



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Kirsty Mactaggart and Justin Crane
RM reference:	RM170110
Location:	Lot 22 Marshall Avenue, Threepwood, Queenstown
Proposal:	<p>Land use consent to undertake additions and alteration to a Category 2 protected building, and convert it into a residential dwelling that is not located within a residential building platform. Associated earthworks, servicing and landscaping are also proposed. Consent is also sought to breach the minimum internal and road boundary setbacks.</p> <p>Land use consent to vary a condition of consent to enable the construction of a building that will not comply with Condition 4 of the Design Control Criteria.</p>
Type of Consent:	Land Use
Legal Description:	Lot 1 Deposited Plan 21614 and Lot 22 Deposited Plan 378242 held in Computer Freehold Register 720774
Zoning:	Rural General (Operative District Plan) Rural (Proposed District Plan)
Activity Status:	Non-Complying
Notification:	1 March 2017
Commissioners:	Commissioners Jan Caunter and Rachel Dimery
Date:	25 August 2017
Decision:	GRANTED SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Kirsty Mactaggart and Justin Crane to undertake additions and alteration to a Category 2 protected building and convert it into a residential dwelling that is not located within a residential building platform, along with associated earthworks, serving and landscaping. A separate application is made to vary a consent condition to enable the construction of a building that will not comply with Condition 4 of the Design Control Criteria.

Council File: RM170110

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS COMMISSIONERS J CAUNTER AND R DIMERY, HEARING COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT

THE PROPOSAL

1. We have been given delegated authority by the Queenstown Lakes District Council ("the Council") under section 34A of the Resource Management Act 1991 ("the Act") to hear and determine the application by Kirsty Mactaggart and Justin Crane ("the Applicants") and, if granted, to impose conditions of consent.
2. The application (RM170110) has been made to undertake additions and alteration to a Category 2 protected building and convert it into a residential dwelling that is not located within a residential building platform, along with associated earthworks, servicing and landscaping. A separate application is made to vary a consent condition to enable the construction of a building that will not comply with Condition 4 of the Design Control Criteria specified in consent RM980171.
3. In summary, the proposal is to:
 - alter an existing historic stables building to enable its use as a dwelling (two level, with bedrooms and en suite). We note here that visitor accommodation has not been applied for, the Applicants relying on their understanding of earlier consents granted for activities on the site as authorising such an activity;
 - construct a building extension to the rear and upslope of the stables (containing a bedroom, library, lounge and external deck);
 - replace an existing barn adjacent to the stables with a new building (containing two double garages, service area, kitchen, lounge, dining) to be attached to the existing stables and stables extension;
 - all new modules will be separate but connected by a landing and hallway link to form one building.

- The existing and proposed module areas are as follows:

<i>Building</i>	<i>Existing Footprint</i>	<i>Proposed Footprint</i>
Stables	82m ²	82m ²
Barn	154m ²	160m ²
Extensions	NA	148m ²
Total	236m²	390m²

SITE DESCRIPTION

4. A detailed description of the site and receiving environment within which the application sits can be found in the Applicants' AEE. There was general agreement between the parties on the description of the site and we are therefore content to rely upon those descriptions, noting that the descriptions accord with our impressions from our visit to the site and surrounding area.

NOTIFICATION AND SUBMISSIONS

5. The application was publicly notified on 1 March 2017. Ten submissions were received in support and two submissions were received in opposition. One late submission was received. There was no objection to the late submission, therefore this late submission was received and accepted.
6. Four written approvals were provided from the following:
 - Russell Linton Hall and Nevis Group Trustees Ltd, 3 Marshall Avenue (property adjacent to the subject site to the south)
 - Queenstown and District Historical Society (2008) Inc.
 - Thomas and Margo Pryde, 29 Arrowtown-Lake Hayes Road (property on the opposite side of Lake Hayes)
 - Threepwood Residents Association

THE HEARING

7. A hearing to consider the application was convened on 16 June 2017 in Queenstown. In attendance were:
 - (a) The Applicants, represented by Mr Joshua Leckie (legal counsel), Ms Mactaggart and Mr Crane (Applicants) Mr Ben Espie (landscape), Ms Jessica Sutherland (heritage and architecture, appearing to speak to Ms Gillies' report) and Ms Bridget Allen (planner).
 - (b) Council's reporting officers - Ms Erin Stagg (planner); Mr Richard Denney (landscape) Mr Richard Knott (heritage) and Mr Warren Vermaas (engineering).
 - (c) Council's Planning Support, Ms Charlotte Evans.
8. We had the benefit of a section 42A report prepared by Council's planner, Ms Erin Stagg. Based upon her assessment of the application, Ms Stagg recommended that the application be refused on the basis that:

1. It is considered that the adverse effects of the activity will be more than minor for the following reasons:
 - Adverse effects in relation to domestication of the landscape are considered to be more than minor; and
 - Adverse effects in relation to domestication of the landscape are considered to be more than minor; and
 - Adverse cumulative effects on the landscape are considered to be more than minor.
2. The proposal is contrary to the relevant objectives and policies of the District Plan for the following reasons:
 - The proposal is considered contrary to the District Wide objectives and associated policies in relation to Visual Amenity Landscapes and the objectives and policies in relation to the Rural General zone of the Operative District Plan;
 - The proposed development is considered contrary to the objectives and policies of the Strategic Directions chapter of the Proposed District Plan;
 - The proposed development is considered contrary to the objectives and policies in Chapter 6 (Landscapes) of the Proposed District Plan.
3. It is accepted there is an opportunity to reduce the effects of the development by reducing its scale and amending the proposed landscaping, which would address the areas where the proposal is considered to be inappropriate as well as contrary to the Operative District Plan and Proposed District Plan. Such amendments to the application have not been suggested at the time of writing this report.”
9. This recommendation changed following the receipt of further information, which we discuss later in this decision.

SITE VISIT

10. We undertook a site visit on the afternoon of 15 June 2017, the day before the hearing.

APPLICATION FOR ADJOURNMENT

11. Before the hearing, Annette and Duncan Fea, submitters in opposition, lodged a request for an adjournment on the basis that there were related matters in dispute between them and the Applicants, also involving Threepwood Residents Association. This document indicated judicial review proceedings could be commenced and that the hearing should be adjourned pending the outcome of those proceedings. We raised this matter at the outset of the hearing. Mr and Mrs Fea were not present. Nor was the lawyer who had been providing legal advice to them on this dispute. The Council confirmed it had not been served with judicial review proceedings. We ruled that the adjournment request was declined and the hearing would proceed.

THE DISTRICT PLAN AND RESOURCE CONSENTS REQUIRED

12. Resource consent is required for the following reasons:

Operative District Plan

- A restricted discretionary activity pursuant to Rule 5.3.3.3(xi) as the proposal breaches site standard 5.3.5.1(vi)(a). The proposal includes additions and alterations to a building that will result in it being 7.4m from the boundary instead of the 15m required under this site standard.
- A discretionary activity consent pursuant to Rule 5.3.3.3(i) for proposed additions and alterations to a building not located within a building platform.
- A discretionary activity consent pursuant to Rule 13.2.3.2(i)(a) for proposed additions and

alterations to a building listed as a Category 2 building in Appendix 3. The stables are identified as a protected item under Item 70.

- A non-complying activity pursuant to Rule 5.3.3.4(vi) as the proposal breaches zone standard 5.3.5.2(ii) in regard to minimum setback from roads. The setback proposed is 9.4m instead of the zone standard's specified 20m.

Proposed District Plan

The Proposed District Plan was publicly notified on 26 August 2015. The subject site is zoned Rural. The following rules have immediate legal effect, for which this proposal requires consent:

- A restricted discretionary activity pursuant to Rule 26.6.5 for the proposed external alterations to a Category 2 Listed Building. Council's discretion is restricted to the extent of the alteration and the cumulative effects on the building and feature.
- A restricted discretionary activity pursuant to Rule 26.6.6. for the proposed internal alterations to a Category 2 Listed Building. Council's discretion is limited to the extent of the alteration and the cumulative effects on the building and feature.
- A restricted discretionary activity pursuant to Rule 26.6.7 for the proposed works within a curtilage setting of a Category 2 Listed Building. Council's discretion is restricted to the extent of the alteration and the cumulative effects on the building and feature, and its setting.

Resource Management Act 1991

The proposed activity requires consent under the Resource Management Act 1991 ("the Act") for the following reasons:

- A discretionary activity consent pursuant to section 127(3)(a) of the Act, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Condition 13 of resource consent RM980171 to enable the construction of a dwelling that does not comply with the Design Criteria. The variation will introduce materials approved through this application.
- A discretionary activity consent pursuant to Section 87B(1)(c) of the Act which directs that an application must be treated as a discretionary activity if a rule in a proposed plan describes the activity as a prohibited activity and the rule has not yet become operative. Under the Proposed District Plan the activity is listed as a prohibited activity under Rule 26.6.20 for any modification, damage or destruction of an archaeological site that is in breach of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). The application includes modification to an archaeological site (the stables being a pre-1900s building) and an archaeological authority has not been provided. The application is therefore in breach of the HNZPTA 2014.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

Ms Stagg did not comment in her report on the need for any consent under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012. This was addressed in section 5.1 of the application. The site is a HAIL site. Decontamination works have been completed on site pursuant to consent RM140541. These works have been subject to a Validation Report from Davis Consulting and submitted to Council. The report states that the site is appropriate for rural residential land use as set out in the NES.

We are satisfied that no consent is required under the NES.

Summary of activity status

Overall, the application is a non-complying activity.

RELEVANT STATUTORY PROVISIONS

13. This application must be considered in terms of Sections 104, 104B and 104D of the Act.
14. Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of:*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

15. Following assessment under Section 104, the application must be considered under Section 104B of the Act. Section 104B states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

16. As a non-complying activity, the proposal must satisfy one of the two thresholds set out in section 104D of the Act, namely:

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of –*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or**both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

17. Section 104(3)(b) requires that we have no regard to effects on people who have given written approvals to the application.
18. Section 108 empowers us to impose conditions.
19. Section 127 addresses a change or cancellation of consent conditions on application by the consent holder.

SUMMARY OF EVIDENCE HEARD

20. Evidence for this hearing was pre-circulated. We have read all of the application, the evidence, legal submissions and the section 42A report. The following is a brief outline of the submissions

and evidence/ reports presented. This summary does not detail everything that was advanced at the hearing, but captures the key elements of what we were told.

Applicants

- **Mr Leckie** presented written legal submissions for the Applicants. He traversed the consenting history of the site and noted other relevant consented activities in the receiving environment, including the wider Threepwood development approved in 2004, the five cottages that are enabled by resource consent lying between the Homestead and the stables, the approved use of the woolshed in association with visitor or residential accommodation, and the extension to Marshall Cottage on the Rotto property. He noted the stables is a Category 2 protected item in both the operative and proposed district plan, but this protection does not extend to the barn. Mr Leckie submitted the existing use rights for the current structures and what he described as the “consented baseline” for visitor accommodation in the stables were important to our assessment. We address this further below.
- **Ms Mactaggart** presented evidence on behalf of herself and Mr Crane. She explained the purchase process and the Applicants’ attraction to the property, their long term intentions for the property as a whole, and their development proposal for the stables. Ms Mactaggart noted Ms Gillies had been engaged to assist in designing the redevelopment given her authorship of the 2005 conservation report for the stables building. Overall, the intention of the Applicants has been to create a low impact and sensitive redevelopment of the stables and barn buildings, protecting unique heritage features.
- **Ms Sutherland** presented a number of visual images to explain the proposed development and took us through the development plans. She noted that while the stables were capable of adaptive re-use, the barn was not in a condition to renovate or repair and would have to be rebuilt. It was proposed to store vehicles in the barn. There would be a glazed link between the barn, the stables and the new addition to the rear of the stables.
- **Mr Espie** presented landscape evidence. He summarised the findings of his landscape report, particularly noting the landscape character of the Threepwood area and opining that the proposal would sit well with the landscape results anticipated by both the ODP and the PDP. He considered the current landscape character would be maintained while views and visual amenity would be affected in a limited way. He did not consider the new built form to be prominent. Mr Espie supported the landscape conditions recommended by Mr Denney.
- **Mr Hopkins** addressed the servicing of the development, including roading. He noted his role was to assess a three waters infrastructure feasibility for the development and provide general engineering comment. He was satisfied that the proposed development could be serviced and noted that a number of engineering conditions recommended by Mr Vermaas should be amended. In particular, Mr Hopkins was of the view that requiring an extension to Marshall Avenue to be formed to Figure E2 standard was onerous and inconsistent with the Council’s relevant policy. He suggested an E1 formation was more appropriate. He did not consider street lighting to be appropriate given the low traffic numbers and rural location.
- **Ms Allen** presented planning evidence. This addressed key matters of concern raised in the section 42A report. Relying on the evidence of other experts, Ms Allen considered the environmental effects of the proposal to be no more than minor. She did not consider the proposal to be contrary to the relevant objectives and policies of planning instruments. Ms Allen also outlined her understanding of the consenting history, noting she considered the RM980171 consent to have included consent for

visitor accommodation of the lodge and the stables and woolshed. Ms Allen attached to her evidence a set of conditions for consideration.

Submitters

- **Ms O'Sullivan and Mr Rotto** presented a joint written statement. They noted that they owned Marshall Cottage next door to the subject site and are restoring it. They had offered to buy the stables from the Applicants on two occasions as they intended to "reunite" the original stables with the original farmhouse and repurpose the existing lean to. Ms O'Sullivan and Mr Rotto did not agree with the Applicants' approach to the consenting history and the asserted baseline of development. They stated the stables and barn buildings were fully visible from the northern end of their home and produced photographs in support of this. They also confirmed that the resource consent for Marshall Cottage did not include a final approved landscape plan and that the resource consent may never be exercised as they did not want to build a home of that size. Ms O'Sullivan and Mr Rotto also raised concerns about access and breaches of various plan rules. They did not agree that this adaptive re-use was necessary to save the buildings. A number of consent conditions were requested should we decide to grant consent.

Council Officers

- **Mr Richard Denney** addressed landscape matters. He was of the opinion that visitor accommodation had been approved in earlier decisions for the stables but noted the associated plans did not detail the development design. He also noted that the proposal would increase the presence of buildings and domestication in the context of the Outstanding Natural Feature (ONF) but that adverse effects on the open character of the ONF could be mitigated or avoided through development and design controls. He was of the view that this landscape was sensitive to change and that the nature and scale of the development would compromise the Arcadian pastoral landscape of the surrounding VAL to a moderate to substantial degree. Mr Denney recommended a number of conditions should we decide to grant consent.
- **Mr Warren Vermaas** addressed engineering matters. He recommended that the Marshall Avenue extension be upgraded to a sealed width of 5.5m to the lot boundary in accordance with Figure E2 of the Council's Land Development Code of Practice, with provision for stormwater disposal. He also recommended street lighting along the Marshall Avenue upgraded extension. Mr Vermaas was satisfied the parking arrangements on site were appropriate and that the site could otherwise be serviced. Mr Vermaas noted the presence of natural hazards on the site, accepting the conclusions of the GeoConsulting Limited report for the Applicants addressing geotechnical and natural hazards matters. A number of engineering conditions were recommended.
- **Ms Erin Stagg** addressed planning matters. Relying on Mr Denney's landscape assessment, she was of the view that the adverse effects of the proposal on the landscape were more than minor. She accepted the Applicant's assessment that the adverse effects in relation to heritage were no more than minor and this development was appropriate within a heritage context. She did not agree with Mr Vermaas that street lighting should be provided but was otherwise satisfied that adverse effects in relation to servicing and access could be managed through conditions. Ms Stagg considered the proposal to be contrary to some of the relevant objectives and policies of the relevant planning instruments.

REQUEST FOR FURTHER INFORMATION

21. At the conclusion of the hearing, we requested the Applicants provide the following further information:

- (i) A table summarising the resource consenting background that applies to both the application site and wider Threepwood development. We sought this information because the consenting history was not at all clear to us in reading the application and the evidence, particularly the extent to which previous consents may have created a “baseline” for this assessment;
 - (ii) An updated landscape plan incorporating the recommendations of Mr Espie and Mr Denney;
 - (iii) Two additional elevations requested by Mr Knott;
 - (iv) A visual perspective of the potential entry design and wooden gate;
 - (v) A visual plan showing relevant roading requirements;
 - (vi) A summary of the existing consent conditions and the changes now sought; and
 - (vii) An updated set of conditions.
22. We received this information on 30 June 2017. We issued a Second Minute on 11 July 2017 directing that Council and submitters provide comments in response to the further information no later than 25 July.
23. The Council responded on 24 July 2017 through a memorandum prepared by Ms Stagg. The memorandum concluded that:
- “Overall, provided the changes recommended by Mr Denney are accepted, it is considered that adverse effects on the environment in relation to landscape, particularly in relation to cumulative effects and effects in relation to the domestication of the landscape, can be adequately minimised or mitigated. As such, it is considered that the proposal is therefore no longer contrary to the objective or policies of the Operative and Proposed District Plans.”*
24. Mr Rotto and Ms O’Sullivan responded on 25 July 2017. They advised that the consenting time line still failed to show that there is an existing consent for visitor accommodation in the stables and considered the reuse of the barn should be regarded as a change of use. They considered the planting proposed to be insufficient and that, at the very least, plants should reach 2m above the ground level of the buildings, as opposed to where they are planted. They raised concerns about the indicative roading plan supplied. In particular, they were concerned about dust and the potential for headlights to shine into their consented house.
25. Mr Rotto and Ms O’Sullivan also sought amendments to the conditions should consent be granted. These amendments related to a covenant to prevent objections to development on their land, changes to the planting and landscaping and sealing of the private driveway.

