



DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	LANGBEIN AND HEWETSON NOMINEES LIMITED
RM reference:	RM150424
Location:	365 Dublin Bay Road, Wanaka
Proposal:	Resource consent is sought to erect three accessory buildings with associated earthworks, a variation to RM110133 & RM120205 to enable the residential use of a consented filming shed and a s125 application to extend the lapse date of RM110133
Legal Description:	Lot 1 Deposited Plan 24317 and Lot 3 Deposited Plan 466145 held in Computer Freehold Register 621954
Zoning:	Rural General
Activity Status:	Discretionary Activity
Notification:	23 July 2015
Closing Date of Submissions:	20 August 2015
Commissioners:	Commissioners B Nixon and J Taylor
Date:	12 July 2016
Decision:	Consent is granted subject to conditions

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Of an Application to **QUEENSTOWN LAKES DISTRICT
COUNCIL BY LANGBEIN AND HEWETSON
NOMINEES LIMITED (RM 150424)**

DECISION OF COMMISSIONERS APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL JUNE 2016

Commissioners:

Robert Nixon (Chair – Christchurch)

Jane Taylor

The Hearing and Appearances

Hearing Date:

Friday, 22 April 2016 at Wanaka

Appearances for the Applicant:

Mr Graeme Todd, Legal Counsel

Mr Brett Giddens, Planning Consultant and Director of Town Planning Group

Ms Michelle Snodgrass, Landscape Architect and director of Michelle Snodgrass Landscape Architecture.

Mr Hewetson, one of the two applicants, did not present evidence but was present at the hearing and answered questions.

Appearances for the Queenstown Lakes District Council

Mr Nigel Bryce, Planning Consultant on behalf of the Council

Dr Marion Read, Consultant Landscape Architect, Read Landscapes

(both officers presented addendum reports based on the amended application).

Submitters:

Mr Julian Haworth, Upper Clutha Environmental Society

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

Abbreviations

The following abbreviations are used in this decision:

Langbein and Hewetson Nominees Limited

“the Applicant”

Queenstown Lakes District Council

“the Council”

The Operative Queenstown Lakes District Plan

“the District Plan”

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

INTRODUCTION AND BACKGROUND

1. The application site is located at 365 Dublin Bay Road, north of Wanaka, and comprises an area of 9.2236 ha with a legal description of Lot 1 DP 24317 and Lot 3 DP 466145. The site occupies part of a slope extending upwards from the north-eastern corner of Dublin Bay and varies in elevation from 290m and 420 m above sea level. The lower part of the site is relatively steep, and between this and the lakeshore is a Council reserve. This land is dominated by a mix of bracken fern and exotic trees such as poplars, willows, and some indigenous kanuka.
2. The central and flatter part of the site is much more modified and mainly grassed with gardens and orchards occupying part of the area, along with the existing buildings described below. The upper part of the site comprises a steeper escarpment primarily clothed in a mix of regenerating bracken fern and scattered exotic trees. Similar vegetation is found between the upper boundary of the property and the private land extending to the top of Mount Brown (558 m).
3. The wider area enclosed by Dublin Bay includes approximately 10 dwellings and six approved building platforms. The area around the application site comprises mainly regenerating native vegetation, although part of the site has been cleared and converted to orchard trees, grass and other exotic trees in a more formal 'garden' style.
4. Resource consent was granted under RM 110133 in 2011 for an approved building platform to accommodate the applicant's permanent dwelling. This platform is located towards the north-western end of the site at a higher level than the studio and cottage. Resource consent for the proposed dwelling (as a controlled activity) has not yet been granted under Rule 5.3.3.2 i (b). RM 110133 lapses on 27 September 2016 and the applicant has sought an additional two years through this application, to give effect to the consent.
5. The applicant is seeking approval for the following buildings under RMA 150424 as amended;
 - Two sheds with an area of 108 m² each towards the eastern and lower end of the site for the purpose of storing vehicles boats and other equipment;
 - A 36 m² garage west of the existing film studio and cottage buildings.
6. The site has an unusually complex history as a result of successive applications with attached conditions, some of which were added to or changed over time. We found the situation further complicated by the somewhat confusing use of the terms "shed", "barn", "studio", "farm building" and "cottage". This somewhat muddled background has some bearing on the current application, and the applications which have been granted are briefly summarised below¹:
 - A consent order from the Environment Court in 1993 provided for a subdivision by a previous landowner to create three lots for farming purposes.

¹ refer to summary under section 42 a report by Mr Nigel Bryce, November 2015, pp 5 – 6.

- RM 980032 granted on 9 March 1998 provided for the construction of an accessway from Dublin Bay Road up the terrace to a proposed house site.
- RM 990012 granted on 8 June 1999 provided for the establishment of the 'cottage' with a kitchen, and for retrospective earthworks. The kitchen was to be removed prior to the occupation of the principal residence.
- RM 020078 was granted on 18 March 2002 for the construction of an implement shed on the upper portion of the site, with the footprint of 128m² and a maximum height of 6.75 m.
- RM 100626 was a Certificate of Compliance issued on 25 November 2005 which confirmed that the use of 100m² of an existing building (the cottage) for indoor filming was permitted up to 7 days per year under the District Plan.
- RM 110133 was granted on 27 September 2011 (following the application being publicly notified) for the identification of a 462m² residential building platform on the upper portion of the site. This imposed conditions relating to the height, cladding and colour of the future residence; required that any further subdivision of the subject site (Lot 1 DP (24317) was to be prohibited; the construction of any additional building was also prohibited, except for a shed/farm building (the film studio) in the general vicinity of the existing cottage building approved under RM 990012; the removal of the kitchen within the existing 'barn' approved under RM 990012 when a kitchen was established in the permanent dwelling; and a condition that no new exotic plantings be established on the site after the date of the decision.
- RM 120205 was granted non-notified on 1 June 2012 to relocate the 'barn' approved under RM 020078 to a position adjacent to 'the cottage' and containing kitchen facilities, and the use of the 'barn' for the filming activities up to 180 days per calendar year. The kitchen was to be restricted to filming purposes. *This is the building now described as the 'film studio'.*

7. Two other applications relating to the site were declined (one on appeal to the Environment Court)², or did not proceed. We record that the following buildings are currently located on the site, and in an attempt to try and clarify the descriptors used for these buildings, and to reflect their actual use, reference should be made to plans accompanying this decision:

1. 'The film studio (previously 'barn' approved under RM 120205), being a building of 210.13m² in area containing a kitchen and residential accommodation;
2. The 'cottage', approved under RM 990012 being a building of 97.6 m², also containing a small kitchen and bunk style residential accommodation;
3. A small 'utility shed' adjacent to the film studio and cottage built into a retaining wall, and a freestanding pergola.

8. The current application (RM 150424) was originally notified on 23 July 2015, with submissions closing on 20 August. This application sought to undertake a two lot subdivision and to

² Refer Decision *Edward D'Alton Hewetson v Queenstown Lakes District Council* W056/2009, dated 27 July 2009

identify a residential building platform around the cottage and the film studio; to erect three accessory buildings; to vary the conditions of resource consents RM 110133 and RM 120205 to enable a residential use of an existing accessory building (a filming shed); and to extend the lapse date of resource consent RM 110133 by two years. One submission was received in opposition to this application and another “neutral” submission was also received.

9. The application was originally set down for hearing in Wanaka on Monday, 16 November 2015 by Commissioners Denis Nugent (Chair) and Robert Nixon. A site visit was undertaken on Sunday, 15 November 2015 observing the site both from land and water. However when the hearing commenced on the 16th, the Commissioner Nugent drew attention to an issue relating to the evidence of the applicant’s planning consultant concerning the proposed cancellation of conditions, and the hearing was adjourned. The background to the current application, and the need to make frequent reference back to previous consents, and the lack of a consolidated application, has made this process considerably more time-consuming than would otherwise have been the case.

THE AMENDED PROPOSAL

10. The applicant subsequently reviewed their position and submitted an amended application. This was within the scope of the original notified application with the same application number. The amended application was considered by the Council and was also forwarded on to the submitter. A summary of the amended proposal is outlined below, and can be compared with the conditions attached to this decision:

- a) *The deletion of a residential building platform around the film studio and cottage buildings;*
- b) *the deletion of the proposed subdivision;*
- c) *The volunteering of a landscaping condition in the form of a Comprehensive Landscape Treatment Plan (CLTP) to be submitted to the QLDC for approval which prevents future exotic plantings within the site; the identification in plan form of areas of native vegetation to be retained; ‘blending’ native landscaping as much as practicable with that on the neighbouring Ecroyd property to the south-west; preserving the upper steeper slopes in native vegetation and provide details of new native plantings. The CLTP shall be prepared by an independent, suitably qualified and experienced person.*
- d) *The variation of Condition 4 of resource consent RM110133 so that at the time an identified residential building platform is registered, a covenant be registered for the performance of conditions required under RM 110133 and RM 120205.*
- e) *At the time that a kitchen is installed within any future residential building established within the building platform approved under RM 110133, the kitchen within the existing cottage (RM 990012) shall only be used as a ‘prep’ kitchen in association with the filming and should the filming cease, then the kitchen within the existing barn/cottage (RM 990012) shall be removed. It shall be prohibited to reinstate the kitchen within the existing cottage.*
- f) *The cottage authorised by RM990012 and film studio under RM120205 may be used for temporary residential activity for the owners of the property until a residential building is constructed within the building platform approved by RM110133. After that date, the cottage and film studio shall only be used for non-commercial guest accommodation for family and friends of the owners and*

filming activities. The individual letting of the cottage and film studio or any form of visitor accommodation (including any visitor accommodation permitted under the District Plan) shall be prohibited.

- g) At the time that the identified residential building platform is registered on the certificate of title a covenant shall be registered for the performance of the conditions (i) – (xi) RM 110133 (which relate to the design and appearance of the permanent dwelling and associated earthworks, on a continuing basis.*
- h) A new condition, protected by a covenant, prohibiting future construction of additional buildings on the site except for*
 - The construction of a new shed or the relocation of the existing film studio authorised by RM120205 in the general vicinity of the existing cottage building authorised by RM 990012; and*
 - The construction of an accessory building for the garaging of two motor vehicles authorised by RM150424 in the general vicinity of the film studio authorised by RM120205; and*
 - The construction of two accessory buildings within Lot 3 DP466145 authorised by RM150424; and*
 - The construction of a utility shed and pergola authorised by RM140694; and*
 - (ii)(v)The establishment of a residential building within the residential building platform authorised by RM 110133.*
- i) The prohibition of further subdivision*
- j) The prohibition on further exotic plantings*
- k) The variation of Condition 5 and Advice Note 1 of resource consent RM120205 restricting nature of residential occupation and the use of kitchen facilities.*

Note: *We have not pursued the proposed ‘authorisation’ of the utility shed and pergola under RM 140694. From clarification with the officers, we understand that these features were not shown on the plans accompanying the notified application, nor did they form part of the description of the application as notified. Should further consent be required for these structures, this will have to be pursued separately from the current consent.*

NOTIFICATION AND SUBMISSIONS

11. The original application was publicly notified on 23 July 2015 with submissions closing on 20 August. One submission was received in opposition from the Upper Clutha Environmental Protection Society, and one ‘neutral’ submission from the Upper Clutha Tracks Trust.
12. The application was formally amended following the adjournment of the first hearing of the application, by way of correspondence dated 11 January 2016. The former had indicated their wish to be heard, and presented evidence at the reconvened hearing.
13. We were satisfied that the amendments made to the original application were within scope.

STATUTORY MATTERS

14. The site is zoned Rural General (refer Planning Map 8) under the operative District Plan and land use consent is needed in terms of the following rules;

Rule 5.3.3.3 (i)(a)(i) and 5.3.3.3 (i)(a)(ii) for the construction of three accessory buildings, being a 36 m² garage, and two sheds, both with footprints of 108 m² and associated physical works (discretionary activity).

Rule 5.3.3.3 (i)(a)(i) for retrospective consent (restricted discretionary activity) for internal alterations to the existing barn building to enable its use as a permanent residential dwelling (discretionary activity);

Rule 5.3.3.3 (xi) as the proposal does not comply with Site Standard 5.3.5.1 (vi) (a) which requires a minimum setback of 15 m from internal boundaries, specifically:

- Proposed 'Shed (Barn)1 ' encroaches into the setback as it relates to the site south western boundary with 302 Dublin Bay Road with a setback of 5m and spanning 6m; and
- Proposed 'Shed (Barn)2 ' encroaches into the setback as it relates to the site's south western and south-eastern boundaries with 302 Dublin Bay Road, with setbacks of 5m spanning 18m for the south western boundary, and a setback of 5m and spanning 6m for the south eastern boundary.

Mr Bruce Eckroyd, the owner and occupier of 302 Dublin Bay Road, has provided written approval to the application and accordingly no account can be taken of effects on this person's property.

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

SECTION 104 MATTERS

16. Section 104 of the Act states as follows:

"104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
(b) any relevant provisions of –

.....

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application".

17. Other relevant provisions include subsection (3)(ii) which specifies a consent authority must not have regard to any effect on the person who has given written approval to the application, and section 104B which provides that the consent authority may approve or decline an application for a discretionary activity, and may impose conditions under section 108.

