotechnical Assessment Report prepared by GeoSolve Limited dated 17 March 2014 ref: 140074 LR001; and
 - Correspondence between Council and John Edmonds & Associates Limited dated 16 April 2014 in relation to the ecological restoration of the escarpment face and Plan Change 39.
12. The Section 42A report recommended that resource consent be granted pursuant to section 104 of the Act for the following reasons:
- (a) The adverse effects of the activity can be adequately mitigated so that effects on the wider environment are less than minor;
 - (b) The application is consistent with the objectives and policies of the District Plan; and
 - (c) The proposal is consistent with Part 2 of the Act.

Notification and Submissions

13. The application was publicly notified on 19 February 2014 at the Applicant's request. The period for lodging submissions closed on 19 March 2014.
14. One submission was received within the statutory timeframe from Murray Hanan and Dame Elizabeth Hanan of 159 Highgate, Dunedin. A summary of this submission is contained in paragraph 4 of the Section 42A report. In summary, the application was opposed as it was considered premature pending the resolution of Plan Change 39. Concern was also raised in relation to the proposed onsite effluent treatment and disposal systems on the basis that these could potentially affect any future potential building platforms located towards McDonnell Road.

15. Written approval to the application was provided by D & J Mahon of 132 Centennial Avenue, a neighbouring property.
16. As previously noted, an archaeological authority has been obtained from the New Zealand Historic Places Trust in relation to the proposal.

The Hearing

17. A hearing was held on Wednesday 30 April 2014 at offices of the Council, 74 Shotover Street, Queenstown. In attendance were:
 - (a) Ms Annemarie Robertson, a Resource Management Consultant with John Edmonds & Associates Limited, representing the Applicant. Mr John Edmonds was also in attendance; and
 - (b) Council Officers, including Mr Aaron Burt, Reporting Planner; Ms Michelle Snodgrass, Consultant Landscape Architect; and Mr Alan Hopkins, Council Engineer.
18. Immediately prior to the hearing I conducted a site visit to the property accompanied by Mr Burt. I am satisfied that I gained a good appreciation of the site and the receiving environment.

Summary of the Evidence Heard

19. Ms Annemarie Robertson presented submissions in writing on behalf of the Applicant. Ms Robertson is a qualified engineer and planner, and has had eight years experience in resource management in the Queenstown Lakes District.
20. Ms Robertson's evidence covered the background and site history, the proposal and changes made to the proposal since the application was lodged which included:
 - Additional earthworks relating to the replacement of an area of unsuitable fill material that was identified underneath the south-western corner of the proposed dwelling during the geotechnical assessment by GeoSolve Limited. The maximum total volume of earthworks is estimated to be approximately 600m³.
 - Landscaping to the north of the proposed dwelling on the escarpment face within Lot 2 has been proposed, and a landscaping concept plan was included as attachment 1 to Ms Robertson's evidence. It was expected that the landscaping concept plan would be further refined prior to the construction of the dwelling. A condition of consent requiring a final landscaping plan to be submitted for Council's approval prior to construction of the dwelling on Lot 2 was volunteered.
 - A complete list of proposed consent conditions.
21. Ms Robertson discussed the relevance of Plan Change 39 – Arrowtown South ("PC39"), a private plan change that seeks to rezone land between the existing Arrowtown Residential Zone and the Arrowtown Golf Course for residential purposes. The site is located within the boundary of PC39. PC39 was refused at first instance by the Council Commission, and is currently under appeal to the Environment Court.

22. Ms Robertson discussed the submission received, the actual and potential effects on the environment and the objectives and policies of the District Plan. Overall, Ms Robertson concluded that the proposal is consistent with the purpose and principles of the Resource Management Act and, accordingly, should be granted.
23. The Council Officers responded to issues raised by the Commissioner during the presentation of Ms Robertson's evidence.
24. Finally, the proposed conditions of consent were discussed and modifications suggested to ensure that any adverse environmental effects were appropriately remedied or mitigated.
25. I wish to record my thanks to Ms Robertson and the Council Officers for the extremely thorough approach taken to this application, and the very high quality of the evidence produced prior to and presented at the hearing.

The Principal Issues in Contention

26. It was common ground that the application falls to be considered as a **discretionary activity**. A wide range of matters, were traversed in the application, submissions, Section 42A report and supporting material, and during the hearing.
27. The principal issues in contention arising from the application, the Section 42A report and the contents of the submission, including matters raised during the hearing were:
 - (a) *Landscape and visual amenity effects*: the effects of the proposed development on natural and pastoral character, the visibility of development, the form and density of development, and the cumulative effects of the development on the landscape;
 - (b) *Natural hazards*: the extent to which the localised instability on the terrace crest located at the western extent of the proposed Lot 2 building platform can be satisfactorily mitigated;
 - (c) *Effects on heritage and cultural values*: the extent to which any heritage and cultural values associated with the site are adequately protected from the proposed development, the existing *Wellingtonia* tree on the site is protected under the District Plan;
 - (d) *Objectives and policies*: whether the proposal is consistent with the relevant objectives and policies of the District Plan; in particular, those objectives and policies contained in Part 4.2 – *Landscape and Visual Amenity*, 4.8 – *Natural Hazards*, 4.9 – *Urban Growth*, 4.10 – *Earthworks*, and Section 5 – *Rural Areas*. Part 15 – *Subdivision, Development and Financial Contributions*, is also relevant; and
 - (e) *Plan Change 32*: the extent to which Plan Change 32 is relevant to the application.

Assessment

The permitted baseline, existing environment and receiving environment

28. I concur with the Reporting Planner that the permitted baseline for this rurally zoned site offers little assistance in the assessment of this application. However, the receiving environment was considered relevant to my assessment of this proposal. The site forms part of a cluster of

residential development adjoining the northern end of the Arrowtown Golf Course. The neighbouring properties to the south at 152, 154 and 160 Centennial Avenue each contain a residential dwelling and comprise areas of 4,610m², 3,030m² and 5,675m² respectively. Accordingly, the proposal would result in two lots of similar size and density to those within the existing cluster, of which the existing residential dwelling on proposed Lot 1 forms part.

29. The Reporting Planner noted that the application site is included in land subject to Plan Change 39: Arrowtown South. As this is a private plan change, it has no statutory weight until fully operative. Notwithstanding this, I consider PC39 to be a relevant “other matter” under section 104(1)(c), and its potential implications will be discussed further in this decision.

Actual and potential effects on the environment

Landscape and visual amenity

30. Ms Snodgrass carried out a very thorough assessment of the VAL landscape assessment criteria and has concluded that any adverse effects on natural and pastoral character can be appropriately mitigated, that any effects in regard to visibility of development are appropriately mitigated and that the proposal will not result in significant adverse effects associated with form and density.
31. At paragraphs 39 to 44 of her report, Ms Snodgrass identified that adverse cumulative effects could arise as a result of the spread of domestic elements from the proposed Lot 2 dwelling. In her opinion, these effects could be satisfactorily mitigated by a condition that would restrict any future domestic elements to an identified curtilage area confined to the top terrace. At the hearing the Applicant agreed that a curtilage condition was reasonable and that this would be indicated on the final landscaping plan. Pragmatically, as the escarpment face is now to be fully landscaped in accordance with the revised landscaping concept plan, it is unlikely that any curtilage activities could be located within this area in any event.
32. At paragraphs 45 to 48 of her report Ms Snodgrass concluded that the development would not have any significant adverse effect on the rural amenity of the wider vicinity.
33. Overall, I am satisfied that the proposal will not result in any adverse effects on landscape and visual amenity, and that any potential effects have been appropriately remedied or mitigated.