APPLICANTS’ RIGHT OF REPLY

26. We received the Applicants’ right of reply on 28 July 2017.
27. Mr Leckie attached an updated set of conditions which pulled together all amendments discussed throughout the hearing, the request for further information and the responses to that further information. He noted that as the application concerned a land use consent rather than a subdivision consent, it was appropriate to make amendments to require the ongoing conditions to be enforced through a covenant being registered on the title, rather than a consent notice.
28. Mr Leckie stated at paragraph 15 of his reply that based on the provisions of the 2004 consent order and subsequent resource consent decisions, it is clear that visitor accommodation applies to both the stables and the footprint of the barn adjacent to the stables. He went on to say this is the “consented baseline”. We do not consider this construct of a ‘consented baseline’ to be

useful to our assessment. Nor do we agree that the barn is subject to the visitor accommodation approval in earlier consent decisions. We address this later in our decision.

SECOND MINUTE

29. For completeness, we record that we issued a Second Minute dated 3 August 2017, following the tabling of a letter with the Council on 1 August 2017 by Kirsty O'Sullivan. As the opportunity for submitters to lodge comments on the further information had passed, and the Applicant's Reply had been received, we declined to consider this letter.

RELEVANT PLAN PROVISIONS

The Operative District Plan

30. The subject site is zoned Rural General under the Queenstown Lakes District Plan Operative District Plan ("ODP").
31. The purpose of the Rural General Zone as described on Page 5-9 of the ODP is as follows:
- The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:*
- *protects and enhances natural conservation and landscape values;*
 - *sustains the life supporting capacity of the soil and vegetation;*
 - *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
 - *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*

32. The relevant provisions of the ODP that require consideration can be found in Chapter 4 (District Wide), Chapter 5 (Rural Areas), Chapter 13 (Heritage) and Chapter 22 (Earthworks).

The Proposed District Plan

33. The relevant provisions of the Proposed District Plan ("PDP") that require consideration are Chapter 3 (Strategic Directions) Chapter 6 (Landscapes), 21 (Rural zone) and Chapter 26 (Heritage).
34. The site is zoned Rural under the Proposed District Plan.
35. Section 86[b](1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. An exemption to this is section 86[b](3) in which case a rule has immediate legal effect in certain circumstances including if the rule protects or relates to water, air or soil.
36. The Proposed District Plan ("PDP") was notified on 26 August 2015. Pursuant to Section 86[b](3) of the RMA, a number of rules that protect or relate to water and heritage have immediate legal effect. The rules relating to heritage are relevant to this application, and are relevant to our consideration of this application.

Operative Regional Policy Statement

37. The relevant objectives and policies are in Part 5 Land and Part 9 Built Environment.

Proposed Regional Policy Statement

38. The Proposed Regional Policy Statement was notified on 23 May 2015 and decisions were notified on 1 October 2016. Appeals have been lodged with the Environment Court, covering a wide range of topics.
39. The relevant objectives and policies are found in Chapters 1, 3 and 5. These generally align with the Operative Regional Policy Statement.

CONSENTING BACKGROUND

40. The application site and the Threepwood development have a complicated consenting history to say the least. Following the hearing, we made a number of directions as set out above. These directions included a request for the Applicants to prepare a table documenting the consenting background that applies to the application site and the Threepwood development. This information was provided to us on 30 June 2017. We invited Council and submitters to provide comments in response. Ms Stagg generally agreed with the consenting history.
41. We summarise in this section only the critical elements of this long consenting history.
42. Consent RM980171 started the Threepwood subdivision and land use consent process. At that time, the Homestead, Stables and Woolshed were all contained within one 7ha lot. We were advised by Ms Allan and Ms Stagg that the Executive Summary to that application included this information:
- “Threepwood Farm Ltd proposes a comprehensively designed tourism and residential development project in respect of “Threepwood”, their distinctive 211 ha Ladies Mile property near Lake Hayes, Queenstown.*
- The proposals are for a 30-40 guest tourism lodge with accommodation...Lodge facilities would adaptively re-use the existing homestead, woolshed and stables.*
- These are for visitor accommodation for approximately 30-40 guests, utilizing the historic homestead and woolshed structures. Additionally, subdivision for some 53 residential allotments is proposed; in the homestead environs in the south eastern part of the site, and within the northern part of the site within Slope Hill Basin. An additional allotment would be created for lodge facilities. Two other allotments are proposed for grazing/ open space/ landscape conservation purposes.”*
43. We were also advised that the land use consent sought was described as visitor accommodation for the lodge and associated facilities. The summary of consultation and key issues in the application documents referred to the adaptive re-use of the existing homestead, woolshed and stables as “communal facilities”. Figure 2 to the application included the stables and a shed (the latter now being referred to as the barn).
44. The Council's decision to grant consent was appealed to the Environment Court. The Court consent order dated 6 May 2004 confirmed that Lots 21-23 included the homestead, stables and woolshed. Various conditions referred to the “lodge and associated facilities” and “the homestead, the woolshed and the stables”. No specific mention was made of the shed/ barn building. It is possible to interpret this as an oversight in the consent application and consent order documents. Equally, it could be interpreted that visitor accommodation was not authorised in the shed/barn.
45. Ms Allen's consenting history confirmed that in 2006, application was made for visitor accommodation for all of the residential lots within Threepwood. This did not include the stables and barn.
46. The first decision on application RM070477 concerned the question of whether an application to convert the homestead and woolshed to a lodge and day spa should be notified. The decision partly traversed the complex consenting history and noted the problem in the 2004 Consent Order not clearly identifying which land use activities had been authorised through that Consent Order, which related to the aforementioned RM980171 application. The Council's Hearing Commissioners reviewed the application documents for RM980171 and recorded:
- “There are further references to these buildings being part of a complete group of buildings reflecting the historic use of the farm, its development over time, and the place of these buildings in a highly picturesque and authentic setting, these being aspects of a report made*

available from Mr Ian Bowman, a conservation architect, as part of the 1998 process. The application and supporting documents specifically envisaged preparation of a conservation plan by a registered conservation architect to direct appropriate conservation and adaptation while retaining heritage values. Reference was made to the “obvious beneficial effect of the longevity of each individual structure” and to the integrity of the grouping of the buildings.”¹

47. The Commissioners decided the application should be publicly notified because the extent of the changes sought were not on the plans and application made in 1998 that led to the Consent Order in 2004. The Commissioners concluded that the homestead and woolshed buildings fell within the 1998 application, even though there was some uncertainty as to the specificity of that application, because some of the conditions of the 2004 Consent Order could be said to relate to those buildings. The 1998 application “referred to specific plans for the homestead and specific purposes for the woolshed.”²

48. Following that notification decision, the applicant amended the application to exclude the homestead. That resulted in non-notification of the application. The application to adaptively re-use the woolshed as a day spa was granted with conditions.

49. No specific mention was made of the barn in either the notification decision or the decision granting consent to the re-use of the woolshed. In the decision to grant consent to RM070477, the Commissioner recorded the applicant’s summary of the consented development for the site as including “Approval to undertake alterations and additions to a number of existing heritage buildings for the purposes of adaptive re-use for visitor accommodation purposes.”³ As will be evident from this decision, we do not agree that the earlier consents definitely included the barn.

50. In the Applicants’ reply concerning this current application, Mr Leckie submitted that visitor accommodation forms part of the “consented baseline” on the application site. At paragraph 13 Mr Leckie contended that:

“Ms Allen gave evidence in relation to this prior to and during the hearing. Ms Stag [sic] agrees that Visitor Accommodation is consented for the stables building and modifications to it”

51. We do not consider that the evidence confirms the previous consents applied to the barn. Ms Allen relied on the decision in RM070447 referred to above, which she said confirmed that the woolshed is consented for visitor accommodation. She then went on to say that the decision concluded that discretionary consent was required for any additions to a heritage building not contained within a platform and that she agreed with this. On this basis, she advised us that this conclusion remains valid for the stables. At paragraph 25 of her evidence, she stated that it was anticipated that consents for alterations and additions to the stables would be required.

52. In her response to the further information provided by the Applicants, Ms Stag advised that she did not consider it clear from the relevant site history that the barn building was included in the adaptive reuse of the stables and woolshed. She went on to state at paragraph 3 that:

“... it is likely the Council implicitly included the adaptive re-use of the barn building when considering the proposed use of the heritage buildings onsite in association with the visitor accommodation within the Historic Homestead.”

53. Having considered the evidence and further information provided to us, we are satisfied that the use of the stables building for facilities associated with visitor accommodation was consented under RM980171. However, we cannot say with sufficient certainty that this aspect of the RM980171 consent could be implemented, as it would rely on further resource consents. In particular, resource consent would be required to undertake both internal and external

¹Notification Decision RM070477 at page 45

² At page 48

³ Consent Decision RM070477 at page 4

alterations to a Category 2 Listed Building. There were no plans detailing the nature of internal or external alterations that may be required to use the stables for facilities associated with visitor accommodation. We also note that in all of the information provided, visitor accommodation was intended to operate, as Ms Stagg states, 'in association with the visitor accommodation within the Historic Homestead'.

54. We have not found evidence that the barn was consented for visitor accommodation. The Applicants and the Council appear to be arguing that the reference to the stables in the consenting history was intended to include the barn, even if the consents do not reflect this. There is no clear evidence that the barn was so consented. Unlike the woolshed referred to in RM070477, there were no specific conditions referring to the barn in the previous consents. We do not consider it appropriate to "read in" an extension to those consents to include the barn. We have taken a more cautious approach.
55. During the course of the successive resource consents, the amalgamation condition imposed under the original subdivision RM980171 has been part cancelled. This amalgamation condition required Lots 21-23 to be held in the same certificate of title. Lot 22 is now held in a separate title from Lot 21. The previous Lot 23 is now Lot 1, and continues to be held with Lot 22.
56. Overall, we have great difficulty with Mr Leckie's proposition that there is a "consented baseline" on which we can rely.
57. Our decision is that there is some evidence to support the homestead, the woolshed and the stables being previously consented for visitor accommodation. There is no evidence that the barn was also included. For that reason, we find that this resource consent must **exclude** visitor accommodation, as no application has been made for that activity.
58. Finally, on this topic, we also record that we do not accept Mr Leckie's submission that the environmental effects of residential and visitor accommodation are similar and that we should not be concerned about the final end use.⁴ Visitor accommodation can result in quite different effects to permanent residential living, and can particularly affect the amenity of neighbours.

PERMITTED BASELINE, EXISTING ENVIRONMENT AND RECEIVING ENVIRONMENT

59. The application identified the permitted baseline as comprising the use of the existing stables and barn buildings for rural purposes and the construction of an access onto Marshall Avenue. The s42A report prepared by Ms Stagg identified farming, viticulture and horticulture activities as forming part of the permitted baseline. We agree with Ms Stagg that the permitted baseline is of limited assistance to our consideration of this application.
60. The existing environment includes the stables and barn buildings. These are currently not used and on our site visit we observed a fence had been erected around the buildings to prevent access for safety reasons.
61. The receiving environment includes the overall Threepwood development, as approved by the 2004 consent order. This approved the creation of 80 residential lots and a lodge for visitor accommodation, including 10 cottages. Subsequent resource consents and variations to resource consents have approved the use of the woolshed as a dwelling or visitor accommodation, a new dwelling on the Marshall Cottage site and the five cottages on the homestead site (being a reduction from the 10 approved earlier under RM980171).

⁴ Applicants' Reply Submissions paragraph 18

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Landscape effects

62. There was no dispute that the site lies within a Visual Amenity Landscape (“VAL”).
63. We have considered the proposal in light of the relevant VAL Assessment Matters. Given the difference in opinion between Mr Espie and Mr Denney we have set out the evidence in some detail.

Effects on natural and pastoral character

64. Mr Espie and Mr Denney both identified that the site is adjacent to the outstanding natural features (ONF) of Slope Hill and Lake Hayes. The boundary of the Slope Hill ONF roughly accords with the site’s north-western boundary. Lake Hayes lies to the east of the site.
65. Ms Espie’s assessment described the landscape character of the Threepwood area as one of a small rural living area but one that has a strong historic dimension to it and is set in well-treed pastoral surroundings. Threepwood is at the eastern end of the Ladies Mile Flats, which slope down to Lake Hayes. Slope Hill rises to the north of the flats. Mr Espie described the Threepwood area as a classically picturesque setting, with historic buildings, lakeside location, open paddocks and a mix of both well-established and newer trees.
66. Mr Denney generally agreed with Mr Espie’s description, but saw a separation between the more manicured amenity landscape of the homestead and rural lifestyle development to the southeast and the site. Mr Denney was of the view that the site sits within its own setting, which is ‘a remnant of a historic pastoral landscape that is surrounded and dominated by the dramatic and scenic landforms of the eastern face of Slope Hill and the waters and margins of the lake’. ⁵
67. Mr Espie was of the opinion that while the Arcadian/pastoral character will be reduced to a moderate degree at a ‘micro scale’, the impact would be negligible when considered at the scale of the Threepwood vicinity as a whole. He relied on Ms Gillies’ conclusions (stated in her heritage report) that the design would be appropriate from a heritage perspective. Mr Espie concluded that the stables building will continue to impart the historic associations in relation to landscape character.
68. While Mr Denney agreed that the introduction of a residential development would be apparent at a micro level, he was of the opinion that it would be borderline over-domestication of the site and locality. He went on to state that in terms of the broader landscape, such effects would be in the context of other rural living development, but also the less modified landscape of the ONF. He concluded that domesticating effects could be mitigated or avoided by a number of measures, including additional planting, avoiding the use of certain ornamental species and certain building materials, changes to the proposed landscaping, and specifications for colours and materials, fencing and lighting. These measures were set out in detail at paragraph 27 of Mr Denney’s report.

Visibility of Development

69. Mr Espie’s assessment identified the zone of theoretical visibility (ZTV), which included the surface of Lake Hayes, State Highway 6, Lakes Hayes Road, parts of the Lakes Hayes walking track, private properties to the east and southeast, private properties immediately adjoining the site, Bendemeer Bay Recreation Reserve and the Lake Hayes Showground Domain and part of Marshall Avenue. His assessment included a detailed assessment of effects on views and visual amenity within the ZTV.
70. Mr Espie’s assessment was that the proposed development would be visible, but views would be variable and intermittent. The exception to this is when viewed from some closer lake surface viewpoints, sections of the Lakes Hayes Walking Track in close proximity to the site

⁵ Mr Richard Denney, Landscape Report, 17 May 2017, paragraph 14.

and the immediate adjoining private properties. Mr Espie acknowledged that the stables and barn buildings will no longer appear as unoccupied farm buildings and the change to residential use would be evident.