LEGAL SUBMISSIONS AND EVIDENCE

18. **Mr Graeme Todd**, Counsel for the applicant, began by referring to additional exotic plantings undertaken since the approval of RM 110133 and he went to some lengths to emphasise that the hearing was not an enforcement proceeding about what has, or has not, occurred in the past. He contended that the consent process had been a ‘storm in a cupcake’. He said there were no external effects of activities undertaken in the buildings and there was no restriction on the use of the cottage for residential purposes. The use of the film studio for accommodation removed the need for people to travel back and forth to the site, and that externally there was no means of telling the difference between filming, sleeping, and cooking activities in the existing buildings. He added there were no restrictions on the hours or location of filming on-site with the exception of *the number of people* involved in filming.
19. He went on to add that no previous consents have included a restriction on the removal of the bracken on the site and asserted that the applicants did not comprehend the restriction which applied to the planting of fruit trees subsequent to the approval of RM 110133. He maintained that from a legal perspective, the conditions on planting did not take effect until the appeal period had expired, and as the consented not yet been given effect to, a covenant had never been registered. However he acknowledged that the applicant had breached the conditions of consent with respect to exotic plantings, albeit he argued, unintentionally.
20. He submitted that the use of the property was unique, and could be distinguished from applications for rural dwellings or developments within the ONL, because of its use as a base for televised cooking events, which had established an international profile to the extent that the cooking shows were distributed to 90 countries worldwide. On this basis he submitted there was an argument in support of the application in terms of the benefits of the proposal in terms of section 5(2) of the Act.
21. **Mr Brett Giddens** wrote that *“in my opinion the primary issues associated with the amended proposal relates to the establishment of gardens that has occurred on the upper areas of the site and the cumulative effects that have arisen with development on the site over time³”*. He added that there was general agreement between the Council and the applicant’s advisers that the adverse effects of each component of the proposal were small, although he considered that the existing planting regime required conditions which were not considered necessary by the applicant’s landscape architect.
22. He noted that the kitchen facilities within the cottage were now proposed to be retained as long as filming activity continued on the site, whereas a condition of RM 110133 requires them to be removed once a dwelling has been erected on the approved building platform higher up the site to the north. Given there were bed spaces in both the cottage and the studio building, he noted that the applicant was proposing that the film studio and cottage be

³ Refer evidence of Mr Giddens, paragraph 8

able to be used for a maximum of 180 nights per year by the owners and 90 nights per year for family and friends of the owners.

23. He commented that the nature of the various land uses undertaken on the property were quite unique, and that the use of the property for filming television shows in association with cooking weighed heavily in his consideration of the types of activities that could be undertaken in terms of the permitted baseline. This included farming activity – which included land clearance. Viticulture, market gardening, planting of exotic trees, and earthworks were permitted activities within specified annual limits.
24. Given the site was within an ONL, he made reference to the assessment matters contained in Part 5.4.2.2 (2) of the District Plan. He relied on the evidence of Ms Snodgrass who concluded that the level of exotic planting undertaken did not breach the threshold of the site's ability to absorb additional development, a position strongly contested by Dr Read for the Council. Noting that in his view 'landscaping' undertaken in the upper portion of the site was a permitted activity, he agreed with Ms Snodgrass that this area did not need to be rehabilitated in the manner suggested by Dr Read⁴. In response to a question however, he conceded that it was open to the Commission to consider conditions relating to landscaping on the upper slopes of the site, as the application related to the whole site. He accepted that if we chose to do so, it would be open to us to impose Dr Read's suggested conditions with respect to landscaping. Notwithstanding this, with respect to exotic plantings established since the approval of RM 110133, he felt this should be treated separately as an enforcement issue.
25. He noted it was common ground among both landscape experts that the amended proposal, in itself, would not have significant effects on the openness of the landscape. In terms of cumulative effects, he agreed with Ms Snodgrass that as the buildings were located in an area of established built landscape character and in association with the existing film studio, cottage and proposed garage. In his opinion the additional domestic use of the cottage and film studio would result in very little external change to environment, and while exotic planting activities (able to be undertaken as of right) had undoubtedly had an impact on the landscape, they were the kind of effects that were anticipated by the District Plan.
26. In terms of the objectives and policies of the District Plan, he conceded that *"....while I have been cognisant that there is a concern of cumulative degradation of the landscape...."*⁵ he was satisfied that on the basis of the type and scale of development, its containment within the site, and proposed mitigation measures, that it would achieve the outcomes sought in the District Plan.
27. **Ms Snodgrass** noted that as the site was no longer proposed to be subdivided, and there was no longer a proposal to locate a building platform around the cottage/studio buildings, any external effects in terms of 'additional' residential dwellings would not arise.

⁴ Refer evidence of Mr Giddens, paragraph 33

⁵ Refer evidence of Mr Giddens, paragraph 55

28. She proposed a comprehensive landscape treatment plan to be prepared by the applicant and approved by the Council, with the aim of preventing future exotic planting on the site, retaining existing areas of native vegetation and showing new native planting. More specifically the areas of native planting would be designed to blend in with protected native vegetation on the neighbouring Ecroyd property to the east (protected under RM 120448), preserve the upper steeper slopes of the application site in regenerating native vegetation, and to preserve the regenerating native vegetation on the steeper slopes immediately east and south-east of the cottage and film studio. It was also proposed that the applicant establish additional native beech and pittosporum species on the steep slopes to the east and south-east of the cottage and film studio complementing existing planting, and to remove the existing bracken. Native planting on the steeper slopes was seen to be consistent with that proposed around the driveway and lower slopes on the Ecroyd property and would consist of species such as beach, kanuka, cabbage trees etc⁶.
29. With respect to the two 108 m² sheds proposed to be used for storage of vehicles boats and film equipment, she said these would be visible from an informal walking track from the lake edge to the site, and to a limited extent from the surface of Dublin Bay – but not outside of Dublin Bay, or from the projected Dublin Bay track. The proposed garage would only be visible from the walking track from the lake to the boundary of the site.
30. She considered that ‘domestication’ of the site had already occurred, and was now an established visual feature on the lower part of the site, which the proposed storage sheds would readily be associated with. She considered that the middle and lower slopes were more ‘arcadian’ in nature including garden planting and exotics. There would be little, if any effect, on *private* views.
31. The use of the cottage and film studio by family and friends for specified numbers of days per year would not have an adverse effect on the landscape character as the only external effect would be an increase in vehicle movements number of people certain times of the year, a characteristic of properties in this region.
32. Turning to the areas of exotic planting, she noted that that two areas on the south-eastern corner of the upper slopes did not follow the pattern of topography on the site. One of these was an orchard, and the other a grassed area between the orchard, and the escarpment to the east of the cottage. Observing that these have a grade similar to that of the escarpment, she wrote:
- “Both of these areas are visually incongruous with topography and tend not to follow an established pattern of vegetation on both the upper part of the site and the Ecroyd property. While the areas of exotic tree planting particularly the two areas discussed are unnatural, and possibly not desirable, they are legal and are part of the existing character of the upper part of the site”⁷.*

⁶ Refer evidence of Michelle Snodgrass, paragraph 11

⁷ Refer evidence of Michelle Snodgrass, paragraph 35

33. She contended that this planting had occurred because the applicant had not understood the consent condition against further tree planting would only be triggered when the Residential Building Platform was registered under Condition 4 of RM 110133 – a step that had never been taken.
34. She conceded that Dr Read’s additional planting conditions would result in a better visual outcome, but noted that they were not related to mitigating the effects of the proposed sheds and garage. Her overall conclusions were that the visual landscape effects of the proposal were “... none to slight, with the exception of the viewpoint on the Council reserve adjacent to the western boundary of the site where she considered the visual effect would be moderate”⁸.

The officers reports

35. **Dr Marion Read** noted that while there had been a number of changes to the development as originally notified, and that:
*“my opinion remains that the extensive vegetation clearance and planting of hedges and trees on the site since RM 110133 was granted has raised the domestication of the broader site to a level at which its ability to absorb the consented development has been eclipsed. Thus while the adverse effects of each element of this proposal are small, the cumulative effects are significant and adverse”*⁹.
36. She expressed concerns that while the range of native species proposed to be planted was appropriate, there was insufficient detail around the amount of planting, monitoring to ensure its successful establishment, and maintenance.
37. With respect to the use of the buildings on the site, she considered that ongoing residential activity, albeit of limited duration, would increase the level of activity around the property and have a “moderately small” effect on the landscape¹⁰.
38. Her key conclusion was that while the proposed vegetation management scheme was positive, the ongoing domestication of the site would be reinforced by existing exotic planting increasing in scale as it matured, thus negating this beneficial effect. To address this, she proposed that all exotic trees not existing at the time of the approval of RM 110133 (the applicant’s proposed permanent dwelling) be removed; that there be no hedges other than that adjacent to the potager ‘(kitchen garden)’ to the north of the consented building platform for the future dwelling; the relocation of all productive fruit trees to a lower area within the balance of the site; the development of a revegetation plan; and that any future tree planting orchard or garden development be restricted to the area outside an identified restoration/revegetation area¹¹.

⁸ Refer evidence of Michelle Snodgrass, paragraph 38

⁹ Refer addendum evidence of Dr Reid, paragraph 4

¹⁰ Refer addendum evidence of Dr Reid, paragraph 6.3.

¹¹ Refer addendum evidence of Dr Reid, paragraph 8.

39. She said that domestication was evidenced where the presence of exotic trees informed an observer that 'a house was there'. In response to a question, she contended that the produce grown on the site was clearly domestic in scale, as opposed to 'typical' farming. In her view the orchard trees could be transplanted successfully to a lower point on the site.

40. **Mr Nigel Bryce** presented planning evidence for the Council, with his views strongly informed by the assessment of Dr Read. He contended that:

*"..... further domestication (in the form of planting of exotic hedges and trees) that has occurred since the approval of RM 110133 does not form part of the permitted baseline, because of condition 4 (xiii) of RM 110133"*¹².

He added that this condition was volunteered by the applicant to ensure no further exotic planting took place. Like Dr Read, he concluded that in conjunction with the cumulative effect of additional land use activities, the proposal still exceeded the capacity of the site to absorb further development.

41. He also drew attention to concerns that any positive effects of protecting remaining regenerating indigenous vegetation were modest, when consideration was given to the presence of the cypress hedges, the stone pines, the orchard trees and the pencil cypress – all species which were strongly domesticating elements, and would become more so as they matured. For this reason, it was recommended that

42. *"..... a remediation response that seeks to remove those offending domestic elements that have been established over the property since RM 110133 was approved and remediating areas of the site where bracken fern has been removed by allowing these areas to be established and supported with additional indigenous planting"*¹³.

43. This was supported by a plan prepared by Dr Read and submitted to the hearing, which would implement such a condition.

44. In terms of the residential use of the cottage and film studio buildings, he noted that the variations sought would be close to full residential occupation, and add to the domestication of the site, albeit *"moderately small"*¹⁴ in effect. He recommended that the application be declined, but if the landscaping outcome suggested by Dr Read were accepted (i.e. partial removal of exotic vegetation established since RM 110133 and remediation with indigenous vegetation), this may allow the application to be set apart and considered on its merits.

Submitter

¹² Refer evidence of Mr Bryce, page 17.

¹³ Refer evidence of Mr Bryce, page 18

¹⁴ Refer evidence of Mr Bryce, page 20

45. Mr Haworth presented evidence on behalf of the Upper Clutha Environmental Society. His concerns were that the increased level of development, compared to that which had been consented under RM 110133 was significant, and argued that provision for retaining 'three kitchens' effectively amounted to 3 dwellings on the property. Noting the previous background to the application, he said that it was only through the volunteering of stringent conditions (on RM 110133) that development was originally considered acceptable. He agreed with Dr Read that *any* cumulative effects of further development on the site would exceed its capacity to absorb development within this sensitive ONL. He further expressed concerns about the perceived integrity of the process and the risk that the public would lose confidence in the administration of the District Plan if consent were granted, citing disregard of previous conditions attached to decisions. He sought that the application be declined.

Right of reply

46. Mr Todd noted that it would be valid to consider the planting activities undertaken on the site as a productive rural use, and not necessarily simply a matter of amenity. He placed particular emphasis on what would be permitted on the property as a permitted activity, and that it would have been possible to clear much of the vegetation in association with farming development without the need for a resource consent. He said no disturbance was proposed on the upper terraces, and emphasised the need to look at the economic and social benefits of the proposal in terms of Part 2 of the Act.

