



DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	I & S TODD (RM140372)
Location:	68 Hogans Gully Road, Wakatipu Basin.
Proposal:	Consent is sought to subdivide the site into seven allotments and identifying residential building platforms on proposed Lots 1-5.
Legal Description:	Lot 3 Deposited Plan 305713
Zoning:	Rural General
Activity Status:	Discretionary Activity
Commissioner:	Commissioners Robert Nixon (Chair) and Denis Nugent
Date:	3 December 2015 21 December 2015 RE ISSUE
Decision:	Consent is granted subject to conditions

This decision is a re-issue of RM140372, granted by Commissioners on 3 December 2015. Section 133A of the RMA allows the consent authority to issue an amended consent to correct minor mistakes within 20 working days of the consent being granted.

The consent is being re-issued because the decision contained an incorrect suite of conditions that had since been revised. In addition, a condition has been revised to clarify the driveway formation for Lot 4.

The assessment undertaken has not changed. The correction is considered to be a minor mistake, and therefore the decision is re-issued pursuant to Section 133A of the RMA. The decision was made and the re-issue authorised by Jo Fyfe, Team Leader, Resource Consents, as delegate for Council, on 18 December 2015. This re-issue is made 20 working days after the grant of the consent, and within the statutory timeframes prescribed by Section 133A of the RMA.

Decision made by



Jo Fyfe
Team Leader, Resource Consents

**BEFORE THE HEARING COMMISSIONERS
AT QUEENSTOWN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Of an Application to **QUEENSTOWN LAKES DISTRICT
COUNCIL BY I. AND S. TODD**
(RM 140372)

**DECISION OF COMMISSIONERS APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL
NOVEMBER 2015**

Commissioners:

Robert Nixon (Chair – Christchurch)

Denis Nugent (Wanaka)

The Hearing and Appearances

Hearing Date:

Tuesday, 13 November 2015 at
Queenstown

Appearances for the Applicant:

Mr Neil McDonald, Principal of Clark
Fortune McDonald and Associates

Ms Susan Todd, Applicant

Mr Paul Smith, Landscape Architect

Mr Nick Geddes, Consultant Planner

Appearances for the Queenstown Lakes District Council

Mr Aaron Burt, Resource Consents
Planner

Ms Helen Mellsop, Consultant
Landscape Architect.

Submitters:

No submitters appeared at the hearing.

Abbreviations

The following abbreviations are used in this decision:

I. and S. Todd

“the Applicant”

Queenstown Lakes District Council

“the Council”

The Operative Queenstown Lakes District Plan

“the District Plan”

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

INTRODUCTION AND BACKGROUND

1. The application site is located on the southern side of Hogans Gully Road, approximately 500m east of its intersection with the Arrowtown – Lake Hayes Road. The site address is 68 Hogans Gully Road, and it has a legal description of Lot 3, DP 305713 with an area of 14.0592 ha. The site has undulating topography and contains a large pond, and within the site the land rises steeply to its eastern and southern boundaries. To the south is a pronounced escarpment beyond which is the Bendemeer development.
2. There is an existing dwelling located towards the north – eastern corner of the site.
3. Following the hearing, we issued a Minute on 16 October in which we expressed some concerns with respect to the access to proposed Lot 1 and the proposed building platform thereon. As a result of this, an amended plan was subsequently provided on 11 November and it is this plan upon which we have undertaken our final assessment of the proposal.
4. We visited the site on the morning of Monday 12 October, and following the further amendments to the proposal in response to the Minute, also undertook a further brief site visit on Monday 16 November.

THE PROPOSAL

5. The application is to subdivide the property into seven allotments as follows:

Lot 1	2.18 ha
Lot 2	1.16 ha
Lot 3	2.59 ha
Lot 4	2.22 ha
Lot 5	2.98 ha
Lot 6	2.73 ha
Lot 7	1760 square metres
6. Lots 1 – 5 have identified building platforms. Lot 6 contains a building platform incorporating the existing dwelling on the property. Lot 7 is to be amalgamated with a neighbouring property (Lot 1 DP 23077 owned by A. and C. Brinsley).
7. Lots 1 – 3 are to be accessed by a right-of-way from a semicircular driveway off Hogans Gully with lots 4 and 5 being accessed off a separate right-of-way adjacent to the western boundary of the site. Lot 6 containing the applicants dwelling is to remain with its existing separate access off Hogans Gully Road.
8. A number of amendments were made to the application following notification, and were summarised in an “Addendum to landscape assessment review report” dated 1 October 2015 as follows:
 - Lot 4 was reduced in size from 2.4 to 2.2 ha, with a seventh lot of 1760m² to be amalgamated with the Brinsley property next door;

- an increase in the height of a grassed mound from 3m to 4.5m on the boundary of Lots 4 and 7, with mountain beach planting on the southern side;
 - mounding of up to 3 m in height to the north-west of the building platform on Lot 2;
 - definition of the plant species, size of planting, densities, and maintenance specifications for the proposed landscape consent notice areas for Lot 5, the 'pond' and Lot 1;
 - an amended driveway access point further to the east on Hogans Gully Road with a semicircular entry exit area containing letterboxes and a bin enclosure with a hawthorne screen hedge;
 - amending the design controls for the proposed building platforms to confine all buildings to within the platform to a height limit of 5m above ground level created by the formation of building platforms on Lots 3 – 5;
 - a maximum building height limit of 388 masl for Lot 1; and a maximum building height limit of 369 masl for Lot 2.
9. Further amendments outlined by Mr Smith at the hearing included a 'Structural Landscape Plan – Entrance' relating to the northern part of the site and further detail with respect to planting within the landscape consent notice areas.

Hearing Commissioners Minute

10. On 16 October we issued a minute in which we expressed some concern about the highly elevated building platform on proposed Lot 1 and the need for further information with respect to engineering details required to create the proposed access to the building platform on this proposed Lot, and clarification of the position with written consent from the neighbour to the east (J. and J. Staniland).

Further Information Provided in Response to the Minute

11. In a response dated 11 November 2015, the applicant provided further information and accompanying plans.
12. The amended access arrangement to proposed Lot 1 involved relocating the proposed driveway to the proposed building platform on Lot 1. This was originally intended to run from the bottom of a gully to a position directly up the slope of a ridgeline to connect to the northern boundary of the platform. This is now revised to remove the driveway from the upper slopes of the ridgeline to enable it to remain free of excavation for the accessway, and ensuring that the future building on the platform would be effectively screened from the east by the existing landform. In addition, proposed native planting within the consent notice areas is proposed to be extended down slope to ensure a degree of screening where the driveway extends across the slope to the western boundary of the platform.
13. Mr Geddes noted that there would be an additional 165 m³ of cut associated with the revised driveway, a volume which he considered could be easily absorbed into the mound required on Lot 2 for screening purposes.
14. He said there was an additional 3768 m³ of cut associated with developing the building platform on Lot 1 above that specified in the applicants original AEE, and that this material would be exported from the site and would be deposited in an approved clean fill site at 103

Speargrass Flat Road. Some consequential amendments to any proposed conditions of consent were attached.

15. Although acknowledging the concerns we expressed with respect to the visibility of a building and access to Lot 1, the applicant clearly expressed their reluctance to 'lose' Lot 1 from the proposal.

NOTIFICATION AND SUBMISSIONS

16. The application was publicly notified on 28 January 2015 with submissions closing on 26 February.
17. The reporting officer stated there was some confusion with respect to submissions and written consents, with in at least two cases, parties giving written consent being also identified as submitters; that written consents were subject to 'conditions'; or were otherwise incomplete as to signatures. Five submissions were received, three of which were in opposition (A. and C. Brinsley who own an adjoining property to the south; Boxer Hill Trust and Trojan Helmet Limited who own the property to the north on the opposite side of Hogans Gully Road; and Hogans Gully Farming Ltd and M.J. and B.P. Davies Family Trust who own a property to the east which does not adjoin the boundary of the application site. P. and T. Campbell are the owners of a small property along part of the western boundary. Arrow Irrigation Ltd lodged a neutral submission seeking the installation of a pipeline, which was accepted by the applicant and no longer an issue during the hearing.
18. Notwithstanding the apparent confusion about the situation with written approvals and submissions, and the withdrawal of submissions, we have finally been able to establish that complete written approvals have obtained from the following parties, albeit that clarification of this came very late, with final confirmation at the time the drafting of this decision was being completed. P. and T. Campbell, A. and C. Brinsley, T. Willem, Hogans Gully Farming Ltd and M.J. and B.P. Davies Family Trust. This includes all of the neighbours that would be most affected in our view by the proposal. In addition we can record that the submissions lodged by P. and T. Campbell and A. and C. Brinsley have been withdrawn. We are aware of course that we cannot take adverse effects into account whether affected parties of given the written consent.

STATUTORY MATTERS

19. The various noncompliances were identified in the application and AEE. The site is zoned Rural General, and is located within the Visual Amenity Landscape (VAL).

Land Use Consent is required in terms of the following provisions of the Rural General Zone;

Rule 5.3.3.3 (i)(b) – building platforms of not less than 70 m² in area or more than 1000 m² in area are proposed on the site, which requires consent as a discretionary activity.