Natural hazards

34. The site has not been identified as subject to known natural hazards in the Queenstown Lakes District Council’s hazard register maps. Mr Hopkins advised that during his site inspection he identified localised instability on the terrace crest located at the western extent of the proposed Lot 2 building platform. The Applicant subsequently provided a geotechnical report that assessed the suitability of the building platform for residential construction. The report included recommendations to ensure that development of the site could be undertaken appropriately.
35. Mr Hopkins subsequently advised that the recommendations were acceptable and should be incorporated into the conditions of consent to ensure that any stability effects are appropriately avoided or mitigated. Accordingly, I am satisfied that although potential stability hazards have been identified, any potential adverse effects have been appropriately mitigated.

Culture and heritage

36. The site contains three small outbuildings associated with the former Arrow District Hospital, which was located on the site from 1879 to 1915. None of these buildings are listed in the District Plan or the New Zealand Historic Places Trust register. An archaeological assessment by Jackie Gillies + Associates (the "JGA report") provided with the original application determined that only one of the buildings is likely to have been constructed prior to 1900. This is the "cottage", which the author considered was probably used as a fever isolation ward. The JGA report contained a number of recommendations, which were subsequently adopted in the archaeological authority referred to below.
37. In 2013, an archaeological authority was sought from the New Zealand Historic Places Trust to disturb the ground within the site for the purposes of the construction and installation of services and for the removal of the "stables" building (which has been so-named because of its appearance rather than its likely former use) to allow construction of the proposed dwelling. The authority was granted on 8 November 2013 subject to a number of conditions to ensure that any potential adverse effects on the heritage values of the site would be appropriately avoided, remedied or mitigated. These included the monitoring of any earthworks by an archaeologist, and the recording of the "stables" building prior to and during demolition. An Advice Note has been included in the list of resource consent conditions stating that the consent holder is responsible for ensuring that the conditions of the archaeological authority are met.
38. The decision relating to the archaeological authority noted that the fever ward building is an important structure and suggested that it could be adapted for re-use in future. A condition of the archaeological authority is that this building must be preserved and protected in situ. No changes to the building are proposed in this application.
39. The existing *Wellingtonia* tree on the site is protected under the District Plan because of its heritage values. Ms Robertson noted that it was apparently planted as a shelter for hospital patients in the 1880s. She submitted that the proposal has been carefully designed in consultation with an arborist to avoid adverse effects on the health of the *Wellingtonia* in terms of the location of the Lot 2 building platform and the wastewater disposal field, and landscaping. A condition has been volunteered requiring a tree root protection area to be established around the tree during construction of the dwelling. Additionally, existing views of the tree from Centennial Avenue (the closest public view point) will be maintained. During the hearing, the Applicant advised that the weeping Lawson Cypress located on the northern boundary of proposed Lot 2 will be retained, together with the willows and grey poplars on the lower terrace escarpment (as identified on the landscaping concept plan submitted at the hearing).
40. Overall, I am satisfied that any adverse effects on culture and heritage values have been adequately mitigated and that these important values inherent to the site will be protected for future generations.

Conclusion in relation to actual and potential effects on the environment

41. Having considered the assessment contained in the AEE, the Section 42A report and Ms Robertson's evidence at the hearing, I have concluded that any adverse effects of the proposed activity on the environment can be appropriately mitigated or remedied to an acceptable level.

Objectives and Policies of the District Plan

42. Ms Snodgrass' evaluation of the assessment matters for Visual Amenity Landscapes takes into account all matters raised by the relevant objectives and policies set out in Part 4.2 – *Landscape and Visual Amenity* of the District Plan. Having considered Ms Snodgrass' evidence, I find the proposal to be consistent with these objectives and policies.
43. Mr Burt and Ms Robertson have carried out very comprehensive analyses of the relevant objectives and policies of the District Plan including objective 4.9, which relates to urban growth. I accept Ms Robertson's evidence that the proposed dwelling will be located in an area that has already been modified such that it is more residential than rural in character and is therefore able to absorb change of the scale proposed. In this respect, the design of the proposed dwelling on Lot 2 has been included in the application to provide a comprehensive proposal for subdivision and development of the site. I accept Ms Robertson's evidence that the dwelling has been carefully designed to minimise its impact on the landscape: it is modest in scale, including a low roof profile, and incorporates dark, natural materials.
44. Importantly, the proposal is consistent with the objectives and policies in Part 13 – *Heritage*, particularly Objective 2, which relates to heritage trees. The proposal meets the associated policies requiring that such trees are protected from avoidable loss or destruction by ensuring that new buildings, landscaping and infrastructure will be located to avoid any adverse effects on the health of the tree and by establishing a tree root protection area during construction.
45. Overall, I accept the evidence of Mr Burt and Ms Robertson that the proposal is consistent with the relevant objectives and policies in the District Plan.

Other Matters

46. The relevance of Plan Change 39, which was raised in the submission of Mr Murray Hanan and Dame Elizabeth Hanan, has been considered. PC39 is a private plan change that seeks to rezone land between the existing Arrowtown residential zone and the Arrowtown Golf Course for residential purposes. PC39 was initially refused by the Council Commission and has been appealed to the Environment Court. Mr Burt has advised, and I accept, that as this is a private plan change it has no statutory weight until fully operative.
47. Ms Robertson advised that the initial structure plan for PC39 was an urban extension of Arrowtown. The structure plan has since been refined to a rural residential type cluster following the Declaration decision of the Environment Court and the Court's decision on PC29 (Arrowtown Growth Boundaries). Importantly, the Court's interim Declaration gave strong guidance as to the density of development that would potentially be acceptable for this area; accordingly while a decision on PC39 has not yet been issued, it is considered likely to be granted in a similar form to that submitted to the Court. In this respect it is appropriate for me to consider the degree to which the present application is consistent with PC39 and, if there are any areas of difference, whether these are material.
48. The proposed building platform on Lot 2 was identified on the amended PC39 structure plan presented to the Environment Court on 15 and 16 April 2014 in a joint witness statement of the planning experts, which was supported by Council's Landscape Architect, Dr Marion Read. I understand from the evidence that no concerns have been raised by the landscape experts in relation to the location of the proposed Lot 2 building platform as part of PC39. Mr Burt also noted that the staging requirement for the ecological works in relation to the small

part of the escarpment within Mr Whitaker's land had been removed, primarily as Mr Edmonds had advised (via the joint witness statement) that the ecological enhancement work could be provided as a part of this resource consent application, rather than remain as a staging requirement under PC39.

