

**DECISION OF QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicants:</b>	<b>FP OXNEVAD, NJD NEILL &amp; DAI BRENT</b>
<b>RM Reference:</b>	RM 120695
<b>Location:</b>	Fitzpatrick Road, Wakatipu Basin
<b>Proposal:</b>	Subdivision to create two allotments and identification of two residential building platforms; and land use consent for associated earthworks and to breach sight distance and intersection distance rules.
<b>Type of Consent:</b>	Subdivision and Land Use
<b>Legal Description:</b>	Part Lot 1 DP 20124
<b>Valuation Number</b>	2907108500
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	Discretionary Activity
<b>Notification:</b>	5 December 2012
<b>Commissioners:</b>	W D Whitney & L Cocks
<b>Date of Decision:</b>	4 April 2013
<b>Decision:</b>	<b>Consent is granted subject to conditions.</b>

## **A. INTRODUCTION**

### **A.1 Background**

1. FP Oxnevad, NJD Neill & DAI Brent as Trustees for the Neill Trust have applied to the Queenstown Lakes District Council for resource consent to subdivide an existing title into two allotments and to identify residential building platforms on each of those allotments. The site has frontage to Fitzpatrick Road and an unformed legal road in the Wakatipu Basin. The applicants have also sought land use consent to undertake associated earthworks and to breach sight distance and intersection distance rules. The site subject to the application is described as Part Lot 1 DP 20124 as held in Computer Freehold Register Identifier OT 15C/392 in the Otago Land Registration District.
2. The site has an area of 24.8119 hectares more or less. The site is located generally to the south of Fitzpatrick Road, to the east of an unformed legal road, and to the north and west of land adjacent to the margins of the Shotover River.
3. The site is aptly described in the application as being “shaped somewhat like a boot”. The top of the boot has frontage to Fitzpatrick Road and the toe of the boot is the most eastern extremity of the site. The heel is located in the south-western corner of the site, adjacent to the unformed legal road.
4. To the north of the toe of the boot are two properties that have resulted from previous subdivision consents. RM 920220 granted on 26 August 1992 has resulted in the creation of Lot 2 DP 23194, being the Bloomfield property that has an area of approximately 5.8 hectares. Subdivision consent RM 920237 granted on 17 May 1993 has resulted in the creation of Lot 1 DP 23457 being the Guillot property that has an area of approximately 8800m<sup>2</sup>.
5. Geologically speaking the site encompasses part of an area of glacial and outwash till. The site is hummocky in topography and a significant knoll is located in the north-western corner of the site. Several other gentle knolls are located within the site.
6. The site generally declines gently towards the south and east. Its most southern and eastern boundaries are located down steep terrace faces above the Shotover River. A steep sided gully cuts into the site in the south-western quarter, in reasonably close

proximity to the proposed residential building platform on Lot 1 (discussed below). At the eastern end of the site the hummocky landforms terminate approximately 170 metres from the eastern boundary, the landform in the toe of the boot being a flat alluvial terrace cut around on its southern and eastern sides by the Shotover River.

7. A poplar shelterbelt transects the site in a broken line from east to west at the approximate ankle of the boot, following a shallow depression which runs through the site at this point. Poplars are present around the top of the southern gully and the gully itself, and the slopes of the terrace escarpment along the southern and eastern boundaries of the site are clad in a mix of exotic and indigenous scrub. The unformed legal road that runs along the western boundary of the site includes a mixed shelterbelt of exotic trees generally to the west of the proposed residential building platform on Lot 1. The unformed legal road provides foot access to the Shotover River, the unformed road traversing steep terrain close to the river.
8. The site is pastoral land that is used for grazing purposes. There is no built development on the site except for a water tank and a set of overhead powerlines on wooden poles that traverse the site in a central position that supply electricity across the Shotover River. Deer fencing adjacent to the southern and eastern boundaries is within the site and defines the extent of the existing grazing activity.

## **A.2 The Proposal**

9. The applicants propose to subdivide the subject site into two allotments being Lot 1 of 20.16 hectares and Lot 2 of 4.65 hectares. A residential building platform is proposed on Lot 1 that is to have an area of 1000m<sup>2</sup>. A curtilage area is also identified on Lot 1 that was amended at the hearing and will now contain some 8070m<sup>2</sup>. A residential building platform is proposed on Lot 2, such platform to also have an area of 1000m<sup>2</sup>. A curtilage area is also identified on Lot 2 that now has an amended area of approximately 5190m<sup>2</sup>.
10. The applicants have advised that the residential building platforms on Lots 1 and 2 are positioned in excess of 15 metres from all neighbouring properties and from the proposed boundary between Lots 1 and 2. The applicants advise that the building platforms have been shaped to allow separation for additional accommodation or other

activity normally found in an accessory building but attached to the dwelling as shown on the plan of subdivision dated 27 September 2012 prepared by Clark Fortune McDonald & Associates.

11. All activities associated with residential use are to be contained within the curtilage areas and the residential building platforms. All future domestic landscaping will be contained within the curtilage and building platform areas. The remainder of Lots 1 and 2 are to be pastoral areas to be managed by grazing and/or periodic mowing or for landscape plantings as shown on plans presented by Mr Baxter at the hearing, being Mr Baxter's Attachments B and C.
12. The residential building platform on Lot 1 has a proposed datum or finished ground level of 424.00 masl from which the height of a future dwelling to a maximum of 6.5 metres will be determined. No earthworks are proposed for the building platform on Lot 1.
13. The residential building platform on Lot 2 is to be formed to a finished ground level of 410.00 masl. Earthworks on Lot 2 will involve the removal of a small mound and the creation of a level future building platform and curtilage area. The proposed finished ground level of 410.00 masl is the datum from which the 5.5 metre height of a future dwelling on Lot 2 will be determined.
14. Earthworks are proposed in association with the levelling and shaping of the building platform and curtilage area on Lot 2 and with the formation of the two driveways that connect the building platforms to Fitzpatrick Road. The majority of the driveway to the Lot 1 building platform involves the upgrading of an existing farm track that will connect to a new entrance from Fitzpatrick Road or possibly from the unformed legal road that intersects with Fitzpatrick Road; while the driveway to Lot 2 involves the construction and formation of the driveway and a new entrance from Fitzpatrick Road. The application stated that the total area of earthworks will be approximately 1.45 hectares and that earthworks will involve 4400m<sup>3</sup> of cut, 3700m<sup>3</sup> of fill and a surplus of cut to waste of 700m<sup>3</sup>. Mr Smith advised us at the hearing that the total area of earthworks is approximately 1.13 hectares and this reduction appears to result from the reduced curtilage area on Lot 2.