Rule 5.3.5.1 (viii)(1)(a) – the total area of bare soil to be exposed exceeds 2500 m², which requires consent as a discretionary activity.

Rule 5.3.5.1 (viii)(1)(b) – the volume of the proposed earthworks is greater than 1000 m³ within any one consecutive 12 month period, which requires consent as a restricted discretionary activity.

Rule 15.2.3 (vi) – the maximum height of fill proposed is 4.5m, which exceeds 2m and breaches Site Standard 5.3.5.1 (viii)(1)(c).

(There was uncertainty between the applicant and the Council with respect to the total volume of earthworks, with 3160 cubic metres stated on behalf of the applicant and 6320 cubic metres estimated by the Council's engineer)

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

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

In addition, a further matter was raised with respect to a Consent Notice affecting part of the site. The officer's report noted that the applicant sought to change Consent Notice 5173994.1 under Section 221(3)(a) of the Resource Management Act 1991. Section 221(3)(a) specifies that an application to vary a consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. Condition 2 of the Consent Notice as it is described as being 'Operative Part, Lot 3' requires that the area identified on the deposited plan by the letter 'A' shall be maintained free of any buildings. The applicant seeks to redefine that 'no building' area to allow for a Residential Building Platform associated with proposed Lot 1.

20. Overall, the application falls to be assessed as a **discretionary activity**.

EVIDENCE FOR THE APPLICANT

21. **Mr McDonald** began by noting that the surrounding area had changed substantially as a result of rural lifestyle blocks and the development of the Bendemeer zone since the applicant moved to the property in 1977. He said that the applicant had taken considerable time to prepare an amended proposal to meet the concerns of adjoining property owners.
22. In terms of the application of the plan provisions he said that the assessment matters were not standards which had to be achieved, and did not require that development be 'invisible' from public places. He was critical that the planning officer had applied a "more than minor" test which was not applicable to a discretionary activity. He contended that all submitters had given their written approval to the proposal and that the applicant accepted the conditions in the Arrow Irrigation Company submission.
23. **Mrs Todd** explained that she had been born in the district and that she and her husband had a long association with it, especially in terms of their involvement in health, farming and stonemasonry. She said that farming was no longer viable and that they had sought to establish an appropriate development with the advice of their consultants. She expressed disappointment about the timeframes and costs of obtaining consent.
24. **Mr Smith** presented evidence on the landscape impacts of the proposal, and a key part of this assessment was that there was little difference in the conclusions arrived at by both himself and the Council's landscape expert witness, Ms Mellsop. In his view the site was already surrounded by relatively dense rural development, or unimplemented approval for houses on established building platforms. In his view the rural character deriving from the current land use of the site was not of such high value to the wider community by comparison with other parts of the Wakatipu Basin.

25. He addressed the more specific concerns relating to proposed Lot 1, by arguing that the roof level of a future dwelling would approximate the existing ground level on the eastern side of the building platform, and would be partly screened by proposed beech tree plantings. He acknowledged that the mitigation in the form of excavation and planting required on this high part of the site would have some impacts on sunlight admission and views for the future occupants on Lot 1. He accepted that the driveway to the site would be visible from the west but would appear as a narrow gravel driveway ascending the hill.
26. He also addressed the entrance treatment to the site from the semicircular accessway off Hogans Gully Road, and maintained that the proposed hawthorne hedge would screen the proposed letter boxes and to some extent the rubbish bins that would be placed there once a week. He said that that it was consciously intended that views would be possible from Hogans Gully Road into the site and that the recessive roof lines of dwellings to be built on the building platforms within Lots 2 and 5 would be visible from two short stretches of the road.
27. Finally, he added that the applicant was prepared to accept all of the conditions suggested in Ms Mellsop's report.
28. **Mr Geddes** planning evidence began by explaining amendments made to address the concerns of various submitters. This included a revised higher mound and a planting arrangement along the boundary between proposed Lot 4 and the Brinsley property to the west, including the creation of Lot 7 which is to be transferred into the Brinsley's ownership. The purpose of this is to screen development on Lots 3 and 4 from the Brinsley property.
29. He added that the earthworks proposed to mitigate the establishment of the building platform on proposed Lot 5 would not be visible from Hogans Gully Road as a result of the existing topography, nor would it be visible from sites where the owners and occupiers had provided their written approval.
30. Mr Geddes then made reference to the existing consent notice which identifies an area which is to be maintained free of buildings, and which derives from an earlier consent granted on the application site. Its purpose was to ensure that any buildings constructed on the (eastern) ridgeline would not obstruct views from adjoining properties further to the east, notably in the current context, the Staniland's property. Mr Geddes stated that the proposed condition to limit building height to a specified level will result in views from the east being protected.
31. He noted that given the undulating nature of the property, and the planting proposed (which can occur as of right) there should be little concern that pastoral character, such as it was, would be lost. He also noted that the average density of development on the application site is proposed was 2.34 ha, compared to an average of 2.09 ha to the east and 2.19 ha to the west. On this basis he contended that the proposal did not result in excessive density of development nor would it constitute urban sprawl along Hogans Gully Road. He noted that the Council was satisfied that any increase traffic volumes in the development could be adequately managed but opposed the condition seeking chip sealing of the vehicle crossings as being inconsistent with the rural character of the roadside in this area and that the access point to Lots 1 – 3 and 5 served only four lots.

32. He noted that the reporting officer had raised the issue of potential *HAIL* activities on the site, but stated that the site did not contain a sports turf, orchard, glasshouse or spray shed, and no pesticides had been used on the property – a claim supported by an NES “Landowner Declaration” tabled with his evidence.
33. Based particularly on the assessment of effects, in his opinion the proposed activity was consistent with both the objectives and policies of the proposed an operative plans.

The Council’s Evidence

34. **Mr Burt’s** evidence concluded by recommending that the application should be declined. He acknowledged that Ms Mellsop’s evidence was that the effects on the ‘Arcadian’ pastoral character of the environment would not be significant because of the site being visually screened from public places. However his conclusions from analysing her evidence came to significantly different conclusions to that of Mr Geddes, and he drew attention to concerns that the subdivision and development would ‘over domesticate’ the Hogans Gully/North Lake Hayes landscape, represent a creep of rural residential living, and a de facto extension of the Rural Lifestyle zone in the form of sprawl along Hogans Gully Road.
35. He also noted comments that although the development of Lots 3 and 4 had utilised the existing topography of the site to screen development, the development on proposed Lots 2 and 5, and to some extent on Lot 1, were potentially in more sensitive and publicly visible locations.
36. He made reference to an assessment provided by Mr Wardell relating to engineering matters, which indicated that provision of water for domestic and firefighting purposes could be adequately achieved as could treatment of on-site effluent and stormwater disposal. He noted that the proposed access points proposed off Hogans Gully Road could be sealed, although he said this could diminish the rural character of the road in landscape terms. He raised the potential issue of part of the land being a *HAIL* site in terms of the NES.
37. He concluded that the proposal was contrary to some district wide objectives and policies. He considered the development on Lots 1, 2, 5 to be contrary to District Wide Objective 4.2.5 and Policies 4 (Visual Amenity Landscapes), 8 (Avoiding Cumulative Effects), 9 (Structures), and 17 (Land Use). He also contended that it was contrary to Objectives 1 and 3 and its associated policies for the Rural Areas, as well as the landscape policies in the Proposed District Plan.
38. **Ms Mellsop’s** evidence was relied on significantly by the reporting officer and to some extent, the applicant. In addition to her original report, she also presented further evidence in an addendum report dated 1 October 2015 addressing amendments made by the applicant. Having regard to her original and amended evidence it is appropriate to summarise some of her key findings, starting with overall observations:
 - the Hogans Gully Road area has a more remote and rural character than North Lake Hayes with fewer visible dwellings and gravel roads;
 - the development would result in over domestication of the Hogans Gully/North Lake Hayes landscape and a moderate to significant change in landscape character;

- the proposed development is likely to result in a loss of any remaining pastoral character on the site, particularly given the proposed density;
- because much of the proposed development would not be visible from public places outside the site, the adverse effects on 'Arcadian character' would be small;
- the undulating topography and presence of mature trees means the site has a moderately high capacity to visually absorb new development;
- the proposed development would fill in a currently more rural and pastoral 'gap' in surrounding development pattern, and effectively extend the Rural Lifestyle zone.

39. With respect to each proposed lot and its building platform, her comments were as follows:

- development on Lot 2 would be clearly visible from Hogans Gully Road. In her addendum report on amendments made by the applicant, she concluded a defined building height on Lot 2 and mounding would largely screen a future dwelling from Hogans Gully Road. This would have to be supported by screen planting;
- development on Lot 5 would be obscured from the Arrowtown – Lake Hayes Road by the proposed 4m deep excavation for the building platform, and planting. The physical works associated with this would however significantly and permanently alter the natural form of the glacial hummock on which it was located;
- development on Lot 1 would likely be visible from the Arrowtown – Lake Hayes Road without screen planting, and the removal of pine trees in the foreground, and the steep driveway would also be visible from Hogans Gully Road and beyond. In her addendum report, she concluded that the now proposed beech tree planting meant that a future dwelling was unlikely to be visible from public places, but her position remained unchanged on the driveway access;
- development on Lot 3 and 4 could be absorbed without any significant adverse effects on landscape character. In her addendum report she noted that the most affected neighbour had given their written consent.