49. Ms Robertson advised at the hearing that the latest version of PC39 proposed ecological restoration of the escarpment face above McDonnell Road, including the area of the escarpment within the subject site, as a form of environmental compensation. Mr Burt clarified that the environmental compensation proposed by PC39 included the weed clearance and ecological restoration of the escarpment area, which is currently overgrown in broom and infested with rabbits. The ecological restoration proposed in PC39 was outlined in the Open Space Management Plan ("OSMP") for Arrowtown South, prepared by Natural Solutions for Nature Limited.
50. Ms Roberson advised that the OSMP includes the following objectives which are relevant to the subject site:
- The removal of broom and other wood weeds from the escarpment and prevention of their regeneration.
 - The incorporation of a mixture of cultural and indigenous planting on the escarpment as a reflection of the area's relationship to Arrowtown – including exotic deciduous trees providing autumn colour.
 - The planting of deciduous exotic trees as specimen trees at the southern end of the escarpment (with those listed in the Arrowtown design guidelines being appropriate species).
51. The proposed revegetation of the escarpment within the subject site is described in the OSMP as *"a mixture of exotic, deciduous species and native shrubland with a more open shrubland and areas with tussock grassland near the top of the escarpment"*.
52. At the hearing, a revised landscaping concept plan was submitted to provide for ecological revegetation on the Applicant's land based on the general recommendations of the OSMP. Ms Snodgrass advised that, in her opinion, the revised landscaping concept plan was acceptable and consistent with the ecological enhancement proposed for the escarpment area in PC39. A condition of consent has been agreed with the Applicant to ensure that the ecological enhancement work will be carried out prior to the construction of any dwelling on Lot 2.
53. Overall, I am satisfied that the proposal, including the proposed ecological enhancement of the escarpment area, is fully consistent with PC39 and, accordingly, that granting consent to this proposal will not conflict with any of the objectives and policies of PC39 should this be granted by the Environment Court in its current form.

Part 2 of the Act

54. The Reporting Planner has provided a full assessment of the proposal in terms of Part 2 of the Act at paragraph 9.4 of the Section 42A report. Mr Burt concluded that the proposal sufficiently avoids, remedies or mitigates potential adverse effects on the environment and will not compromise the life-supporting capacity of air, water, soil or eco-systems. Overall, both

Mr Burt and Ms Robertson concluded that the proposal promotes the sustainable management of natural and physical resources and is consistent with the purpose and principles of the Act.

55. Having considered the relevant provisions of the Act and the evidence before me, I have concluded that the application meets the purpose and principles of sustainable management set out in Part 2 of the Act. It is significant that the important cultural and heritage values associated with the site have been thoroughly investigated and any adverse effects adequately avoided, remedied or mitigated. Although no weight can be given to proposed Plan Change 39 until it is operative, the proposed development is consistent with, and achieves the purpose of this plan change in its current form.

Conclusion

56. Pursuant to sections 104 and 104B of Act, this application is granted subject to the following conditions of consent.
57. Pursuant to section 113 of the Act, the reasons for this decision are:
- (a) In terms of section 104(1)(i) of the Act, the actual and potential effects of the proposal on the environment are acceptable. All potential adverse effects, particularly in relation to landscape and visual amenity effects, cultural and heritage effects, and natural hazards, will be adequately mitigated by the design measures proposed by the Applicant and by the conditions that have been volunteered.
 - (b) In terms of section 104(1)(b) of the Act, I consider the proposal to be consistent with the relevant objectives and policies of the District Plan set out in Part 4, Part 5, Part 13 and Part 15. The proposal is consistent with the relevant assessment criteria relating to Visual Amenity Landscapes and with the associated objectives and policies.
 - (c) I am satisfied that potential natural hazards have been adequately addressed and that appropriate measures have been provided to ensure the safety of future occupiers of the proposed dwelling on Lot 2.
 - (d) In terms of section 104(1)(c) of the Act, other matters, which include the relevance of Plan Change 39, have been considered in my determination of the application.
 - (e) The proposal is consistent with Part 2 of the Act. The proposed dwelling on Lot 2 will provide for the economic and social benefit of the Applicant while retaining and enhancing the naturalness of the remainder of the site for future generations. Cultural and heritage values will also be protected. Overall, the application is considered to promote the purpose of the Act, which is the sustainable management of natural and physical resources.

Conditions

58. At the conclusion of the hearing, I suggested that the Applicant's Planner and the Council Reporting Officer meet to discuss amendments to the conditions following the hearing. I am grateful for the effort that was put into this process.
59. Pursuant to section 108 of the Act, this consent is subject to the following conditions

Subdivision

General

1. That the subdivision must be carried out in accordance with the following plan:

- 'Proposed Subdivision Plan' – RC Sheet 03, dated 4 December 2013

stamped as approved on 4 June 2014 and the application as submitted, with the exception of the amendments required by the following conditions of consent.

Engineering

2. 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

3. 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 subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".

To be completed before Council approval of the Survey Plan

4. 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

5. 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 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 rights of way and access lots), water, stormwater and wastewater reticulation (including private laterals and toby positions).
 - b) A digital plan showing the location of all building platforms as shown on the survey plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of the New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The consent holder shall provide a water supply to Lot 2 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connection shall be borne by the consent holder.
 - d) The construction of the right of way to Lot 2 in accordance with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access shall have a minimum formation standard of 150mm compacted AP40 gravel with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
 - 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 on Lot 2 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 on Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.

- g) A minimum of 20,000 litres of fire fighting tank storage shall be installed as a static fire fighting reserve to service the existing dwelling on Lot 1. The water tank shall be located in the position shown within the John Edmonds & Associates Ltd email dated 21st January 2014, or an alternative location approved by the Council which complies with this condition.

A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located not more than 90 metres, but no closer than 6 metres, from the dwelling. 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 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.

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

- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Continuing Conditions/Consent Notices

6. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Computer Freehold Register Identifiers by way of a Consent Notice pursuant to section 221 of the Act:
- a) All new buildings shall be contained within the building platforms shown as covenant areas on the survey plan.
 - b) There shall be no more than one residential unit within each building platform.
 - c) At such a time that Council's wastewater reticulation is available to service Lot 1 and/or Lot 2 in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being of the lot shall cease the use of the on-site disposal system, decommission it appropriately and connect the lot to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.

Conditions to Apply to Lot 1:

- d) On Lot 1, all buildings shall have a maximum height of 5.0m above the existing ground level. (It is noted that building 'height' shall have the same meaning as in the District Plan.)
- e) On Lot 1, the part of the building platform located within the 15m setback from the southern boundary which (at the time RM130822 was approved) contains the existing garage shall only be used for the purpose of a garage in future.

Conditions to Apply to Lot 2:

- f) The future dwelling on Lot 2 shall be constructed in accordance with the specific design approved under land use resource consent RM130822.
- g) At the time a dwelling is erected on Lot 2, if no Council wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall install an on-site effluent disposal system that complies with AS/NZS 1547:2012. The proposed wastewater system design shall be subject to the review of the Principal Resource Management Engineer at Council prior to construction and shall be installed prior to occupation of the dwelling.
- h) At the time a dwelling is erected on Lot 2, fire fighting water storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. 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 dwelling provides 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.