Subsequent Minutes issued by the Hearings Panel and further responses

47. Three Minutes were issued by the Hearings Panel. The first two issued on 29 April and 10 May respectively, related to our requests for the applicant to prepare a Comprehensive Landscape Development Plan addressing in particular the treatment of the interface on the upper portion of the site between the exotic planting and regenerating indigenous vegetation. This would form part of any conditions of consent. The third Minute sought that this plan, or an additional plan to be provided, clearly label the buildings to be located on the site in a manner using consistent descriptions which in turn would be linked to conditions of consent.
48. Initial responses were received from the applicant on 31 May 2016. Some further amendments and additional information was still required and these were received on 14 June. The officer's comments were received on 24 June. The applicant's final response and right of reply was received from Ms Snodgrass on behalf of the applicant on 1 July.
49. Prior to this Ms Snodgrass had produced an amended landscape plan, which subject to some subsequent further amendments, adequately addressed our concerns relating to the need to provide a better transition between the 'domesticated' landscape of the orchard and the surrounding bracken fern vegetation to the east and south.
50. Dr Marion Read and Mr Bryce maintained their reservations about the adequacy of what was proposed in the amended plans, reiterating their concern about retention of exotic planting established subsequent to RM 110133, particularly the recently established cypress hedges. Dr Read considered that further conditions would be required to control any future exotic

planting, drawing attention to the area of bracken fern adjacent to the vehicular route through the property adjacent to the Ecroyd property. She was also concerned that the species chosen were not of significant enough scale, and that no planting was proposed along the common boundary of the orchard and the Ecroyd property.

51. In the applicant's right of reply, Ms Snodgrass maintained that the species chosen were based on their greater likelihood of survival in the prevailing conditions. She also claimed that space limitations precluded planting along the Ecroyd boundary in order to maintain a rabbit proof fence on that boundary, and contended that the Stone Pine Orchard to the north-west of the orchard would not outcompete native planting, because of site conditions limiting the growth of exotic trees in the upper part of the site.

ASSESSMENT OF EFFECTS

52. As will be apparent from the following assessment, there is a link between the various amendments made to the current application RM 150424, and a number of conditions attached to earlier consents. In order to simplify the assessment, we have proceeded in the order of the amendments proposed to the original application under RMA 150424 followed by those aspects of that application which are still being pursued by the applicant.
53. We make the observation at this point that with respect to much of the existing development on the site, we were essentially presented with a *fait accompli*. This relates to the existing film studio and cottage, and a significant extent of the now established exotic planting. While some of the exotic planting appears to have been established in breach of earlier conditions of consent, this is essentially an enforcement matter. We have no doubt that this existing development has undoubtedly been beneficial in terms of the applicant's cooking programmes and an associated projection of the district onto a national and international culinary stage. However it has had an adverse visual effect on the environment in terms of what would be expected within an ONL. Our options are significantly constrained by what has already gone before. This in turn is compounded by some significant weaknesses in the operative District Plan with respect to the protection of areas of 'indigenous' vegetation, in the context of the regenerating bracken fern which is a characteristic of the slopes of Mount Brown.
54. Nevertheless, the current application does involve a further increase in the already significant number of existing or consented buildings on this individual rural site within an ONL, and approximately 250 m² of new building space. Given the overall cumulative increase in the extent of building proposed, and given that this is a fully discretionary application, we think it is appropriate to take some account of the cumulative effects of development on the site as a whole, including the extent of landscaping that is appropriate.

Deletion of proposals for a residential building platform around the film studio and cottage, and of the proposed subdivision.

55. The deletion of the proposal to create a residential building platform, and undertake a subdivision of the property, as proposed through this amendment to the application, and to impose a covenant preventing future subdivision, is a significant improvement to the application as originally notified. While the cottage and the film studio are now well-established buildings on the site, they were never proposed or assessed on the basis of being a separate dwelling complex.

Proposed landscaping condition (x)

56. This proposes a Comprehensive Landscape Treatment Plan (CLTP) being submitted to the Council for approval within three months of the commencement of the consent, primary elements being preventing future exotic planting, showing areas within which indigenous vegetation (primarily bracken fern – *pteridium esculentum*) shall be retained, and blending as much as practicable with protected native vegetation on the neighbouring Ecroyd property. It would also require details of new native planting within parts of the site to be retained in native vegetation in order to encourage natural regeneration and native biodiversity.
57. A key point of difference between the applicant and the Council is that the latter sought that existing exotic planting established since the approval of RM 110133 be removed and replaced with native planting.
58. Our understanding was that the applicant had volunteered as a condition on RM 110133 that there should not be any additional exotic planting. We also note that it was accepted by Mr Giddens that landscaping provision on the site as a whole was open for us to consider, and was not necessarily tied to mitigation of any adverse landscape effects arising as a direct consequence of constructing the proposed garage in the vicinity of the cottage and film studio, or more importantly, the two proposed 108 m² sheds in the south-eastern corner of the site.
59. We are well aware, as Mr Todd pointed out in his submissions, that the removal of indigenous vegetation – at least the bracken fern present on the site – is not restricted under the rules of the District Plan. Indeed, there would be no restriction on clearance of this land and its conversion to pasture for farming purposes. The Council's ability to restrict this activity derives from conditions on the unimplemented consent for the erection of the proposed dwelling consented under RM 110133 (Rule 5.3.3.3 (1) (a) (ii), or potentially – albeit indirectly, through controls over earthworks.
60. It may also have transpired that as part of the succession of applications made on the site that an element of confusion has arisen, but it appears that in any event there have been no restrictions imposed with respect to the removal of existing indigenous vegetation.
61. Nevertheless, we consider that there was a reasonable expectation that the applicant should have restricted the planting of exotic vegetation following the granting of the consent for the dwelling under RM 110133. After taking the background of this application into account, and considering the rather liberal provisions of the District Plan, we have reluctantly concluded that the net environmental benefit of requiring removal of all the exotic plantings that have now been established since RM 110133 was granted would be limited. However we are of the

opinion that a better interface should be provided between the remaining indigenous vegetation and exotic plantings below it. For this reason we issued a Minute on 29 April requesting that the applicant prepare a CLTP which would incorporate a satisfactory visual transition between the orchard area and the adjoining area of indigenous vegetation, with that 'transitional area' falling within the boundary of the area occupied by the exotic plantings.

62. Our conclusions were based on the distinct visual contrast or 'boundary' between the orchard/grassed area, and the bracken slopes above. This effect is particularly obvious and contrasting on the higher parts of the site, which is the case here. The extent and nature of exotic plantings has had a negative impact on the character of the ONL, a point conceded by the applicant's landscape architect¹⁵. While transitional planting is far from being a complete solution to this issue, it would go at least some way towards softening the contrast on the interface between the exotic vegetation and the regenerating native vegetation.
63. We are not unsympathetic to the recommendations of Dr Read, and on the merits prefer her view to those of Ms Snodgrass. However we consider that the conditions she has sought are effectively a retrospective form of enforcement. We have no jurisdiction to consider enforcement issues and it may be that the Council wishes to form a view on that matter separately. Regardless of whether or not some of the exotic vegetation was removed and indigenous vegetation was reinstated, there would still be a clear element of domestication visible from a number of vantage points around Dublin Bay as a result of development already consented, and an associated contrast between the significantly modified 'exotic' planted environment now established and the bracken fern slopes above.
64. In addition, the area containing the buildings on the application site forms part of a node of 'residential' development which is visible from the lake, a point commented on by the Commission in its decision on RM 110133¹⁶. That said, we are also aware that the Environment Court has noted that the site is located on the western slopes of Mount Brown, an area of open landscape where it is difficult to screen buildings, and which is distinct from other parts of Dublin Bay¹⁷. We are satisfied that we have the ability to impose conditions relating to the protection of the remaining bracken fern, and to mitigate to some extent the effects of the exotic planting by softening the boundary between the two contrasting areas. The ability to link conditions on planting to the current application was conceded by the applicant's planner under questioning.
65. Following the receipt of the amended plans from the applicant and the Council's comments thereon, we have given further consideration to the amendments made, and the remaining concerns of the Council. Nearly all of the adverse landscape effects that have occurred as a result of the development of the site have already occurred as a result of previous ongoing consents, limited consent conditions, and potentially a lack of enforcement – a 'death by 1000 cuts'. We are under no illusions that the additional landscaping requirements we wish to impose by way of conditions can realistically reverse the fact that the development on the site

¹⁵ Refer paragraph 33 above.

¹⁶ Refer decision RM 110133, paragraph 50

¹⁷ Edward D'Alton Hewetson v Queenstown Lakes District Council, Decision W056/2009, paragraph 74

– and particularly the exotic planting regime – will continue to distinctly contrast with its surrounds. All we can do is attempt to partially ameliorate these effects.

66. We have concluded that although imperfect, the additional planting regime around the orchard will go some way towards softening the boundary between the domesticated garden environment and the surrounding bracken fern, albeit that it will not remove the contrast between these areas. However we agree with Dr Read that the recently established hedgerows on the property – with the exclusion of those adjacent to the pottager – should be removed, as these add an additional element of domestication which was not authorised under previous consents. We have concluded that these should be additional conditions of consent which would go some way further to ameliorate the adverse effects of the ‘domestication’ of the site.

Proposed Future Development Condition (ii)

67. This would provide for the construction of an accessory building for the garaging of two motor vehicles sought under the current application in the vicinity of the film studio authorised by RM 120205.
68. It was common ground that the visual impact of a 36m² building for two vehicles in close proximity to the cottage and film studio would have a less than minor adverse effect on the landscape.

Proposed Future Development condition (iii)

69. This would provide for the construction of two accessory buildings in the form of the two proposed 108m² sheds (shown on the plans as “Barns” 1 and 2) for storage of vehicles, boats and filming equipment as sought through the current application.
70. The proposed location of these two buildings in the southernmost corner of the site, would only have a minor effect as seen from outside the site, particularly as it is located on the lower area of the site and screened from view from most perspectives. However we remind ourselves that they represent an additional extent of cumulative floor space comparable to a single dwelling. In terms of the setback non-compliances, it is noted that the neighbour has provided their written consent, and that requiring compliance with the setback requirements would have no beneficial effects in terms of either neighbour amenity or screening the buildings from view.

Proposed Future Development Condition (iv)

71. This seeks the construction of a utility shed and pergola ‘authorised’ by RM 140694 in addition to the residential building authorised by RM 110133. We understand from the reporting officer that this application remains to be resolved, and that details relating to it were not included in the current application. Accordingly then, the conditions will need to specify and provide for the final resolution of this application.

Proposed Future Development Conditions (xi) and (xii)

72. It is logical to consider these two proposed conditions together. The first of these seeks to amend a condition such that when the future residential dwelling is established within the building platform, the kitchen within the cottage (RM 990012) shall only be used as a “prep kitchen” in association with filming (RM 120205); and should the filming cease the kitchen shall then be removed and any reinstatement be prohibited.
73. The second condition seeks to add a new condition enabling the cottage authorised under RM 990012 and the film studio under RM 120205 to be used for temporary residential purposes by the applicants, until the permanent dwelling is constructed within the building platform approved by RM 110133. After that date building shall only be used for non-commercial guest accommodation for family and friends of the owners and for filming activities authorised by RM 120205. It also would provide that the individual letting of the cottage and film studio for any form of visitor accommodation permitted under the District plan be prohibited. It is proposed that these conditions be protected by a covenant, and that temporary residential activity for the owners means not exceeding 180 nights per calendar year; for family and friends of the owners not to exceed 90 nights per calendar year; and with the owner keeping a log of nights spent on the cottage and the film studio, with that information being available to the Council on request.
74. In considering these amendments, we again note that these buildings are not (now) proposed to become part of a separate title through subdivision, or to have an approved building platform. While the physical impact of subdivision would be limited, except perhaps to the extent of some additional site-specific residential activity and (potentially visually intrusive) boundary planting, we reiterate that we consider it is completely inappropriate for these buildings which were established in conjunction with the applicant’s cooking programmes to provide a platform for what might otherwise be seen as a ‘trojan horse’ for a second dwelling on this rural property within an ONL.
75. Having said that however, it was clear to us on the site visit that both the configuration of the property itself, and of the internal layout of the cottage and film studio, was such that they are clearly associated and purpose designed for the applicant’s business of televising cooking shows. We were informed that these demonstrations are extensively televised both here and overseas. It is also readily apparent that the gardens on the site are used as both a backdrop to this activity and as a source of some of the ingredients. This is despite the exposed location of the site being otherwise marginally suitable, if at all, for growing produce. Accordingly we accept there is some weight to the applicant’s arguments that there are significant social and economic benefits to the District and even beyond. Perhaps more importantly, it is an activity forming the core of the applicant’s business, which in contrast to the construction of dwellings and accessory buildings, is unique and which hardly lends itself to likely replication on similar sites within the ONL. Finally, the evidential basis for the cooking and filming activities site can be readily established upon viewing the site. Any concerns about the use of buildings on the

site arise more with the potential long-term outcomes should the current cooking and filming activities cease, and the property perhaps pass into different ownership.

76. Given these factors, we consider that the retention of the 'prep' kitchen within the cottage, until such time that any filming on the site ceases (and by implication its association with televised cooking activities), is a practical response, and in any event the physical impact on the external environment is commonly agreed to be less than minor.
77. The second of these two conditions is again linked to the eventual establishment of the applicant's permanent dwelling, and ongoing filming activities. It seeks to have any residential use of the cottage and the studio restricted to occupation by the owners for 180 days per year, and to family and friends to 90 days per year. These occupancy rates are proposed to be recorded and made available to the Council upon request.
78. We have some reservations as to the enforceability of these conditions, or the extent to which they are useful. We accept that a restriction on *commercial visitor accommodation* can be justified as otherwise the level of activity (such as vehicle movements) would potentially be considerably greater. Otherwise, we consider that effects of the restrictions will be marginal, but they have been volunteered by applicant. Our overall conclusions were that the visual effects, beyond those already consented, of the proposed amendments to the internal use of the existing buildings would have little or no discernible impact on the external environment. The primary issue remains the domestication effects of planting on the site, in particular its more visible and steeper upper slopes, as a result of removal of regenerating vegetation.
79. To a significant extent, the development which has taken place on the site is in association with an activity (televised cooking programmes) which by its very nature is not the kind of use which a district plan would normally anticipate.