71. For the majority of the viewpoints, Mr Espie commented that the proposed development would be discernible if a viewer chose to focus on the building, but that the overall composition and quality of views would change very little. However, the building would be moderately visible from the closest point of the Lake Hayes Walking Track and surface of Lakes Hayes. Mr Espie considered that the scene would lose some of its current qualities and that the visual experience would change to a slight to moderate degree.
72. Mr Denney considered that views from Marshall Avenue should also be considered, as this is used to access the lake and has potential to form a public access route through to State Highway 6 and Howards Drive. He concluded that the proposed development would significantly distract from views from Marshall Avenue and nearby lake margins and waters.
73. Mr Espie disagreed with Mr Denney's assessment in this regard. He noted that in the event that Marshall Avenue is used by the public, users would be at a lower elevation and that the visual effects would therefore not be problematic. Mr Espie went on to offer up acceptance of the additional mitigation measures proposed in Mr Denney's report.
74. The Marshall Cottage property sits below the application site. Mr Espie concluded that there would be no significant adverse effect on views of visual amenity for the Rotto building platform area and some slight visibility from the very northern end of the Marshall Cottage and its garden. He was of the opinion that this visibility would be considerably screened by existing trees and the trees required by the resource consent to build the Rotto House (being the new dwelling proposed adjacent to the Marshall cottage).
75. During the course of the hearing, we heard from Mr Rotto and Ms O'Sullivan, owners of the Marshall Cottage property. We were advised both in their submission and at the hearing that the consent for the Rotto House may not be implemented and that a smaller house design may be considered for the site. Given this uncertainty, we do not consider that we should rely on the landscaping for the Rotto House as providing mitigation for the proposal.
76. Mr Denney's report proposed additional mitigation to address visual effects, which included planting evergreen vegetation between the garage and Marshall Avenue. Mr Espie advised in his evidence that while he did not consider that complete screening of the proposed development is appropriate or necessary, he saw merit in vegetation within the subject site, as suggested in the submission by Mr Rotto and Ms O'Sullivan.
77. Following the hearing, the Applicants provided further information including a Structural Landscape Plan. This information was reviewed by Mr Denney who advised us that with one exception, this plan addressed most of the changes recommended in Mr Denney's original report. Mr Denney was concerned that the planting grades were too small and that the location of the evergreen trees were not identified. He advised that changes were needed to ensure effective year round visual screening. His memorandum included further changes to the conditions to address these points.
78. During the hearing, Mr Denney also raised some concerns about the use of corten steel and the potential glare effects from the glazed portions of the building with a northerly and eastward aspect. He advised us that this corten steel can have a bright orange finish that would not be appropriate within the landscape. He further advised that there are methods such as oiling the steel that could address this concern and would ensure the finish would blend appropriately with the landscape. With respect to potential glare effects, Mr Denney was of the opinion that some of the glazed portions of the building may be prominent.
79. The conditions attached to the Applicants' reply sought to address the issues raised by Mr Denney by specifying that corten steel is to be treated to ensure a dark rusty tone. The

conditions also proposed a condition to require Council to monitor the potential glare effects and if found to be unacceptable, to enable mitigation measures to address this. We are satisfied that the proposed amendments to the conditions relating to the use of corten steel are appropriate. With respect to the proposed amendments to the conditions relating to glare, we are of the view that it is more appropriate for the Applicants to submit a report to assess this. We further consider that this should be subject to a review condition to enable Council to review the effects of glare resulting from the glazing of the buildings.

80. Overall, we are satisfied that with changes to the conditions, as recommended by Mr Denney, the visibility of the development will be suitably mitigated and that the visual effects will be no more than minor.

Form and Density of Development

81. The proposal is for the adaptive re-use of the historic stables building, together with the additions and the rebuilding of the existing barn. We agree with Mr Espie and Mr Denney that the topography of the site offers little opportunity to site development where it would not be visible. Further, we agree that a new residential building in an alternative location would have far greater landscape and visual effects.

82. By modifying and adding to the existing buildings (stables and barn), the proposal aggregates development in a confined part of the site. Mr Espie and Mr Denney agreed that the proposal will not result in a density of development characteristic of urban areas.

Cumulative Effects

83. Mr Denney and Mr Espie agreed that the existing environment includes the consented visitor accommodation cottages, the woolshed dwelling and dwellings on vacant building platforms within the Threepwood development. They both considered this in their respective assessments.
84. Mr Denney was concerned that this consented development has pushed this rural landscape to its limits. He was of the view that the presence of the historic stables had provided a catalyst to support 'piggy-backing' of new residential development into the landscape. He went on to say that there are, however, no other heritage buildings left in the vicinity to establish any further foothold in the landscape.
85. Mr Espie acknowledged the proposal will increase residential use, but did not consider that it would breach a threshold of acceptability.
86. Having considered the evidence of Mr Denney and Mr Espie and taking into account the consented development in the Threepwood area, we consider this proposal represents the threshold with respect to the vicinity's ability to absorb further change. We are satisfied that the cumulative effects of development can be appropriately managed by conditions of consent.

Rural Amenities

87. Mr Denney and Mr Espie agreed that the proposal will maintain visual access to open space and views across Arcadian pastoral landscapes. Both noted that no infrastructure of an urban nature will be required and that the proposal will not impact on the ability to undertake agricultural activities.

Traffic Generation and Vehicle Movements, Parking and Access

88. The section 42A report included an assessment by Council's engineer, Mr Vermaas. He was satisfied with the proposed parking and manoeuvring arrangements. He noted that the unformed legal section of Marshall Avenue has not yet been formed and recommended conditions to require a 5.5m formation width (E2 standard under Council's land development Code of Practice). Mr Hopkins disagreed and considered a formation width of 5.5m to be onerous. He advised that a 2.5m formation width (E1 standard under Council's Code of Practice) would be adequate.

89. Ms Stagg confirmed in her response to the further information provided by the Applicants on this matter that Mr Vermaas maintained that the roading standard identified in his original report was still warranted. She went on to advise that in her view, this was not warranted given only one dwelling is proposed.

90. We consider that it is not appropriate to require the road to be upgraded to E2 formation, as it would not fairly or reasonably relate to this application. We are satisfied that an E1 formation will be appropriate.

Infrastructure

91. Mr Vermaas and Mr Hopkins were both satisfied that adequate provision could be made for water supply, wastewater and stormwater disposal. Conditions were recommended to address these matters. We are therefore satisfied that appropriate services can be provided.

Earthworks

92. Mr Vermaas recommended a suite of conditions in order to avoid or mitigate any adverse effects that may arise from the earthworks proposed to establish the dwelling. The proposal involves cutting into the slope behind the stables. The total volume of earthworks will be 910m³. Given the site's proximity to Lake Hayes and the slope of the land down to the lake, we consider it imperative that measures are employed to contain sediment run-off. We are satisfied that conditions can be imposed to ensure this.

Natural Hazards

93. Mr Vermaas confirmed that Council records indicate hazards from landslide, active alluvial fan and liquefaction. The Applicants' geotechnical report addressed the risks associated with these known hazards and made recommendations including supervision of all excavations by a suitably qualified geotechnical engineer. We agree that any risk from natural hazards will be appropriately mitigated by conditions.

Heritage – Assessment Matters (Heritage) and Chapter 26 Historic Heritage - PDP

94. Ms Gillies prepared a heritage assessment in support of the proposal. She concluded that providing for the adaptive reuse of the stables would prevent the future deterioration of a significant heritage building. Ms Gillies provided a detailed assessment of design approach and the suitability of the materials. She described how the additions would be set back and recessed into the hill behind the stables and that the materials, scale and finish would provide a suitable and sympathetic link to the historic buildings.
95. Ms Gillies concluded that in her opinion, the proposal would have a net positive effect, by ensuring a long-term future for the buildings (stables and barn).
96. Mr Knott provided a report reviewing Ms Gillies' assessment. Mr Knott advised of his support of the proposal and stated that he was satisfied that the proposal followed well established heritage principles.
97. We accept the advice of both heritage experts and consider the proposal meets the assessment matters for heritage and historic heritage in the ODP and PDP.

Cumulative effects

98. We have addressed cumulative effects in our discussion of landscape effects above. As we have noted, the site and wider Threepwood development have a complex consenting history. Our task in assessing the cumulative effects has not been made easy by the successive applications and variations to approved resource consents.
99. We agree with Mr Denney's assessment that the stables and barn are separated from the other buildings in the landscape, as they sit in a more elevated and open position above the lake margins and next to the Slope Hill ONF. We have concluded that this development represents the threshold for the vicinity's ability to absorb further change.

Positive Effects

100. The existing buildings are in a state of disrepair. We agree with the detailed and thorough assessment of Ms Gillies and Ms Sutherland that this proposal represents the best opportunity to ensure the long-term retention of the historic stables building. The preservation of historic heritage is a matter of national importance and a clearly positive effect that will arise from this proposal.

Summary of effects

101. Overall, having considered the evidence presented, the application and supporting reports, the submissions, Council's reports and the further information supplied following the hearing, we are satisfied that the adverse effects of the proposed activity will be no more than minor. We have carefully considered the conditions put forward by Council and the Applicants and are confident that with some changes, any adverse effects will be appropriately avoided, remedied or mitigated. We reiterate our conclusion above that we also consider that this development will result in a threshold being reached. We consider it unlikely that further development will be able to be absorbed into the landscape in the vicinity of the site.

OBJECTIVES AND POLICIES OF THE RELEVANT DISTRICT PLANS

102. We have considered the detailed assessments of the objectives and policies of the relevant Plans as set out in the Application, the section 42A report and the evidence of the planning experts.

Operative District Plan ("ODP")

Chapter 4

103. The relevant parts of Chapter 4 of the ODP are Objective 4.2.5 and Policies 1, 4, 8, 9 and 17 and Part 4.8.
104. Objective 4.2.5 requires that subdivision, use and development be undertaken in a manner which avoids, remedies or mitigates adverse effects on the landscape and visual amenity values. Policies 1(a) and 1(b) are particularly relevant. Policy 1(a) states:
- "(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."*
105. Policy 1(b) has more direct relevance, stating:
- "(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."*
106. We are satisfied that the proposal is not contrary to the objective and the related policies.
107. VALs are addressed in policies 4(a) and (b). Policy 4(a) states:
- "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.*
108. Policy 4(b) states:
- "To mitigate loss of or enhance natural character by appropriate planting and landscaping."*

109. There was no dispute that the proposal will be visible from a variety of viewing points. However, the effects can be remedied or mitigated through appropriate conditions of consent. We are satisfied the proposal is not contrary to these policies.
110. Policy 8 addresses cumulative degradation and states:
- “In applying the policies above the Council’s policy is:*
- 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 effects on landscape values of over domestication of the landscape.*
- To encourage comprehensive and sympathetic development of rural areas.”*
111. We have noted in our discussion of cumulative effects our finding that this landscape will have reached its threshold to absorb change upon the granting of this consent. The expert landscape evidence confirms that the planting proposed is appropriate in this landscape. The proposal is a comprehensive and sympathetic development of this rural area and the heritage buildings contained within it. Overall, the proposal is not contrary to Policy 8.
112. Policy 9 seeks the preservation of visual coherence of various landscapes, including the VAL, through various means.
113. Policy 9(a) applies to outstanding natural landscapes and features and VALs and includes:
- “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.”*
114. Policy 9(b), which applies to VALs only, includes:
- “by screening structures from public roads and other public places by vegetation whenever possible and to maintain and enhance the naturalness of the environment.”*
115. Policy 9(c) states:
- “All rural landscapes by*
- limiting the size of signs, corporate images and logos;*
- providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views associated with views from public roads.”*
116. The proposal is not contrary to these policies.
117. Policy 17 encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. We are satisfied the proposal is not contrary to this policy.
118. Part 4.8 of the ODP addresses natural hazards. We addressed this earlier in our decision. The proposal is not contrary to this policy.

Chapter 5

119. The relevant parts of Chapter 5 of the ODP are Objective 1 and supporting Policies 1.1, 1.3, 1.4, 1.6, 1.7 and 1.8. Objective 1 seeks the protection of 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. The supporting policies direct us back the district wide objectives and policies in Part 4 of the ODP and also direct, relevantly:

“1.3 Ensure land with potential 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 adversely impacted.

1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.

1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.

1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.”

120. There is considerable overlap with the policies in Chapter 4. We addressed these matters earlier in our decision. The proposal is not contrary to Objective 1 and its associated policies.
121. Objective 3 Rural Amenity requires that adverse effects on rural amenity be avoided, remedied or mitigated. The three relevant supporting policies(3.1-3.3) are directed at ensuring a wide range of rural land uses can occur in the zone without loss of rural amenity values, avoiding, remedy or mitigating the adverse effects of activities located in rural areas, and ensuring appropriate setbacks to avoid or mitigate effects on neighbours. This proposal will not result in any effects on rural land uses. The proposal is not contrary to this objective and its associated policies.

Chapter 13

122. Chapter 13 Heritage includes Objective 1 Heritage Values. It states:

“The conservation and enhancement of the District’s natural, physical and cultural heritage values, in order that the character and history of the District can be preserved.”

123. The supporting policies include protecting and enhancing the heritage values of rural areas, including the cumulative value of retaining groups of buildings (Policy 1.1). Policy 1.4 requires that Category 1 or 2 items of the NZHPT Register be included within Appendix 3 to the ODP. The stables are listed as a Category 2 item. The barn is not listed.
124. We are satisfied that the proposal is not contrary to the objective and supporting policies. While the barn will be demolished and rebuilt, that building is not a listed heritage item. It is in a bad state of repair and is likely to fall down unless significant work is done to it. The stables are in a better state of repair but will require significant investment if they are to remain standing, safe and useable in the future. We are very conscious that the residential extension behind the dwelling is not a heritage feature in itself. However, we are satisfied that the adaptive re-use of the building enables the continued preservation of the stables and important parts of its heritage character.

Chapter 22

125. Chapter 22 Earthworks includes relevant Objective 1 and Policy 1.1 which seek to promote earthworks that are designed to be sympathetic to natural topography and to provide safe and stable building platforms and access with suitable gradients.
126. Objective 2 and its related policies address the management adverse effects of earthworks on rural landscapes and visual amenity values. We addressed earthworks in our assessment of environmental effects.
127. The proposal is not contrary to these objectives and policies.

Proposed District Plan ("PDP")

128. The PDP has retained the Rural zone for this site, but the VAL classification has been changed to Rural Landscape.
129. Chapter 6 Landscapes includes a number of objectives and policies which continue the ODP's general theme of protecting some landscapes, including Rural landscapes, from inappropriate subdivision and development. Adverse cumulative effects caused by incremental subdivision and development are to be avoided. Subdivision and development is not to degrade landscape character and diminish visual amenity values of the Rural Landscape.
130. Chapter 21, Rural, requires that subdivision and development in areas that are identified as unsuitable for residential development be avoided. Some objectives and policies seek to enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values. Life supporting capacities of soils are also addressed, as are reverse sensitivity effects.
131. Chapter 26, Heritage, is more detailed than the heritage chapter in the ODP. Its objectives and policies include the following:
 - a) *Recognising and protecting historic heritage features in the District from the adverse effects of land use, subdivision and development (Objective 26.5.1);*
 - b) *Ensuring those heritage buildings that warrant protection are recognised in the Inventory of Protected Features (Policy 26.5.1.1);*
 - c) *Protecting historic heritage features against the adverse effects of land use and development, including cumulative effects, proportionate to their level of significance (Policy 26.5.1.2);*
 - d) *Providing for the sustainable use of historic heritage features and encouraging the ongoing economic use of heritage buildings and sites by allowing adaptations and uses that do not permanently adversely affect heritage values and in accordance with best practice (Objective 26.5.2 and Policy 26.5.2.1);*
 - e) *Enhancing historic heritage features where possible and encouraging opportunities to enhance historic heritage features, including the need for the provision of interpretation and, by offering possible relaxations in rules elsewhere in the Plan, accommodate better planning outcomes for heritage on a case by case basis (Objective 26.5.4 and Policy 26.5.4.1);*
 - f) *Accept that ongoing improvements to buildings, including earthquake strengthening and other safety measures, will assist in providing for their ongoing use and longevity (Policy 26.5.4.3).*

132. We find that the proposal is not contrary to these objectives and policies. The development will protect the stables (a listed building) and allow for its adaptive re-use in a way that does adversely affect its heritage values. The design and re-use follows best heritage practice.
133. While rules in the heritage chapter had immediate legal effect following notification of the PDP, section 86A(2) confirms that the weight to be given to the PDP objectives and policies has not changed. Less weight can be placed on the objectives and policies of the PDP given its stage of the process. The PDP has been the subject of submissions and hearings on the chapters outlined above, but no decisions have been released. We note that a number of submissions were made on Chapter 26 of the PDP, including a submission from Ms Gillies seeking that the stables be re-categorised as Category 1. Mr Knott supported this change and noted with us in questioning at this hearing that a change to Category 1 would mean the Council had more control over demolition and alterations. Mr Knott still considered this proposal to be appropriate if the categorisation changed to Category 1. As no decisions have been released on the PDP, we can take the matter no further.

OBJECTIVES AND POLICIES OF THE RELEVANT REGIONAL PLANS

Operative Regional Policy Statement

134. Objective 5.4.1 of the operative ORPS addresses land in the region and seeks to promote the sustainable management of Otago's land resources in order to maintain and enhance the primary productive capacity and life-supporting capacity of land resources, and to meet the present and reasonably foreseeable needs of the region's people and communities. Objective 5.4.2 seeks that degradation of Otago's natural and physical resources resulting from activities using the land resource be avoided, remedied or mitigated. Supporting policies refer to the maintenance and enhancement of Otago's land resource through avoiding, remedying or mitigating adverse effects of activities which have the potential to cause a number of adverse effects to that land resource.
135. Objective 9.4.1 sets out a number of objectives for the built environment, including conserving and enhancing environmental and landscape quality within Otago's built environment. Policies 9.5.4(c) and (d)(vi) respectively require the minimisation of the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating, amongst other things, the visual intrusion and a reduction in landscape qualities and on amenity values.
136. Policy 9.5.5 requires the maintenance and, where possible, enhancement, of the quality of life for people and communities within the region's built environment through a number of means.