ASSESSMENT OF EFFECTS

40. In assessing this proposal, we have taken into account the amendments made to the application following notification and prior to the hearing, and the information provided in response to our Minute issued following the hearing, with specific reference to the effects associated with the building platform and access to proposed Lot 1.
41. The first issue we have turned our mind to is whether this development will have the effect of amounting to a de facto extension of the rural lifestyle zone in an easterly direction along Hogans Gully Road. We are satisfied that this will not be the case here, although the proposed subdivision will have the effect of resulting in average lot sizes which are of a similar scale to land in the surrounding area, which already contain dwellings or approved building platforms. We share Ms Mellsop's view that the intensification proposed does not amount to urban sprawl.
42. We have come to the view that the subdivision of the application site will have the effect of infilling an area of land that is already part of a wider area which has been relatively intensively subdivided. To some extent, the pattern of development which has evolved could be loosely described as a situation of the 'horse having bolted'. We do not think it results in an

anomalous extension of intensive rural development into an area which would otherwise be regarded as possessing an open pastoral character.

43. It is however fortuitous for the applicant in this case that the rolling topography of their property enables building platforms to be developed, albeit with some 'assistance' from earthworks and planting, which enables the visual impact of development as seen beyond the site to be relatively benign. We note that at worst, the landscape assessments indicate that development would have a moderate effect on landscape, which while resulting in a density which is not typical of a pastoral landscape, is not inconsistent with the Arcadian landscape that one would expect in this part of the Wakatipu Basin.
44. We agree to some extent with the view of the applicant's counsel that the plan does not seek that residential development be invisible. However it is important that if it is visible, that it not introduce a visually incongruous element into an area which is recognised as a VAL.
45. To a some extent, the assessment of this application came down to a lot by lot/building platform by building platform, level of analysis.
46. It was common ground that the visual impact of the development proposed on Lot 3 and Lot 4 would have little visual impact from outside the site, except potentially from the Brinsley property, but in this case agreement had been reached between the applicant and this neighbour, including the provision of intermediate mounding and the sale of a small portion of land along the common boundary to the Brinsley's. On this basis we consider there were no other residual issues that would justify any concerns about the proposed development on these two lots.
47. The development on Lot 2 was located in a gully feature and in a position which would be visible in passing from Hogans Gully Road. However we were satisfied that this would only be visible in a fleeting sense, and even then would be partly obscured by planting. We were satisfied that the establishment of a dwelling on this proposed lot would not have a significant adverse effect on the environment.
48. Lot 5 is located on a residual moraine ridge which extends parallel to the western boundary of the application site, and the vehicular access point to the Brinsley property. It is proposed that this building platform be excavated into the eastern side of this natural feature, such that it would not have undue visibility. It is noted that the work required to reduce the visual impact of this building platform involves a degree of modification of what is otherwise a natural feature. However given the existing character of the surrounding area, and as yet unimplemented but approved development, we have concluded that the modification proposed would not have an adverse effects sufficient to justify declining consent on the basis of the work necessary to establish this particular building platform.
49. Lot 1 and its associated building platform was the aspect of the proposal which caused us the most initial concern.
50. This part of the site is elevated and there is a potential for both a future dwelling and the vehicular access to it, to be visible from a wider area to the west and potentially from neighbours properties to the east. Again, we acknowledged that it is not necessary that the development be invisible, but at the same time not result in an incongruous intrusion into the

landscape. We were of the view that further modifications to the vehicular access to Lot 1 required further investigation, or alternatively the removal of that proposed lot from the proposal. As part of this, we noted that an existing pine plantation on the westward facing slopes would provide a degree of screening, but only if these trees (which otherwise had little merit) were retained.

51. It was apparent that the access originally proposed, initially up a gully adjacent to proposed Lot 2, would result in a potentially significant degree of earthworks at the top of the slope where the access driveway would approach the building platform proposed on Lot 1 from its northern side.
52. The modified proposal would involve a more direct access route up to the base of the building platform but terminating at a lower level, in conjunction with native screen planting. The result should be that the building platform and future dwelling, and more particularly the access driveway, would have less impact on the views towards the property from the direction of the Lake Hayes – Arrowtown Road. We also consider that the future dwelling on Lot 1 and its associated access arrangements would have less visual impact on properties to the east, notably the Staniland's property.
53. With these amendments, we were satisfied that any adverse effects on the environment of the subdivision and development of the application site would not be more than minor. While it would consolidate a pattern of development which has already taken place around the subject site, when considered in conjunction with the advantages conferred by the topography of the land itself, the subdivision would not result in an extension of low density development into an otherwise more open and pastoral landscape.
54. With respect to the treatment of the access point into the property, and having regard to the provision of mailboxes and space for the collection of refuse bins, we consider that the proposed hawthorn hedge would provide sufficient screening from passing traffic.
55. In passing, the observation can be made that maintaining lower rural densities is difficult in an environment where the rules framework is focused on the visual impacts of individual building platforms, without provision for requiring an overall average density which might better give effect towards maintaining pastoral and/or character.
56. There were no other issues of major significance put before us. With respect to engineering and servicing issues, with one exception, both the Council and the applicant were satisfied that the site could be adequately serviced in terms of access, water supply and effluent disposal. The only outstanding issue related to the sealing of the access ways into the property. It is noted that there appears to be recent sealing undertaken on Hogans Gully Road, and we consider that it is not unreasonable to request that the entrance points into the property be sealed, and this has now been accepted by the applicant.
57. With respect to the permitted baseline, we are aware that it is not mandatory for a consent authority to take this matter into account, but in this case given that new building platforms require resource consent, and have to be considered through a consent process on their merits, we did not consider the application of the baseline was relevant in this case.

58. With regard to the positive effects of the proposal, these primarily accrue to the applicant except to the extent that there will be a further modest contribution to the stock of sites upon which rural dwellings can be erected on the Wakatipu basin.

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59. Our overall conclusions were that while there were some minor adverse effects in terms of the presence of further dwellings, buildings and vehicle accessways, which would be visible to a limited extent from outside the application site, the primary issue was the effects on the quality of the landscape and we were satisfied that with the mitigation now proposed these would not be more than minor. There were no significant constraining factors on the site which we consider justify declining consent, once a number of amendments had been made to improve the access arrangements and planting proposed on-site.

OBJECTIVES AND POLICIES

60. This is an example of another application in the Wakatipu Basin dominated by issues relating to potential effects on landscape values, such that the objective and policy framework concerning the rural environment and landscape values assume primary importance. The District Plan contains an extensive suite of objectives and policies related to these matters, and there are at least three objectives and 18 policies of relevance to rural landscape and amenity issues in the District Plan, and additional examples which have indirect reference.
61. The Proposed District Plan was notified on 26 August 2015, and we are required to have regard to the objectives and policies in this plan. However, as this plan is only in its very early stages, with submissions only having recently closed, we can only place very limited weight on its provisions.
62. Part 4 of the Operative District Plan addresses district wide issues, and Objective 4.2 and its related policies have direct reference to landscape and visual amenity.

“Objective 4.2.5:

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

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

“Future Developments

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values”.*
64. As will be apparent from our discussion of the effects of this subdivision, the overall conclusions were that this particular location has the capacity to absorb change without significant adverse effects, subject to design and mitigation measures, to complement the topography which by its rolling nature assisted in the ability to screen development. The natural topography was not in itself sufficient in itself to provide adequate screening for at least two of the proposed building platforms, but this could be addressed through further mitigation.
65. We were also mindful of the number and distribution of existing building platforms within the area, including those which had been approved but not yet implemented. In the overall context of the building density in the immediate vicinity of the site, we concluded that the proposed development was essentially of an infill nature rather than a projection of inappropriate development into a lower density pastoral area.
66. Policy 4 is specific to VAL’s.
- “Visual Amenity Landscapes*
- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
 - *Visible from public roads.*
- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping”.*
67. We are aware that subdivision and the development of dwellings is anticipated to at least some degree within a VAL, and we consider that subdivision of this particular site, with measures such as reducing the height of building platforms, mounding and planting, is sufficient to mitigate adverse effects. To a significant extent, the proposal is assisted by the topography itself and would result in development that surrounding residents would be aware of, but which should not read to them as a visually incongruous urban enclave. Caution has to be exercised in circumstances such as this, that artificial screening measures such as earthworks do not become dominant features in themselves, which is marginally the case with proposed Lot 5.
68. That said, we consider the combination of the topography and mitigation measures achieves a reasonable balance which should ensure the development does not create an obvious new development visible from public places, including Hogans Gully Road and particularly the Lake Hayes – Arrowtown road. We consider the proposed development is not contrary to Policy 4.
69. Policy 6 seeks to restrain urban development within a VAL. Subsections (d) and (d) were raised as being possibly relevant to this application:

- “(b) to discourage urban subdivision and development on the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the District.*
- (d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads”.*

The proposed subdivision will result in an average allotment sizes in the vicinity of slightly more than 2ha, which we do not consider constitutes “urban development”, or would be perceived in this case as having the appearance of sprawl along Hogans Gully Road.