Proposed amendment to Condition 5

80. This condition under RM 110133 specifies that the kitchen within the film studio is to be used only for a temporary residential activity for the owners of the property until the approved permanent dwelling is completed. The applicant is also seeking that the kitchen be able to be retained beyond this time only for non-commercial guest accommodation for family and friends.
81. This is similar to the restrictions proposed in the amended condition 4 as discussed above.

Amendment to Advice Note

82. The Advice Note is proposed to be amended in accordance with relocation of the film studio and its use for filming a cooking show as provided for by the conditions above.

Extension of period to give effect to RM 110133

83. Although this was not addressed in evidence to the hearing, it remains as an unchanged component of the application, seeking an extension of two years to give effect to RM 110133 which currently expires on 27 September 2016. This was also addressed in Mr Giddens evidence to the hearing¹⁸. RM 110133 authorised an identified building platform on the western part of the site, although the dwelling itself – when eventually constructed – would require consent as a controlled activity. Having regard to section 125(1A)(b), we consider adequate progress has been made towards giving effect to the consent, and the provision of additional time to achieve that outcome is considered acceptable, and even desirable, to at least partly address ongoing uncertainties with the future of the site.

Positive effects

84. As discussed earlier in this decision, this property is used as the base for internationally syndicated cooking programmes and as such confers significant benefits to the district (through its association with the Wanaka area and its landscape) and to the country as a whole. The current amended application however, does not create any *additional* benefits apart from providing a greater degree of certainty and finality over what has been a somewhat tortuous consenting process over some years. For this reason, we do not consider that the *current application* raises significant beneficial elements in terms of Part 2 above those that were conferred by earlier consents enabling filming on the site.

OBJECTIVES AND POLICIES

85. The location of the application site within an ONL, means that the objective and policy framework with respect to landscape effects assumes particular importance. The District Plan contains an extensive suite of objectives and policies relevant to rural landscape and amenity issues in the District Plan.
86. Part 4 of the Operative District Plan addresses ‘district wide’ issues, and Objective 4.2 and its related policies have direct reference to landscape and visual amenity.

Objective 4.2.5:

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

87. This overarching objective largely paraphrases the provisions of section 5(2)(c) of the Act, but landscape and amenity matters are given greater direction in its associated policies. Policy 1 reads as follows:

Future Developments

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*

¹⁸ refer evidence of Brett Giddens paragraph 14

(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.*

88. These two policies are appropriately considered in conjunction with each other, and require consideration as to whether this particular site is vulnerable to degradation, and the extent to which it can absorb change without detracting from its landscape and visual amenity values. In providing context for these questions, and having regard to the contrasting evidence presented to us, we consider the following factors are relevant:

- (1) the scope for considering effects
- (2) the effect of already consented development
- (3) the potential effects of land use activities that would be permitted as of right
- (4) the potential effects of the three additional buildings proposed (the garage and two sheds)
- (5) the potential effects of retaining kitchen and a component of residential activities (the film studio and cottage)
- (6) landscape effects in terms of the protection of regenerating vegetation
- (7) cumulative effects on the landscape

89. We begin with the observation that although the Dublin Bay area is more modified by the presence of dwellings and exotic vegetation than other areas of ONL around Lake Wanaka, it nevertheless has to be assessed recognising its status as part of an ONL. However the degree of modification is relevant to the extent to which this part of the ONL can absorb change. In terms of the wider context of Dublin Bay, the adjoining Ecroyd dwelling is highly visible from parts of the bay and its visual impacts are not significantly mitigated either by the design of the building, or by landscaping. In the case of the applicant's property, the site is clearly visible from parts of Dublin Bay because of the contrast between the exotic garden and ornamental plantings and (especially) the grassed areas, and the areas of indigenous vegetation both above and below the site. These visual impacts are exacerbated on the higher steeper slopes within the site.

90. As part of our assessment earlier, we noted that the activity is fully discretionary in status and based on the planning evidence we heard, we consider that we can address landscape mitigation over the site as a whole, given there is some cumulative effect associated with the degree of additional building floor space contained in the current application.

91. This brings us to the issue of the already consented development. With respect to the use of the film studio and cottage (kitchen facilities and residential occupation), it was common ground between the landscape witnesses that the effects of what was proposed through this application would have a less than minor effect on landscape values. Further, recognising that some parties involved in the filming were staying on the site rather than having to travel to it, the degree of 'domestication' associated with people going to and fro would not be significant – at least above what could happen in terms of development already approved. In terms of

the exotic plantings, some, albeit not all, of those plantings were also permitted, with any assessment of the difference in effects confined to those plantings that have taken place since the approval of RM 110133.

92. In terms of what the District Plan permits as of right, there is no restriction on land clearance except where this involves more than moderate levels of earthworks, or the erection of a building. Accordingly there would be no restriction on the applicant removing all of the regenerating bracken and replacing it with pasture for grazing purposes. Land clearance of this nature would not in our view be a fanciful prospect.
93. In terms of the three additional buildings involved, again none of the landscape witnesses we heard considered these buildings would create be a significant adverse effect on landscape amenity values, being largely screened from most potential viewpoints, and in the case of the garage, closely associated with the film studio and cottage. The effect of changing conditions concerning the kitchen facilities and residential accommodation would have little or no effect on the landscape values of the area.
94. Turning then to landscape effects on the more exposed higher parts of the site, and bearing in mind the fact that the application is fully discretionary, we concluded there was scope for imposing conditions that would provide a significantly improved interface between the indigenous vegetation to be retained and the exotic grass and orchard plantings adjacent to it. For that reason, we requested the applicant to prepare a further amended concept for a CLTP to soften the current harsh transition.
95. The Council officers and the submitter strongly emphasised that although the individual components of the application would not have a significant effect on landscape and amenity values, the *cumulative* effect of these would exceed the capacity of the landscape to absorb change. Indeed, we acknowledge that this is an important component of the Council's case. While we can appreciate how this view was arrived at, in considering the landscape effects of what has already been consented, and what could be undertaken as of right in terms of vegetation clearance, we finally concluded that this site does have the capacity to absorb the limited amount of change that would flow from granting consent *to the amended application* now before us.
96. Policy 8 is also concerned with cumulative effects:

Avoiding Cumulative Degradation

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

- (a) *To ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.*
 - (b) *To encourage comprehensive and sympathetic development of rural areas.*
97. Subdivision is no longer proposed in this case. The *increase* in development proposed above that already consented – which effectively comprises the proposed garage and two 108m² sheds – while in themselves significantly increasing the degree of building development on the site, do not do so in a manner which would significantly detract from landscape values because of their location, and the degree of screening possible. We cannot take into account effects on the neighbour to the west as he is given as written consent. When added to the

visual effects of development already on site, these buildings would not result in a 'tipping point' being reached whereby the capacity of the landscape to absorb further development would be exceeded, although this point must be very close now.

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

Structures

To preserve the visual coherence of:

(a) *Outstanding natural landscapes and features and visual amenity landscapes by:*

- *Encouraging structures which are in harmony with the line and form of the landscape;*
- *Avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
- *Encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
- *Encouraging placement of structures in locations where they are in harmony with the landscape;*
- *Promoting the use of local, natural materials in construction.*

(b) *Visual amenity landscapes*

- *By screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and*

(c) *All rural landscapes by*

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

99. The proposed development does not affect a skyline or ridge. The visual contrast between regenerating vegetation both above and below the site, and the domesticated garden/orchard environment is nevertheless quite distinct as seen from those locations where it is clearly visible – that is, from the surface of Dublin Bay and its southern shore. We consider the have at least as great a visual impact than the existing buildings on the site. The proposed buildings will make little difference because of the extent to which they would be screened, are not on the higher and more visible slopes, while in the case of the proposed garage, would read as part of an existing node of buildings comprising the film studio and cottage.

100. Accordingly, we consider that the amended application is not contrary to Policy 9.

101. Part 5 contains the objectives and policies relevant to 'Rural Areas'. Objective 5.2.1 and its related policies state as follows:

Objective 5.2.1 – Character and Landscape Value

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

Policies:

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

102. The activities undertaken on the site defy typical district plan classification, because while a small area of the site is undeniably used to grow products used in association with the cooking demonstrations, it is not a 'productive' rural activity in the commonly understood sense of the word, at least in this District. Ordinarily, it would be difficult to imagine that exposed rural slopes in a location such as this would be used intensively to produce agricultural produce. The exposure of the site is such that the applicants have been compelled to provide hedging to protect the potager. However the reality is that there are significant benefits derived from the applicant's filming activities on the site, which derive at least in part from the associated use of the soil resources on the land, however small scale, and however challenging the conditions may be. For that reason, we consider the activities undertaken are not contrary to policies 1.2, 1.3 and 1.5 which relate to a required linkage to rural activities.

103. We have discussed landscape impacts earlier in this decision. It is the modifications resulting from the establishment of exotic vegetation which have resulted in a visually incongruous outcome which does not sit comfortably with the status of the site within an ONL, but this is not a consequence of the three additional buildings proposed, as these are not in locations on highly visible parts of the site. Amendments to conditions relating to the presence of kitchens and residential occupation will also have no significant adverse effect on the visual character of this area either. For this reason, we do not consider that a grant of consent to the amended application would be contrary to Policies 1.1, 1.4, 1.6 1.7, or 1.8 or the objective itself.

Objective 15.1.3.5 – Amenity Protection

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

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
 - 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
 - 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
104. Although this objective and its associated policies have greater relevance to an urban environment, and no subdivision is involved, we have concluded that the scale and density of development, taking account of what has already been consented, would not be contrary to the objective and policies.

The Proposed District Plan

105. Section 88A (2) requires that regard be had to the provisions of the Proposed District Plan. However the weight we can give to the proposed plan is limited, as there are numerous submissions and no decisions have yet been released.
106. Policy 6.3.1.3 signals that development proposals located within ONLs will be treated as *“.....inappropriate in almost all locations, meaning that successful applications will be exceptional cases”*. Objective 4 calls for the districts ONL’s to be protected maintained or enhanced, further supported under Policy 6.3.5.1. Policy 6.3.5.2 seeks to avoid adverse effects in areas highly visible from public places and public roads, Policy 6.3.5.4 encourages landscaping to be as consistent with the established character of the area. Objective 6.3.7 and Policy 6.3.7.1 and 6.3.7.2 call for the avoidance of clearing indigenous vegetation.
107. Objective 6.3.8 and its associated policies call for recognising the District’s dependence on tourism, with Policy 6.3.8.2 seeking that tourism related activities located within the rural zones *“may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values”*.
108. If these provisions were beyond legal challenge or operative, even allowing for the possible application of Policy 6.3.8.2, obtaining consent for the activity is now established on the site would have been challenging. However the scope of the present application is significantly less as most of the effects of the on-site activities on the ONL have already been approved through earlier consents. More importantly, as already noted, only limited weight can be given to these Proposed Plan at this point in time.

THE OTAGO REGIONAL POLICY STATEMENT AND THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

109. The operative Otago Regional Policy Statement, objective 5.4.3 seeks to:

“To protect Otago’s outstanding natural features and landscapes from inappropriate subdivision, use and development”.

110. This objective unfortunately does not provide helpful guidance because it is largely confined to paraphrasing the provisions of section 6(b) of the Act. Policy 5.5.6 calls for the recognition and protection of Otago's outstanding features and landscapes, but is primarily an implementation provision to be achieved through district plans – in this case the site is identified as an ONL.
111. The Proposed Regional Policy Statement is currently proceeding through a hearings process, and decisions are not expected on it until September 2016. This means that only limited weight can be placed on it at this point in time. Proposed Policies 2.2.3 and 2.2.4 respectively call for the identification and management of outstanding natural features, landscapes and seascapes. Policies 2.2.4 goes on to call for avoiding adverse effects on those values which contribute to the significance of the landscape; avoiding, remedying, or mitigating adverse effects on other values, encouraging enhancement, and recognising and providing for the positive contribution of existing introduced species to landscape values. Proposed Policy 2.2.5 also calls for the identification of special amenity landscapes.
112. The narrowed scope of the amended application, the limited landscape effects of the additional proposed buildings, and the nature of amendments to the use of the existing buildings are such a level of effects arising through this application are not contrary to the Regional Policy Statement, and to the extent that weight can be given to it, the Proposed Regional Policy Statement.