15. The application as lodged sought land use consent to breach the sight distance Rule 14.2.4.2iv on the basis that the access to Lot 1 does not meet the prescribed minimum sight distance of 115 metres for an 80kph speed limit. This breach with respect to the Lot 1 access was confirmed by Mr Hopkins subsequent to the hearing; as was a breach to Rule 14.2.4.2vi that establishes minimum distances between vehicle crossings and intersections. The sight line for Lot 2 has been assessed by Mr Hopkins who has confirmed that the crossing point to Fitzpatrick Road from Lot 2 satisfies the relevant rule.
16. The site has an existing domestic water allocation from The Fitzpatrick Road Water Supply Association. Correspondence from the Association dated 29 January 2013 confirms that an additional allocation of 2900 litres/day of potable water can be made available to the subdivision. A minimum supply of 2100 litres/day of potable water can be made available to each of the residential building platforms on Lots 1 and 2.
17. Wastewater disposal is to be via on-site treatment and disposal to ground. An on-site wastewater management assessment has been prepared by Mr Graeme Heazlewood of Southern Monitoring Services Limited dated 24 October 2012. Mr Heazlewood has recommended due to the soil categories and possible surface water flows on the allotments that Advantex secondary effluent treatment systems be used to achieve a very high quality effluent prior to discharge to ground.
18. Reticulated power and telecommunication services are to be provided to serve the subdivision. The applicants have provided correspondence from Aurora Energy Limited dated 3 September 2012 and from Chorus dated 28 August 2012 which confirm that an electricity supply and telecommunication connections can be made available to the subdivision.
19. In the application documentation, in documents circulated by the applicant subsequent to the lodging of submissions and at the hearing the applicants have volunteered a range of conditions to mitigate effects. These include the following (or to like effect):
- (i) Residential units shall be constructed within the residential building platforms nominated on Lots 1 and 2.

- (ii) The maximum height of any structure within the building platform on Lot 1 shall be 6.5m from a finished ground level of 424.00 masl.
- (iii) The maximum height of any structure within the building platform on Lot 2 shall be 5.5m from a finished ground level of 410.00 masl.
- (iv) All structures including residential units, water tanks, garages and accessory buildings, or any building used as an accessory to any farming activity, shall conform to the following building design controls:
  - (a) Roof claddings to be in steel (corrugated or tray), slate (natural or imitation), natural grass and/or membrane.
  - (b) Roof colours to be in natural slate or grass, or the colours of steel, imitation slate and membrane roofs to be dark greys only, and of light reflectance less than 20%.
  - (c) Wall colours to be in a recessive colour with a light reflectivity of less than 36%; to be within the tones of greys and browns to ensure that the house blends with the receiving environment.
  - (d) Wall cladding to be in timber, smooth plaster, stone (local schist), concrete or corrugated steel (to complement roof colours where both exist). Wall claddings are to be continuous in one cladding from ground to roof. Mixing of claddings over one wall surface is to be discouraged. Artificial weatherboards are to be avoided.
  - (e) Residential units to be designed to avoid glare, including from glazing.
  - (f) Exterior joinery shall be in timber, steel or aluminium. Joinery colours (excepting timbers) shall match roofing, gutter and spouting colours.
- (v) All exterior lighting associated with any dwelling shall be fixed to no higher than 2.0 metres above finished ground level and shall be capped, filtered or pointed downwards so as to reduce or avoid visibility from any point off- site of light sources and to minimise visibility of lit areas.
- (vi) No outdoor speakers or amplified exterior bells are to be utilised.

- (vii) Construction activities shall be limited to the hours of 8.00am – 5.00pm Monday to Friday and shall exclude public holidays.
- (viii) All elements of domestic curtilage (such as carparking areas, lawns, domestic landscape plantings, outdoor storage areas and clotheslines) for each dwelling shall be contained within the curtilage areas identified on Plan 1738 SK8 dated 5 March 2013 prepared by Baxter Design Group Limited (Mr Baxter's Attachment B).
- (ix) All curtilage fencing shall be post and wire or post and netting.
- (x) Planting is not permitted to follow any curtilage fencing.
- (xi) No fencing shall be permitted (including boundary fencing) other than fences of post and wire or post and netting and shall follow natural contours.
- (xii) All pastoral areas shall be maintained by way of grazing and cropping which may include the mowing of grass for hay or baleage.
- (xiii) The proposed planting alongside the boundary with Lot 1 DP 23457 [Guillot] once established shall be maintained at a height not exceeding 3 metres.
- (xiv) Landscape plantings shall be established in accordance with Mr Baxter's Attachments B and C as presented at the hearing; subject to the presentation of a final landscape plan for approval that identifies the species of plants that are to be determined in consultation with the Principal : Landscape Architecture at Lakes Environmental Limited.
- (xv) No exterior lighting shall be permitted outside of the curtilage areas.
- (xvi) No entrance structures shall be permitted.
- (xvii) The landscape plan shall be further amended to provide for the retention or replacement of existing vegetation adjacent to the southern boundary of Lot 1 and the southern and eastern boundaries of Lot 2; such replacement trees and shrubs to be indigenous. If any plant or tree nominated on the landscape plan or any other plant or tree that has been replanted should die or become diseased it shall be replaced in the next available planting season.

- (xix) The consent holder shall remove the dilapidated barbed wire fence outside the current deer fence on the eastern and part southern boundaries of the site to enable the Lower Shotover Conservation Trust with ease of management of the neighbouring land such that there is no impediment to the management of the land from the Shotover River up to the deer fence near the eastern and southern boundaries of the site.
- (xx) If there is a need to cart any hard fill off site then the owner will consult with the Council on its utilisation within the unformed legal road along the western boundary of the site.

20. The Commission confirms that it has assessed the proposal on the basis of the application as lodged; the further information provided on behalf of the applicants prior to the hearing; and the amended conditions offered by the applicants at the hearing including the suggested conditions presented by Mr Smith.

### **A.3 Zoning**

21. The site is zoned Rural General as shown on Maps 29 and 31 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).

22. Rule 15.2.3.3(vi) confirms that all subdivision and the location of residential building platforms is a discretionary activity in the Rural General Zone. Rule 5.3.3.3i(b) also provides for the identification of a building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area as a discretionary activity in the Rural General Zone.

23. Rule 5.3.3.3i(a) provides for any physical activity associated with any building such as roading, landscaping and earthworks as a discretionary activity. The proposal has been considered in terms of this rule through an abundance of caution albeit that roading and earthworks described in the application are to be constructed during the subdivision process.