70. Policy 8 is concerned with cumulative effects.

Avoiding Cumulative Degradation

“In applying the policies above the Council’s policy is:

- (a) To ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.*
- (b) To encourage comprehensive and sympathetic development of rural areas”.*

71. We have given careful consideration to this as part of our decision on this application. We acknowledge and agree with the thrust of subclause (a) that the mitigation measures associated with establishing rural building platforms can sometimes have the effect of creating an artificial environment in order to conceal development. An aggregation of boundary fences, planting and earthworks can in themselves signal the presence of intensive rural development.
72. In this case we consider an acceptable balance has been achieved between mitigation measures and what amounts to the ‘carrying capacity’ of this block of land, also taking into account the existing and consented development in the adjoining area. This proposal does constitute a degree of additional cumulative effects. However the significance of this has been tempered by the capacity of this particular landscape to absorb additional change and through avoiding development of a pattern and density inconsistent with its surrounds. We consider that appropriate measures have been proposed as part of this proposal as it has evolved through ongoing amendments, to ensure that the development of the site is undertaken comprehensively and sympathetically with the rural area – and acceptable in the context of what would be anticipated within a VAL under the District Plan rules.

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

“Structures

To preserve the visual coherence of:

- (a) Outstanding natural landscapes and features and visual amenity landscapes by:*
 - *Encouraging structures which are in harmony with the line and form of the landscape;*
 - *Avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
 - *Encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*

- *Encouraging placement of structures in locations where they are in harmony with the landscape;*
 - *Promoting the use of local, natural materials in construction.*
- (b) *Visual amenity landscapes*
- *By screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and*
- (c) *All rural landscapes by*
- *Providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads”.*
74. We note that the conditions proposed to be attached to the application include a combination of earthworks, planting and controls over the colour of cladding used for the future dwellings, to ensure that the buildings have a recessive character and avoid becoming dominating features in the landscape. The applicant’s proposals are adequate in this respect albeit that controls over the material and colours of future buildings are almost *de rigeur* for developments in a VAL and can be expected to be offered as a matter of course.
75. The extent of mounding and excavation proposed for building platforms will, as has been the case elsewhere in the Wakatipu basin, exact a penalty with respect to future owners design freedom and more particularly their views. This in turn will impose a future burden on the Council in terms of monitoring and enforcing conditions. However this is the approach which has been implemented through the District Plan for some years now. Although the extent of modifications to the landscape in order to achieve mitigation approach the limit of what would be appropriate, even on a topographically accommodating site such as this one, we have concluded that the overall balance achieved is an acceptable one.
76. Policy 9 is an important one in the overall context of assessing the effects of rural subdivision and building platforms, and we have concluded that the proposal is not contrary to this provision.
77. The six clauses under Objective 4.11.13 address the potential adverse effects of earthworks. In the case of this proposal, the total area or volume of earthworks is not particularly large, but there are a number of locations where filling and excavation are contemplated. No issues were put before us with respect to effects on water bodies, land stability, flood potential, cultural heritage sites, or the water quality of aquifers. There are no outstanding natural landscapes or natural features affected by the proposal, so only subclause (d), “the amenity values of neighbourhoods” is relevant here.
78. In that respect we note that there are two neighbours who would be potentially significantly affected (Brinsley and Stanilands) and both have given their written consent.
79. The discovery of any archaeological items can be addressed through an accidental discovery protocol. With conditions we are satisfied that the application is not contrary to the objectives under 4.11.3.
80. Part 5 contains the objectives and policies relevant to ‘Rural Areas’. Objective 5.2.1 and its related policies state as follows:

“Objective 5.2.1 – Character and Landscape Value

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

Policies:

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

81. The objectives and policies relating to Policy 1.1, and the matters raised in Policies 1.6 and 1.7 have been discussed above. Policies 1.2 – 1.4 are interrelated, and raise a common dilemma in the Wakatipu Basin as it is frequently held that the potential for agricultural production in this area is very limited or even non-existent. There have been attempts made on this property to undertake small-scale intensive organic agricultural activities, but we accept that the property in its current status is unlikely to make a significant contribution to the agricultural production of the district. With the subdivision now proposed the prospect of productive land use is even lower, except perhaps in the context of ‘hobby farming’. In any event, there is no compelling basis for declining consent to this application on the basis of loss of productive potential.

82. The application as finally amended is now consistent with Policy 1.8. As noted earlier, not all of the building platforms and their access provisions will be ‘invisible’ from the surrounding area but we are satisfied they will not be visually intrusive. Development on the site would not result in any structures dominating ridgelines, skylines or prominent slopes. Overall we consider that this proposal is broadly consistent with the policy framework and would not be contrary to Objective 5.2.1.

83. Objective 15.1.3.5 addresses the effects of subdivision on amenity, noting that subdivision in itself, as well as building activity, can have effects on landscape values through the process of fragmented ownership, and as a consequence on the visual outcomes resulting from the aspirations of different landowners with respect to boundary fencing/planting and on-site land use activities. The objective and its associated policies read as follows:

“Objective 15.1.3.5 – Amenity Protection

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

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services”.*

84. This proposal seeks to distribute building platforms across the application site with an emphasis on ensuring that future dwellings are not unduly obvious from the wider area or from immediate neighbours, although to achieve this does require a degree of artificial screening, earthworks, and planting for nearly all of the building platforms, more particularly for Lots 1 and 5. We again note that the Operative Plan does not contain a minimum area or minimum average area requirement, which can make the regulation of density difficult if an applicant can show that individual building platforms can be sufficiently screened and that services are available.

85. This application as finally modified, has achieved an acceptable balance in terms of density with respect to the carrying capacity of the site in terms of visual impacts, servicing requirements (particularly access arrangements) and with the existing and future character of the immediately surrounding area. The design of the proposal is not particularly innovative, but it has evolved in a manner which ensures that the density of development proposed can be accommodated on the site in a way that is consistent with this objective and its associated policies.

86. The Transport Chapter 14, Objectives 14.1.3, Objective 1 and Objective 2 are relevant to the functioning and efficiency of transport in the District. Policy 2.2 states:

“To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety”.

87. There is a degree of balancing involved with a local rural road such as Hogans Gully Road, which is characterised by a pleasant country lane ambience. We consider it is likely, even with a degree of further development, to maintain this quiet character and its distinctive contrast to some of the more heavily trafficked routes such as the Lake Hayes – Arrowtown Road. The Council is broadly comfortable that the location and capacity of the access points to the road are appropriate, and we consider their development would not attract from the need to balance this with the rural ambience of this part of the District. For this reason we consider that the development is consistent with the objectives and policies in Chapter 14.

The Proposed District Plan

88. While the Proposed District Plan has clearly recognisable elements from the Operative Plan, there are some differences of emphasis between the provisions of the two plans. One of these is the abandonment of the paraphrasing of section 5(2)(c) of the Act and the substitution of more focused objectives and policies addressing environmental effects. Concepts carried over from the Operative Plan include:
- recognising the potential of both subdivision and building activity to impact on landscape character (Objective 3.2.5.1, Policy 6.3.2.5);
 - avoiding adverse cumulative effects and sprawl along roads (Policy 6.3.2.4;
 - avoiding adverse effects on landscape character in areas which have limited capacity to absorb change (Policy 6.3.4.1);
 - avoiding adverse effects on landscape character and visual amenity as seen from roads (Policy 6.3.4.3).
89. The Proposed Plan also continues or develops the concept that there is a finite capacity for residential activities on rural zones (Objective 3.2.5.4); that the ongoing viability or otherwise of farming, and evolving agricultural use, may change landscape values (Objective 3.2.5.5 and Policy 6.3.4.2); and recognising the significance of developing infrastructure consistent with landscape values (Policies 6.3.8.1 and 6.3.8.2).
90. Bearing in mind that only limited weight can be placed on the Proposed Plan at this early stage of its journey through the hearings process, overall the application does not appear to be inconsistent with the overall policy framework of the new plan.
91. Returning to the Operative Plan, were that while the proposed development did not achieve some objectives and policies, with respect to the critical issue of effects on landscape values, we were satisfied that with modifications the proposal was not inconsistent with to these important objectives and policies. There were no objectives and policies which were of such a directive nature such as to conclude that the application should be declined.

Precedent Effects

92. Section 104 (1)(c) enables a consent authority to take any other relevant matters into consideration. Rural subdivision and associated development of building platforms are not an uncommon category of application in the District, and the basis upon which consents are granted has to be considered carefully as there is potential for precedent effects, or more particularly for confidence in the plan to be undermined. Balanced with this, caution has to be exercised in terms of any conclusions relating to precedent, unless successive applications are likely to be of a very similar character. In this case, the development is not noncomplying in status, such that precedent issues should not normally arise. In this case, we do not consider there are any features of this proposal which would lead to a conclusion that a grant of consent would undermine confidence in the plan.