Precedent Effects

113. The issue of precedent was a matter raised for us to consider as part of deciding this application. Care has to be exercised in applying judgements relating to precedent, and we note that this application is not a non-complying activity. We can understand concerns that when the incremental nature of building activity and associated planting that has been established on the site are taken into account, this application could be perceived as further 'pushing the envelope' for development. To that extent, we can understand the frustration expressed by Mr Howarth. In terms of previous consent conditions, a potential weakness in the plan with respect to vegetation clearance, and possibly issues relating to enforcement, have resulted in a level of development which the two landscape witnesses claim or concede has at least in some respects detracted from the natural character of the ONL.
114. However we are confined to considering what is proposed through the application before us, and the extent of any additional cumulative effects. The evidence presented did not indicate that these effects on the ONL would be significant or could be cited as a precedent for development on other sites. Further, even quite separately from the beneficial aspects of the application in terms of tourism and promotion of the District, the development is by its nature quite unique and distinguishable from the establishment of dwellings and curtilage purely for the purpose of residential occupation. This activity is, and has been, strongly linked to televised cooking activities, effectively using the location of the site as a backdrop. To that extent, it is not an activity which would be readily replicated through other applications.

PART 2 RESOURCE MANAGEMENT ACT

115. The assessment of an application under Section 104 is also subject to the provisions of Part 2 comprising sections 5 to section 8 of the Act.
116. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. The matter of potential relevance under this section relates to the requirement to protect outstanding natural features and landscapes from inappropriate subdivision, use and development under subsection (b). The site is within an ONL, but having regard to the character of the surrounding area, and the modifications made this site as a result of earlier consents, the landscape effects of the additional proposed development proposed through this application would not be 'inappropriate' in terms of that subsection.
117. Section 7 contains three subclauses which are relevant to this application. These are:
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) the maintenance and enhancement of the quality of the environment.*
118. We were satisfied that a grant of consent to the application would constitute an efficient use and development of physical resources. We consider that the extent of impact on the ONL which has evolved over time, and through successive applications, has had an adverse visual effect on its natural values. We are satisfied that the lower part of the site however, does have greater capacity to absorb development, and indeed much of this development is already in place and the environment would not be significantly changed by a grant of consent to the application. Taking into account the effects anticipated with the modified application, it would maintain amenity values and the quality of the environment subject to the qualification that any remaining regenerating native vegetation be protected from further development and an improved interface be established between these areas and the modified exotic vegetation established on the site.
119. We also record at this point that the modification of the application to remove the proposed subdivision and establishment of formal building platforms in association with the cottage and the film studio (to be protected by a covenant) was critical to our finding that the environmental effects are acceptable and that the application be granted.
120. No matters were drawn to our attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.
121. Turning to the purpose of the Act under section 5, we considered that the proposal would best enable the applicant, and the District as a whole, to provide for its social economic and cultural welfare and would best achieve the purposes of the Act.

DECISION

Pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, consent is hereby granted to application RM150424 subject to the conditions as specified below:

Land Use Consent RM150424:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Development Plan, Michelle Snodgrass Landscape Architecture, dated 16th June 2016, Rev DPc.
 - Landscape Plan, Revision D, Michelle Snodgrass Landscape Architecture, dated 2 June 2016, Rev D.
 - Site Plan, Michelle Snodgrass Landscape Architecture, dated 13 June 2016.
 - Proposed Buildings – Site Plan – Jason Rhind Draughtsman Drawing A100 REV C DATED 06/11/15;
 - Proposed Garage – Concept Plans & Elevations – Jason Rhind Draughtsman Drawing A101 REV B DATED 05/07/15;
 - Proposed Shed (Barn) 1 – Concept Plans & Elevations – Jason Rhind Draughtsman Drawing A102 REV B DATED 05/07/15;
 - Proposed Shed (Barn) 2 – Concept Plans and Elevations – Jason Rhind Draughtsman Drawing A103 REV B DATED 05/07/15:
 - Earthworks Plan – Jason Rhind Draughtsman Drawing A104 dated 05/07/15

stamped as approved on [XXX], and the application submitted, with the exception of amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it shall 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 RM Act.

Engineering

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 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/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

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

4. 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.
5. 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 and who shall supervise the fill procedure and ensure compliance with NZS 4431:1989 (if required). This engineer shall continually assess the condition of the fill procedure.

To be monitored throughout earthworks

6. 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.
7. No earthworks, temporary or permanent, are to breach the boundaries of the site.

On completion of earthworks

8. On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall ensure that either:
 - a) Certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer; or
 - b) The foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

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

10. Exterior lighting attached to the **'Proposed Garage'** [Refer #6 of the approved Development Plan] and **'Proposed Sheds 1 and 2'** [Refer #7 and 8 of the approved Development Plan] shall be sensor operated low level down lighting only, no greater than 3m above ground level and directed away from property boundaries.

11. Exterior lighting not attached to a building shall be sensor operated low level down lighting only, no greater than 1m above ground level and directed away from property boundaries.

Landscaping

12. Within 6 months of approval of this resource consent, the proposed landscaping detailed within the approved Landscape Plan under condition 1 shall be planted. Within 2 weeks of completion of the planting the consent holder shall notify **QLDC** that the planting has been completed. Within two weeks of being notified the planting has been completed, the **QLDC** shall certify in writing the planting has been completed in accordance with the approved Landscape Plan.

13. If the **QLDC** refuses to certify the planting under Condition 12 because the planting is incomplete, then the consent holder shall have a further 2 weeks to rectify any issues and notify the **QLDC** that the issues have been rectified. Within two weeks of being notified the issues have been rectified, the **QLDC** shall certify in writing the planting has been completed in accordance with the approved Landscape Plan.
14. The construction of the **‘Proposed Sheds 1 and 2’** and the **‘Proposed Garage’** shall be prohibited until the QLDC has certified in writing that the planting has been completed in accordance with conditions 12 and 16. If the planting is not completed and certified within the time frame specified by conditions 12 and 13 then the **‘Proposed Sheds 1 and 2’** and the **‘Proposed Garage’** shall be prohibited from being constructed.
15. The consent holder or successor shall be responsible for the maintenance of the landscaping in accordance with Conditions 12 to 14. If any tree or plant should die or become diseased it shall be replaced in the next available planting season.
16. All exotic shelter belts and hedgerows planted since the condition restricting any further exotic plantings in RM110133 became effective (October 2011), with the exception of those around the pottager at the north – western end of the site, shall be removed within 12 months of the date of this consent. This condition takes precedence over the identification of existing exotic shelter belts and hedgerows on the Landscape Plan in Condition 1.

Restrictive Covenant

17. Following the commencement of this consent and before the implementation of development authorised under this consent a covenant shall be registered on the title for the performance of the following conditions on a continuing basis:
 - (a) That all native vegetation within the two **“Proposed Areas of Bracken Vegetation”** shown as orange hatching on the Landscape Plan approved by Condition 1 (extending to the northern and eastern boundaries of the property as noted on the

Landscape Plan) shall be protected from any form of vegetation clearance including felling, cutting, crushing, cultivation, mowing, spaying or burning.

- (b) That the only vegetation permitted to be planted within the two “Proposed Areas of Bracken Vegetation” shown as orange hatching on the Landscape Plan approved by Condition 1 (extending to the northern and eastern boundaries of the property as noted on the Landscape Plan) shall be native species from the local ecological area planted in their naturally occurring associations and locations in order to increase the natural character of the site. This planting shall be consistent with condition 4(xv) of resource consent RM110133 and (in terms of species) with the native planting within the bracken fern parts of Lot 2 DP 466145 approved by resource consent RM120448. The intent of any planting shall be to provide diversity that encourages natural regeneration and native bio-diversity within these parts of the site.
- (c) There shall be no further exotic plantings established on site except for the replacement of any exotic planting should it die or become diseased.

Review Condition

- 18. Within 10 working days of each anniversary of the date of this consent or upon the receipt of information identifying non-compliance with the conditions of this consent, 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) Whether additional screen planting is required to screen the ‘**Proposed Sheds 1 and 2**’ buildings from public view points as a result of vegetation being removed from adjoining properties in the interim period.

Advice Notes

- 1. Council’s hazards maps indicate that Lot 1 as being susceptible to seismic liquefaction. While the Council has no record of instability specific to the site, an advice note is recommended to inform the applicant of this potential hazard and recommending that further investigations would be necessary to determine the extent of this hazard and any effect (if any) it may have on building foundations.

2. The consent holder is advised that any retaining walls, including stacked stone and gabion 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.

Variation to RM110133:

Consent is granted for the application by Langbein Hewetson Nominees Limited to change Condition 4 of resource consent RM110133, such that it is amended to read as follows:

Landscaping & Development Controls

4. At the time the **'Residential Building Platform'** [Refer #6 of the Development Plan approved by RM110133] is registered on the certificate of title (Computer Freehold Register 621954) a covenant shall be registered for the performance of the following conditions on a continuing basis:

Building Development Controls within the **'Residential Building Platform'** approved by RM110133:

- (i) Any future residential building shall be contained within the **'Residential Building Platform'**, including roof eaves, verandas and pergolas.
- (ii) Any washing lines shall be located against the northern or eastern wall of the dwelling so as to avoid the potential visual prominence of drying laundry.
- (iii) Any large children's play equipment such as trampolines, tree houses, or play houses shall be restricted to the lower portions of the site in the vicinity of the **'The Cottage'** [Refer #4 of the Development Plan dated 16th June 2016 Rev DPc approved by RM150424] authorised by RM 990012.
- (iv) No part of any building shall exceed 4.2 metres in height above the floor level of the existing shed, except for no more than two chimneys, which are able to extend up to a maximum of 5.7 metres.
- (v) The roof of any future building shall be of monopitch only, sloping from south-west to northeast, and shall be clad in timber shingles, dark-coloured Onduline or similar product. Roof eaves shall have a minimum depth of 1.0m.
- (vi) External wall cladding is to be of stacked schist stone. Garage doors shall be cedar only and joinery and glazing shall be low reflectance.
- (vii) The western facade of a future dwelling shall have glazing that is limited to no more than 60% of the facade area.
- (viii) Exterior lighting along the northern, southern and western elevations of the building shall be sensor type only.

- (ix) The extent of the base of any excavation necessary to construct the residential building platform shall not extend more than two metres to the east or the south of the consented building platform. The cuts may either be battered or retained.

Future-Development

- (x) The construction of any additional building(s) on the site shall be prohibited on the site except for:
 - (i) The relocation of the **'Film Studio'** building [Refer #2 of the Development Plan approved by RM150424]; and
 - (ii) The construction of the **'Proposed Garage'** building for the garaging of two motor vehicles [Refer #1 of the Development Plan dated 16th June 2016 Rev DPc approved by RM150424]; and
 - (iii) The construction of the **'Proposed Sheds 1 and 2'** [Refer #8 and 9 of the Development Plan dated 16th June 2016 Rev DPc approved by RM150424] within Lot 3 DP466145 authorised by RM150424; and
 - (iv) The establishment of a residential building within the **'Residential Building Platform'** authorised by RM110133.
- (xi) At the time that a kitchen is installed within any future residential building established within the **'Residential Building Platform'** [Refer #6 of the Development Plan approved by RM150424], the kitchen within **'The Cottage'** [Refer #4 of the Development Plan approved by RM150424] approved by RM 990012 shall only be permitted to be used as a 'prep' kitchen in association with the filming undertaken in accordance with RM120205 or for still shots for social media/books. Should the filming undertaken in accordance with RM120205 cease, then the kitchen within **'The Cottage'** shall be removed. It shall be prohibited to reinstate the kitchen within **'The Cottage'**.
- (xii) **'The Cottage'** authorised by RM990012 and the **'Film Studio'** building authorised by RM120205 may be used for temporary residential activity for the owners of the property until a residential building is constructed within the **'Residential Building Platform'** approved by RM110133. After that date, **'The Cottage'** and the **'Film Studio'** building shall only be used for non-commercial guest accommodation for family and friends of the owners and filming activities authorised by RM120205. The

individual letting of **'The Cottage'** and the **'Film Studio'** building for any form of visitor accommodation (including any visitor accommodation permitted under the District Plan) shall be prohibited.

Prohibition of Subdivision

- (xii) Further subdivision of Lot 1, DP 24317 and Lot 3 DP 466145 held in Computer Freehold Register 621954 shall be prohibited.

Lapsing Date for this Consent

Pursuant to section 125(1)(A)(b) of the Act, RM 110133 shall lapse on 27 September 2018 unless given effect to before this time.

Variation to RM120205:

Consent is granted for the application by Langbein Hewetson Nominees Limited to change Condition 5 and Advice Note 1 of resource consent RM120205, such that it is amended to read as follows:

5. The kitchen within the **'Film Studio'** – [Refer #2 of the Development Plan approved by RM150424] is only to be used for:
 - (i) the approved filming activity; and
 - (ii) temporary residential activity for the owners of the property until a residential building is constructed within the **'Residential Building Platform'** [Refer #6 of the Development Plan approved by RM150424] approved by RM110133; and
 - (iii) After the residential building is constructed within the **'Residential Building Platform'** approved by RM110133 the kitchen shall only be used for non-commercial guest accommodation for family and friends of the owners; and
 - (iv) and no other purpose.