24. It is unclear whether passing bays will be provided at an interval of no greater than 25 metres as required for 1 to 6 units by Rule 14.2.4.1iv. A breach of this rule would be a restricted discretionary activity pursuant to Rule 14.2.2.3ii. We have considered the



proposal on the basis that consent is required in terms of Rule 14.2.2.3ii to put this matter beyond any doubt.

25. Rule 14.2.4.2iv establishes minimum sight distances. The speed limit on Fitzpatrick Road is 80kph and the 115 metre sight distance applies. Mr Hopkins has advised us that the sight distance standard is not met with respect to the new entrance for Lot 1 and therefore that the proposal breaches Rule 14.2.4.2iv – Table 3. A breach of this rule is a restricted discretionary activity pursuant to Rule 14.2.2.3ii.

26. Rule 14.2.4.2vi establishes minimum distances for vehicle crossings from intersections. Mr Hopkins has advised us that the proposed vehicle crossing for Lot 1 will be 15-20 metres to the east of the intersection of Fitzpatrick Road and the unformed legal road. This is less than the 25 metre minimum distance specified in Rule 14.2.4.2vi – Table 5. A breach of this rule is a restricted discretionary activity pursuant to Rule 14.2.2.3ii.

27. The Commission has considered the proposal as an application for subdivision consent to a discretionary activity and for land use consent to a discretionary activity.

#### **A.4 Submissions**

28. Three submissions were received within the statutory submission period which closed on 24 January 2013. The submissions by the Evan Bloomfield Family and the Lower Shotover Conservation Trust partially supported and supported the application, respectively. A submission by the Fitzpatrick Road Water Supply Association neither supported nor opposed the application.

29. The Commission has given consideration to the submissions received in response to the application.

#### **A.5 Reports and Hearing**

30. The Commission has had the benefit of a planning report dated 28 February 2013 from Ms Adonica Giborees, a Planner with Lakes Environmental Limited; a Landscape Assessment report dated 22 February 2013 from Dr Marion Read, the Principal :

Landscape Architecture with Lakes Environmental Limited; and an engineering report dated 8 February 2013 from Mr Alan Hopkins, an Engineer with Lakes Environmental Limited. At the hearing we were assisted by Ms Giborees, Dr Read and Mr Hopkins.

31. Prior to the hearing we had the opportunity to consider the application and supporting material including the further information filed by the applicant together with the submissions. In the company of Ms Giborees we made a site inspection on the morning of the hearing on Friday 8 March 2013.

32. At the hearing the applicants were represented by Mr Graeme Todd, Counsel, of GTodd Law. Mr Todd called evidence from Mr Paddy Baxter, Landscape Architect and a Director of Baxter Design Group Ltd; and from Mr Alistair Smith, a Resource Management Consultant with John Edmonds & Associates.

33. Mr Bloomfield appeared in support of the submission by the Evan Bloomfield Family; and Mr Bloomfield also appeared in support of the submission by the Lower Shotover Conservation Trust.

34. The planning, landscape and engineering reports were taken as read and Mr Hopkins, Dr Read and Ms Giborees were invited to comment following the presentation of submissions and evidence. Following Mr Todd's reply the hearing was adjourned.

## **A.6 Principal Issues in Contention**

35. The principal issues in contention before us are the effects on the environment of allowing the subdivision that makes provision for residential building platforms on Lots 1 and 2 of the proposed subdivision.

## **B. EFFECTS ON ENVIRONMENT**

### **B.1 Permitted & Consented Baseline**

36. Farming activities, planting (with specific exclusions), fencing and earthworks which do not breach Rule 5.3.5.1(viii) are permitted activities in the Rural General Zone. Within the Rural General Zone any subdivision and any building that exceeds 5m<sup>2</sup> and a height of 2 metres requires resource consent and is therefore not a permitted activity.

37. Mr Todd emphasised to us that the site could have been planted out in terms of the permitted baseline. If this had occurred the openness of the site would have been reduced and could have been adversely affected. Mr Todd drew our attention to development that has occurred elsewhere at Dalefield where substantial tree plantings screen existing built development.

38. The subject site has previously been subject to land use consents RC 94/158 granted on 21 March 1994 and RC 950245 granted on 14 August 1995. Both consents were granted to Merriefield Holdings Limited and related to earlier proposals to erect a dwelling on the subject site. These land use consents have lapsed and do not form part of the consented baseline.

## **B.2 Affected Persons Approval**

39. An affected persons approval has been received from CJ & YA Guillot of 88 Fitzpatrick Road (being Lot 1 DP 23457).

40. Section 104(3)(a)(ii) of the Resource Management Act 1991 (the Act) directs that a consent authority must not have regard to any effect on a person who has given written approval to an application when considering that application.

## **B.3 Assessment Matters**

41. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 5, 14 and 15 that are relevant to subdivision and development in the Rural General Zone.

42. The officers' reports and the evidence presented to us have assessed the effects of the activity in terms of the relevant assessment matters. In our view this approach is appropriate in this instance, and we have assessed the actual and potential effects of the proposed activity having regard to relevant assessment matters, particularly those presented in Part 5 of the Operative District Plan.

## B.4 Part 5

43. Clause 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.

44. The Landscape Categorisation in the Wakatipu Basin is shown at Appendix 8A – Map 2 in the Operative District Plan. This shows the subject site as being within the Visual Amenity Landscape (VAL). Dr Read and Mr Baxter agreed that the subject site is in the VAL albeit that Dr Read considered that the boundary of the Outstanding Natural Feature (ONF) of the Shotover River runs along the top of the escarpment which is located just inside the subject site along its southern and eastern boundaries. The Commission notes in this context that the residential building platforms that have been nominated are clearly on VAL land and acknowledges Mr Baxter's observation that the Shotover River ONF is separated by distinct elevation and a narrow terrace that sits between the subject site and the gorge; with the Shotover River being approximately 60 metres below the elevation of the site. In all the circumstances the Commission has determined that the proposal should be assessed on the basis of being in a VAL.

45. Clause 5.4.2.2(3) contains assessment matters that apply to subdivision and development in the Rural General Zone on land categorised as VAL. Each assessment matter stated in the District Plan is presented in italics below, followed by our assessment of the proposal in terms of these matters, including our discussion of effects.

46. The opening paragraphs of Assessment Matter 5.4.2.2(3) state as follows:

*"These assessment matters should be read in the light of the further guiding principle that existing vegetation which:*

- (a) was either*
  - planted after; or*
  - self seeded and less than 1 metre in height at*
  - 28 September 2002; and*
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places*
- shall not be considered:*

- (1) *as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
- (2) *as part of the permitted baseline.*
- *nor shall removal of such vegetation be considered as a positive effect of any proposal.”*

47. The Commission simply acknowledges that the assessment matters in Assessment Matter 5.4.2.2(3) are to be read in light of the above guiding principle.