Proposed Regional Policy Statement

137. Objective 1 of the proposed ORPS provides for the recognition for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.
138. Policy 1.1.1 includes a number of means by which this should be achieved, including:
- “(b) Taking into account the impacts of management of one resource on the values of another, or on the environment;*
- (c) Recognising that resource may extend beyond the immediate, or directly adjacent, area of interest;”*
139. Policy 1.1.3 requires that the social and cultural wellbeing and health and safety of Otago's people and communities are provided for when undertaking the subdivision, use, development and protection of the region's natural and physical resources.

140. Policy 3.2.6 requires the management of highly valued natural features, landscapes and seascapes, requiring that these be protected or enhanced by a variety of means, including:

“(a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;

(b) Avoiding, remedying or mitigating other adverse effects.”

141. Less weight can be placed on the proposed RPS provisions, given they are still subject to appeal.
142. Overall, we consider the proposal is not contrary to the regional planning instruments.

SECTION 104, 104B AND 104D ASSESSMENT

143. We are satisfied that the application meets both thresholds of section 104D of the Act.
144. Under section 104, we are satisfied that the actual and potential effects of the activity on the environment are not significant and can be addressed through consent conditions. The proposal is consistent with the relevant provisions of the district and regional planning instruments.
145. Consent may be granted subject to conditions under section 104B of the Act.

OTHER MATTERS

Precedent

146. We do not consider that any precedent will be raised by this proposed development. The site is unique in holding two historic buildings, one of which is protected. The comprehensive and well thought out design of the redevelopment takes into account, and to some extent preserves, the heritage character of this small precinct.

PART 2 MATTERS

147. There is currently a conflict in the case law as to whether it is necessary to consider a proposal against Part 2 of the Act. In RJ Davidson v Marlborough District Council,⁶ the High Court decided that a Part 2 assessment is not required unless the governing plan contains some invalidity, incompleteness or ambiguity. We understand this decision has been appealed to the Court of Appeal and a hearing is scheduled later this year.
148. A different approach has been taken in Turners & Growers Horticulture v Far North District Council,⁷ where a separate division of the High Court has decided that Part 2 continues to apply, at least in plan change hearings. It is unclear whether that approach is intended to also apply to resource consent applications.
149. Following the Davidson approach, we find the ODP and the operative ORPS are not subject to the three caveats of invalidity, incompleteness or ambiguity. The relevant provisions of those plans have already given substance to the principles in Part 2 of the Act. In saying that, however, we record the PDP's more comprehensive approach to heritage matters in the whole. That is not to say that the ODP is incomplete, simply that it is less detailed.
150. Decisions on the PDP are not yet available. The notified version of the PDP on which we must rely has not yet been tested as to whether it gives effect to Part 2 of the Act. The proposed

⁶ R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52

⁷ Turners & Growers Horticulture v Far North District Council [2017] NZHC 764

ORPS has been the subject of decisions, but these have been subject to challenge through the appeal process.

151. For completeness, given the inconsistent approach of the High Court at the time of writing this decision, we have considered Part 2. Our assessment of the application is that the purpose of the Act is achieved through this proposal. It enables the adaptive re-use of an identified heritage building, the stables. In doing so, the important history of the building has been taken into account and retained as much as possible. This brings social and cultural benefits.
152. Section 6(f) of the Act requires that the protection of historic heritage from inappropriate subdivision, use and development be recognised and provided for as a matter of national importance. The expert evidence we have heard confirms that the proposed adaptive re-use is an appropriate use of the historical buildings.
153. Section 7(b) requires us to have particular regard to the efficient use and development of natural and physical resources. We agree with Mr Leckie's opening submissions that these two buildings have been associated with each other for a long time and the proposal is a sensitive adaption to allow their heritage significance to be protected in the future. This is an efficient use of an existing resource that could otherwise be neglected.
154. Sections 7(c) and (f) require that we have particular regard to the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. We are satisfied that these will be achieved.
155. There are no section 8 matters of relevance.
156. For the reasons set out in this decision, we consider the application to satisfy the relevant matters in Part 2 of the Act, and overall will achieve the purpose of the Act.

DETERMINATION

157. Consent is sought to undertake additions and alteration to a Category 2 protected building and convert it into a residential dwelling that is not located within a residential building platform, along with associated earthworks, serving and landscaping. A separate application is made to vary a consent condition to enable the construction of a building that will not comply with Condition 4 of the Design Control Criteria.
158. Overall, the activity was assessed as a non-complying activity under sections 104, 104B and 104D of the Act.
159. Consent is granted subject to conditions. For the reasons stated in this decision, this consent does not authorise the use of the buildings for visitor accommodation.

Dated at Queenstown this 25th day of August 2017.



Jan Caunter

For the Hearings Commission

APPENDIX 1 - CONSENT CONDITIONS

CONDITIONS OF CONSENT RM170110

General Conditions

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

Origin Consultants

- 'Proposed Site Plan' File 377 Sheet A10 Rev B
- 'Proposed Floor Plans' File 377 Sheet A11 Rev F
- 'Proposed Elevations North & South' File 377 Sheet A20 Rev E
- 'Proposed Elevation East' File 377 Sheet A21 Rev E
- 'Proposed Section' File 377 Sheet A22 Rev D
- 'Proposed Sections' File 377 Sheet A23 Rev A
- 'Retained Elements' File 377 Sheet A32 Rev D

stamped as approved on 24 August 2017

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

- 2a. 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.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.

Landscaping

3. The landscape plan *Structural Landscape Plan, Threepwood, Queenstown*, Ref 1167- SLP2 dated 26/06/2017 submitted with the application shall be amended and resubmitted to council for certification prior to works beginning on site. The plan shall be amended to achieve the following:
 - a) Include a detailed planting schedule and identify full botanical names, grades, density and number of plants to be planted. All exotic trees to be planted at no less than 1.5m in height at the time of planting, all indigenous shrubs and trees to be planted at no less than a PB8 and 1m in height, except beech trees to be planted at no less than 1.5m in height.
 - b) Identify the location and full botanical name of proposed planting of pittosporum and sophora, and additional planting of no less than five indigenous beech within the area to the east of the building. This is to ensure there is evergreen vegetation between the four bay garage and Marshall Ave sufficient to screen the garage and associated external vehicle areas and vehicles in such areas from view from the Lake Hayes walkway, and reduce the prominent scale of the residential building.
4. Prior to the commencement of works on site, the consent holder shall submit to Council for certification the design of the entrance gates. The entrance gate shall be consistent with traditional rural elements, to be small in scale consistent with the character of the Stables building no wider than 3.5m and no higher than 1.2m and avoids the use of monumental gateways structures. Gate design be of a standard timber farm gate design.
5. All earthworks shall be contoured to follow the natural form and blend seamlessly into the surrounding natural landform. All areas of earthworks shall be re-sown in grass consistent with the surrounding site within three months of completion of the earthworks and shall be maintained to achieve a healthy and continuous sward of grass or planted within the relevant areas as per the certified landscape plan.

6. All planting as per the certified landscape plan shall be implemented within 12 months of completion or occupation of the building. All planting shall have an organic compostable mulch and a slow release fertiliser applied, irrigated as required for no less than two years from date of planting, trees to be staked to good horticultural practice and all plants protected from pest with individual protection sleeves or rabbit proof fencing to ensure healthy growth and plant establishment. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
7. All areas of glazing on the new buildings (being the new additions located to the rear of the rebuilt barn and stables), facing towards the lake, lake margins and state highway 6, shall be recessed or include eaves above to a depth of no less 600mm in accordance with the plans approved under Condition 1.

Note: The objective of this condition is to reduce the effects of glare increasing the prominence of residential built form in this setting.

8. All retaining walls identified on the approved landscape plan visible from beyond the property boundary shall be schist stone clad, or similar such as schist veneer, with a dominance of natural stone (no less than 70%) over plaster/mortar (no more than 30%) or timber stained a dark grey with a LRV of between 7% and 20%.
9. External colours and materials for all buildings, building extension, structures within the property (excluding the heritage listed stables building as defined by the historic footprint of that building and also excluding the use of corten steel treated and recycled corrugated iron as approved on the plans in condition 1), shall be of dark recessive colouring of natural tones of grey, cool brown or green with a light reflectivity value of between 7% and 20% for the roof, and between 7% and 30% for both the walls and all other external built form elements including joinery, spouting, satellite dishes etc. The corten steel shall be treated to ensure a dark rusty tone. All external materials and colours shall be submitted to Council for certification prior to construction. These colours and materials supplied for certification must be clearly defined as per manufactures specifications, and/or potentially samples of proposed materials including recycled corrugated iron and corten steel.
10. Clear or opaque roof panelling or skylights shall not be installed on the roof of any building visible from the lake, lake margins or State Highway 6.

Note: The objective of this condition is to avoid potential contrasting banding effects that would highlight built form within this setting.

11. The access drive and vehicle manoeuvring area shall be gravel of a local Wakatipu grey coloured stone and exclude the use of concrete kerb and channels to ensure the rural and heritage character of the site is retained. Vehicle entrances onto Marshall Avenue shall not be any wider than 3.5m.

Engineering

General

12. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

13. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
14. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
15. 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 professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the '*Geotechnical Assessment: Stables and Barn Redevelopment, Threepwood Farm, dated 9 June 2016*', and who shall supervise the excavation procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability
16. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and acceptance, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (12), to detail the following engineering works required:
 - a) The Provision of a water supply to the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy, dated August 2015. The costs of the connections shall be borne by the consent holder.
 - b) The Provision of pressure sewer rising main from the development pump station to the QLDC manhole at the existing Marshall Ave cul-de-sac. This shall include manhole connection and pump station design detail.
 - c) The formation of a sealed extension to Marshall Avenue to the subject lot boundary in compliance with Council's standards. For clarity this shall be designed to comply with the geometric requirements of Figure E1 for "Live and Play" with a sealed Movement Lane of at least 2.5m width. Provision shall be made to dispose of any stormwater from the sealed extension of the road.
 - d) The provision of a vehicle crossing to the site from Marshall Avenue extension to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the District Plan. This shall include realignment to ensure the crossing point is at 90degrees to the Marshall Avenue extensions and 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.
 - e) 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, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be monitored throughout earthworks

17. The earthworks & batter slopes shall be undertaken in accordance with the recommendations of the report by *GeoConsulting Limited Geotechnical assessment, Stables and Barn Redevelopment Threepwood Farm, dated 9 June 2016*.
18. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion on instability.
19. 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.
20. No earthworks, temporary or permanent, are to breach the boundaries of the site except for the access road extension and service installations.

On completion of earthworks and before construction of the buildings

21. On completion of the earthworks, the consent holder shall complete the following:
 - a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - b) All uncertified fill beneath building areas shall be either removed in accordance with the geotechnical report recommendations or the foundations shall be designed by a suitably qualified engineer.

To be completed when works finish and before occupation of buildings

22. Prior to the occupation of the buildings, 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), water, wastewater and stormwater reticulation (including private laterals and toby positions).
 - b) The completion of all works detailed in Condition (16) above.
 - c) A Computed Easement Plan shall be submitted to Council Subdivision Planner for approval showing details of any necessary right to drain sewer easement in favour of the subject lot over Lot 21 DP 437509.
 - d) The submission of Completion Certificates from both the Contractor and Engineer advised in Condition (13) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater infrastructure). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
 - e) The formation of all vehicle parking and manoeuvring areas in accordance with Council standards.
 - f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.

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

Heritage

- 23. All works shall be undertaken in accordance with ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
- 24. The Consent Holder shall ensure that all alterations to the Threepwood Stables shall be supervised by a suitably qualified and experienced conservation/heritage professional. The name and supporting credentials of this professional shall be provided to Council prior to any works being undertaken upon the heritage building. The professional does not need to be immediately present to supervise any and all works, but shall fulfil the following:
 - a) Provide a brief to the consent holder and their contractors on those matters of heritage significance that are important and must be preserved.
 - b) Advise of any practices necessary to maintain the heritage fabric and character of the Threepwood Stables.
 - c) Provide contact details and ensure reasonable availability to address any questions the consent holder and their contractors may encounter relating to matters of heritage conservation during the works.
 - d) Endorse works and practices to ensure the preservation of the historic and heritage fabric of, and associated with the Threepwood Stables.
- 25. Prior to construction commencing on the site, the consent holder must submit to Council a clear electronic photographic record showing areas of the building subject to additions, alterations and demolition. The record must include:
 - overall views from different angles,
 - views of the elevations affected, and
 - views of significant details including fixings.

All photographs must be dated and labelled with descriptive captions to indicate title, location, and treatment.

Hours of Operation – Earthworks

- 26. 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.

Accidental Discovery Protocol

- 27. 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) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga *and* 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.

Glare

- 28. The consent holder shall take all reasonable measures to ensure that glare effects are minimised.
- 29. Within one year of the completion of any building approved under this resource consent, the consent holder shall submit to the Council a report from a suitably qualified person, advising the extent of any glare from the building. The report must consider the angle and orientation of the surface to the sun in spring, summer, autumn and winter and the extent of any resulting glare effect.
- 30. Should the report required under Condition (29) identify that the building materials are causing an unacceptable level of glare, the consent holder shall submit to the Council a further report identifying mitigation measures to reduce the glare effects. This report must be submitted to the Council within three months of the report required under Condition (29).
- 31. Any mitigation measures identified under Condition (30) shall be certified by the Council and implemented to the satisfaction of the Council.

Ongoing Conditions/ Covenant

- 32. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles (in relation to Lot 22 Deposited Plan 378242) by way of a covenant being entered into in favour of the Queenstown Lakes District Council pursuant to section 108(2) of the Resource Management Act 1991:
 - a) The existing cluster of mature hawthorns within the property as identified on the '*Structural Landscape Plan*' certified under Condition 3 of resource consent RM170110 are not protected by the plan as they are a pest species and may be removed at any time. If the cluster is removed then replacement planting of an alternative tree species consistent with other species identified on the '*Structural Landscape Plan*' certified under Condition 3 of resource consent RM170110 shall be planted to maintain an informal cluster.

- b) Fencing shall be limited to the property and / or domestic curtilage area boundary and shall be standard farm post and wire fencing, and exclude the use lineal planting or mass planting to the fence line.
- c) All external lighting shall be down lighting only and shall not create light spill beyond the property boundary. External lighting shall not be used to accentuate or highlight built form, structures or landscape features as viewed from beyond the property. All external lighting within the property shall be located within the domestic curtilage area and no further than 2m away from the building footprint and paved courtyards. External lighting attached to buildings shall not be located on elevations facing the lake or State Highway 6. External lighting not attached to buildings shall be no higher than 2m above surrounding ground and be of a low luminosity. No external lighting shall be located on access drives or gateways. All external lighting shall only be lit when the lit area is occupied by persons and shall be on a timer switch or movement sensor as to turn off when not in use.
- d) The access drive and vehicle manoeuvring area shall be gravel of a local Wakatipu grey coloured stone and exclude the use of concrete kerb and channels to ensure the rural and heritage character of the site is retained. The vehicle entrance onto Marshall Avenue shall be no wider than 3.5m.
- e) The landscape within the property shall be maintained as per the '*Structural Landscape Plan*' certified under Condition 3 of resource consent RM170110 and conditions of this consent. If any tree or plant shall die it shall be replaced with the species as per the certified plan, or alternative species of similar form, height, colour and nature as approved in writing from Council. Replacement trees shall exclude the use of the following wilding and problem species - Contorta or lodgepole pine (*Pinus contorta*), Radiata or Monterey Pine (*Pinus radiata*), Scot pine (*Pinus sylestris*), Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Corsican pine (*Pinus nigra*), Bishops Pine (*Pinus muricata*), Ponderosa Pine (*Pinus Ponderosa*), Mountain Pine (*Pinus mugo*), Maritime Pine (*Pinus pinaster*), Hawthorn, Boxthorn, Birch (*Betula*), Alder (*Alnus*), Wattle (*Acacia*) and Rowan (*Sorbus*). Species including but not limited to scarlet oak, golden elms, red maples or variegated conifers that are vivid in colour and ornamental and domestic in character, inconsistent with traditional rural and indigenous species and become highlights in the landscape must be avoided.
- f) The balance of the property outside of the domestic curtilage area on Lot 22 as shown on the '*Structural Landscape Plan*' certified under Condition 3 of resource consent RM170110 shall be maintained in meadow grass sward consistent with the pastoral character of the grazed agricultural land upslope to the west, or ecologically restored with indigenous vegetation conforming to the natural form of the land and shall exclude ornamental plantings, amenity lawns and structures within this area.
- g) All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, pools, pergolas, mown lawns, parked vehicles and amenity gardens shall be confined to the domestic curtilage area on Lot 22 as shown on the '*Structural Landscape Plan*' certified under Condition 3 of resource consent RM170110.
- h) External colours and materials for all buildings, building extension, structures within the property excluding the heritage listed stables building as defined by the historic footprint of that building, shall be of dark recessive colouring of natural tones of grey, cool brown or green with a light reflectivity value of between 7% and 20% for the roof, and between 7% and 30% for the walls and all other external built form elements.
- i) No clear or opaque roof panelling or skylights shall be installed on the roof of any building with an aspect towards the lake and the highway to avoid potential contrasting banding effects that would highlight built form within this setting.