Advice Note

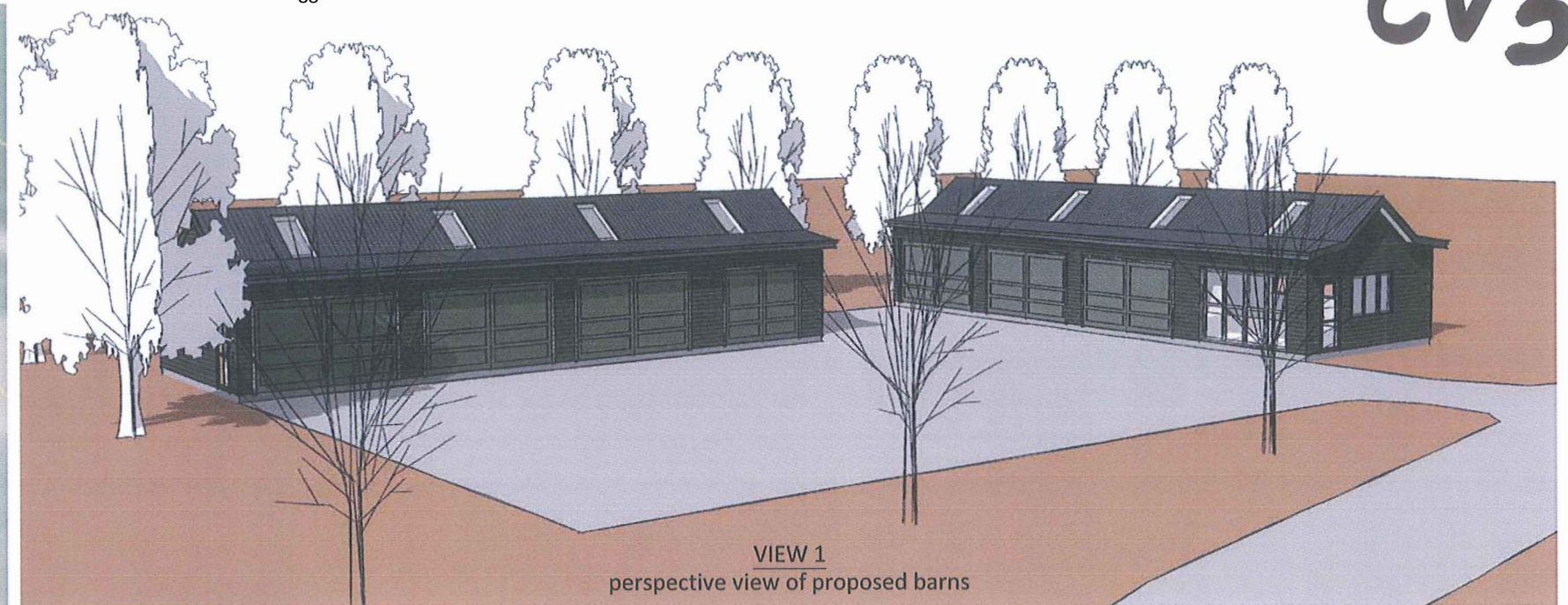
1. This consent has approved the relocation of the **'Film Studio'** building within the site and utilisation of that building for filming a cooking show no more than 180 days in any calendar year. The building may be used for temporary residential accommodation for the owners of the property until a residential building is constructed within the **'Residential Building Platform'** approved by RM110133 in conjunction with the approved filming activity. Once the residential building is constructed within the **'Residential Building Platform'** approved by RM110133 then the **'Film Studio'** building may continue to be used for non-commercial guest accommodation for family and friends of the owners in conjunction with the approved filming activities.

Robert Charles Nixon



For the Commission

12/07/2016

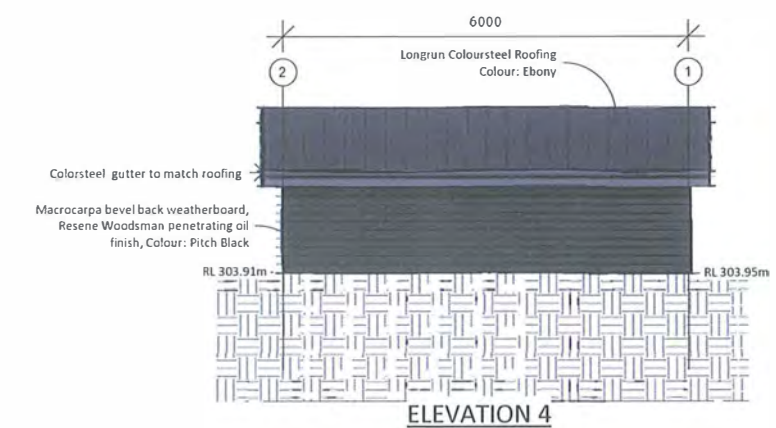
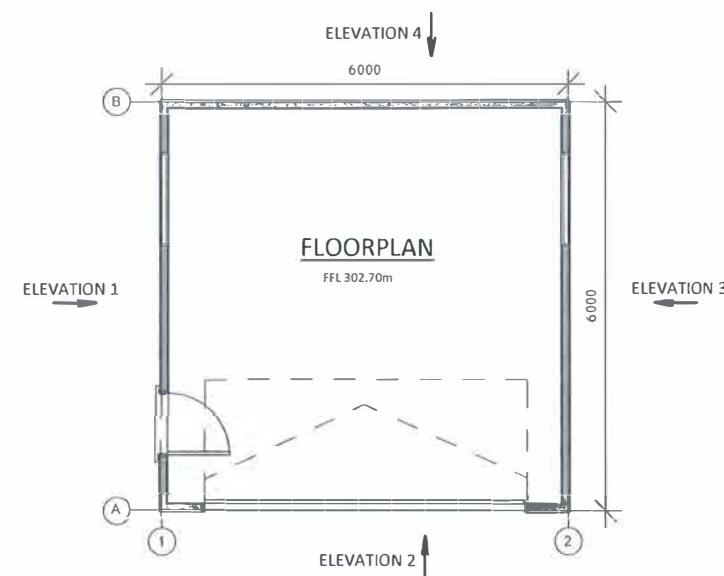
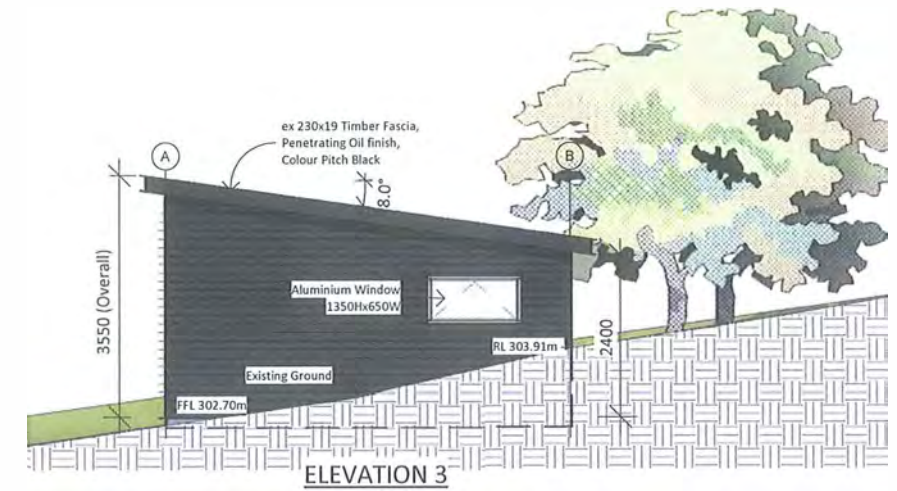
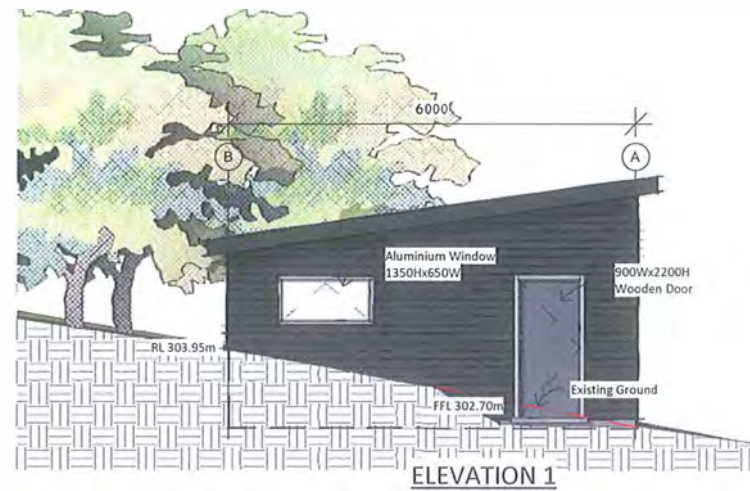


QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM150424**

12 JULY 2016

PROPOSED BUILDINGS on Lot 1 DP24317 & Lot 3 DP466145 for Ted Hewetson		SITE PLAN		JASON RHIND DRAUGHTSMAN Architectural (LBP2), Engineering, Resource Consent Phone: 027 6080231	
Dublin Bay Wanaka		Date	06/11/15	A100 Rev C	
		Drawn by	JDR		
		Checked by	TH	Scale	1 : 1000