*“(a) Effects on natural and pastoral character*

*In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:*

- (i) *where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;*
- (ii) *whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;*
- (iii) *whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;*
- (iv) *whether any adverse effects identified in (i) – (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;”*

48. The site adjoins the land adjacent to margins of the Shotover River which is an Outstanding Natural Feature (ONF) as confirmed in Dr Read's Landscape Assessment. The Shotover River in this locality passes through a deep gorge and therefore does not have an open character. The Commission acknowledges Mr Baxter's observation that the dwellings on both proposed building platforms would not be visible from the Shotover River, or from the Shotover River bed. The Commission is satisfied that the proposed development would have no discernible effect on the ONF of the Shotover River as viewed from any public places.

49. During the site inspection the Commission viewed the site from public places where dwellings on the proposed building platforms would be visible, being from Domain Road, Lower Shotover Road, Slope Hill Road, Tucker Beach Road and Hansen Road; and the Commission acknowledges that future dwellings would also be visible from private locations in the Hawthorne Triangle/Shotover Basin areas.
50. The Commission is satisfied that the scale and nature of development on the proposed residential building platforms will not compromise the natural or Arcadian pastoral character of the surrounding VAL. From Domain Road and other vantage points to the east of the subject site any future development will be viewed as part of a complex landscape which includes elevated land above the Shotover River that extends to Dalefield. Much of this area is planted and the subject site appears as an isolated pocket of pasture in this view (see Mr Baxter's Attachment F); and dwellings are visible on other properties in this vista. The Commission concurs with Mr Baxter's opinion that the site appears as a minor part of this wider panorama.
51. When viewed from Hansen Road (and to a lesser extent from Tucker Beach Road) the open pastoral land at the site will remain substantially open and will not be compromised. Retention or replacement of existing trees beyond the deer fence that is located adjacent to the southern boundary of the site will provide screening; and this will be supplemented by additional plantings on Lot 1 and Lot 2 as depicted on Mr Baxter's Attachments B and C.
52. The Commission also acknowledges that Lot 1 and Lot 2 will have an average area of approximately 12.4 hectares. This scale of development, being two allotments with residential building platforms that achieve an average area of approximately 12.4 hectares per dwelling is not excessive and the Commission has noted Dr Read's opinion that such a scale of development will not compromise the Arcadian pastoral character of the surrounding VAL.
53. The Commission also acknowledges Mr Baxter's observation that the poles on site that are located on the corners of the platforms identify the maximum height of dwellings to be permitted. The Commission acknowledges that while an envelope is to be created within which a dwelling is legally authorised; that it is unlikely in practice

that a dwelling would be constructed to the full extent of each residential building platform and to the maximum height permitted at all corners.

54. Mr Baxter observed that the proposal repeats the existing development pattern in this area which in turn has determined the Arcadian pastoral character of the surrounding landscape. Both allotments will retain the substantial mix of open pastoral and Arcadian character as provided for in the conditions suggested by Mr Smith at the hearing. While the proposal will further domesticate the landscape, the Commission agrees that it is in keeping with its surrounds and represents an expected and accepted scale of development. The Commission is satisfied that the development will not cause over-domestication of the landscape.

55. Mr Bloomfield confirmed that the unformed legal road adjacent to the site is utilised to achieve access to the Department of Conservation land that the Lower Shotover Conservation Trust administers; and that such land includes the intermediate terrace and land immediately adjacent to the southern and eastern boundaries of the subject site. Mr Bloomfield confirmed that the unformed legal road is used by horse riders albeit that they must dismount and lead their animals over steeper portions of the unformed legal road to achieve access to the Shotover River.

56. Users of the unformed legal road will view a future dwelling on the Lot 1 residential building platform. The Commission acknowledges that additional plantings are now proposed on Lot 1 (as shown on Mr Baxter's Attachment B). In essence this planting is intended to provide some screening whilst maintaining the open views from the unformed legal road. The Commission also acknowledges in this context that users of the unformed legal road will have passed along Fitzpatrick Road; and again acknowledges that dwellings on rural properties are an expected and accepted part of the VAL landscape as viewed from Fitzpatrick Road and from the unformed legal road.

57. In terms of Assessment Matter 5.4.2.2(3)(a)(iv) the Commission acknowledges the suite of conditions offered by the applicant, including the conditions that all elements of domestic activity be confined to the curtilage areas; and that all pastoral areas be maintained by way of grazing and/or cropping. A positive effect of the proposal is that the Arcadian pastoral character of the site in the landscape is to be maintained. As

noted above the permitted baseline would enable the site to be planted, resulting in a loss of pastoral character.

58. The Commission is satisfied that the conditions of consent which have been offered by the applicant will serve to avoid, remedy or mitigate any adverse effects on the natural and pastoral character of the landscape.

*“(b) Visibility of Development*

*Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:*

- (i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and*
- (ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;*
- (iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;*
- (iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;*
- (v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;*
- (vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;*
- (vii) any proposed new boundaries and the potential for plantings and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;*
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;*



- (ix) *the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.”*

59. The unformed legal road adjacent to the site is utilised to achieve access to the land administered by the Lower Shotover Conservation Trust and by equestrian traffic. The Commission notes that the unformed legal road is covered in rank grasses and exotic trees, and that the use of the unformed legal road appears limited. The topography of the southern portion of the unformed legal road is likely to preclude vehicular traffic and restricts use to pedestrian and equestrian traffic only. As noted above plantings are proposed to reduce the visibility of built development on the residential building platform on Lot 1 from the unformed legal road. A future dwelling on Lot 2 will not be visible from the unformed legal road.
60. Topography will screen the future dwellings on the residential building platforms on Lot 1 and Lot 2 from Fitzpatrick Road and Littles Road in the Fitzpatrick Bowl.
61. From Domain Road and Lower Shotover Road the roof of the future dwelling on Lot 1 and the future dwelling on Lot 2 will be visible. As noted above any such development will be seen in a complex landscape which includes the treed area which extends from the escarpment above the Shotover River to Dalefield. Other built development including dwellings is visible in this panorama. A similar view is available from the upper portions of Slope Hill Road.
62. Built development will be visible from Tucker Beach Road and Hansen Road. From parts of Hansen Road the dwelling on Lot 1 will be obscured by existing vegetation albeit that it will be visible from other parts of Hansen Road. A future dwelling on the residential building platform on Lot 2 will be obscured from Hansen Road by vegetation that is to be retained or replaced, being vegetation on the escarpment above the Shotover River.
63. The Commission is satisfied that the proposed development will not be highly visible when viewed from any public places; and that while visible from formed public roads such effects would be limited. The Commission is also satisfied that built development on Lot 1 will not have a significant adverse effect in terms of views available from the unformed legal road that is adjacent to the western boundary of the site.