Review

33. Within ten working days of each anniversary of the date of the Council's decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly addressed at the time the application was considered;
 - c) To avoid, remedy and mitigate any effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
34. Additional to the general review condition set out in Condition (33), the Council may:
- a) Within six months of each report being received under Conditions (29) and (30), and thereafter within ten working days of each anniversary of the date of the Council's decision, review the effects of glare resulting from the glazing of the buildings authorised by this resource consent; and
 - b) Determine whether additional measures are required to lessen any glare resulting from the buildings authorised by this resource consent.

Advice Note

- The permission of the Heritage New Zealand Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Taonga must be contacted (Dunedin office phone 03 477 9871).
- The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

For Your Information

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

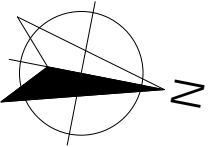
You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the Engineering Acceptance Application form and submit this completed form and an electronic set of documents to engineeringacceptance@qldc.govt.nz with our monitoring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

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

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

Thursday, 24 August 2017



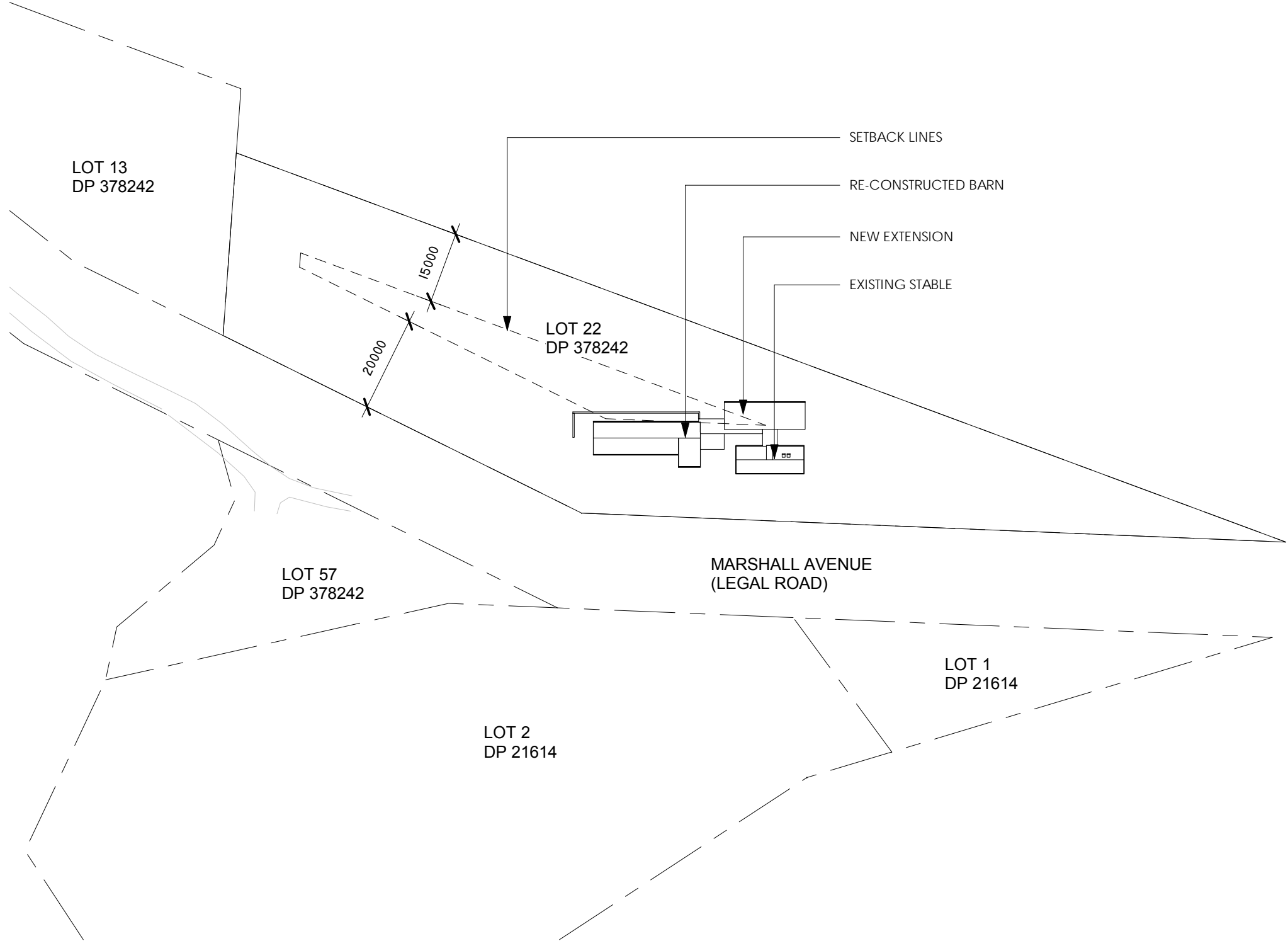
All dimensions to be verified on site before making any shop drawings or commencing any work.
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NOTES:

SITE INFORMATION

Lot 22
DP 378242
Area: 0.687300 Ha

Coverage: 5.7%



1 | Proposed Site Plan
1 : 1000

B For Resource Consent 07.02.17

A For Affected Party Approval 23.01.17

REV:	ISSUE:	DATE:
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Heritage Consultants

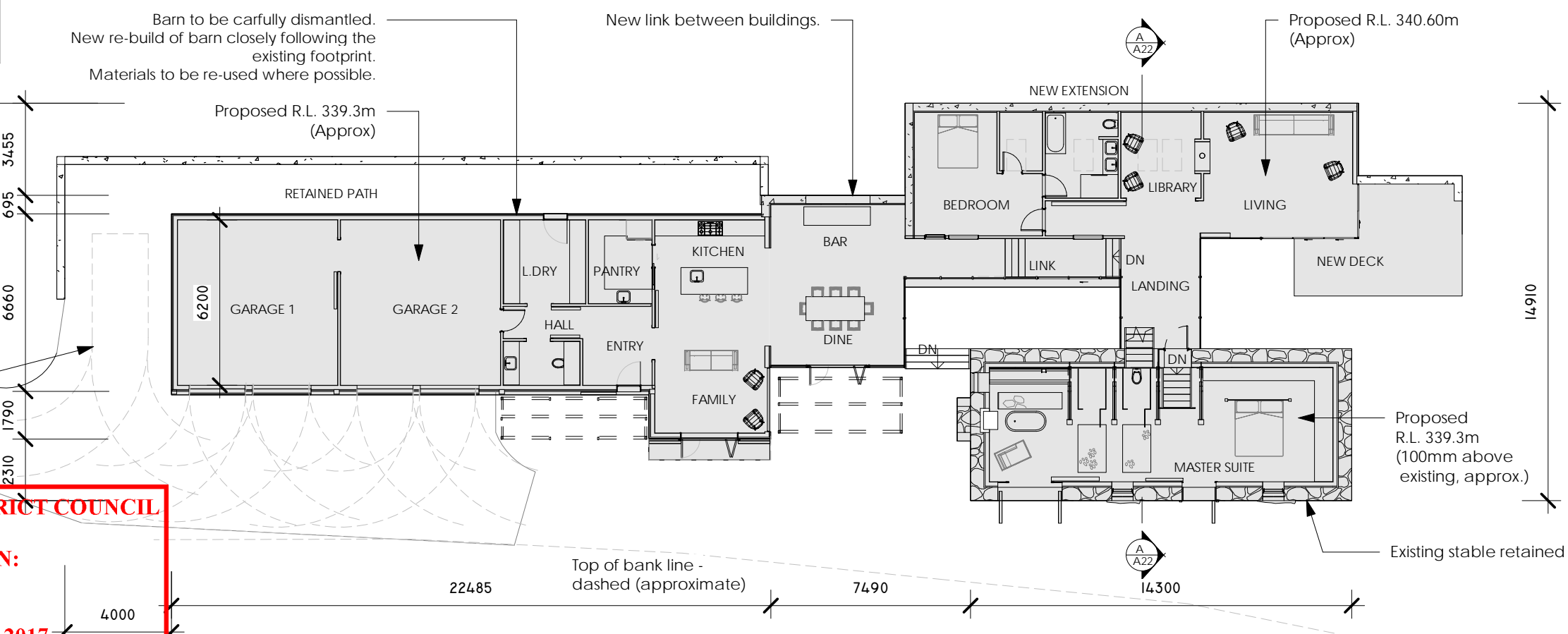
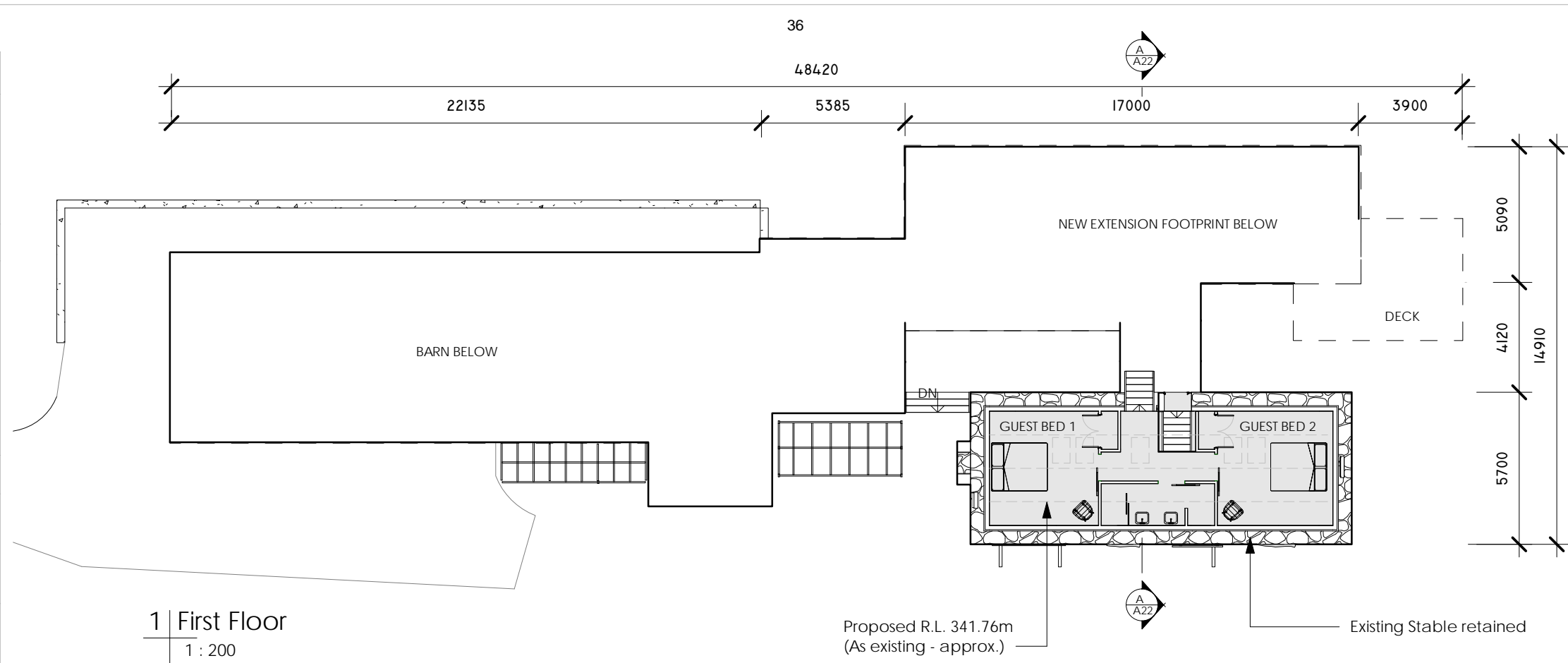
Architecture Conservation Archaeology

Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threepwood Barn & Stable

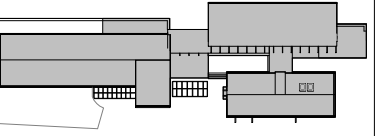
DRAWING: Proposed Site Plan		SCALE: 1 : 1000
CLIENT: K. Mactaggart		DRAWN: JS
FILE: 377	SHEET: A10	REV: B

AREAS		sqm
Existing:		
Barn		154
Stable Ground		82
Stable First Floor		82
Existing Total Area		318
EXISTING FOOTPRINT		236
Proposed:		
BARN	Ground Floor	160
STABLE	Ground Floor	82
	First Floor Stable	82
NEW	Dining & Link	48
	New Extension & Landing	100
Proposed Total Area		472
PROPOSED FOOTPRINT		393.5
As calculated to external face of walls and including 3.5m2 of eaves over 600mm, not including external deck/landscaping.		
Floor Area Increase		50%
External Areas		23
Not included in above calculations		




All dimensions to be verified on site before making any shop drawings or commencing any work.
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NOTES:
This scheme has been developed to Advanced Concept level. Initial consultation for the feasibility of the proposal has been undertaken with a structural engineer and a stone mason. Further investigation of the existing building and the site may lead to alterations of this design in further stages.



Footprint Plan 1:1000 @A3

F	For Resource Consent	07.02.17
E	For Affected Party Approval	23.01.17
D	For Information	14.12.16
C	For Information	07.03.16
B	PRE RC For Comment	28.01.16
A	For client comment	15.01.16

REV:	ISSUE:	DATE:
 Heritage Consultants Architecture Conservation Archaeology Arrowtown 03 442 0300 Dunedin 021 429 277		
PROJECT: Threepwood Barn & Stable		
DRAWING: Proposed Floor Plans		SCALE: As indicated
CLIENT: K. Mactaggart		DRAWN: JS
FILE: 377	SHEET: A11	REV: F

QUEENSTOWN LAKES DISTRICT COUNCIL


**APPROVED PLAN:
RM170110**

Thursday, 24 August 2017


All dimensions to be verified on site before making any shop drawings or commencing any work. The copyright of this drawing remains with Origin Consultants Ltd

NOTES:
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Materials




Corten Steel




Grey Friars Corrugate




Recycled Corrugate



Timber



Dark Steel Structure



Dark Stain Weatherboards

E	For Resource Consent	07.02.17
D	For Affected Party Approval	23.01.17
C	For Information	07.03.16
B	PRE RC For Comment	28.01.16
A	For client comment	15.01.16

REV:	ISSUE:	DATE:
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Origin
CONSULTANTS

Heritage Consultants

Architecture Conservation Archaeology

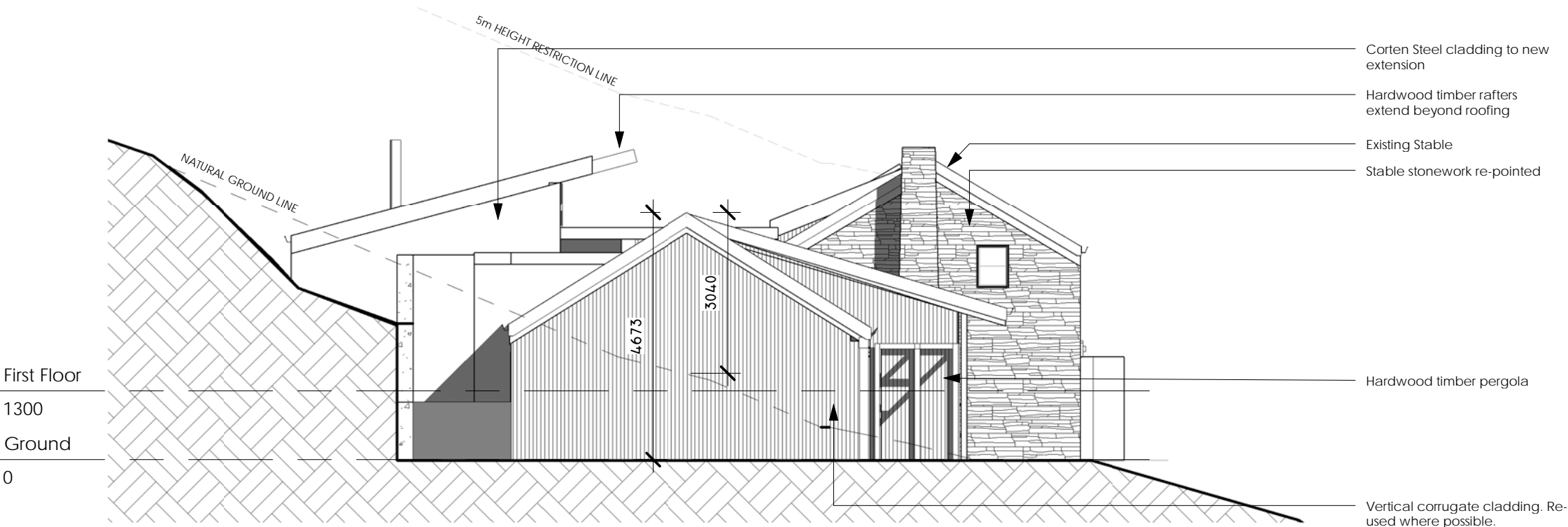
Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threepwood Barn & Stable