Fire fighting 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 fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

- i) At time a dwelling is constructed on Lot 2, the specific ground conditions shall be confirmed and foundations designed by a suitably qualified and experienced person, taking into consideration the recommendations of the GeoSolve Ltd '150 Centennial Avenue - Arrowtown, Preliminary Geotechnical Assessment' report dated 17/03/2014, ref: 140074 LR001 (held on the RM130822 file).
- j) On Lot 2, all domestic elements shall be contained on the upper terrace (above contour line RL 401) to maintain the natural and pastoral character of the terrace face and valley floor.
- k) A landscaping plan shall be submitted to and approved by the Council, as required by land use consent RM130822. The landscaping plan shall be implemented by the lot owner within the first planting season following construction of a dwelling on Lot 2. All planting shall be maintained in perpetuity and irrigated as necessary. Should any plant die or become diseased it shall be replaced during the next available planting season.

- l) Prior to commencing construction of a dwelling on Lot 2, the lot owner shall remove all existing broom and other woody weed species from the escarpment, and shall thereafter be responsible for the on-going maintenance of the escarpment to prevent their regeneration.
- m) Exterior lighting shall be no higher than 3m above ground level and shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur.

Advice Notes:

1. *This consent triggers a requirement for Development Contributions. For further information please contact the DCN Officer at QLDC.*
2. *The water connection to Lot 2 requires approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and physical connection approved by a Council Inspector.*
3. *The consent holder is responsible for ensuring that the conditions of the Archaeological Authority No. 2014/343 are complied with.*

Land Use

General

1. That the development must be carried out in accordance with the following plans:
 - 'Site Plan' – Sheet RC06, dated 4 December 2013
 - 'Ground Floor Plan' – Sheet RC06, dated 4 December 2013
 - 'Elevations' – Sheets RC07 and RC08, dated 4 December 2013
 - 'Landscaping Concept Plan: RM130822 – F Whitaker' – dated 29 April 2014
 - 'Site Plan – Tree Root Protection Area' (attached to the arborist's report in the application)

stamped as approved on 4 June 2014 and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This land use consent shall lapse ten years after the date of the decision.

Engineering

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 commencing any earthworks associated with the removal and replacement of unsuitable fill material under the building platform, the consent holder shall obtain and implement an approved traffic management plan from Council for any truck movements to/from Centennial Avenue.
5. The consent holder shall install measures as necessary 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.
6. Prior to commencing construction of the dwelling, a landscaping plan shall be submitted for approval by the Resource Consent Manager, Planning and Development of the Queenstown Lakes District Council. In this case, the landscaping plan shall achieve the following objectives:
 - (i) Be generally consistent with the approved 'Landscaping Concept Plan' referred to in Condition 1 above.
 - (ii) Identify species, size and quantity of new trees on the northern side of the proposed dwelling on Lot 2 to aid in partially screening the proposed dwelling from the north. Trees shall be chosen to complement the existing tree species on site and general aesthetic of the adjacent residential cluster. Revegetation of the escarpment below the dwelling for the purpose of ecological

enhancement. This shall include a mixture of exotic, deciduous species and native shrubland with more open shrubland and areas with tussock grassland near the top of the escarpment. Exotic trees shall include those providing autumn colour, with those listed in the Arrowtown Design Guidelines being appropriate species. Native species shall be taken from the Species List attached to the approved 'Landscaping Concept Plan'.

- (iii) The contour line RL 401 at the top of the terrace shall be identified on the landscaping plan as the edge of the domestic curtilage area for Lot 2.

Once approved, the landscaping plan shall be implemented within the first planting season following construction. All planting shall be maintained in perpetuity and irrigated as necessary. Should any plant die or become diseased it shall be replaced during the next available planting season.

Prior to implementing the landscaping plan, the consent holder shall remove all existing broom and other woody weed species from the escarpment, and shall thereafter be responsible for ongoing maintenance to prevent their regeneration.

To be monitored throughout the earthworks

7. 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.
8. A Tree Root Protection Area (TRPA) measuring approximately 750m² in area shall be established around the protected Wellingtonia tree, as recommended in the arborist's report submitted with the RM130822 application. The TRPA shall be fenced for the duration of the construction, and shall not be used for storage of building materials, vehicles or machinery.
9. The earthworks shall be undertaken in accordance with the recommendations of the GeoSolve Ltd '150 Centennial Avenue - Arrowtown, Preliminary Geotechnical Assessment' report dated 17/03/2014, ref: 140074 LR001.

On completion of the earthworks

10. On completion of earthworks within the building footprint and prior to the construction of the dwelling, a suitably qualified engineer experienced in soils investigations and familiar with the recommendations of the GeoSolve Ltd '150 Centennial Avenue - Arrowtown, Preliminary Geotechnical Assessment' report dated 17/03/2014 shall either:
 - a) Provide certification to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded. Note this will require supervision of the fill compaction by an inspecting engineer as defined in section 3.1 NZS4431:1989 (amendment 1 July 1992). OR
 - b) The foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on site. A producer statement PS1 shall be submitted to the Principal Resource Management Engineer at Council for the design of the dwelling foundations.

To be completed when works finish and before occupation of the dwelling

11. Prior to the occupation of the dwelling, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development (if any) at the consent holder's cost. 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) All vehicle access and manoeuvring areas shall be constructed of a minimum 150mm depth of compacted AP40 gravel. Alternative surfacing treatments are acceptable within the site providing that they are capable of withstanding vehicle loadings and will not cause ponding of water, dust nuisance, or the migration of loose material onto surrounding roads.
 - c) Any power supply connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.

- d) Any wired telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
- e) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- f) All exposed earthwork areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- g) Prior to the occupation of the dwelling, 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. Alternatively, a 7,000 litre fire fighting reserve is to be provided for the dwelling in association with a domestic sprinkler system installed to an approved standard. The water tank shall be located in the position shown within the John Edmonds & Associates Ltd email dated 21st January 2014. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located not more 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 dwelling provides 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.

Fire fighting 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.

- 12. All domestic elements shall be contained on the upper terrace (above contour line RL 401) to maintain the natural and pastoral character of the terrace face and valley floor.
- 13. Exterior lighting shall be no higher than 3m above ground level and shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur.
- 14. Exterior cladding materials for the dwelling shall be dark and recessive in colour, with a light reflectance value (LRV) of less than 36%.

Advice Notes:

- 1. *This consent triggers a requirement for Development Contributions. For further information please contact the DCN Officer at QLDC.*
- 2. *The water connection to the dwelling requires approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and physical connection approved by a Council Inspector.*

3. *The consent holder is responsible for ensuring that the conditions of the Archaeological Authority No. 2013/343 are complied with.*

A handwritten signature in black ink, appearing to read 'Jane Taylor', with a large loop on the left and a horizontal line across the top.