64. The Commission is satisfied that the proposed development is not likely to be visually prominent such that it detracts from public views otherwise characterised by natural or Arcadian pastoral landscapes.
65. Mr Baxter advised us that the Bloomfield and Guillot dwellings are approximately 170 metres and 140 metres respectively from the centre of the building platform on Lot 2, being the residential building platform closest to those properties. Both properties have extensive plantings with mature trees around the dwellings on these properties, particularly to the south. A Tasman poplar belt has been established on the Bloomfield property, adjacent to the boundary with Lot 2. The combination of earthworks (that will create an enclosed platform with a small toe rising from 410 masl to 412 masl between the residential building platform on Lot 2 and the Bloomfield property) and the plantings now proposed by the applicants will ensure that the dwelling on Lot 2 will not be visually prominent such that it detracts from private views. The Bloomfield and Guillot properties will also have the benefit of the retention of much of Lot 1 and Lot 2 in its current open pastoral state.
66. Mr Baxter noted that private views of the Arcadian pastoral landscape experienced from private properties on Hansen Road will remain largely unchanged as future dwellings on both lots will only be partially visible. Mr Baxter noted that if the dwellings were moved to the north (as suggested by Dr Read) that the dwellings would be more visible when viewed from properties at Hansen Road.
67. The Commission acknowledges that there is opportunity for screening or other mitigation by earthworks and/or new planting as detailed in Mr Baxter's Attachments B and C. The Commission is also satisfied that such mitigation will not detract from or obstruct views of the existing natural topography.
68. At a broad level the site and the proposed residential building platforms are located in a visual catchment contained by Slope Hill, Ferry Hill, Malaghans Ridge and Sugarloaf and the surrounding mountains. As noted above the site is viewed in a complex landscape which includes the prevalent vegetation that extends from the escarpment above the Shotover River to Dalefield. At a site specific level the subject site is confined by elements of topography including the knolls that are located on the northern portion of the site and which provide screening from Fitzpatrick Road.

69. The Commission is satisfied that the proposed building platforms will not give rise to structures which would break the line and form of any skylines, ridges, hills or prominent slopes.

70. The Commission acknowledges Dr Read's opinion that the proposed accesses and earthworks will have a relatively small effect in terms of change to the line of the landscape or the naturalness of the landscape.

71. Mr Baxter's Attachments B and C have amended the curtilages around the residential building platforms and these are consistent with the more linear approach recommended by Dr Read; and the Commission has noted Dr Read's comment that the reduction in the curtilage area is a positive. The Commission is also satisfied that the conditions suggested by the applicants will serve to mitigate any effects in terms of the creation of arbitrary lines and patterns in the landscape associated with plantings and fencing.

72. The Commission also acknowledges Dr Read's view that the boundary between Lots 1 and 2 generally makes sense in terms of topography.

73. The development does not constitute sprawl of built development along the roads of the District. Mr Baxter advised us that the driveways as shown on Attachment B both follow contour; and he noted that the majority of the length of the driveways are not visible from outside the site.

*“(c) Form and Density of Development*

*In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:*

- (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;*
- (ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);*

- (iii) *development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;*
- (iv) *the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.*
- (v) *If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:*
  - (a) *within a 500 metre radius of the centre of the building platform, whether or not:*
    - (i) *subdivision and/or development is contemplated on those sites;*
    - (ii) *the relevant land is within the applicant's ownership; and*
  - (b) *within 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council*
- must be taken into account.*
- (vi) *recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large."*

74. Mr Baxter advised us that the proposed residential building platforms on Lot 1 and Lot 2 have been located on the less elevated and gently sloping areas of the site where they are not highly visible from public places.

75. Separate accesses are being utilised to serve Lot 1 and Lot 2. The accessway that will serve Lot 1 generally coincides with an existing partially metalled farm access track. The access that serves Lot 2 is to follow contour. Mr Baxter informed us that the proposed lots do not share an accessway in order to preserve open space within Lot 1.

76. Future built development on the residential building platforms is concentrated in areas with a higher potential to absorb development. Much of the land in Lot 1 and Lot 2 will

be retained in an open pastoral state as viewed from Domain Road and Lower Shotover Road.

77. The proposed development will not introduce urban densities. As noted above development will result in one dwelling per 12.4 hectares (approximately).

78. Neither of the proposed residential building platforms are located inside existing development. Mr Baxter informed us that within 500 metres of the proposed residential building platforms there are 15 existing and established dwellings. As noted above while potential alternative sites exist on the northern portion of the subject site, the Commission has acknowledged Mr Baxter's observation that built development on this portion of the site will be more visible from Hansen Road. The Commission also considers that built development should not be permitted on the knolls that exist on that portion of the site closest to Fitzpatrick Road.

79. The Commission is not aware of any owners or occupiers of land promoting alternative locations or methods within 1100 metres of the centre of the building platforms. Dr Read advised us in the context of the 1100 metre radius that land in the Rural Lifestyle Zone at Dalefield and in the Hansen Road Rural Lifestyle and Tucker Beach Rural Residential Zones are within the 1100 metre radius. The Commission is satisfied that the density of the proposed development can be distinguished from that found and expected in the Rural Lifestyle and Rural Residential Zones.

80. The Commission is satisfied that the proposal does not represent a high density of development; or that the proposal will preclude residential development and/or subdivision on neighbouring land because of adverse cumulative effects.

*“(d) Cumulative effects of development on the landscape*

*In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:*

- (i) the assessment matters detailed in (a) to (d) above;*
- (ii) the nature and extent of existing development within the vicinity or locality;*

- (iii) *whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;*
  - (iv) *whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;*
  - (v) *the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;*
  - (vi) *whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;*
  - (vii) *whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).*
- ...”

81. The Commission is satisfied that the proposal is not likely to lead to further degradation or domestication of the landscape such that the existing development or land use represents a threshold with respect to the vicinity's ability to absorb further change. The proposed subdivision will fit within the existing pattern of subdivision and development in the locality, and will not visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects.

82. Mr Smith's Figure 1 identified the location of existing dwellings and approved building platforms in the vicinity of the site. The Commission is satisfied that the scale of development proposed is consistent with the pattern of development found in this locality and will not give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape in this locality. Mr Baxter and Dr Read agreed that the proposed development will not give rise to any need for infrastructure consistent with urban landscapes.