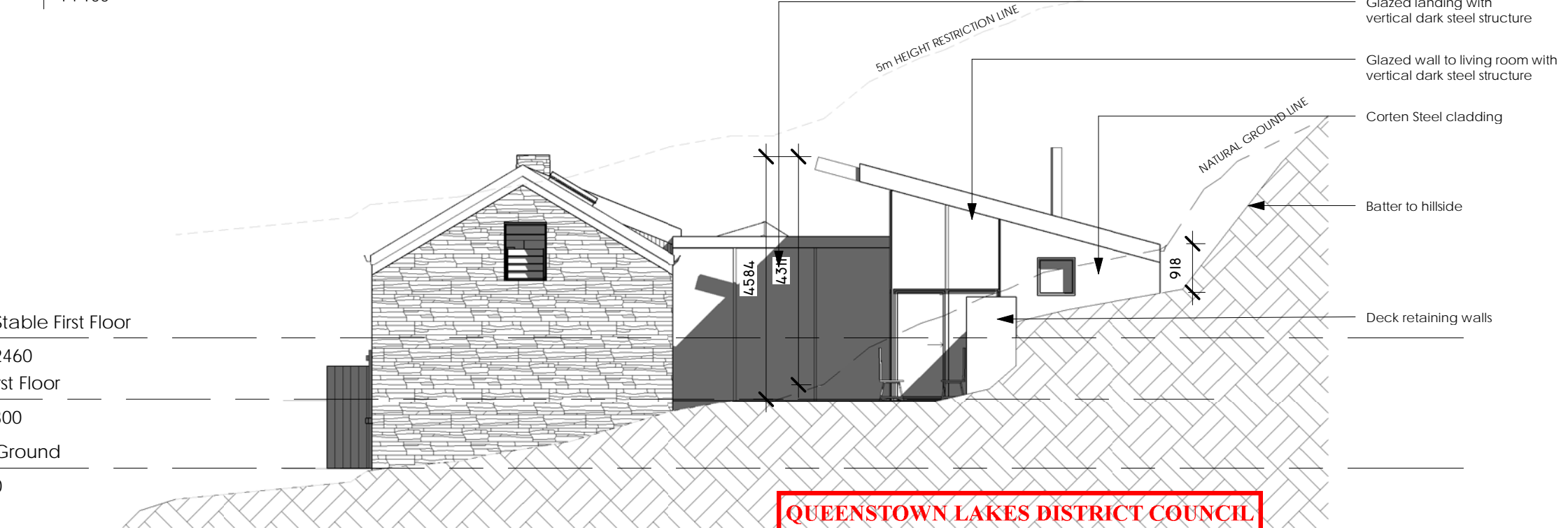
DRAWING: Proposed Elevations North & South	SCALE: 1 : 100
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CLIENT: K. Mactaggart	DRAWN: JS
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FILE: 377	SHEET: A20	REV: E
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1 | South Elevation
1 : 100



2 | North Elevation
1 : 100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

Thursday, 24 August 2017

APPROVED PLAN:
RM170110

Thursday, 24 August 2017

38

All dimensions to be verified on site
before making any shop drawings or
commencing any work.
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with Origin Consultants Ltd

NOTES:
This scheme has been developed to
Advanced Concept level.
Initial consultation for the feasibility of the
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structural engineer and a stone mason.
Further investigation of the existing building
and the site may lead to alterations of this
design in further stages.

Materials



Corten Steel



Grey Friars
Corrugate



Recycled
Corrugate



Timber



Dark Steel
Structure



Dark Stain
Weatherboards

E	For Resource Consent	07.02.17
D	For Affected Party Approval	23.01.17
C	For Information	07.03.16
B	PRE RC For Comment	28.01.16
A	For Client Comment	15.01.16

REV:	ISSUE:	DATE:
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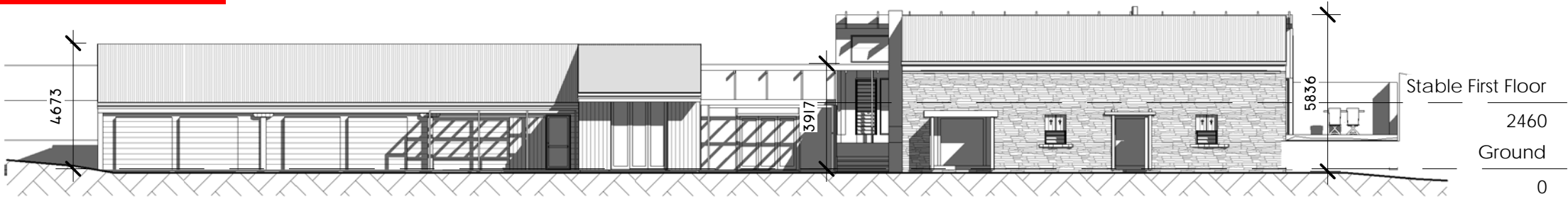
Heritage Consultants
Architecture Conservation Archaeology
Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threeewood Barn & Stable

DRAWING:	SCALE:
Proposed Elevation East	As indicated

CLIENT:	DRAWN:
K. Mactaggart	JS

FILE:	SHEET:	REV:
377	A21	E



1 | East Elevation - Overall

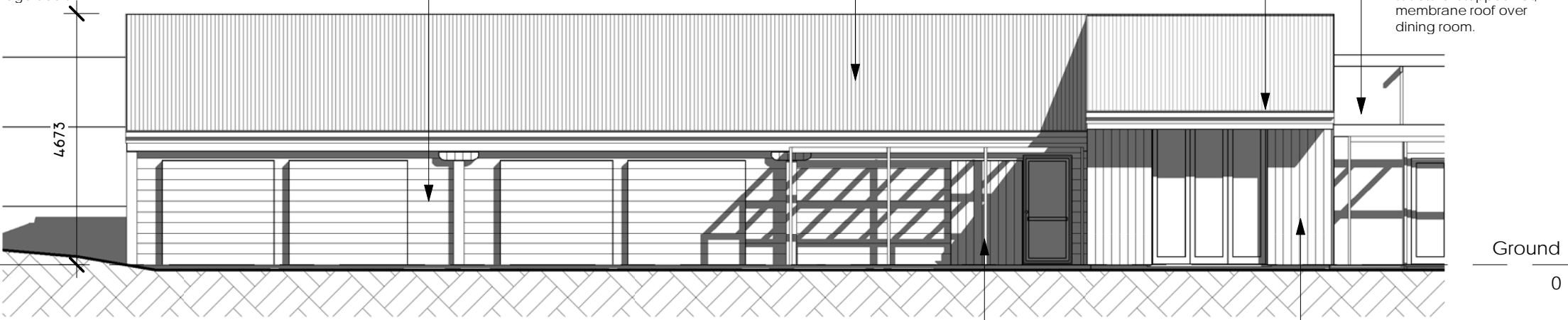
1 : 200

Dark Stain horizontal timber
weatherboards to East elvation and
garage doors

Vertical corrugate roofing:
Colorsteel Grey Friars

900 Overhang to roof

Glazed wall to dining room
with vertical dark steel
structure. Stepped flat,
membrane roof over
dining room.



2 | East Elevation - Barn

1 : 100

Full height timber shutters
to doors

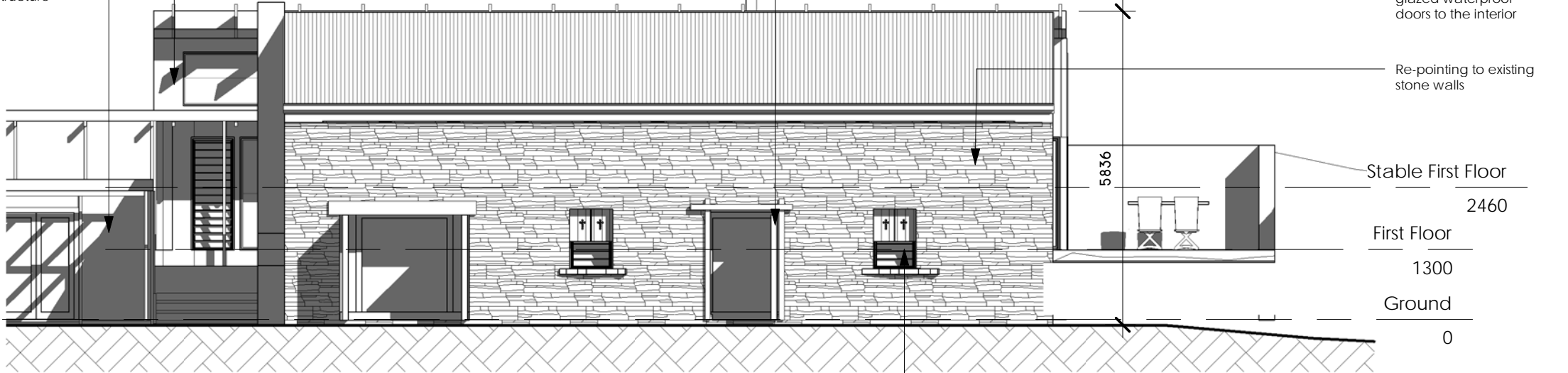
Hardwood timber pergola
structure

Corten Steel cladding to new extension

Glazed link with
vertical dark steel structure

New timber panel doors
to the exterior and
glazed waterproof
doors to the interior

Re-pointing to existing
stone walls



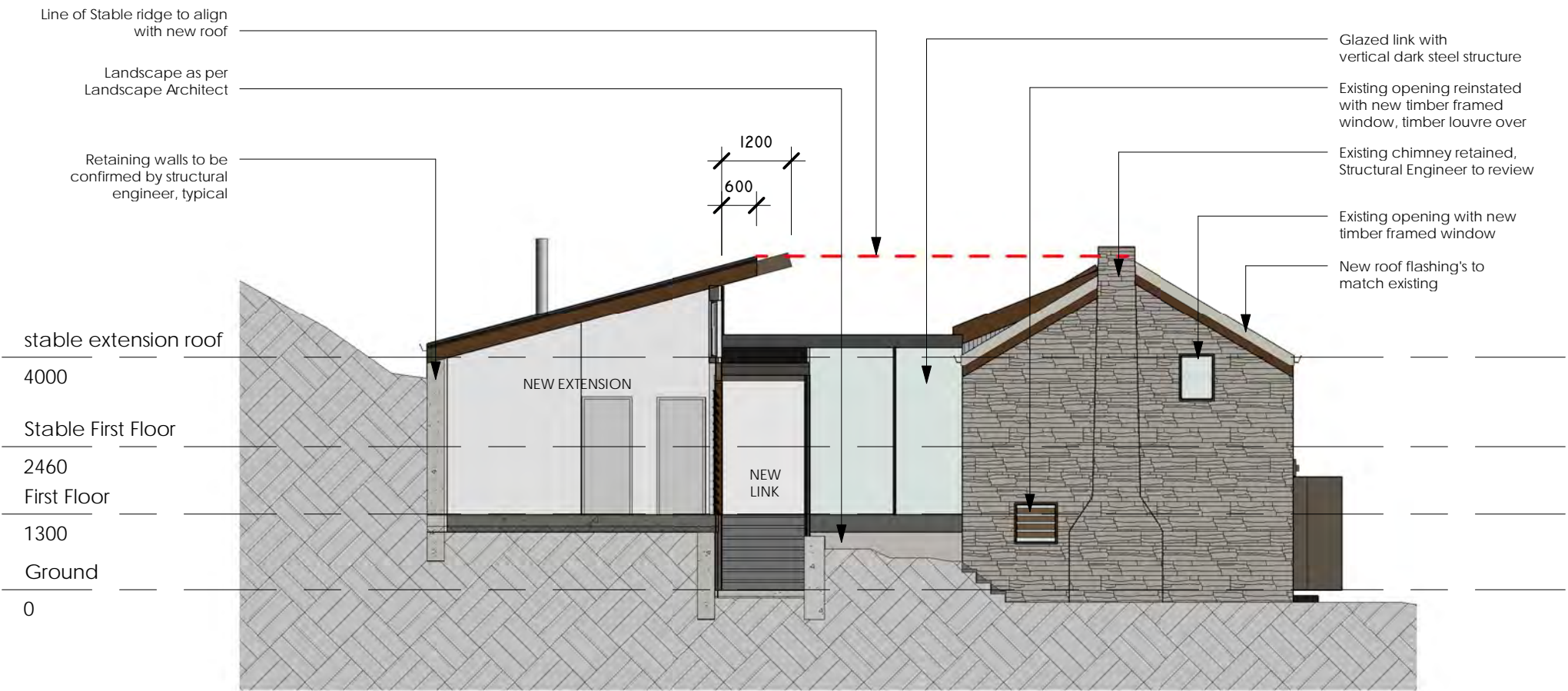
3 | East Elevation- Stable

1 : 100

Existing shutters and
louvres retained, new
windows behind.

All dimensions to be verified on site before making any shop drawings or commencing any work.
The copyright of this drawing remains with Origin Consultants Ltd

NOTES:



1 | B
1 : 100



2 | C
1 : 100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

Thursday, 24 August 2017

A For Resource Consent RFI 28.06.17

REV: ISSUE: DATE:

Origin
CONSULTANTS

Heritage Consultants
Architecture Conservation Archaeology
Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threeepwood Barn & Stable

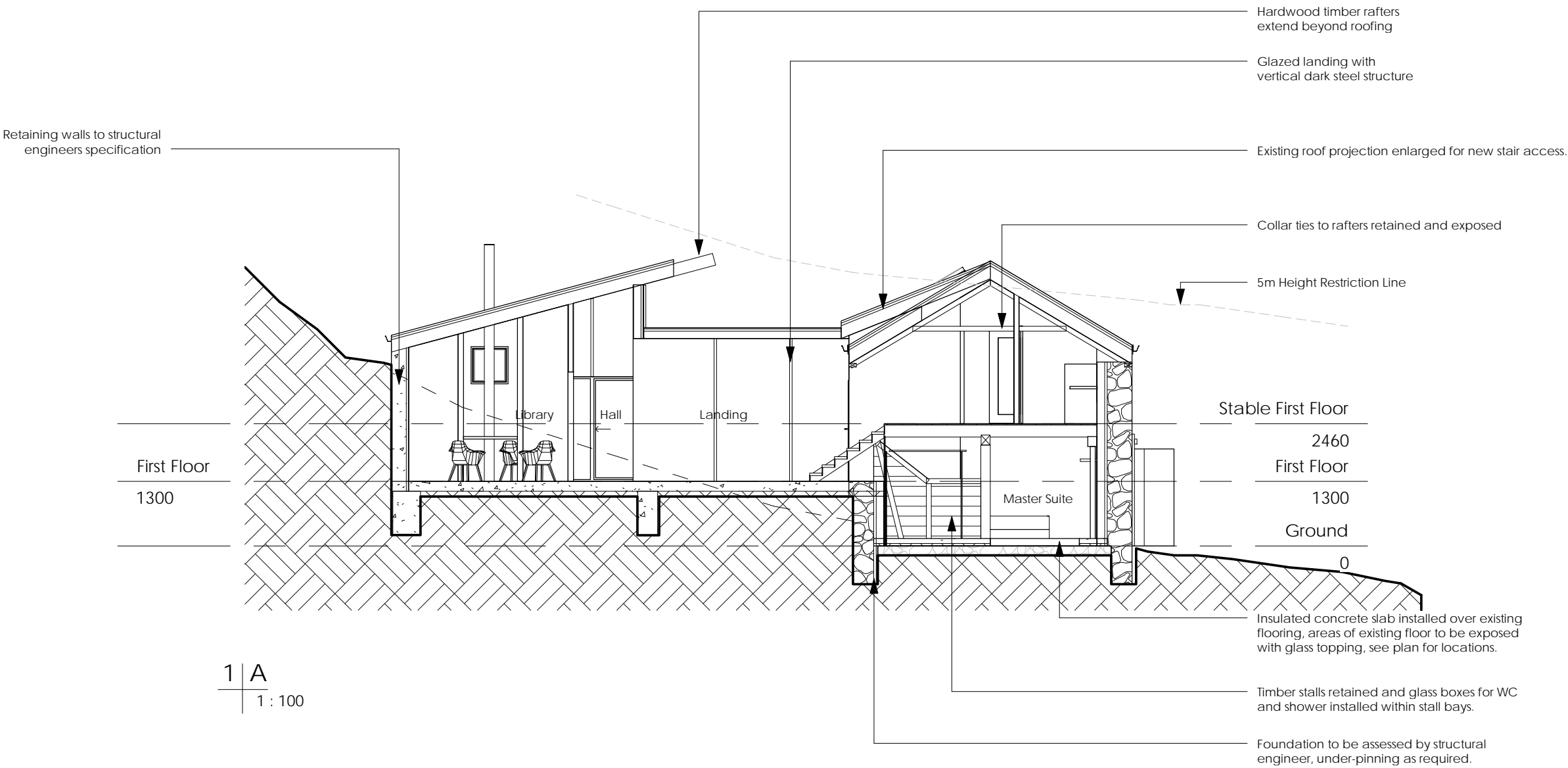
DRAWING: Proposed Sections SCALE: 1 : 100