Jane Taylor
Commissioner

Date: 4 June 2014

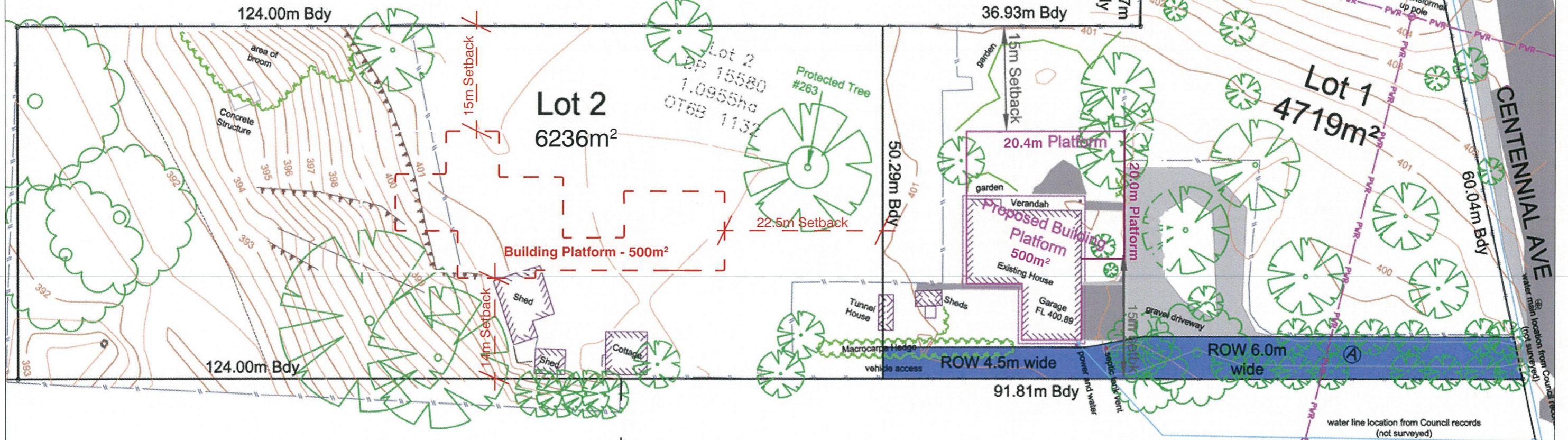
Memorandum of Proposed Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way	Lot 1 hereon	A	Lot 2 hereon

Additional easements will be required for services

Pt Section 104
Blk VII Shotover SD

Lot 2
DP 25880

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130822
4 June 2014



Pt Section 88
Blk VII Shotover SD

Lot 3
DP 15580

Lot 1
DP 22726

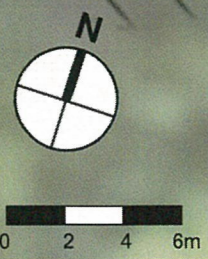
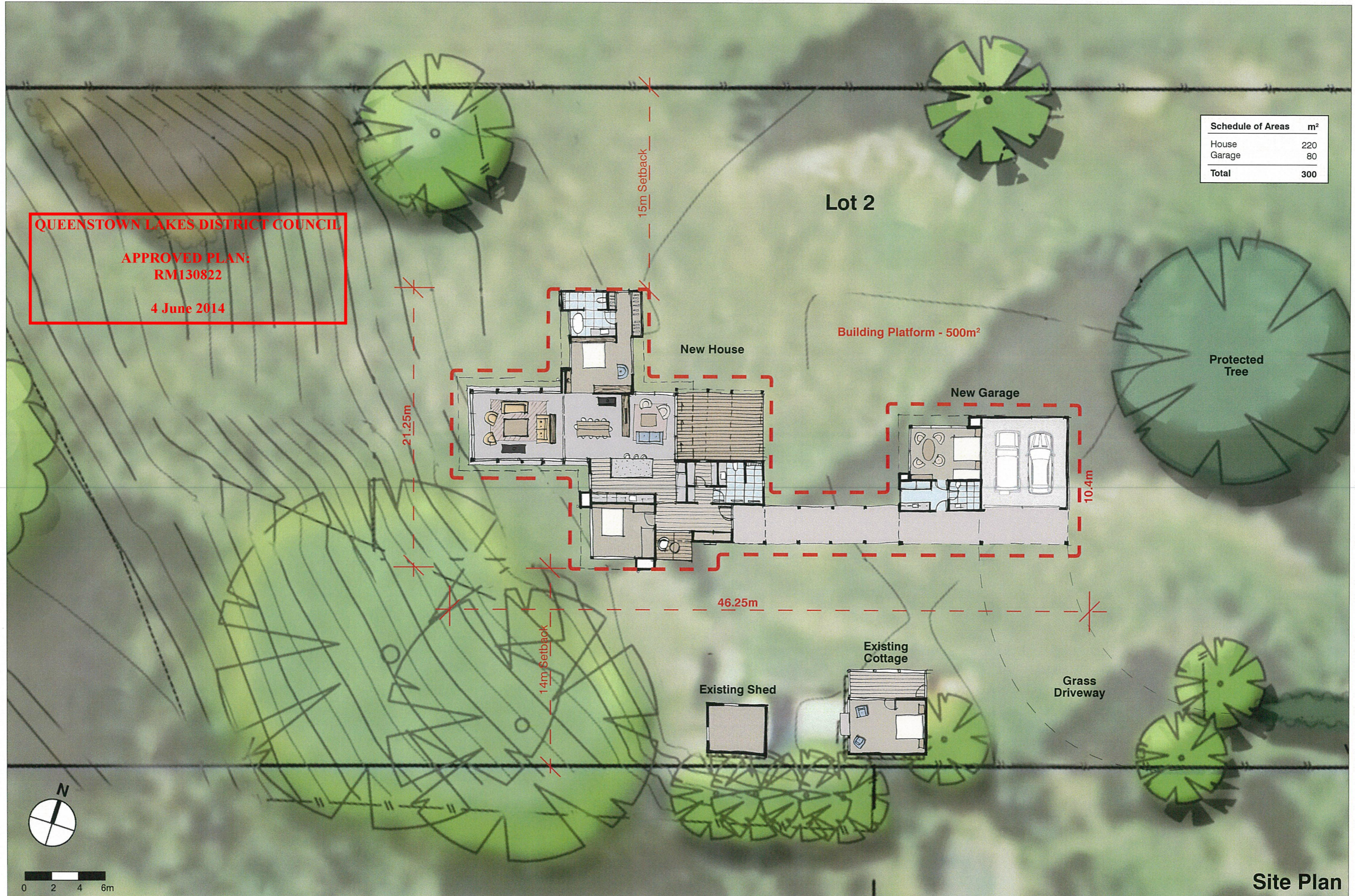
Proposed Subdivision Plan