PART 2 RESOURCE MANAGEMENT ACT

93. The assessment of an application under Section 104 of the Act is subject to the provisions of Part 2 comprising sections 5 to section 8.
94. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. Relevantly in this case, there are no outstanding natural features and landscapes identified within the application site requiring protection from inappropriate subdivision, use and development under subsection 6 (b). None of the land subject to the proposed development was within an area identified as an Outstanding Natural Landscape under the District Plan, and for this reason the application is not contrary to this subclause, or to the other matters contained in Section 6.
95. Section 7 contains three relevant subclauses to this application. These are:
 - (b) the efficient use and development of natural and physical resources:
 - (c) the maintenance and enhancement of amenity values:
 - (f) the maintenance and enhancement of the quality of the environment.
96. As considered in the preceding consideration of the potential effects of this proposed development, our finding is that the configuration of the proposed lots, the location, height and screening of the building platforms proposed, and the improved access arrangements for Lot 1, would result in the development as a whole maintaining the amenity of the site and the quality of the environment. Acknowledging that the site forms part of a VAL, we consider that the visual outcomes which can be anticipated from this development would be consistent with the objectives and policies applying to the site.
97. No matters were drawn to our attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.
98. Turning to the purpose of the Act under section 5, we considered that the proposal would best enable the applicant, and the district as a whole, to provide for its social, economic and cultural welfare in the form of an additional recreational facility which is currently not present in the District, and which is consistent with the outcomes expected in a VAL. We consider that the qualification under section 5(2)(c) has been satisfied, in that the potential adverse effects of the activity are sufficiently avoided or mitigated.

DECISION

Pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, consent is hereby granted to application RM140372 subject to the conditions as specified below:

A handwritten signature in black ink, appearing to read 'R. Nixon', with a stylized, cursive script.

R.C. Nixon (Chair)
27 November 2015

CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Lots 1-7 Being a Subdivision of Lot 3 DP 305713 with Photo: Job No. 11206. Drawing No. 05, Sheet 003. Rev I. Date 01.01.14.
 - Lots 1-7 Being a Subdivision of Lot 3 DP 305713: Job No. 11206. Drawing No. 05, Sheet 001. Rev I. Date 01.01.14.
 - Lot 1 Access Design: Job No. 11206. Drawing No. 05, Sheet 006. Rev -. Date 01.01.14.
 - Lot 1 Platform Earthworks: Job No. 11206. Drawing No. 05, Sheet 005. Rev -. Date 01.01.14.
 - Entrance Detail: Job No. 11206. Drawing No. 05, Sheet 002. Rev -. Date 01.01.14.
 - Lots 1-7 Being a Subdivision of Lot 3 DP 305713 with PHOTO: Job No. 11206. Drawing No. 05, Sheet 004. Rev I. Date 01.01.14.
 - Building Platform on Proposed Lot 5: Job No. 11206. Drawing No. 06, Sheet 001. Rev -. Date 14.05.15.
 - Sections Though Proposed Platform: Job No. 11206. Drawing No. 06, Sheet 002. Rev -. Date 14.05.15.
 - Structural Landscape Plan: Todd – Hogans Gully Road, Wakatipu Basin: Ref 0976-SLP1. Date 19.03.2015.
 - Appendix 1: Structural Landscape Plan – Entrance. Ref 0976-SLP 2.0. Date 08.10.2015.

stamped as approved on 30 November 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
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.

Hours of Operation – Earthworks

4. Hours of operation for earthworks, shall be Monday to Saturday (inclusive): 8.00am to 6.00pm. Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

Staging

5. The 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: Lots 2, 3, 4 & 5 (ROW A, B & C)
Stage 2: Lot 1 (ROW D)
Stage 3: Lot 6

The stages set out above 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'.

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

6. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
7. Prior to commencing works on site, 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.
8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1-6 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - b) The provision of a 2-coat chip seal vehicle crossing on 150mm depth compacted AP40, to the Lot 4 & 6 boundaries with Hogans Gully road, to be in terms of Diagram 2, Appendix 7 and Section 14.2.4.2 of the District Plan. For clarity this involves sealing two crossing points in existing locations. These shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
 - c) The provision of an access way to within 20m of building platforms on Lots 1-5 that complies 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 ways shall meet the following requirements:
 - i) Where servicing less than 5 lots the access way shall have a formed metal carriageway width of no less than 3.5 metres within a 6m minimum legal width.
 - ii) Where servicing 5 or more lots the access road shall be sealed with a formed carriageway width of no less than 5.5 metres within a 10m minimum legal width.
 - iii) 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 sub-grade.
 - iv) Passing bays/road widening shall be provided at intervals not greater than 100m for all single lane access roads, or as otherwise approved by Council. This includes the provision for passing within the existing shared access by Lot 4 herein and Lot 1 DP 23077.
9. The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

To be completed prior to the commencement of earthworks

10. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified geotechnical professional as defined in Section 1.2.3 of NZS 4404:2004 and who shall supervise the Lot 5

excavation procedures.

11. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
12. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing to the earthworks area, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with "A Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council.
13. 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.

To be monitored throughout earthworks

14. The engineer named in Condition (10) shall continually assess the Lot 5 excavations and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
15. 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.
16. No earthworks, temporary or permanent, are to breach the boundaries of the site except for crossing point works from Hogans Gulley Road.
17. No permanent batters shall be formed at a gradient that exceeds 1V:1H.

Accidental Discovery Protocol

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

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua,

and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:

(i) stop work within the immediate vicinity of the discovery or disturbance and;

(ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;

(iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

To be completed before Council approval of the Survey Plan

19. 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.

Amalgamation

20. The following amalgamation condition shall be shown on the Survey Plan (CSN references and final wording to be confirmed by LINZ):

a) Lot 7 hereon and Lot 1 DP 23077 are to be held in the same Computer Freehold Register.

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

21. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, 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 subdivision/development 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), and Water reticulation (including private laterals and toby positions).

b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

c) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of Lot 5 land for building construction" in accordance with Section 2.11.1 of NZS 4404:2004 that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the building platform for Lot 5 is suitable for building development. Specifically the report shall address the ongoing stability to earthwork batters forming the Lot 5 building platform. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction.

d) The completion and implementation of all works detailed in Condition (8) above.

- e) Provide written evidence of an electricity connection to building platforms on Lots 1-5.
- f) Provide written evidence of telecommunications connection to building platforms on Lots 1-5.
- g) The submission of Completion Certificates from both the Contractor and Approved Certifier for all infrastructure engineering works completed in relation to or in association with this development (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- h) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- j) The completion of landscaping in accordance with the plan approved in Condition 1, with the exception of parts of the native beech planting on Lot 1. A 4-metre wide area of Landscape Consent Notice Area "LD" (and coloured speckled green on plans Sheet 003 and Sheet 001) closest to the building platform shall be planted. The remaining pine clearance and native beech planting within Landscape Consent Notice Areas "LB" and "LD" shall be completed when the first stage of beech tree planting forms a continuous screen and has reached a height of 2 metres.

Ongoing Conditions/Consent Notices

22. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act:
- a) At the time a dwelling is erected on Lots 1-5, 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 Southern Monitoring Services, within RM140372 dated 6th November 2013. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the dwelling. Consent for this may also need to be obtained from the Otago Regional Council.
 - b) At the time a dwelling is erected on Lots 1-5, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire. The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be

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

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

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

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.

- c) Any future residential dwellings shall be located within the respective approved residential building platforms identified on the title plan.
- d) All building on Lot 3-5 platforms to be limited to no more than 5.0 metres above ground level created by the construction of the building platform.
- e) Building on Lot 1 platform shall not exceed 388 metres above sea level.
- f) Building on Lot 2 platform shall not exceed 369 metres above sea level.
- g) Cladding of the future dwelling within the platforms shall be timber (painted or unpainted), stacked stone, Coloursteel or solid plaster or a similar material approved by the Council. Finishes shall be visually recessive and of low reflectivity (less than 36%). Exterior wall cladding and joinery materials and finishes shall appear appropriately recessive (less than 36% light reflectance value) in the context of the surrounding landscape over all seasons of the year and shall be in the natural range of browns, greens and greys. Roof cladding materials and finishes shall be dark and recessive, with low reflectivity (less than 20% light reflectance value) and shall be in the natural range of browns, greens and greys.
- h) Joinery shall be in timber, steel, aluminium. Joinery colours (except timber) shall match roofing and spouting colours.
- i) Accessory buildings shall be clad and coloured to match the primary dwelling.
- j) None of the following materials may be incorporated into the exterior of the building:
 - Fibre cement weatherboard sidings and roofing
 - Uncoated fibre materials
 - Imitation timber, brick or masonry

- Metal weatherboards or compressed fibre weatherboards
 - Any metal or asphalt based aggregate covered tiles and shingles.
- k) Any water tanks (if required) must be buried and screened from view.
- l) Exterior lighting shall be low level, down lighting only, no greater than 0.5m above ground and directed away from property boundaries to ensure that no upwards light spill or light spill beyond property boundaries will occur.
- m) Boundary fencing shall be standard post and wire only.
- n) With the exception of Lot 4, all other access ways shall be formed in gravel only.
- o) All landscaping within areas marked "LA", "LE", "LD", "PE", "PC" & "PA" shall be maintained in perpetuity. Should any plant die or become diseased, it shall be replaced in the next available planting season.
- p) Those parts of Lots 2 and 5 that are visible from Hogans Gully Road as identified on the Structural Landscape Plan by Vivian Espie, ref: 0976-SLP-2.0 & dated 08.10.15 shall be maintained as open pastoral land.
- q) No pine trees west of the building platform on Lot 1 and within Landscape Consent Notice Area "LC" shall be felled until native beech planting within Landscape Consent Notice Areas "LB" and "LD" provides continuous screening of a dwelling on the lot from public and private places to the west and north-west.