CLIENT: K. Mactaggart DRAWN: JS

FILE: 377 SHEET: A23 REV: A

All dimensions to be verified on site before making any shop drawings or commencing any work. The copyright of this drawing remains with Origin Consultants Ltd

NOTES:
This scheme has been developed to Advanced Concept level. Initial consultation for the feasibility of the proposal has been undertaken with a structural engineer and a stone mason. Further investigation of the existing building and the site may lead to alterations of this design in further stages.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

Thursday, 24 August 2017

D	For Resource Consent	07.02.17
C	For Affected Party Approval	23.01.17
B	For Information	29.01.16
A	PRE RC For Comment	28.01.16

REV:	ISSUE:	DATE:
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Heritage Consultants

Architecture Conservation Archaeology

Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threepwood Barn & Stable

DRAWING: Proposed Section		SCALE: 1 : 100
CLIENT: K. Mactaggart		DRAWN: JS
FILE: 377	SHEET: A22	REV: D



Stable Bays, retained



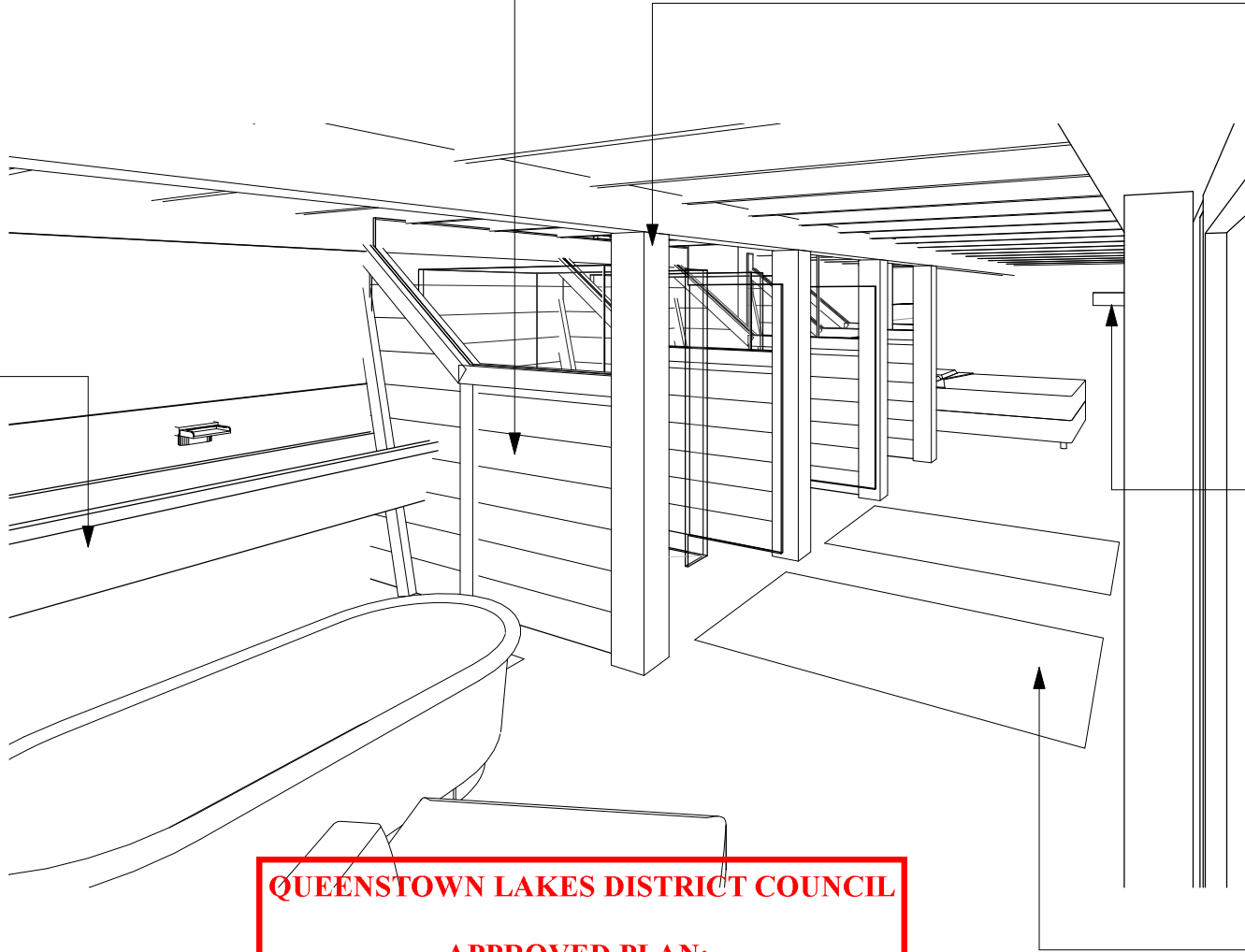
Location and profile of manger used to design new vanity trough



Re-instate window and fireplace shown enclosed.
Flagstone floor to be displayed with glass floor over in selected areas.



Retain existing opening and window treatments.
New windows and doors to be positioned on the interior side.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

Thursday, 24 August 2017



Timber post and beam with floor joists and flooring retained



Saddle rails retained where possible and used as towel/robe hooks



Cobbled stone floor retained and displayed in selected areas with a glass floor over



Saddle rail retained in post, used as a towel/robe hook

All dimensions to be verified on site before making any shop drawings or commencing any work.
The copyright of this drawing remains with Origin Consultants Ltd

NOTES:

This scheme has been developed to Advanced Concept level.
Initial consultation for the feasibility of the proposal has been undertaken with a structural engineer and a stone mason.
Further investigation of the existing building and the site may lead to alterations of this design in further stages.

D	For Resource Consent	07.02.17
C	For Affected Party Approval	23.01.17
B	For Information	07.03.16
A	PRE RC For Comment	28.01.16

REV:	ISSUE:	DATE:
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Heritage Consultants
Architecture Conservation Archaeology
Arrowtown 03 442 0300 Dunedin 021 429 277

PROJECT:
Threepwood Barn & Stable

DRAWING: Retained Elements	SCALE:
CLIENT: K. Mactaggart	DRAWN: JS
FILE: 377	SHEET: A32
REV: D	



Remove all willows to the north of the dwelling and plant with native beech trees. A minimum of 25 trees shall be planted and shall be of *Fuscospora fusca*, *Fuscospora cliffortioides* and/or *Lophozonia menziesii* in any combination". To be a minimum of 1.5m high at planting.

Property boundary line.

Informal track to join to the public track.

Orange dash is the extent of curtilage area.

Sweeps of tussock grasses. Species shall be *Chionochloa rubra*, *Poa cita* and/or *Anemanthele lessoniana* in any combination. Individual plants shall be placed no more than 500mm apart so as to cover the entirety of the areas indicated. All plants shall be of a 0.5 litre pot grade as a minimum".

400mm high schist walls.

Courtyard space with stepping stone pavers and tussocks.

Paved space. Schist flagstones/cobblestones or similar.

Bank maintained as meadow grass.

Upright oaks on bank (*Quercus robur* 'Fastigata'). 12 in total. To be a minimum of 1.5m high at planting

Gravel driveway.

Feature rocks.

Areas on native shrub vegetation; 85m2 in total. A minimum of 85 plants shall be located within this area. This planting is to be made up of the following species, in the following proportions: *Griselinia littoralis* (20% of total), *Coprosma propinqua* (10% of total), *Leptospermum scoparium* (15% of total), *Olearia avicenniaefolia* (10% of total), *Cordyline australis* (5% of total), *Cortaderia richardii* (5% of total), *Pittosporum* spp (20% of total), *Sophora microphylla* (5% of total), *Phormium tenax* (10% of total). All plants shall be of a 0.5 litre pot grade as a minimum

Schist retaining wall and timber gateposts. Refer to detailed design information

Indicative public track within legal road.

Paved spaced. Exposed agg. concrete with cuts or similar.

Clump of three deciduous trees. 1 each of *Aesculus hippocastanum*, *Juglans regia* and *Fraxinus excelsior*. To be a minimum of 1.5m high at planting.

Remainder of lot maintained as meadow grass sward. Retain row of Hawthorns south of the dwelling.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170110

REF: 1167 - SLP3
DATE: 26.06.2017
SCALE: 1:300 @ A3

Thursday, 24 August 2017

Appendix 2:

Structural Landscape Plan
Threepwood, Queenstown

vivian+espie
resource management and landscape planning
vivian+espie Limited Resource Management and Landscape Planning
PO Box 2514 Queenstown
Physical Address Unit 15, 70 Glenda Drive, Frankton, Queenstown
Tel +643441 4199 Fax +643 441 4190 Web www.vivianespie.co.nz

UPDATED CONDITIONS RM980171 AS A RESULT OF VARIATION

1. The activity shall be undertaken in accordance with the plans and specifications attached here to and labelled;
 - a) Amended scheme plan - CFM, dated 17.10.05
 - b) Vegetation Restoration Plan - Slope Hill. (Vegetation Restoration Plan) MPQ778C(03) Morgan Pollard and Associates
 - c) Ecological Restoration Plan - Slope Hill. Morgan Pollard and Associates 30/1/2003 (Ecological Plan)
 - d) Ladies Mile Subdivision landscape plan MPQ778C(10) (19/02/2004) (Ladies Mile Landscaping Plan) and Landscape Strategy 23/02/2004 Morgan Pollard and Associates in so far as they apply to Lots 1-9.
 - e) Master Scheme Plan - Pritchard Group Limited 19/2/2004 (Master Scheme Plan), with the amendments shown on '*Appendix 5: Comparison Plan Threepwood, Queenstown*' Prepared by Vivian+Espie, reference 1042 APP% date 22.06.2016 **stamped as approved on 15 December 2016**
 - f) Remedial Plans MPA1411-03.vwx ID X001, X002, X003, X004B, X005, X006, X007, X014, X018, X011 version 042 and any plan formally certified by Council in accordance with Condition 3 of RM150272 2402-SK28 (Prepared by Baxter Design Group dated 10 September 2014) in relation to Lots 10 -19, the Avenue and Cottage Precinct (Lot 21) And in accordance with the following conditions of consent, which to the extent that they shall modify or conflict with the above plans and specifications shall prevail.
 - g) For Lot 21, any planting plan certified by the Council under condition 10.
2. That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at consent holder's own expense.
3. The consent holder shall pay to Civic Corp all required administrative charges fixed by Civic Corp pursuant to section 36 of the Act in relation to:
 - a) the administration, monitoring and supervision of this consent; and
 - b) charges authorised by regulations.
4. Prior to any development of the lodge complex the consent holder shall pay to the Council a reserve contribution based on half of a percent of the assessed value of the development pursuant to section 409 of the Act.
5. A planting/landscaping plan shall be submitted by the consent holder and approved by the consent authority prior to any development of the site and thereafter maintained and irrigated in accordance with that plan. This shall include a management plan. In this instance the planting/landscaping plan shall be generally in accordance with the Vegetation and Restoration Plan - Ecological Restoration plan and Ladies Mile Landscape Plan and Landscape Strategy in so far as they apply to Lots 1 - 9 and Remedial Plans MPA1411- OS.vwx ID X001. X002. X003. X004B. X005. X006. X007. X014. X018. X011 version 042 and any plan formally certified by Council in accordance with Condition 3 of RM150272 2402- SK28 (Prepared by Baxter Design Group dated 10 September 2014) and any planting plan approved by the Council in accordance with condition 10. The landscaping plan shall provide the same or greater level of screening of built form as Morgon and Pollard Remedial Plan X001 in so far as they relate to the remaining lots, and designed to meet the following objectives:
 - a) Provide a comprehensive structure plan for the entire site;
 - b) Treatment of open space;
 - c) Provide a planting framework for the area concentrating on the site as a whole, not specific lots. The boundaries between the lots shall be seamless.

- d) The 4 northernmost trees on Appendix A6 and the northernmost 6 trees (excluding Holly) on 1 Condition 1 updated from RM150272 (RM160062 didn't result in any further amendments)
- e) Appendix A8 shall be specified as being required to reach the same compliance as other trees with compliance heights and widths as specified on those plans.
- f) The purpose of the management plan is to provide detail with regard to the following:
 - Replacement of dead or diseased species;
 - Planting program/time frames;
 - Species selection and densities;
 - Size of trees at time of planting;
- g) Revegetation and restoration program with respect to riparian strips, steep and/or eroded land, and habitat enhancement including any wetland areas and foreshore treatment;
- h) Reference to those areas to be revegetated and/or protected, including exclusion of stock;
- i) Management of open space

No development shall take place until all planting required by this consent shall have been completed and 50% of the planting shall be completed within five years after the date of the approval of the plan. Where a required compliance height and width is specified on a plan for the planting on specified allotments, no development shall take place on those allotments until 80% of those plants required to reach the compliance height and width have done so.

If any of the silver birch trees (*Betula pendula*) shall become diseased, are removed or felled, the consent holder shall replace these trees with trees of an alternative species as per the planting schedule on the approved landscape plan.

- 6. All external lighting (in relation to infrastructure) shall be low level (not higher than 0.5 metres above ground level) and low glare lighting except as otherwise required by Transit New Zealand.
- 7. All power and telephone communication services shall be provided underground.
- 8. Water tanks shall be installed so that the top of the tank is finished at or below ground level. Any water tanks installed on a per allotment basis associated with residences shall be finished at or below ground level or housed within a building.
- 9. Any excavated areas for infrastructure services, roading or building platforms shall be revegetated within 6 months of work being carried out in accordance with the Management Plan.
- 10. A planting plan and other specifications for landscape management within lot's 21-23 shall be submitted to the Principal: Resource Management (Civic Corp) for approval at the same time as the application for exterior alterations to the Homestead, Woolshed or Stables and/or design approval for the cottages sought under condition 18.

Approval for amendments to the planting plan on Lot 21 may be sought subsequently, provided that any planting plan certified under this condition shall provide the same or greater level of screening of the built form as the Morgan and Pollard Remedial Plan X001.

For clarification, if the Council's certification is sought for a new or altered design of the cottages, an amended planting plan may be submitted for certification at the same time, with no further variation to the conditions of RM980171 being required.

11. Dwellings on lots 8-12 and 18-19 and all buildings associated with the Lodge within lots 21-23 shall not exceed 5 metres in height from original ground level. Dwellings on lots 1-7 and 13-17 shall not exceed 7 metres in height from original ground level.

Original Ground Level means the existing ground level at the date of this consent order.