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM150424**

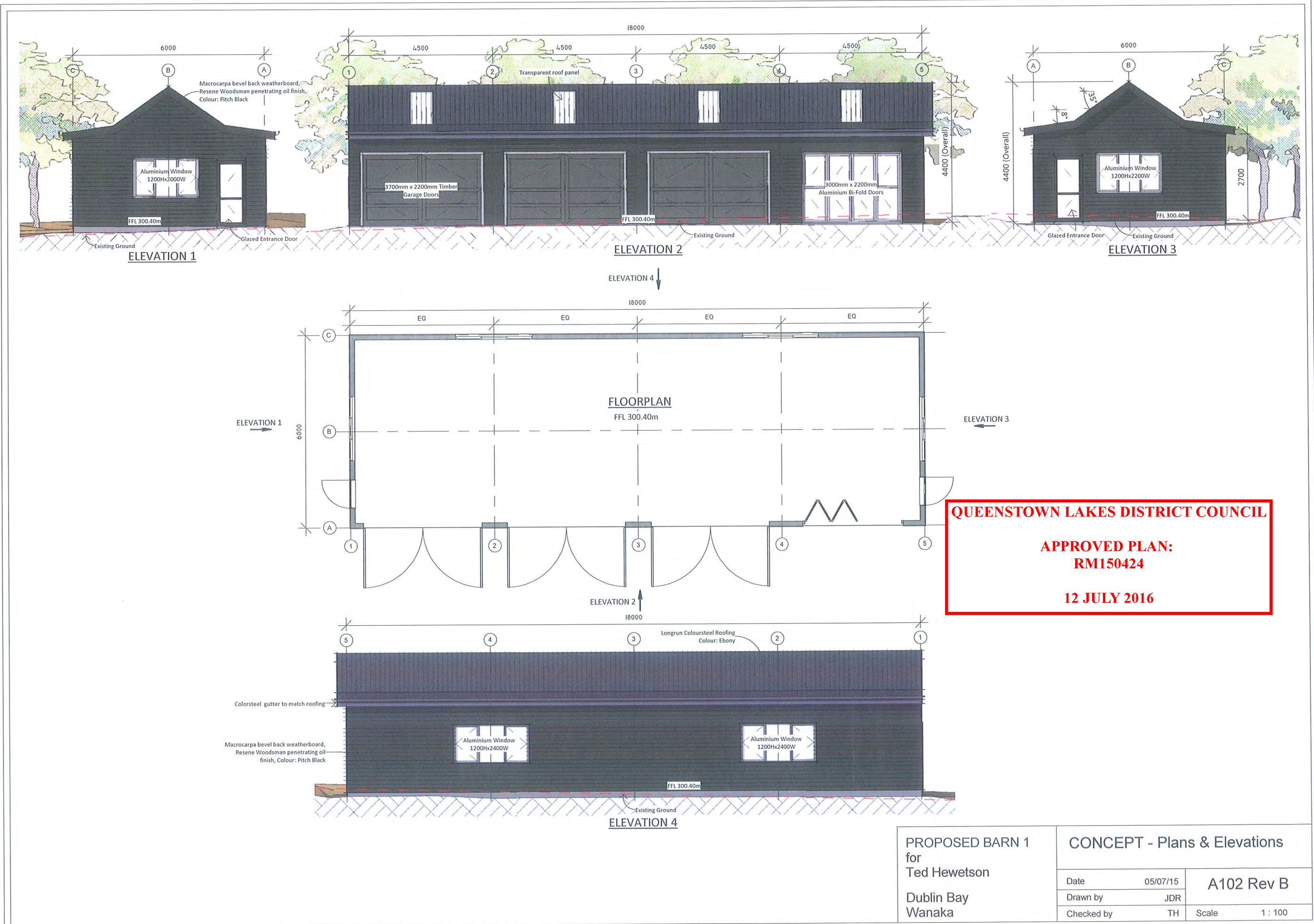
12 JULY 2016

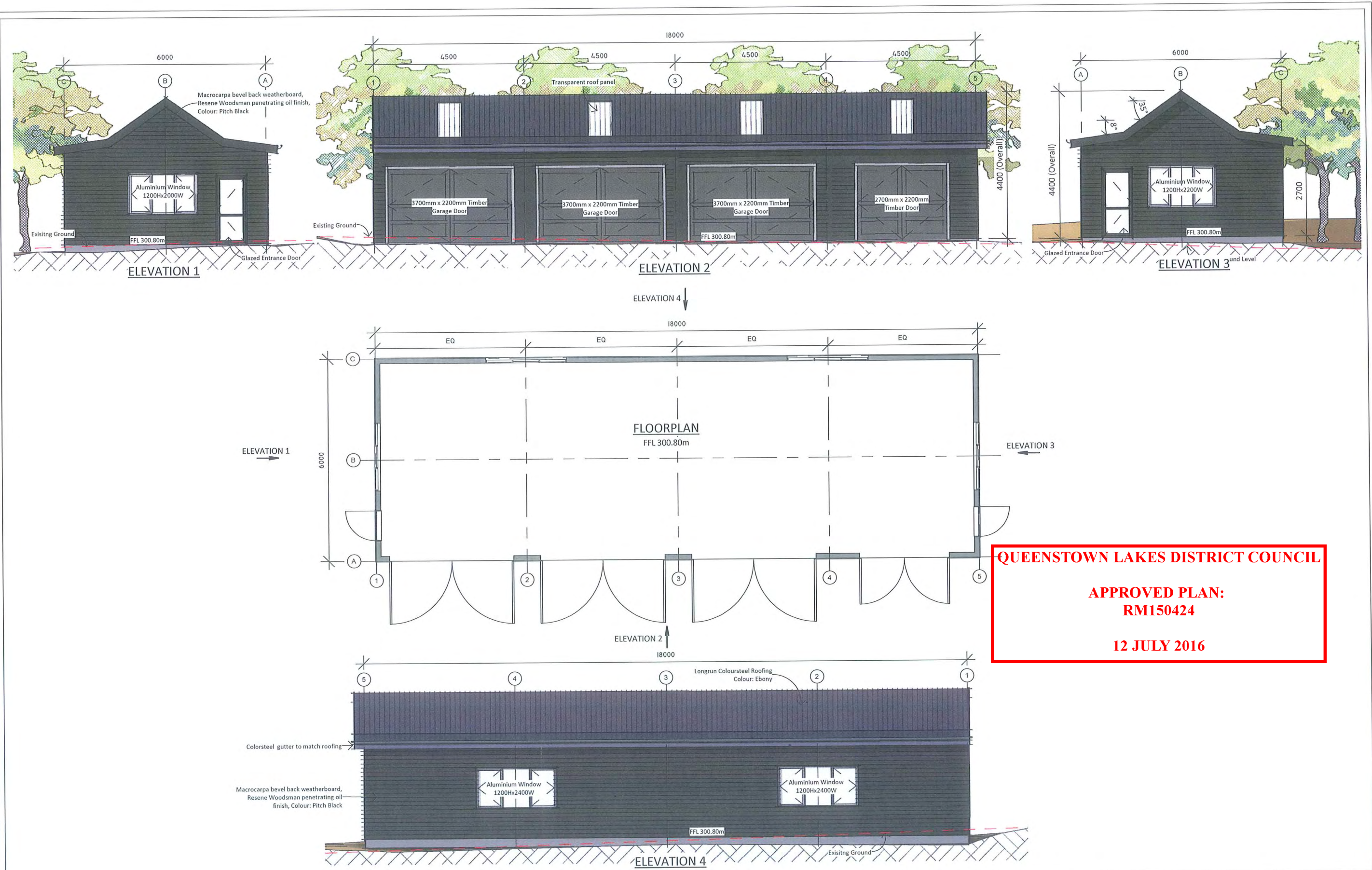
PROPOSED GARAGE
for
Ted Hewetson

Dublin Bay
Wanaka

CONCEPT - Plans & Elevations

Date	05/ 0715	A101 Rev B
Drawn by	JDR	
Checked by	TH	Scale 1 : 100



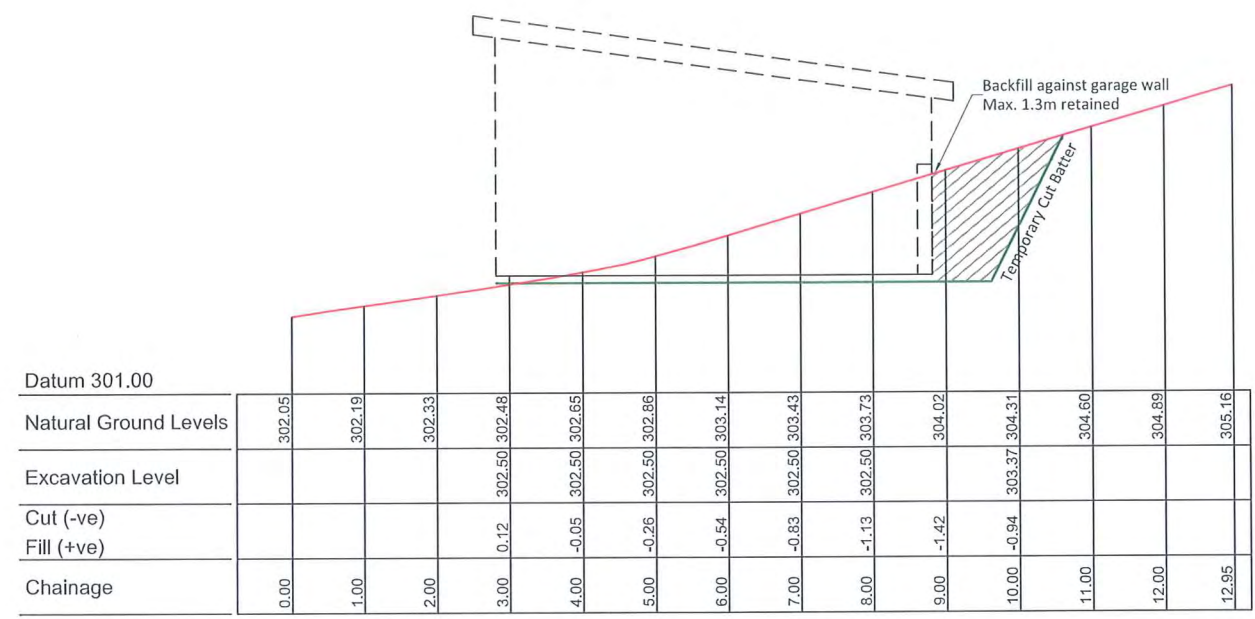
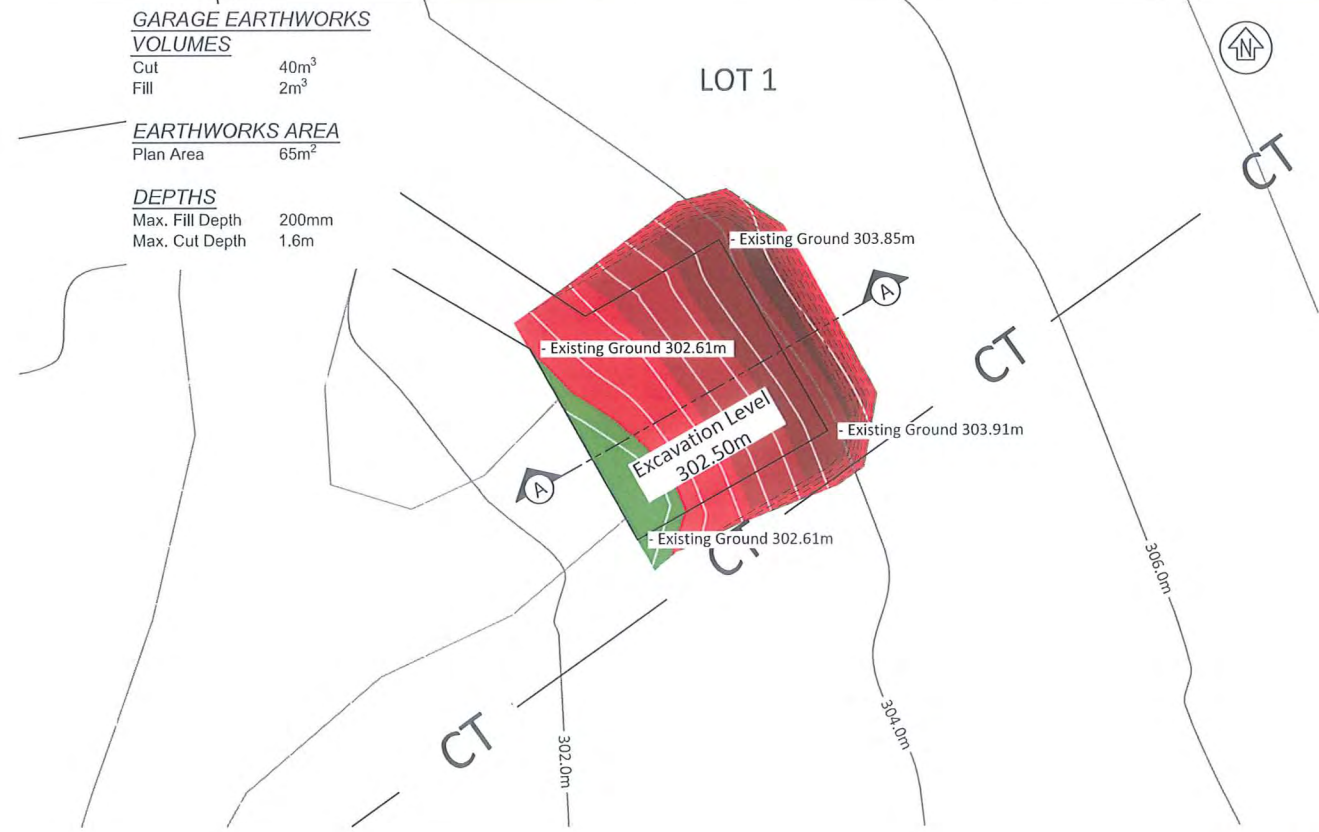


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150424

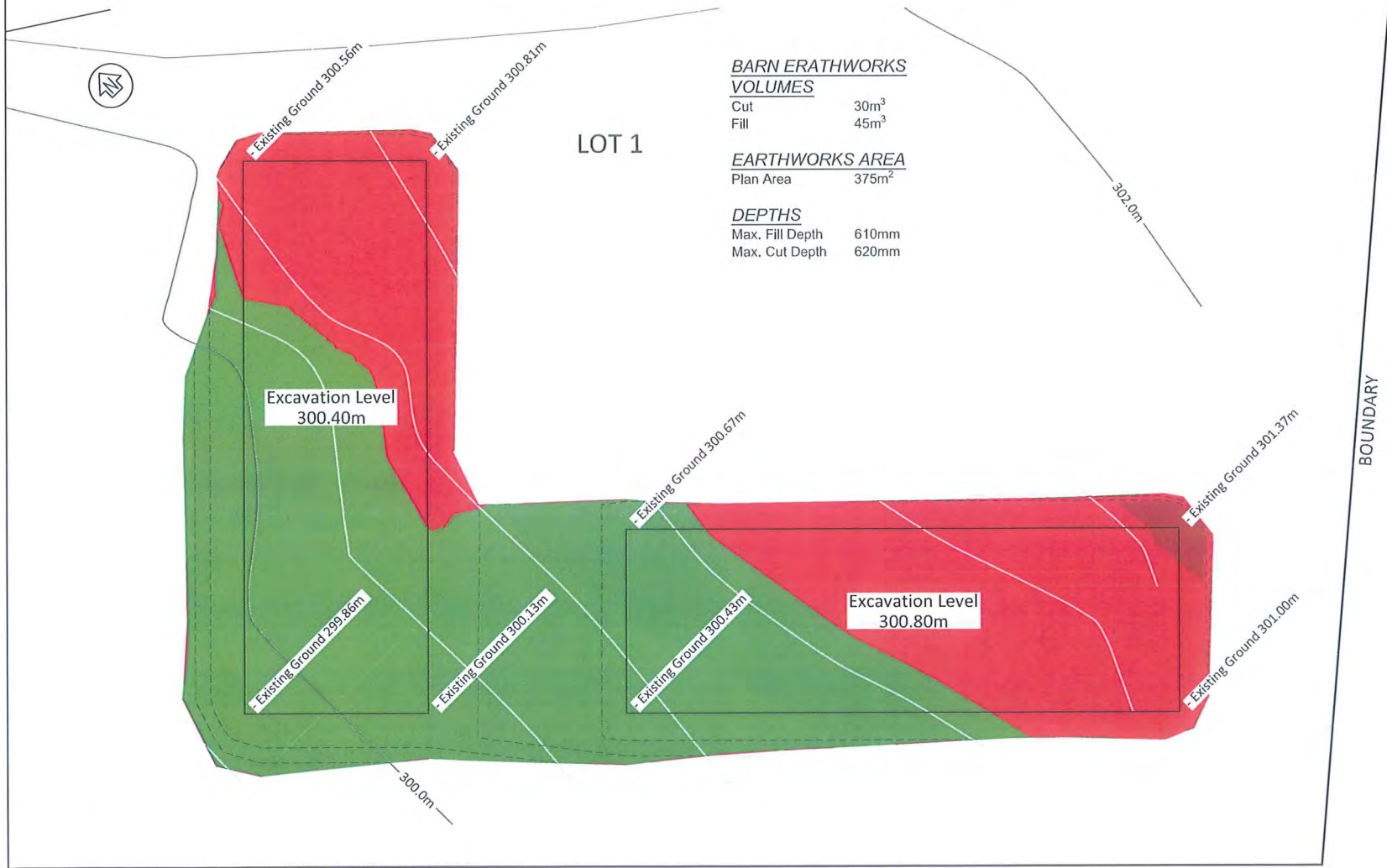
12 JULY 2016

PROPOSED BARN 2 for Ted Hewetson Dublin Bay Wanaka	CONCEPT - Plans & Elevations	
	Date	05/07/15
	Drawn by	JDR
	Checked by	TH
	A103 Rev B	
	Scale 1 : 100	