APPROVED PLAN:

RM140372\

Monday, 30 November 2015



MEMORANDUM OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOCUMENT
Right of way	A, B, H	Lot 4 Hereon	T 831553.3
	C	Lot 7 Hereon	
Right to convey water & electricity	a-b	Lot 4 Hereon	T 5010251.2
Right to pump water	H	Lot 4 Hereon	
Right to convey water	c-d	Lot 4 Hereon	
	d-e	Lot 5 Hereon	
	e-f	Lot 2 Hereon	
	f-g	Lot 6 Hereon	

MEMORANDUM OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOCUMENT
Right to convey water	L	Lot 1 Hereon	T 831553.3

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	Dominant Tenement
Right of way	A, B	Lot 4 Hereon	Lot 1 DP 23077
Right to convey water	C	Lot 7 Hereon	Lot 1 DP 23077
	D	Lot 5 Hereon	Lots 1 - 4 & 6 Hereon
Right to convey electricity	E	Lot 2 Hereon	Lots 1 & 3 - 6 Hereon
Right to convey telecommunications and computer media	F	Lot 2 Hereon	Lots 1, 3 & 6 Hereon
	G	Lot 6 Hereon	Lot 1 Hereon

Areas BA - BF are subject to a consent notice (Building platforms)
 Areas LA, LB, LC, LD & LE are subject to a Landscape Consent Notice
 Areas PA, PB & PC are subject to a Pond Consent Notice
 Area DA is subject to a driveway consent notice

"Lot 7 hereon and Lot 1 DP 23077 are to be held in the same Computer Freehold register".



CLIENT REVIEW 13.05.15

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Rev.	Date	Revision Details	By
C	12.06.15	Amend memorandum of easements	LR
D	16.07.15	Add mounding and additional Landscape Areas	CRW
E	20.07.15	Amend platform	CRW
F	21.07.15	Amend Covenant Areas	CRW
G	18.08.15	Amend Covenant Areas	CRW
H	1.10.15	Add cross-section	CRW
I	2.11.15	Amend Lot 1 access	CRW

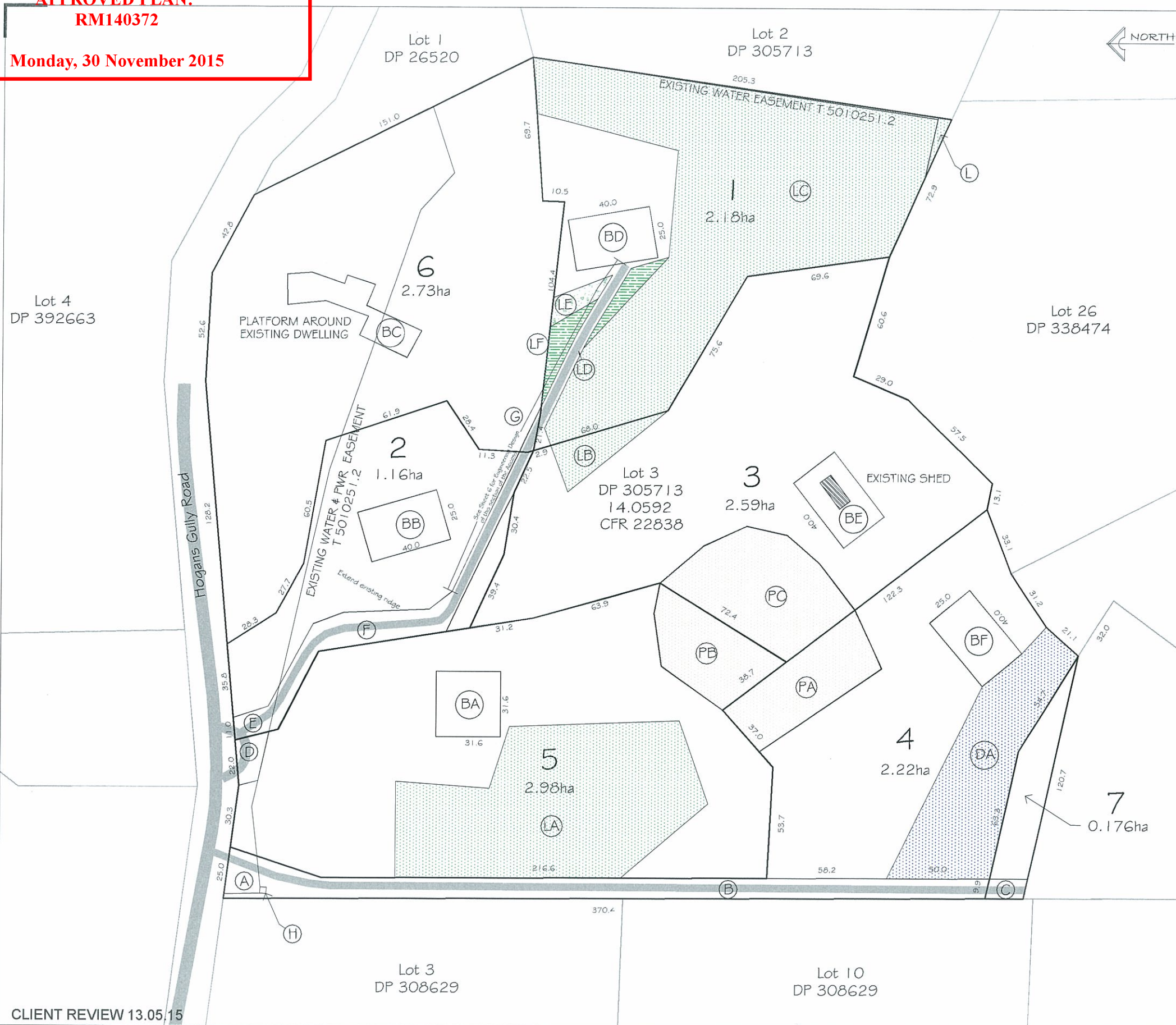
**LOTS 1 - 7 BEING A SUBDIVISION OF
 LOT 3 DP 305713 with PHOTO**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
IAN & SUZIE TODD	-	-	-	11206	05 Sheet 003
	Drawn	Signed	Date	Scale	1:1000 @ A1 1:2000 @ A3
	RWB	-	01.01.14	Datum & Level	Rev.
	Designed	Signed	Date	Mt Nic 2000 & MSL	I

APPROVED PLAN:

RM140372

Monday, 30 November 2015



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	f-g	Lot 6 Hereon	

MEMORANDUM OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVANT TENEMENT	DOCUMENT
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MEMORANDUM OF EASEMENTS			
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Areas BA - BF are subject to a consent notice (Building platforms)
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G	18.08.15	Amend Covenant Areas	CRW
H	1.10.15	Add cross-section	CRW
I	2.11.15	Amend Lot 1 access	CRW

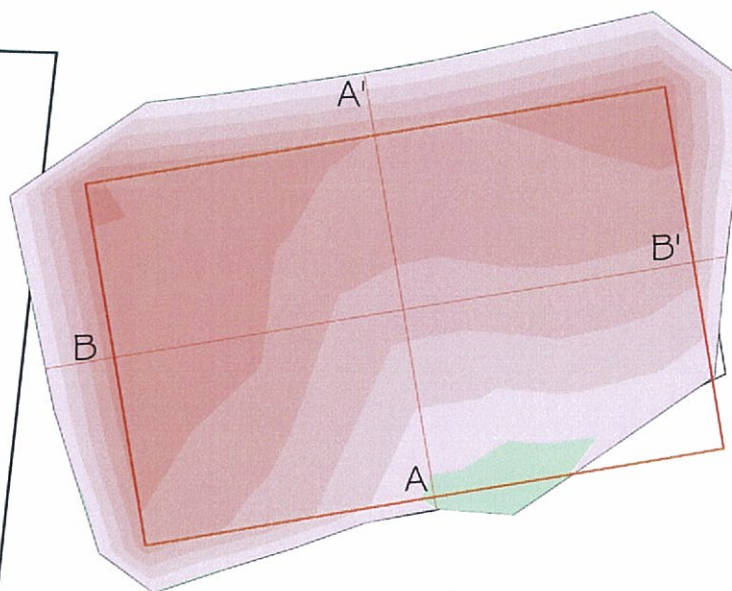
LOTS 1 - 7 BEING A SUBDIVISION OF LOT 3 DP 305713

Client	Surveyed	Signed	Date	Job No.	Drawing No.
IAN & SUZIE TODD	-	-	-	11206	05 Sheet 001
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	Rev.
	RWB	-	01.01.14	1:1000 @ A1 1:2000 @ A3	
	Designed	Signed	Date	Datum & Level	
	-	-	-	Mt Nic 2000 & MSL	