“(e) Rural Amenities

*In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:*

- (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;*
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;*
- (iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb [sic] and channelling, particularly in relation to public road frontages;*
- (iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.*
- (v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.”*

83. The proposed development will maintain adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places. As noted above much of the land in Lot 1 and Lot 2 is to be maintained in its open pastoral state. Adjacent land will also have the benefit of such open pastoral vistas.

84. The Commission agrees with Dr Read that the proposed development will not compromise the ability to undertake agricultural activities on surrounding land.

85. No gateway furniture is to be allowed and this should ensure that the entrances are consistent with traditional rural elements.

86. Post and wire or post and net fencing are also consistent with traditional rural elements; and the building platforms are set back from property boundaries to avoid, remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties. While Mr Bloomfield would prefer that the status quo be maintained the Commission simply acknowledges that dwellings in the rural environment are an accepted and expected element in the VAL; and that the

earthworks and plantings proposed by the applicant will serve to mitigate effects on the Bloomfield property.

87. The Commission is satisfied that any effects of the proposed subdivision and development will be no more than minor in the context of the VAL.

#### **Assessment Matters - General**

88. Assessment Matter 5.4.2.3 contains Assessment Matters – General which have been considered by the Commission. The Commission does not propose to reproduce these assessment matters in detail as to a considerable extent they overlap with the assessment matters specific to VAL discussed above.
89. The proposal will have a positive effect in terms of Assessment Matter 5.4.2.3i General – Nature Conservation Values. As noted above existing vegetation on the escarpment above the Shotover River (beyond the existing deer fence) is to be retained or replaced. The existing barbed wire fence within this area is to be removed (as promoted by the Lower Shotover Conservation Trust) and these measures are consistent with maintaining nature conservation values. The Commission concludes that this is consistent with the matters listed in Assessment Matter 5.4.2.3i.
90. In the context of Assessment Matter 5.4.2.3ii Natural Hazards – General the Commission acknowledges that Mr Hopkins is satisfied that the proposed building platforms are not at risk of liquefaction hazard; and that the steep slope to the south of the Lot 2 platform is stable. Mr Hopkins has been informed in these matters by a report dated 1 January 2013 prepared by Mr Royden Thomson, Geologist, that has been provided by the applicants. The Commission has concluded that the activity will not exacerbate any natural hazard in this instance.
91. In terms of Assessment Matter 5.4.2.3xxviii Earthworks any adverse effects due to earthworks taking place can be managed and mitigated by the imposition of appropriate conditions that require site management during construction and appropriate shaping and revegetating to ensure that the earthworks blend into their surroundings.



92. The Commission is satisfied that the proposed earthworks will not significantly adversely affect the visual quality and amenity values of the landscape; the natural landform of any ridgeline or visually prominent areas; and the visual amenity values of surrounding sites.

## **B.5 Part 14**

93. Rule 14.2.2.3 confirms that any activity which does not comply with the site standards in Part 14 shall be a discretionary activity, with the exercise of discretion being restricted to the matters specified in that standard.
94. Rule 14.2.4.1iv requires that formed access for 1-6 units shall provide passing bays at intervals no greater than 25 metres along the length of the accessway. The Commission considers that such provision appears excessive in the context of a rural subdivision but has considered this aspect of the proposal in terms of the relevant assessment matters detailed in Clause 14.3.2iv and v.
95. Parking bays at a maximum of 100 metres spacing are required by the Council's amendments to NZS 4404:2004. In essence the provision of parking bays can be addressed at the time of engineering approval. In all the circumstances the Commission is satisfied that provision can be made to avoid or mitigate any adverse effects associated with this breach of Rule 14.2.4.1iv.
96. Rule 14.2.4.2iv requires a minimum sight distance of 115 metres from vehicle accesses in a speed limit area of 80kph. Mr Hopkins has informed us that actual speeds are likely to be considerably less on the section of Fitzpatrick Road in the vicinity of the entrance to Lot 1; with traffic speeds conservatively estimated at 50 kph approaching the bend on Fitzpatrick Road. The potential exists for a condition to be applied to ensure that the line of sight is maximised at the entrance to Lot 1 from Fitzpatrick Road or within the unformed legal road off Fitzpatrick Road. As previously noted the minimum sight distance is satisfied with respect to the entrance to Lot 2.
97. A new vehicle entrance onto Fitzpatrick Road or onto the unformed legal road to serve Lot 1 will breach Rule 14.2.4.2vi as a minimum separation distance of 25 metres will not be achieved. The Commission considers this to be a technical breach of the

provisions of the Operative District Plan given the unformed state of the legal road off Fitzpatrick Road and the limited use of the unformed legal road.

98. In all the circumstances the Commission is satisfied that any effects associated with a breach of Rule 14.2.4.2iv will be no greater than minor having regard to the existing speed environment at Fitzpatrick Road; and that any effects associated with a breach of Rule 14.2.4.2vi will be less than minor.

## **B.6 Part 15**

99. Clause 15.2.3.6(b) contains assessment matters relating to subdivision and the location of residential building platforms in the Rural General Zone. We briefly discuss these matters below, acknowledging that many of the assessment matters have already been discussed by us above in the context of Part 5 and Part 14 assessment matters.

100. Clause 15.2.3.6(b)(i) requires that consideration be given to the extent to which subdivision, the location of residential building platforms and proposed development maintains and enhances rural character; landscape values; heritage values; visual amenities; life-supporting capacity of soils, vegetation and water; infrastructure, traffic access and safety; and public access to and along lakes and rivers. Clause 15.2.3.6(b)(ii) relates to the extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.

101. The proposed subdivision and associated residential building platforms are consistent with the pattern of subdivision and development found in the Fitzpatrick Road locality. In these circumstances the Commission is satisfied that the proposal will not have a significant adverse effect in terms of rural character, landscape values, visual amenity or in terms of any adverse effect on adjoining land uses.

102. The proposal will not adversely affect the life-supporting capacity of soils, vegetation and water. The Commission notes in this context that most of the land in the subject site will continue to be available for utilisation for pastoral farming purposes on Lot 1 and Lot 2.