SECTION A
Horizontal scale 1:100
Vertical scale 1:100

GARAGE EARTHWORKS



BARN EARTHWORKS VOLUMES
Cut 30m³
Fill 45m³

EARTHWORKS AREA
Plan Area 375m²

DEPTHS
Max. Fill Depth 610mm
Max. Cut Depth 620mm

KEY

	Cut Depth 0.0m to 0.5m		Fill Depth 0.0m to 0.5m
	Cut Depth 0.5m to 1.0m		Fill Depth 0.5m to 0.6m
	Cut Depth 1.0m to 1.5m		
	Cut Depth 1.5m to 1.6m		

CONTOUR INTERVAL
MINOR CONTOURS 250mm
MAJOR CONTOURS 2000mm

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM150424**

12 JULY 2016

PROPOSED BUILDINGS on LOT 1
for
Ted Hewetson

Dublin Bay
Wanaka

EARTHWORKS

**JASON RHIND
DRAUGHTSMAN**
Architectural (LBP2), Engineering, Resource Consent
Phone: 027 6080231

Date	05/07/15	A104
Drawn by	JDR	
Checked by	TH	Scale As Shown @ A3

BARN EARTHWORKS
Scale 1:200

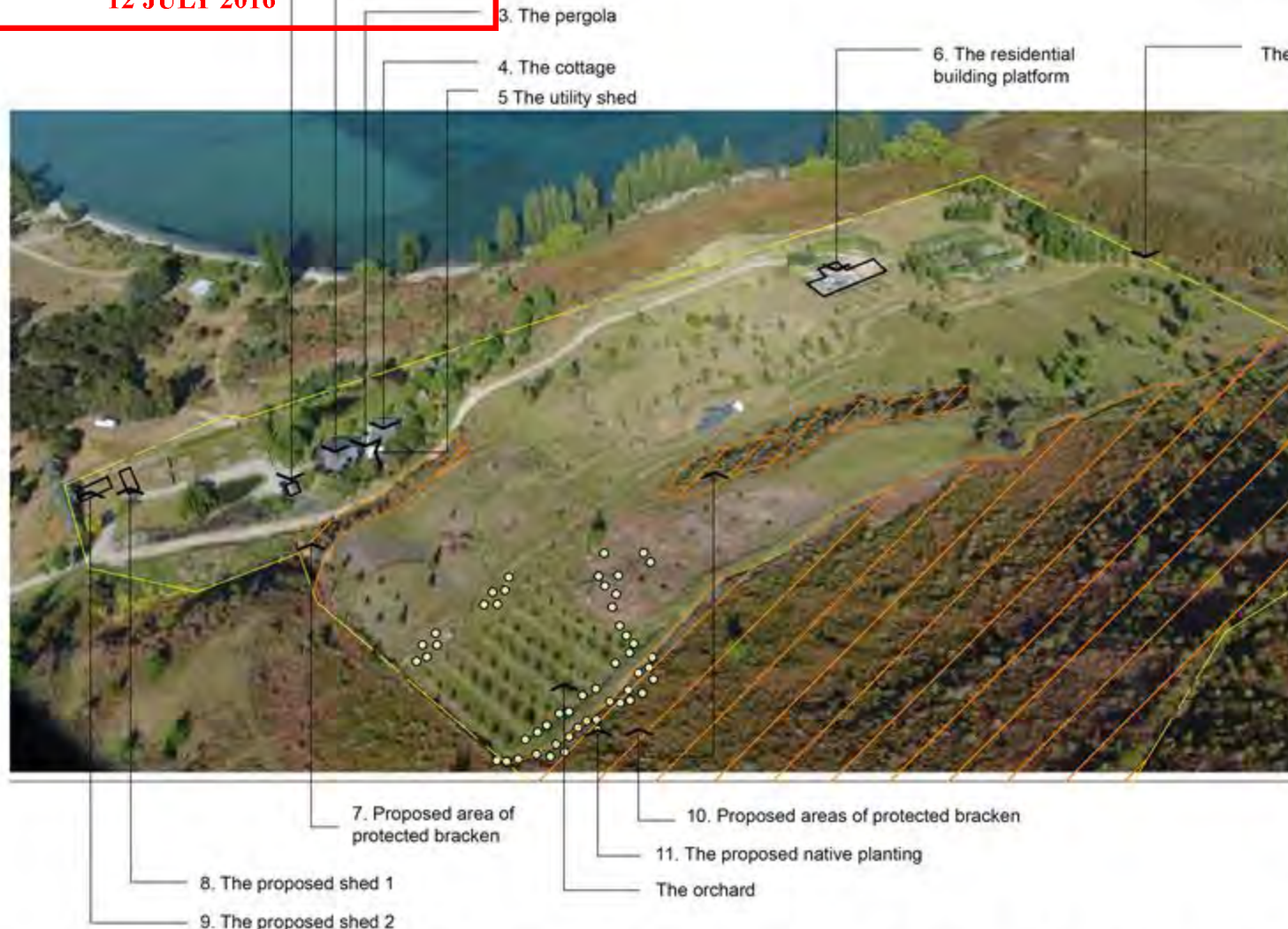
**APPROVED PLAN:
RM150424**

12 JULY 2016

43

Note:

Aerial image used in this plan is from the Otago Daily Times 22nd April 2016. Aerial photo taken by Stephen Jaquiere



LEGEND

1. The proposed 36m2 garage.
2. The 210.13m2 film studio as approved by RM120205.
3. The constructed 38.0m2 free standing pergola. Retrospective consent is sought for the free standing pergola by RM140694.
4. The 97.60m2 cottage as approved by RM990012.
5. The constructed 22.3m2 utility shed. Retrospective consent is sought for the utility shed by RM140694.
6. The 462.00m2 residential building platform as approved by RM110133.
7. The proposed protected bracken (area hatched in orange)
8. The proposed 108m2 shed 1.
9. The proposed 108m2 shed 2.
10. The proposed protected bracken (areas hatched in orange). Area to extend to northern corner and eastern corner of property cropped in this image
11. The planting proposed as per First Minute of the Hearings Commissioners under RM150424 received 2/5/16

RM150424 HEWETSON & LANGBEIN NOMINEES LTD

For RM150424 Consent Purposes only 16th June 2016 Development Plan DPc NTS



Michelle Snodgrass
Landscape Architecture

Mobile: 0274 777 939
Email: michelle@msna.co.nz

APPROVED PLAN:
RM150424

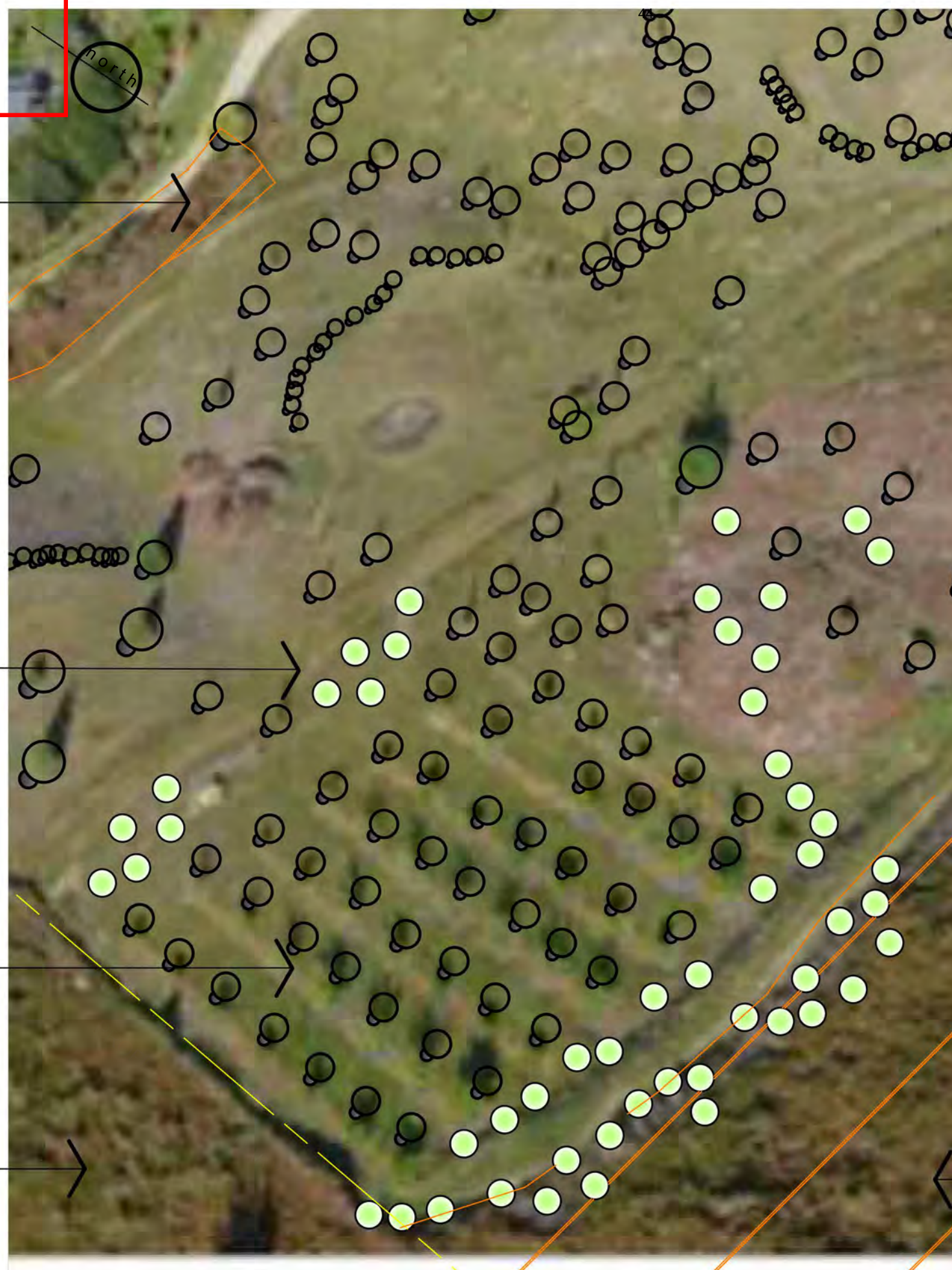
12 JULY 2016

Existing bracken to be retained (area hatched in orange). See RM150424 Development Plan for detail

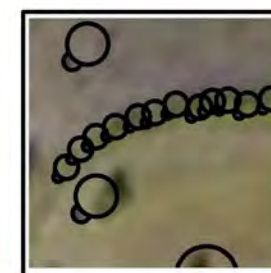
Existing farm track to provide access around farm and access to maintain rabbit proof fence on boundary

Existing orchard to be retained

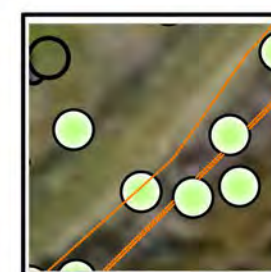
Existing bracken on Ecroyd property



Existing trees to be retained. Tree locations and numbers are approximate.



Existing shelterbelts/hedges to be retained to provide shelter from wind for other plantings



Proposed new native planting. Total of 50 plants at PB2 grade:

Sophora microphylla	x 10
Coprosma propinqua	x 8
Coprosma crassifolia	x 8
Melicytus alpinus	x 6
Corokia cotoneaster	x 6
Pittosporum tenuifolium	x 12

Maintenance:

1. Areas for planting to be cleared and areas selectively sprayed over a period of 3 months minimum to allow remaining weed seeds to germinate and be removed before planting of natives.
2. All plants to be sleeved with plastic rabbit proof guards and a stake to hold guard in place.
3. Plants to be checked monthly for rabbit, insect or disease damage and replaced if necessary with same species.
4. Irrigation to be as required to maintain healthy growth.
5. Weed control via foliar non-residual herbicide for plants within existing bracken areas. Weed control outside of these areas shall be via herbicide or hand releasing.
6. Rabbit management to be undertaken on a regular basis. Method to be determined by land owner.

Note:

Aerial image used in this plan is from the Otago Daily Times 22nd April 2016. Aerial photo taken by Stephen Jaquiere

Existing bracken to be retained (area hatched in orange). See RM150424 Development Plan for detail



RM150424 HEWETSON & LANGBEIN NOMINEES LTD

Note:

Aerial image used in this plan was sourced from Google Earth, is dated 4/3/2012 and as such the vegetation cover is not accurate as at June 2016. The image is to illustrate the full extent of the property and protected bracken areas only. The protected bracken areas are the entire extent of bracken on the site.



RM150424 HEWETSON & LANGBEIN NOMINEES LTD

For RM150424 Consent purposes only 13June 2016 Site Plan SPb NTS



Michelle Snodgrass B.L.A (Hons) Reg NZILA
Landscape Architecture

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