12. No buildings on Lots 31-52 shall exceed a height that breaks the line and form of any ridge line or hill when viewed from any public area eg: roads outside the Threepwood site. The maximum height of dwellings shall not exceed 7 metres".
13. All buildings shall comply with the approved Design Control Criteria specified in Appendix 1 (as amended by resource consent RM120547) annexed hereto, with the exception of the development approved by RM170110.
15. A covenant, approved by the consent authority shall be registered on the title to the following allotments to ensure compliance with those planting proposals and earthworks described in the Ladies Mile Subdivision Landscape Plan in so far as this applies to Lots 1-9 and Remedial Planting Plans MPA1411-03.vwx ID X001, X002, X003, X004B (for the homestead area see any plan formally certified by Council in accordance with Condition 3 of RM150272 BDG plan ref. 2402-sk28 10 September 2014, and any plan approved under condition 10), X005, X006, X007 version 042 for the remaining lots:
 - a) Over Lots 8-13, 18, 19 and 21 such covenant shall protect all existing and proposed trees identified on Remedial Planting Plan MPA1411-03.vwx ID X001, X002, X003, X004B (for the homestead area see any plan formally certified by Council in accordance with Condition 3 of RM150272 BDG plan ref. 2402-sk28 10 September 2014), and a remedial on any planting plan approved by Council pursuant to condition 10 RM980171, X005, X006 version 042 and require trees that die or become diseased to be replaced with the same species.
 - b) Lot 21 shown on Remedial Planting Plan MPA1411-03.vwx ID X003 version 042 and encompassing Area B shown on the Ladies Mile Subdivision Landscape Plan, such covenant to ensure that the area of Historic Tree Patch is repaired by planting the same species in the gap(s) and that the specified plantings of Holly shall be undertaken in such a way that there is an appearance of informality as distinct from a formal row or rows of plants.
 - c) Lots 1 to 4 such lots containing area identified as Area "F" on the Ladies Mile Subdivision Landscape Plan, and Lots 14, 15, 17 and 18 Remedial Planting Plan MPA1411-03.vwx X004B. X006 and X007 version 042, such covenant to control areas to be planted, and areas where there is to be no planting as described in the Threepwood Landscape Strategy.
 - d) The Covenant shall include a specific condition that a tree of the same species, maturity and height, shall immediately replace any tree on any lot that is felled, damaged or removed, by any person or act of nature, within 10 years of the date of this consent so far as is reasonably practicable. The intention is that these trees need to be sufficiently large to continue to function as a screening device and to contribute towards the site's Arcadian vista. After that time this condition shall be deemed to have been complied with if the consent authority, after taking into account the intentions specified above, agrees to the tree not being replaced.
 - e) Covenant is at applicant's cost.
16. The lodge and associated facilities shall accommodate a maximum of 50 overnight guests.
17. That a conservation plan be prepared by a recognised conservation architect, and in consultation with the NZ Historic Places Trust, for the homestead, the woolshed and the stables in order to guide their restoration, adaptive re-use and ongoing maintenance.

18. That any new buildings located adjacent to, or in the immediate environs of, the heritage building complex be designed in a form that respects the design values of the heritage buildings, including the use of compatible building materials. The final approval of any such buildings shall be subject to the approval of the Principal: Resource Management.
19. That a preliminary assessment of the site be undertaken by a qualified archaeologist prior to development commencing in order to identify whether there is any archaeological material present. If archaeological sites or material are identified then the following shall occur: A report be prepared by the archaeologist, assessing the values of the site with recommendations as to how the potential adverse effects can be avoided, remedied or mitigated;
 - a) Both the Trust and Manawheua shall be notified without delay; and
 - b) Where pre-1900 archaeological material has been identified, then application shall be made to the NZ Historic Places for an archaeological authority, pursuant to Sections 9 to 20 of the Historic Places Act 1993.
20. The existing farm track that joins the Lake Hayes area and the Slope Hill Basin shall not be used for anything other than access to, or maintenance of, the open space allotments 25-30. There shall be no improvements to the track that will encourage additional use apart from necessary maintenance.
21. Within one month of each period of 12 months from the date of commencement of this consent or the receipt of the information identifying a problem, the Council may, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any following purposes:
 - a) there is or is likely to be and adverse environmental affect a result of the exercise of this consent, which was unforeseen when the consent was granted; or
 - b) monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment; or
 - c) there has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.
22. This consent shall lapse upon the expiry of 15 years from the date of this decision.
23. The gravel access driveways to cottages shall be of a local stone of grey colour consistent with the local rural context and shall avoid the use of white stone chip, concrete or pale coloured pavement. Entrances from Marshall Road shall not be any wider than 4m.

Note 1: If previously unidentified archaeological material is discovered or disturbed during development of this site then the NZ Historic Places Trust should be contacted without delay and application made for an archaeological authority pursuant to Sections 9 to 20 of the Historic Places Act 1993.

Note 2: Any exterior alterations to the homestead, woolshed or stables shall be subject to application for consent to a controlled activity and any application shall include a conservation plan prepared by a registered conservation architect.

Note 3: Prior to any sale of liquor from the lodge, all relevant consents shall be obtained.

Note 4: All landscaping shall be in accordance with the landscape plan required by Condition 5 and certified by RM160661. Any changes to that landscape plan would require a variation to RM980171 as varied by RM160661, with the exception of the planting plan certified under Condition 10.

APPENDIX 1 (RM980171)

Appendix 1 - Site Environmental Strategy

Threepwood Farm Ltd

Objective

- to promote the sustainable management of natural and physical resources at Threepwood.
- to minimise effects to adjoining properties.
- to enhance heritage values and landscape amenity of the site.

Implementation

This strategy would be implemented by

- land and landscape development in accordance with the associated nominated conditions to resource consent.
- Structures development in accordance with the design criteria stated below
- Establishment of a management company by way of covenant over individual allotments 1-19, 21-23 and 31-52, providing for each lot owner to be a member of the company: the company having responsibility for the management of assets held in common (being Lots of 25-30).

Design Criteria for structures

1. Residential Dwellings Building Placement

- Buildings must be placed within the building platforms with a maximum area of 10002 which can accommodate a minimum dimension of 30m x 30m.
- Structures placement is generally to be avoided on slopes with an angle of greater than 20 (measured as an average slope over any 100m length of slope on which the earthworks are carried out)
- Buildings shall be aligned with contour, with floor levels stepped to fit existing slopes
- There shall be no structures outside the platforms shown.

2. Buildings Accessory to Residential activities

- Limited to one accessory building per lot (excluding garages).
- The design criteria applied to residential building for Built Form and Colours & Materials shall apply to accessory buildings.
- The size of garages shall be limited to 40m² in area and 4.5m in height, other accessory buildings limited to 10m² in area and 3.0m in height.

3. Built Form

- The design of all buildings shall be functional and appropriate
- Built form and layout should respect the physical and cultural heritage of the area and observe the time honoured response to climate and landform that is vernacular architecture
- Building design should draw inspiration from the locality rather than from models more suited to urban/foreign contexts

4. Massing Proportion and Height of Dwellings

- The maximum height of dwellings shall be 7m unless otherwise restricted.

- for individual dwellings the floor space ratio to building platform shall not exceed 1:1.5
- dwelling design should maximise pitched and sloping roofs to greater than approximately 60-70% of the area of the structure
- the height frame at the boundary of the building envelope (within the building platform) shall be 2.5 m high, sloped 45° up to the maximum building height
- allotments 1-19 and 21-23 are specifically subject to
 - a) The maximum height of dwellings on lots 8-12, 18, 19 and 21-23 shall be 5m, and on lots 1-7 and 13-17 shall be 7m. The dwellings will be single storey (with loft spaces) where more roof than wall is apparent.
 - b) All roofs shall have a major and a minor component. The major component shall be the dominant element and shall have roof slopes between 35 to 45 degree angles. The minor component such as lean-to's or flat appendices shall have a slope between 0-15 degrees.
 - c) The minimum height at the boundary of the building envelope (within the building platform) shall be 2.5 high sloped between 35 and 45 degrees up to the maximum building height.
 - d) The new buildings placed on lots 21 to 23 shall be sympathetic in form, scale, proportion, show consideration of the heritage values associated with the farm buildings, have a maximum height of 5m, and
 - The design of all buildings shall be functional and appropriate
 - Built form and layout should respect the physical and cultural heritage of the area and observe the time honoured response to climate and landform that is vernacular architecture
 - Building design should draw inspiration from the locality rather than from models more suited to urban/foreign contexts
 - e) Traditional materials are desirable. Wall cladding shall be in timber, plaster stone (local schist) and those materials approved for the development under RM070110. Materials shall be low reflectance value.
 - f) Walls and roofs are to be in recessive colours. More specifically this is defined as dark grey, charcoal, dark green and dark brown and natural cedar. Contrasting colours may be used in trims such as window frames, fascias, verandah posts and other minor building components.
 - g) All external street lighting shall be no higher than 0.5m above ground level and shall be low glare bollard reflected down lighting (no yellow coloured sodium lighting to be used)

5. Massing Proportion and Height of Visitor Lodge and Associated Accommodation Structures for lots 21-23.

- Maximum roof height shall be 5metres
- The placement of cottages to the lodge/homestead shall be as per the Ladies Mile Subdivision Landscape Plan.
- New buildings placed within the lodge grouping shall be sympathetic in form, scale, cladding materials, proportion and colour to existing buildings and shall be those colours and materials specified in 4(e) and 4(f).
- The design of such accommodations shall show consideration of heritage values associated with the farm buildings as above, maximise pitched and sloping roof forms and utilise local vernacular materials.
- Prior to any adaption or alterations to the historic homestead, woolshed or stables, a conservation plan shall be completed according to the ICOMOS New Zealand Charter for

the Conservation of Places of Cultural Heritage Value and Jim Kerr's the Conservation Plan. (This will involve details research and physical assessment with policies to direct appropriate conservation and adaptation while retaining heritage values).

- Any new work shall follow the recommendations of the conservation plan. To retain authenticity of setting and the historic integrity of existing structures new work should be clearly distinguishable as such.

6. Colours and Materials of Buildings

- Traditional materials are desirable. These include for walls, stone/plaster over stone, timber, brick. The roof shall be slate (natural or imitation), or cedar shingles., or metal roofing with a standing seam tray profile. Membrane roofing in dark grey or black tones may be used for minor roofs as defined in 4(b) above. Materials with low reflectance value shall be used.
- The external colours of any materials used in construction of buildings shall be consistent with any colours occurring within the surrounding natural environment and shall be those specified in 4(e) and 4(f) above.

Advice Note: "Standing seam tray profile" refers to a roofing profile that provides a flat tray between standing seams (typical examples on the market provide a tray of between 300-600mm in width). A "standing seam" is where sections of tray actually meet and seal/lock/clip together at a raised seam where one piece of tray folds over the other and/or they have a clip/capping. The result is that roof fixings are concealed.

7. Structures Associated with Grazing and Landscape Conservation of the Site

- Criteria applicable to farm buildings eg implement shed, hay storage shall be as specified in the Proposed District Plan, or operative Plan Document.
- Criteria for structural placement are as noted for residential buildings above

8. Services Structures

- A potable water supply tank is to be installed and sited in accordance with relevant codes for potable water supply.
- All structures associated with the provision of services infrastructure shall be kept to a minimum and designed utilising sympathetic rural building forms, colour and texture of materials as above.

Landscape Management and Plantings

1. Landscape Planting and Species Selection

- planting is to be responsive to natural landform and contour i.e. planting within gullies and edges, planting along the contour and rounded grouping is preferred.
- landscaping is to be undertaken and maintained generally in accordance with the site master plan and the Preliminary Structure Planting Plan and Vegetation Restoration plan and Ladies Mile Landscape Plan and as noted below for individual zones, with continuity between these areas being provided by common tree species.

Planting Zone 1 : Ladies Mile - Structure Planting

- this will be incorporated into the existing planting framework using species from the surrounding area as well as other appropriate species. There is the opportunity to create woodlot or coppice areas closer to the homestead that serve as sustainable sources of firewood for the development.

Planting Zone 2 : Avenue Entry

- the proposed road already has shelter planting down the southern side, which need limbing up and tidying. Opposite this will be a double row of horse chestnuts or other suitable introduced species (single type), which extend up to the juncture in the road. At the juncture, the double row of avenue plantings continues to the homestead.

Planting Zone 3 : Homestead

- the Homestead and surrounding complex will draw on the existing planting and species composition to develop a "woodland" garden theme i.e. with under planting of, for example, rhododendrons, bulbs, ferns and be retained and expanded as required, with a garden area also potentially centred around the existing walnut trees. The intention is to supply fresh fruit and vegetables for the guests where seasonally possible.

Planting Zone 4 : Lake Edge Integration

- using species that are found adjacent to the lake edge to soften the clearly defined boundary between lake and homestead, primarily grasses such as browntop and other pastoral grasses and/or species which enhance the wildlife habitat.

Planting Zone 5 : Slope Hill - Structure Planting

- establish a relatively simple tree species mix that ties the site into the rural planting framework of the Wakatipu Basin. Tree mix would be predominantly deciduous trees with occasional evergreens.

2. Recommended Tree Species

The following list provides a guideline as to species, which are appropriate and compatible tree plantings for Threepwood.

Indicative Layout - Lodge Guest Cottage Area

1. Cottages shall be located so that they are nestled into existing and proposed vegetation. The vegetation will provide screening and a backdrop whilst framing views to the lake.
2. Cottages are located to provide privacy from other Cottages and the Homestead.
3. An assessment of existing trees should be undertaken by Arboriculturalist / Landscape Architect team to determine the treatment required. In some cases removal of trees may be required.
4. Exact location of cottages subject to more detailed assessment of existing vegetation and landform.

LANDSCAPE DESIGN VOCABULARY

1. Grass swales for roadside drainage
2. Maintain and enhance rural theme
3. Some revegetation at the base of Slopehill to connect to wider landscape
4. Orchard planting
5. Stone kerb (if kerbing is required)
6. Road meandering through a variety of landscape themes including orchard open lawn / grass dense clumps of planting natural revegetation "blowing down" from slopehill
7. No formal avenue planting for access road from SH6

Key

- Common land
- Private land
- View shaft from building platform
- Area B - Close gap in trees
- Screen planting containing (all species of some)
 - Illex aquifolium
 - Prunus laurocerasus
 - Eucalyptus fortunei
- Native revegetation tussock and dry shrubland plant species
- Orchard group planting of fruit and nut trees
- Approx. location of various existing trees
 - Juglans regia - Walnut
 - Sequoiadendron giganteum - Wellingtonia
 - Ulmus carpinifolia - Elm
 - Tilia platyphyllos - Lime
 - Populus x Hybr 'Crown's Nest' - Lombardy Poplar
 - Corylus avellana - Hazelnut
- Road to vest
- Road Reserve Area

Overlay Key

- A** Protect all existing trees via covenant. Trees that die or become diseased shall be replaced with the same species.
- B** Close gap in tree belt with selected species (Wellingtonia, Abies, Picea). These trees shall also be protected by covenant.
- C** Group of 10 cottages (as per annex 'A' to C212/2001). Within the existing trees, planting will integrate as part of the farm building ensemble. Detailed design to be specified.
- D** Area of visual protection (special heritage character). The Homestead is the dominant element, especially to views from the opposite side of the Lake.
- E** Wetland native vegetation enhancement area
- F** Area of specific planting control to be protected by covenant.

General screen planting
Secondary access road
Native revegetation planting on Slope Hill
Approximate location of existing trees
Orchard planting

General screen planting
Secondary access road

Native revegetation planting on Slope Hill

Secondary access road

General screen planting

Native revegetation planting on Slope Hill

Area B - Close gap in trees

Area F - Specific planting control

Orchard planting along entrance with views under canopy

Main access road

Area E - Wetland Native Vegetation

Common Land

Common Land

State Highway No 6 (Ladies Mile)

Entrance

Entrance road to be located west of existing shelter belt

Local Name	Common Name
Homestead planting	
pp	Fir
Callanica	Atlas Cedar
terops	Palm
Cortaderia richardii	Tortoise
Corylus olivacea	Hazel
Crataegus spp	Hawthorn
Eucalyptus spp	Eucalyptus
Eucalyptus fortunei	
Fraxinus angustifolia	Narrow-leaved ash
Fraxinus excelsior	European ash
Garrya elliptica (Do not use)	
Illex aquifolium	Holly
Juglans regia	Walnut
Juglans spp. (Do not use)	
Orchard fruit tree spp	
Phormium spp	Flax
Picea abies	Spruce
Populus nigra 'Italica'	Lombardy poplar
Prunus laurocerasus	Cherry laurel
Rhododendron spp	
Salix babylonica	Weeping willow
Sasa spp	Bamboo
Sequoiadendron giganteum	Wellingtonia
Sorbus aucuparia	Rowan
Taxus orientalis	Western red cedar
Tilia platyphyllos	Lime
Ulmus carpinifolia	Elm
Cottage area planting	
Aesculus spp	Chestnut
Betula spp	Birch
Cupressus macrocarpa	Macrocarpa
Eucalyptus spp	Eucalyptus
Juglans regia	Walnut
Pinus spp	Pine
Salix babylonica	Willow

Ladies Mile - Subdivision Landscape Plan

Threepwood - Lake Hayes
Sheet 5 - Ladies Mile
Subdivision Landscape Plan

MPQ778C(10) - 19th February 2004
Approx. Scale 1:1250 (at A1)

Revision A AR 2nd September 2003

morgan pollard
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