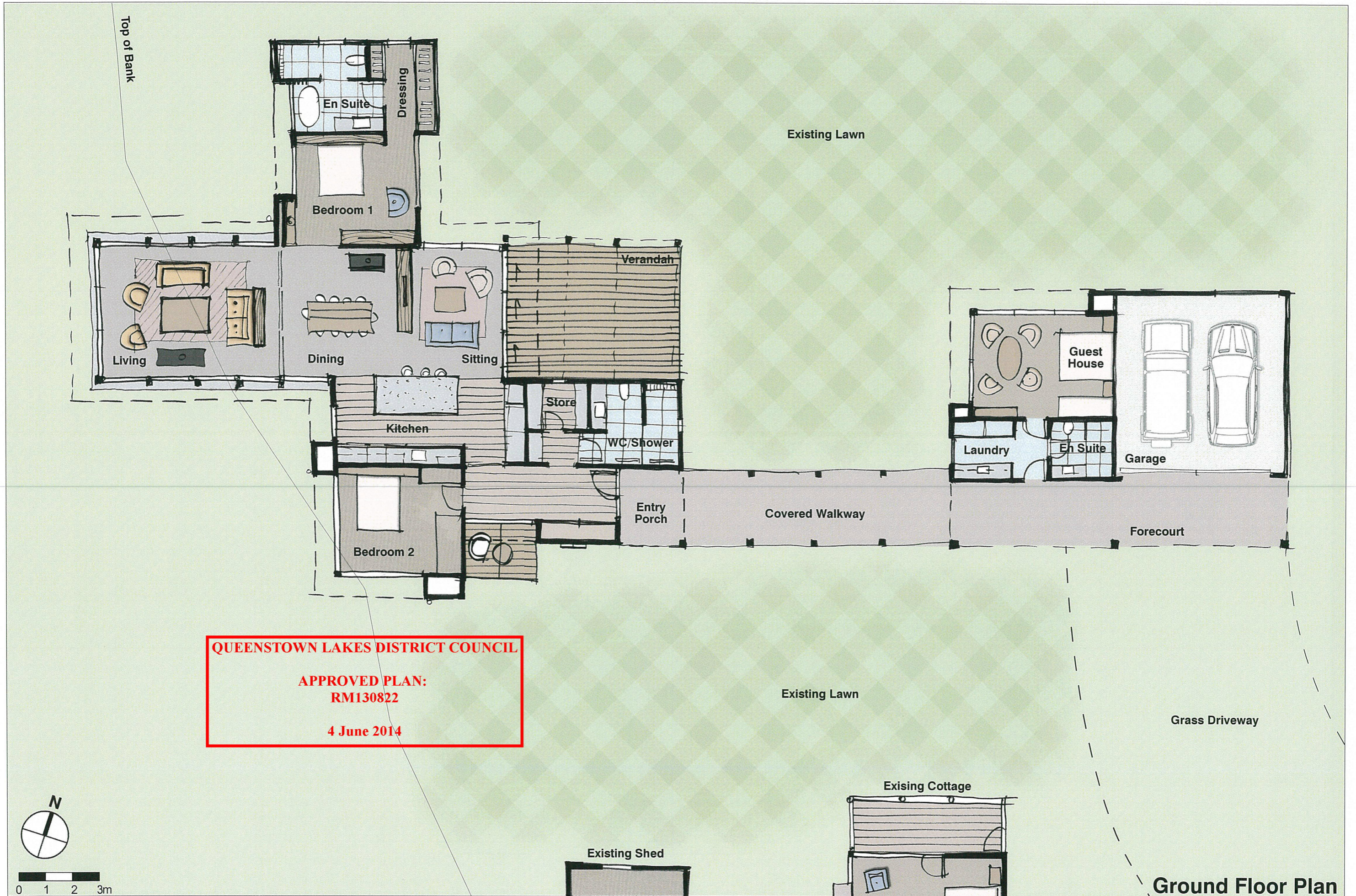
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QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 RM130822
 4 June 2014

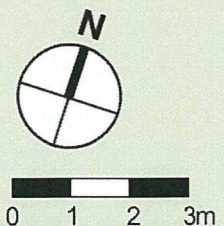
Schedule of Areas	m ²
House	220
Garage	80
Total	300