103. Services are relevant in the context of Clause 15.2.3.6(b)(iii). In this instance the proposed subdivision can be adequately serviced with a potable water supply, on-site wastewater disposal within each allotment, and through the provision of telecommunications and electricity services from the relevant utility providers. Chorus and Aurora Energy Limited have confirmed that such services are available to the subdivision.
104. Clause 15.2.3.6(b)(iv) relates to the extent to which the subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation. The Commission acknowledges that Mr Hopkins has accepted Mr Thomson's conclusions; and that Mr Hopkins has recommended that no consent conditions be applied with respect to hazards.
105. Clause 15.2.3.6(b)(v) requires consideration of the long term development of the entire property. In this instance the proposed subdivision relates to the entire property.
106. Clause 15.2.6.4(i)(a) relates to whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone.
107. The Commission considers that Lot 1 and Lot 2 are of sufficient area and dimensions to effectively fulfil the intended purpose of accommodating a residential building platform and for on-going farming use on each allotment.
108. The Commission considers in the context of Clause 15.2.6.4(i)(b)-(d) that the lots are of sufficient size for on-site disposal of wastewater and stormwater; that the lots are of a suitable slope to enable their safe and efficient use; and that the proposed lots are compatible with the pattern of adjoining subdivision and land use activities, and access.
109. Clause 15.2.7.3(i) relates to the relationship and size of the lots in terms of their solar advantage. The Commission accepts Dr Read's observation that both residential building platforms have good potential for solar advantage.

110. The proposed subdivision and development will not result in domination of surrounding properties by buildings on the site; and the mitigation measures offered by the applicants will serve to avoid or mitigate any adverse effects on the views enjoyed from the Bloomfield and Guillot properties being Lot 2 DP 23194 and Lot 1 DP 23457, respectively.

#### **B.7 Positive Effects**

111. The proposal will have a positive effect by providing for future residential activity to occur on the residential building platforms nominated on Lot 1 and Lot 2. The landscape controls and land management practices provided for in the conditions suggested by the applicants will ensure that the existing character of the landscape is maintained and enhanced. The Commission again acknowledges in this context that the permitted baseline would permit plantings to occur across the site whereas the development provides for the maintenance of the open pastoral character of the site.

#### **B.8 Summary : Effects and Assessment Matters**

112. The Commission finds that any adverse effects of the proposal are limited and can be satisfactorily mitigated through adherence to appropriate conditions of consent. The proposal is appropriate having regard to the relevant assessment matters stated in Parts 5, 14 and 15 of the Operative District Plan, as discussed above.

### **C. THE QLDC DISTRICT PLAN : OBJECTIVES & POLICIES**

113. Parts 4, 5, 14 and 15 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas and in relation to Transport and Subdivision, respectively. The objectives and policies from Parts 4 and 5 have been presented in Ms Giborees's report, and to a large degree the objectives and policies relate to matters discussed in the context of the assessment matters. It is neither desirable nor necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing our analysis of this application.

## C.1 Part 4

114. Clause 4.2.4(3) confirms that the Visual Amenity Landscapes (VAL) are those landscapes which wear a cloak of human activity much more obviously [than outstanding natural landscapes] being pastoral or arcadian landscapes with more houses and trees, greener (introduced) grasses, and VAL tend to be on the District's downlands, flats and terraces. The key resource management issues for VAL are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and to enable alternative forms of development where there are direct environmental benefits.

115. Objective 4.2.5 is:

***“Objective:  
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.”***

116. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 4 which relates to Visual Amenity Landscapes; Policy 5 that relates to Outstanding Natural Features; Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; Policy 12 that relates to Transport Infrastructure; and Policy 17 that relates to Land Use.

117. Policy 1 – Future Development – is to avoid, remedy or mitigate the effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation; to encourage development and/or subdivision to occur in areas of the District that have a greater potential to absorb change without detracting from landscape and visual amenity values; and to ensure that subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

118. The Commission is satisfied that this policy is satisfied in this instance. The subdivision and development is to occur in an area with greater potential to absorb change without detracting from landscape and amenity values.

119. Policy 4 – Visual Amenity Landscapes states as follows:

***“4. Visual Amenity Landscapes***

- (a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
  - highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
  - visible from public roads.*
- (b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) To discourage linear tree planting along roads as a method of achieving (a) or (b) above.”*

120. The proposal will serve to avoid, remedy or mitigate adverse effects of subdivision and development on the VAL. The planting will ensure that future dwellings on the residential building platforms proposed on Lot 1 and Lot 2 will not be highly visible in any public views from public places. While parts of the future dwellings will be visible from public roads any such effects will be mitigated by the planting that has been proposed by the applicants. The retention of land in Lot 1 and Lot 2 in pastoral use will serve to mitigate visual effects and enhance the natural character on the subject site.

121. In terms of Policy 5 – Outstanding Natural Features – the Commission acknowledges that the subject site is to the north and west of land adjacent to the margins of the Shotover River that is identified as an ONF in terms of Policy 5. The Commission concurs with Mr Baxter that part of the site that is to be used for the residential building platforms is separated from the Shotover River ONF, both vertically and horizontally. The Commission is satisfied that future built development on the residential building platforms will not result in adverse effects which will be more than minor on the landscape values and natural character or visual amenity values of the Shotover River.

122. In terms of Policy 8 – Avoiding Cumulative Degradation – the Commission is satisfied that the proposed density of development will not increase to the point where the

benefits of further planting and building are outweighed by adverse effects on landscape values of over-domestication of the landscape.

123. Policy 9 – Structures – refers specifically to preserving the visual coherence of VAL by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment. In this instance planting will provide screening of the future dwelling to be located on the residential building platform on Lot 1 from the unformed legal road. Plantings as shown on Mr Baxter’s Attachments B and C will also serve to provide some screening of structures as viewed from other public roads.

124. The Commission is satisfied that the proposal is consistent with Policy 12 – Transport Infrastructure. The access carriageways are to be sensitively located on the site and will follow the contour.

125. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. The Commission is satisfied that the proposal is consistent with this policy having regard to the measures that are being taken to maintain and open pastoral character.

126. Objective 4.8.3.1 and its supporting policies state as follows:

#### **“4.8.3 Objective and Policies**

##### **Objective 1**

***Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.***

##### **Policies:**

- 1.1 *To increase community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.*
- 1.2 *To continually develop and refine a hazards register in conjunction with the Otago Regional Council, as a basis for Council decisions regarding subdivision and building development.*
- 1.3 *In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.*

- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*
- 1.5 *To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard.*
- 1.6 *To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.”*

127. The Commission concurs with Ms Giborees's assessment that the proposed development will serve to avoid or mitigate any potential adverse effects in terms of natural hazards. The Commission again acknowledges Mr Hopkins's acceptance of the conclusions contained in Mr Thomson's report.

128. Objective 4.10.3 and its supports objectives relate to earthworks. These state as follows:

***“To avoid, remedy or mitigate the adverse effects from earthworks on:***

- (a) Water bodies***
- (b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.***
- (c) Land stability and flood potential of the site and neighbouring properties.***
- (d) The amenity values of neighbourhoods.***
- (e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites.***
- (f) The water quality of the aquifers.***

***Policies:***

- ...
  - 3. *To minimise the area of bare soil exposed and the length of time it remains exposed.*
  - ...
    - 7. *To ensure techniques are adopted to minimise dust and noise effects from earthworks activities.*
    - ...”