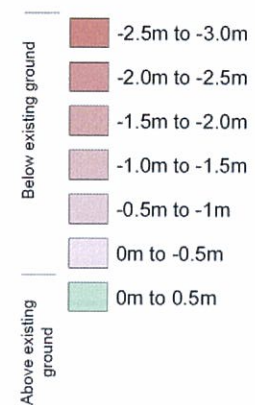


Lot 1
2.18ha

Lot 6
2.73ha



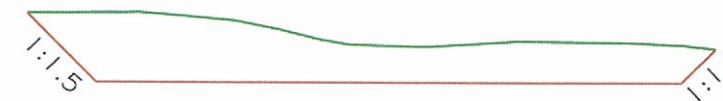
EARTHWORKS



EARTHWORKS VOLUMES

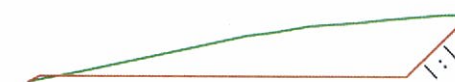
TOTAL CUT	3778m ³
TOTAL FILL	10m ³
MAX DEPTH	5.05m
TOTAL AREA	1390m ²

388.0
386.0
384.0
382.0
380.0



Section B - B'

386.0
384.0
382.0
380.0



Section A - A'

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LOTS 1 - 7 BEING A SUBDIVISION OF LOT 3 DP 305713 - Lot 1 Platform Earthworks

APPROVED PLAN:
RM140372
Monday, 30 November 2015



CLIENT REVIEW 13.05.15

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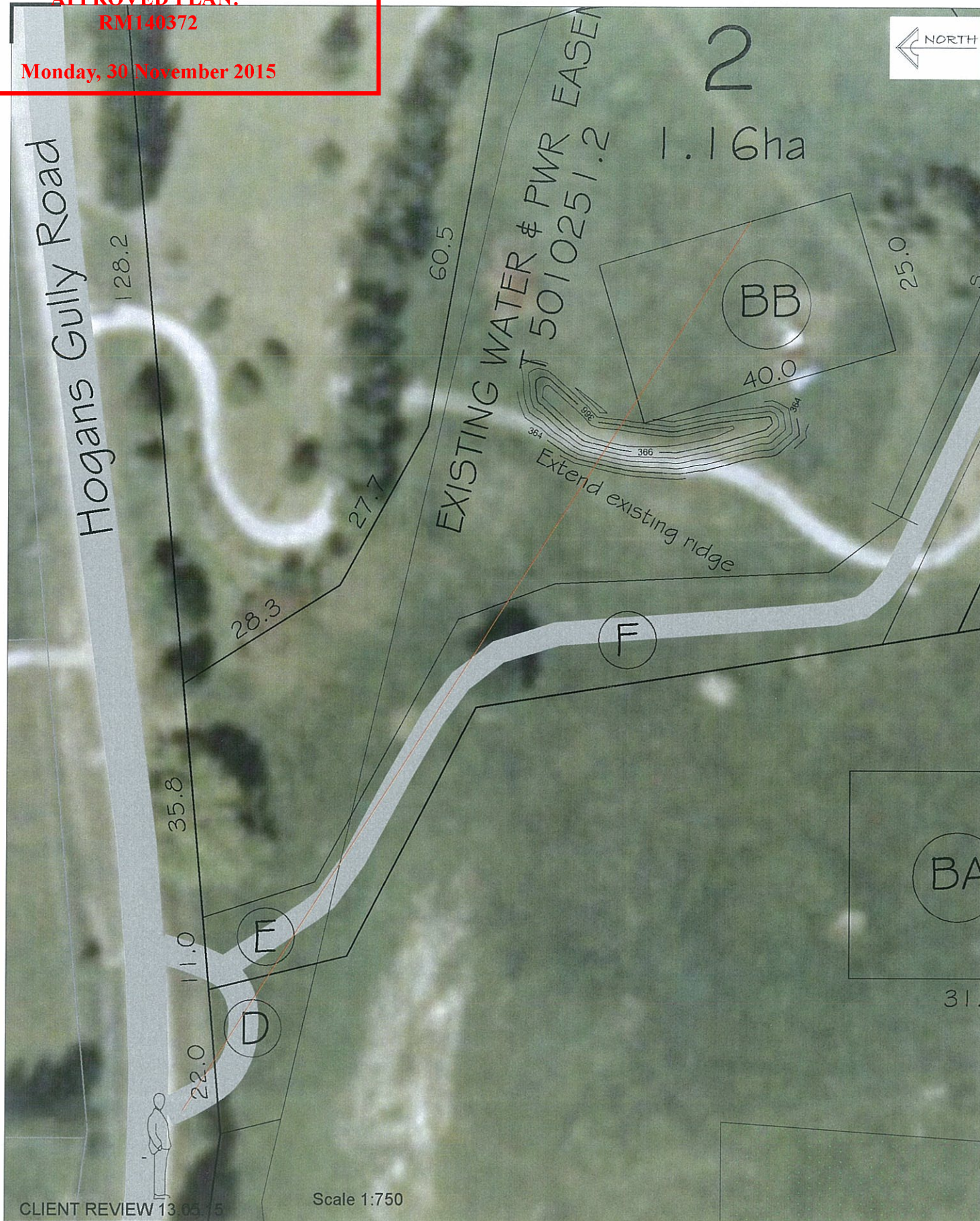
**LOTS 1 - 7 BEING A SUBDIVISION OF
LOT 3 DP 305713 - ENTRANCE DETAIL**

Client IAN & SUZIE TODD	Surveyed	Signed	Date	Job No.	Drawing No.
	-	-	-	11206	05
	Drawn	Signed	Date	Scale	Sheet 002
	RWB	-	01.01.14	1:250 @ A1 1:500 @ A3	
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	-	-	-	Mt Nic 2000 & MSL	-

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Monday, 30 November 2015



EYE LEVEL 1.5m
ABOVE ROAD CL



29.2

1.5

BUILDING PLATFORM
ENVELOPE - RL 369m

PROPOSED PLATFORM FFL
- RL 364m

Scale 1:1000

CLIENT REVIEW 13.05.15

Scale 1:750

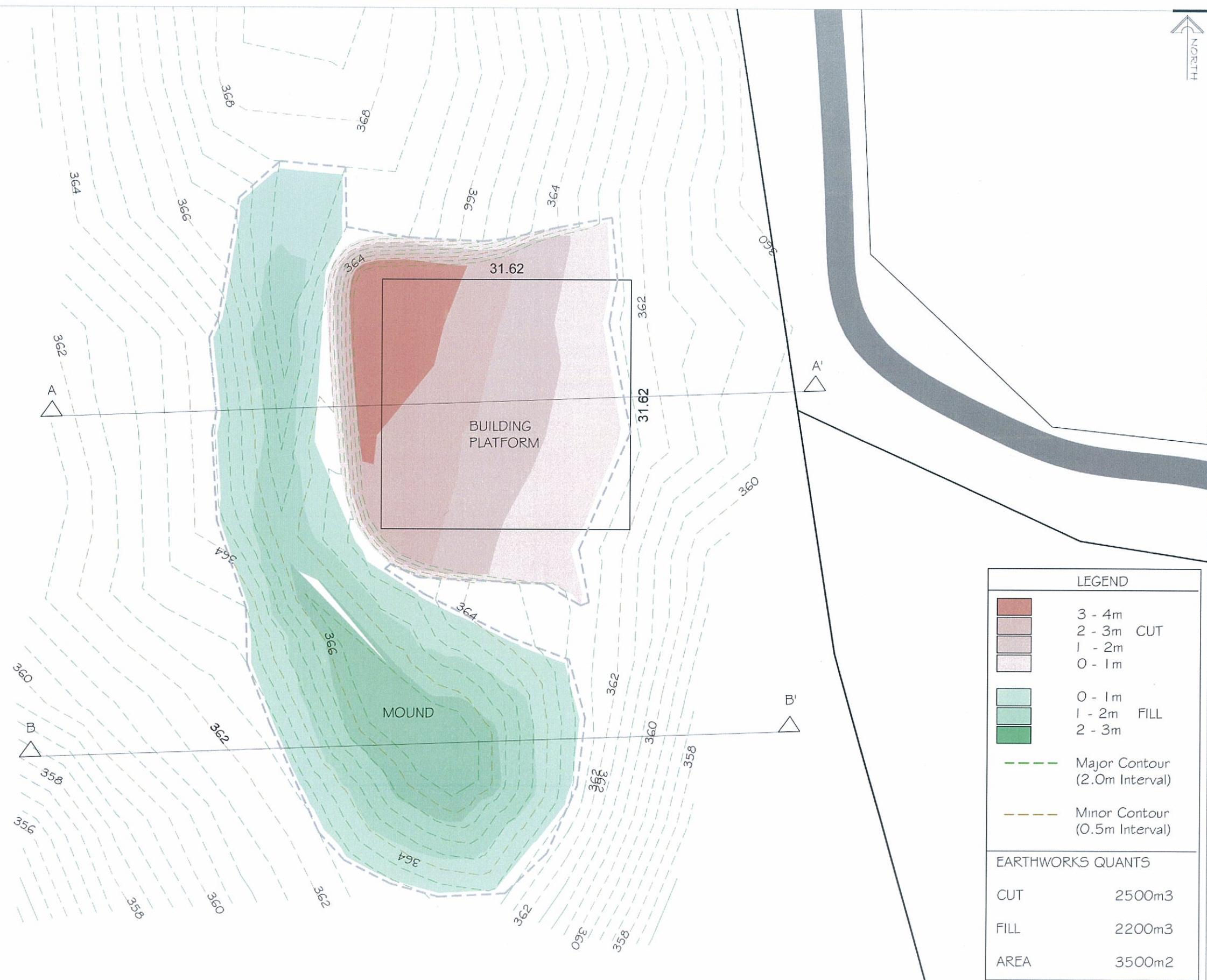
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**LOTS 1 - 7 BEING A SUBDIVISION OF
LOT 3 DP 305713 with PHOTO**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
IAN & SUZIE TODD	-	-	-	11206	05
	Drawn	Signed	Date	Scale	Sheet 004
	RWB	-	01.01.14	1:375 @ A1	As shown
	Designed	Signed	Date	Datum & Level	Rev.
	-	-	-	Mt Nic 2000 & MSL	