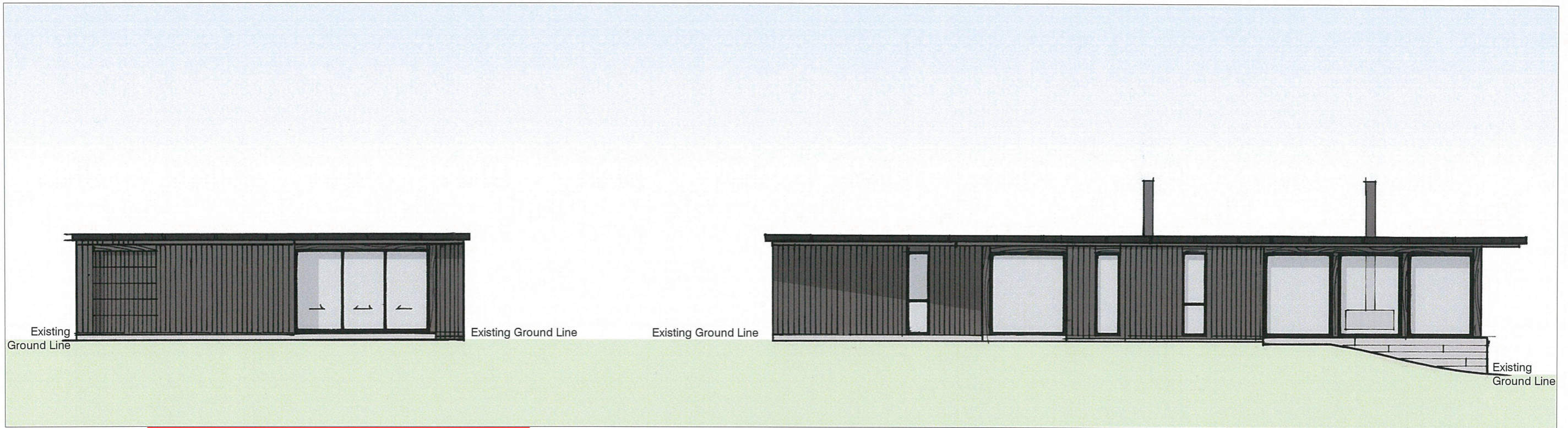


Site Plan



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130822
4 June 2014

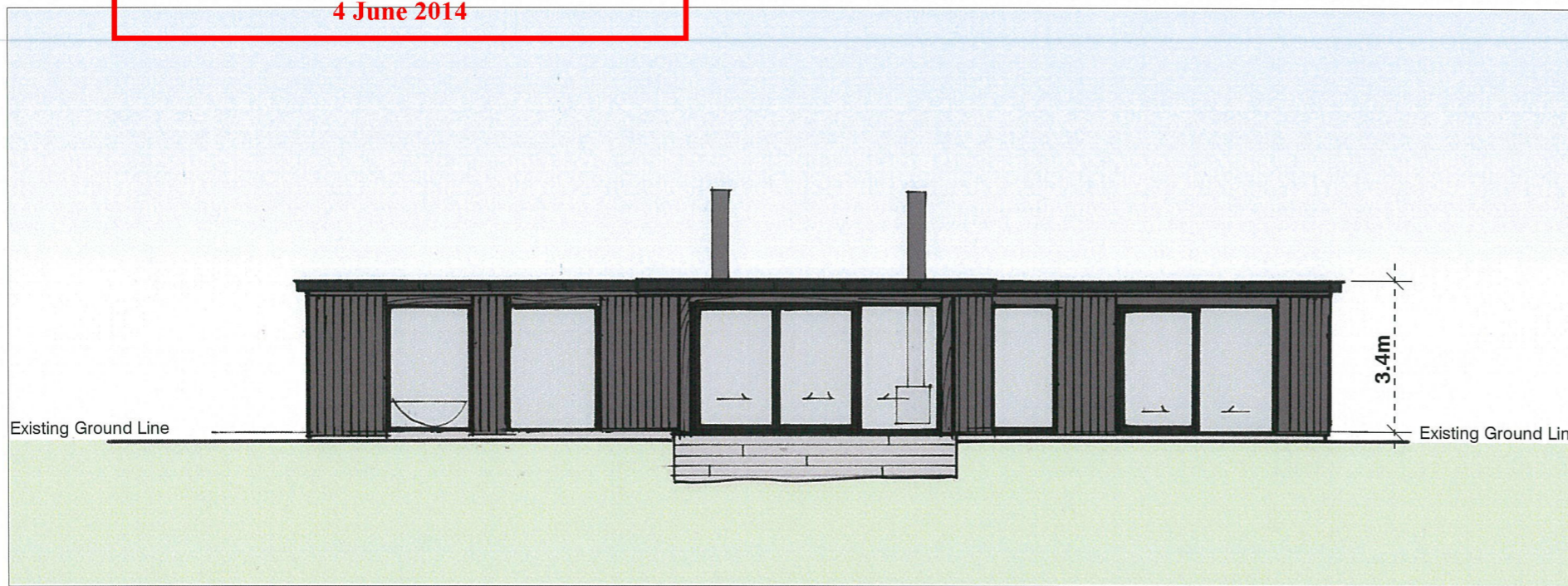




North Elevation

QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 RM130822
 4 June 2014

MATERIALS	COLOUR
• Spouting and Downpipes	- Dark Grey
• Aluminium Windows	- Dark Grey
• Timber Cladding	- Dark Grey
• Concrete	- Natural

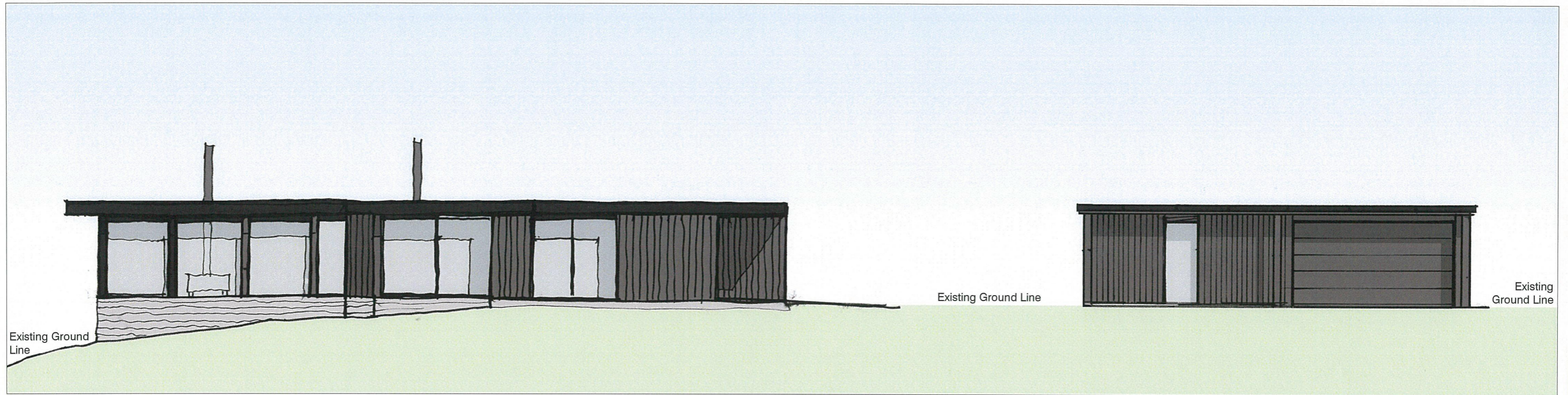


West Elevation

ARCHITECTURAL DESIGN
 The design is for a flat roof, one storey dwelling that sits in the middle of the site on the edge of the existing terrace. The Design uses dark stained timber cladding, dark grey aluminium joinery and dark grey spoutings. The Design integrates the existing 'out buildings' in order to preserve and protect them, and reduce the size of the new house. The size, scale, colour and materials of the building give the design a recessive character, that minimises any visual impact. The retention of both the existing landscaping and buildings also preserves the underlying character of the site.

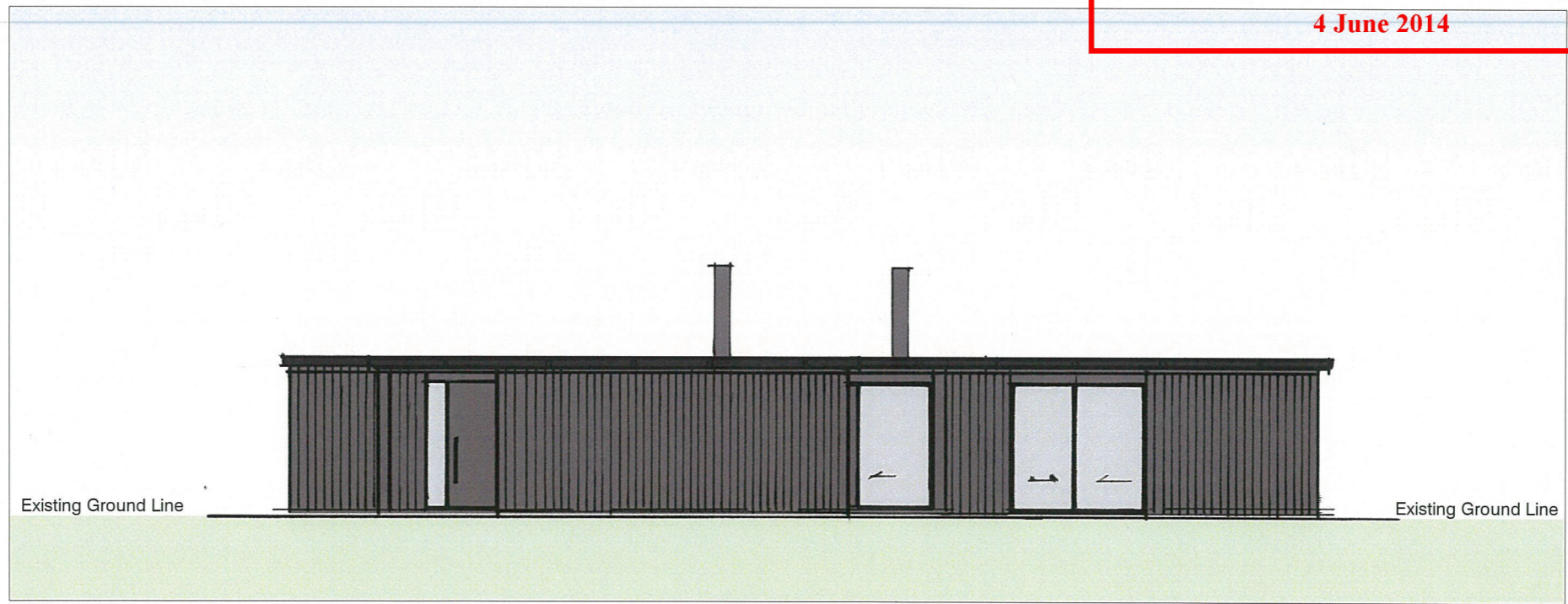


Elevations

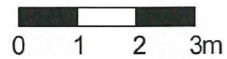


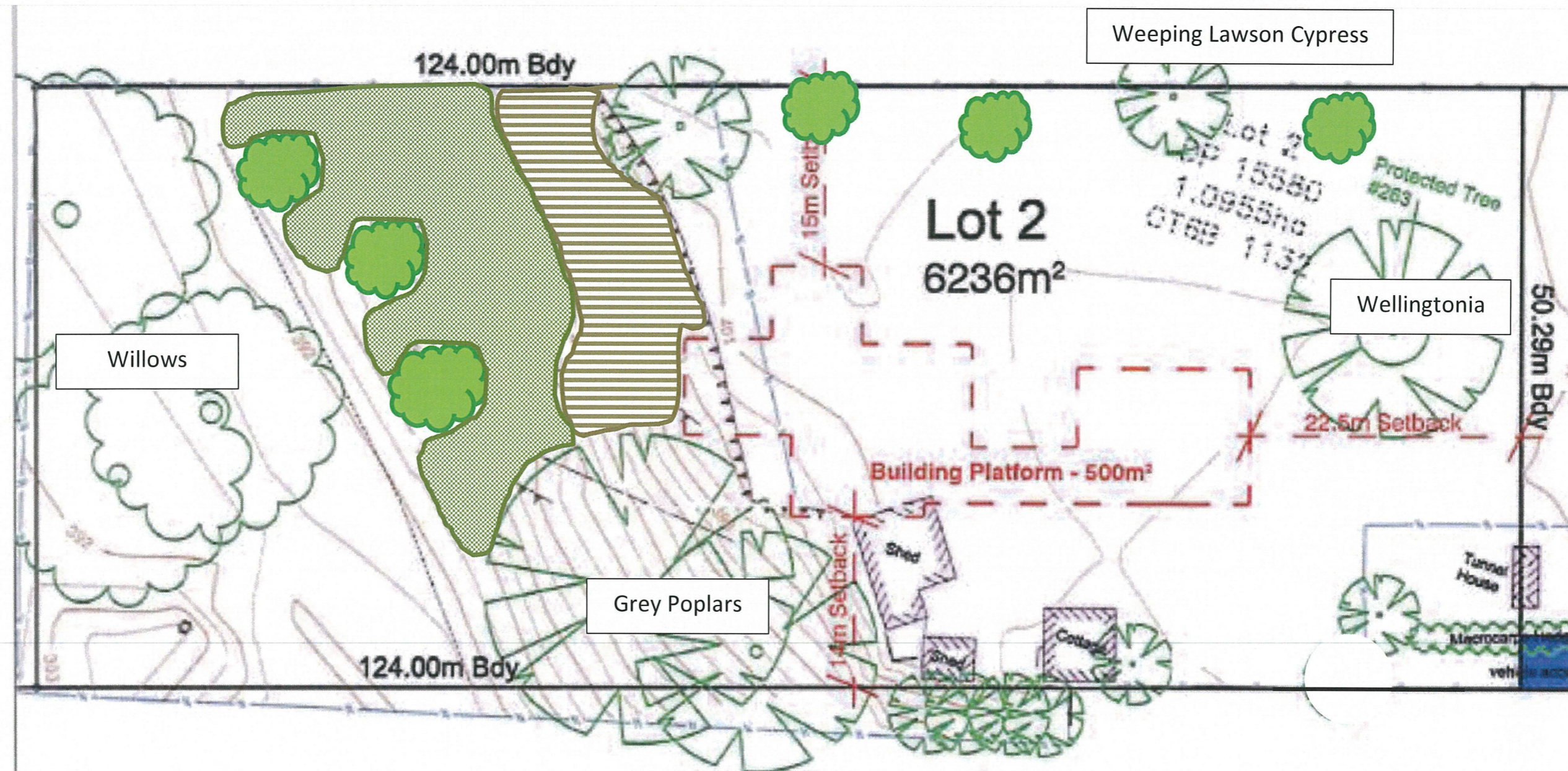
South Elevation

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130822
4 June 2014



East Elevation





Weeping Lawson Cypress

Willows





Wellingtonia

Grey Poplars

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130822
4 June 2014

Landscaping Concept Plan:
RM130822 – F Whitaker
29 April 2014

KEY

-  Existing tree to be retained
-  Proposed exotic specimen tree (see Arrowtown Design Guidelines for species list)
-  Mass native shrubland planting (see attached Species List)
-  Mass native tussock grassland planting (see attached Species List)

SPECIES LIST

Aristotelia fruticosa – shrubby wineberry

Aristotelia serrate – wineberry

Carex buchananii – Buchanan’s sedge

Chionochloa rigida – narrow leaved snow tussock

Chionochloa rubra – red tussock

Coprosma crassifolia – coprosma

Coprosma propinqua – mingimingi

Coprosma rigida – coprosma

Coprosma rugosa – coprosma

Coprosma virescens – coprosma

Cordyline australis – cabbage tree

Corokia cotoneaster – corokia

Discaria toumatou – matagouri

Festuca novaezealandiae – hard tussock

Halocarpus bidwillii – bog pine

Hebe pauciramosa – hebe

Juncus edgariae – Edgar’s rush

Leonohebe cupressioides – cypress hebe

Leptospermum scoparium – manuka

Myrsine australis – porcupine shrub

Nothofagus fusca – red beech

Nothofagus solandri var. cliffortiodes – mountain beech

Olearia bullata – olearia

Olearia hectorii – Hector’s tree daisy

Olearia odorata – scented tree daisy

Ozothamnus leptophyllum/Ozothamnus vauvilliersii – mountain tauhinu

Phormium cookianum – mountain flax

Phormium tenax – flax

Pittosporum eugenioides – lemonwood

Plagianthus regius – ribbonwood

Poa cita – silver tussock

Poa colensoi – blue tussock

Podocarpus cunninghamii – Hall’s totara

Sophora microphylla – kowhai

Exotic deciduous trees from Arrowtown Design Guidelines (2006) – “New Town” list

Site Plan -Tree Root Protection Area (TRPA)