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LEGEND

3 - 4m

2 - 3m

1 - 2m

0 - 1m

CUT

0 - 1m

1 - 2m

2 - 3m

FILL

Major Contour
(2.0m Interval)

Minor Contour
(0.5m Interval)

EARTHWORKS QUANTS

CUT

2500m3

FILL

2200m3

AREA

3500m2

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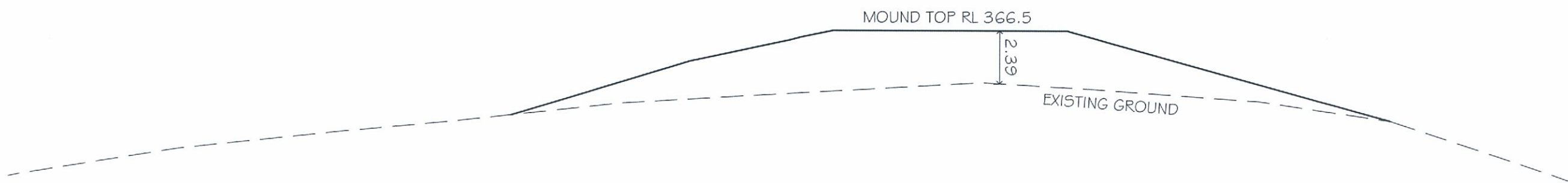
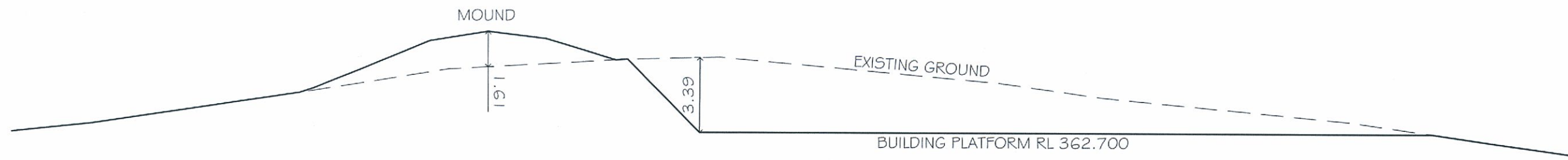
BUILDING PLATFORM ON PROPOSED LOT 5

Client	IAN & SUZIE TODD	Surveyed	Signed	Date	Job No.	Drawing No.
		-	-	-	11206	06
		Drawn	Signed	Date	Scale	Sheet 001
		RWB	-	14.05.15	1:250 @ A1	1:500 @ A3
		Designed	Signed	Date	Datum & Level	Rev.
		-	-	-	Mt Nic 2000 & MSL	-


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Monday, 30 November 2015



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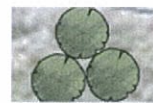
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SECTIONS THROUGH PROPOSED PLATFORM

Client	Surveyed	Signed	Date	Job No.	Drawing No.
IAN & SUZIE TODD	-	-	-	11206	06
	Drawn	Signed	Date	Scale	Sheet 002
	RWB	-	14.05.15	1:100 @ A1	1:200 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
	-	-	-	Mt Nic 2000 & MSL	-

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LEGEND



Proposed Mountain Beech
(*Nothofagus solandri* var *cliffortioides*).



Proposed earth mounding. 1m contour lines depicting the earth mounds overall shape and height. The earth mound will have an approximate height of 4-4.5m above existing ground level.



Proposed boundary line.



The location of the proposed building platform within Lot 4.



REF: 0976 - SLP1
DATE: 19.03.2015
SCALE: 1:500 @ A3

Structural Landscape Plan

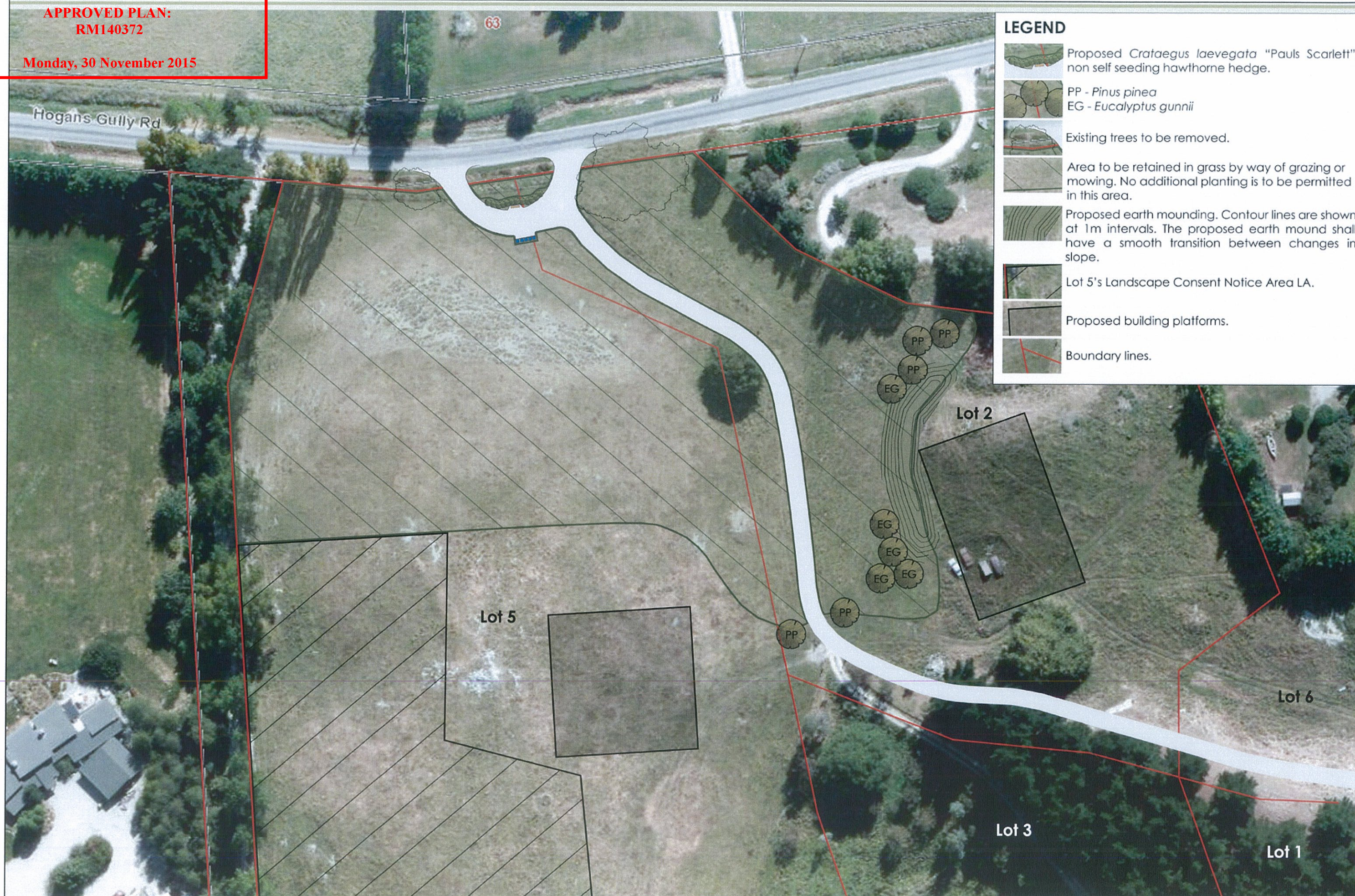
Todd - Hogans Gully Road, Wakatipu Basin

vivian+espie
resource management and landscape planning









vivian+espie Limited Resource Management and Landscape Planning
PO Box 2514 Queenstown
Physical Address: Unit 15, 20 Glenda Drive, Frankton, Queenstown
Tel: +64 3 441 4199 Fax: +64 3 441 4190 Web: www.vivianespie.co.nz

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Monday, 30 November 2015



LEGEND

-  Proposed *Crataegus laevigata* "Pauls Scarlett", non self seeding hawthorne hedge.
-  PP - *Pinus pinea*
EG - *Eucalyptus gunnii*
-  Existing trees to be removed.
-  Area to be retained in grass by way of grazing or mowing. No additional planting is to be permitted in this area.
-  Proposed earth mounding. Contour lines are shown at 1m intervals. The proposed earth mound shall have a smooth transition between changes in slope.
-  Lot 5's Landscape Consent Notice Area LA.
-  Proposed building platforms.
-  Boundary lines.

REF: 0976 - SLP 2.0
DATE: 08.10.2015
SCALE: 1:750 @ A3

APPENDIX 1: Structural Landscape Plan - Entrance Todd - Hogans Gully Road, Wakatipu Basin

vivian+espie
resource management and landscape planning

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