129. Mr Hopkins has recommended specific conditions of consent to avoid, remedy or mitigate the potential effects associated with earthworks. Again the Commission



accepts Ms Giborees's conclusion that the proposal is consistent with the objectives and policies that relate to earthworks.

## **C.2 Part 5**

130. Part 5 of the District Plan contains objectives and policies that specifically relate to Rural Areas. Objective 1 and its associated policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area:

### ***"Objective 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."*

131. In terms of Policy 1.1 the district wide landscape objectives and policies have been considered fully above. In terms of Policies 1.2 and 1.3 the Commission acknowledges the applicants' intention to retain much of Lot 1 and Lot 2 as land available for grazing. In terms of Policy 1.4 the character of the rural area will not be

adversely impacted in this instance. The Commission considers that the proposal is consistent with Policies 1.5-1.8 having regard to the matters discussed above.

132. The Commission also notes that Objective 3 and the associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity. In this instance the adverse effects of the proposed development on rural amenity are sufficiently avoided, remedied or mitigated and the Commission finds that the proposal is in accordance with the objective and policies that relate to rural amenity.

### **C.3 Part 14**

133. Part 14 contains objectives and policies with respect to Transport. The Commission considers that the proposal is consistent with the objectives and policies that relate to the efficiency, safety and environmental effects of the transportation system of the District. The Commission notes that an access to Fitzpatrick Road exists; and that the applicant proposes to establish new vehicle entrances to serve Lot 1 and Lot 2.

134. The Commission is satisfied that the access carriageways will visually complement the surrounding area and mitigate visual impact on the landscape, consistent with Objective 14.1.3.3 and the associated Policy 3.4.

### **C.4 Part 15**

135. Part 15 contains objectives and policies that relate to Subdivision, Development and Financial Contributions. Objective 15.1.3.1 and its associated policies that relate to Servicing seek to ensure necessary services are provided in anticipation of the effects of future land use activities in the context of subdivision. In this instance appropriate access and provision for water, wastewater, telecommunications and electricity services are to be provided in the context of the subdivision, in some instances via conditions subject to consent notices.

136. Objective 15.1.3.5 and associated policies relate to Amenity Protection. The Commission is satisfied that the proposed subdivision will not be contrary to these provisions. The Commission again notes in this context that the subdivision is consistent with the pattern of subdivision found in the Rural General Zone in this locality.

## **C.5 Summary : Objectives and Policies**

137. Following the above analysis, the Commission finds that the proposal is consistent with those objectives and policies that are relevant to the application; and the Commission has concluded that this is a location in the VAL where the proposed activity is appropriate in terms of Clause 1.5.3iii(iv) of the District Plan.

## **D. OTHER MATTERS**

138. Section 104(1)(c) of the Act requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

### **D.1 Precedent**

139. Precedent is a relevant matter as subdivision consent is sought for a discretionary activity. The Environment Court noted in the Scurr decision C060/2005 that in terms of the Queenstown Lakes District Plan, there is even greater reason to consider issues of precedent for discretionary activities.

140. The Commission acknowledges that the site has unusual characteristics given the fact that the site has an area of 24.8119 hectares more or less being substantially greater than other sites in the vicinity of Fitzpatrick Road that have previously been subdivided. The Commission also acknowledges that the site shares boundaries with roads (to the north and west) and with land managed by the Lower Shotover Conservation Trust (to the south and east). The Commission acknowledges that the topography of the site will screen future development on the residential building platforms on Lot 1 and Lot 2 from Fitzpatrick Road.

141. The Commission is satisfied that the proposal is consistent with the pattern of subdivision and land use found in this locality.

142. In all the circumstances the Commission finds that the proposal will not establish a significant precedent.

## **D.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

143. The applicants have provided a preliminary site investigation for the site prepared in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). The information provided by the applicants confirms that the piece of land to which the application relates is not a site deemed as being on the Hazardous Activities and Industries List (HAIL) in terms of the NES and therefore that the NES does not apply to this piece of land.
144. The Commission is satisfied that it is highly unlikely that there is a risk to human health as a result of the proposed subdivision and future residential activity on the proposed residential building platforms on Lots 1 and 2.

## **E. PART 2 OF THE ACT**

145. Part 2 of the Act contains sections 5 to 8. We refer to them in reverse order.
146. Section 8 requires us, in exercising our functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8 albeit that Ms Giborees advised us that local Tangata Whenua were served with a copy of the notified application.
147. Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources. The Commission is satisfied, having regard to the matters addressed in Parts B and C of this decision that the proposal is consistent with the relevant matters stated in section 7 of the Act. There are no other matters stated in section 7 which are of any particular relevance to the current application.
148. Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. Section 6(a), section 6(b) and section 6(d) confirm that the following are matters of national importance:

- “(a) The preservation of the natural character of ... rivers and their margins, ... and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (d) The maintenance and enhancement of public access to and along... rivers:”*

149. The Commission is satisfied that the proposal does not represent inappropriate subdivision, use and development in the context of section 6(a) of the Act. The Shotover River is located in a steep gorge to the south and east of the site and the residential building platforms proposed on Lot 1 and Lot 2 are located some distance from the boundary with the land adjacent to the margins of the Shotover River that is managed by the Lower Shotover Conservation Trust.

150. As noted above the Shotover River is an ONF. The Commission finds that the proposed activity does not constitute inappropriate subdivision, use and development in this instance. Accordingly the Commission finds that the proposal is consistent with section 6(b) of the Act.

151. The proposed activity will not inhibit public access to and along the Shotover River in terms of section 6(d). The Commission acknowledges in this context that limited access is available to the Shotover River via the unformed legal road that runs adjacent to the western boundary of Lot 1 and such access is unaffected by the proposal.

152. There are no other matters stated in section 6 which are of any particular relevance to the application.

153. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission has reached the view that the application before us will achieve the purpose of the Act.

154. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of this site will be developed in such a way that the social and economic wellbeing of the applicants are provided for, while the potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. Any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

## **F. OUTCOME**

155. Section 104 of the Act directs that when considering an application for resource consent and any submission received in response to it, we must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan. In the course of considering the application and submissions and in reaching this decision the Commission has followed this process. Under section 104B the Commission has discretion to grant consent to the application and we hereby do so subject to the imposition of conditions of subdivision and land use consent as attached in a Schedule to this decision.

This decision on RM 120695 is dated 4 April 2013.

A handwritten signature in blue ink, appearing to read 'W D Whitney', followed by a period.

**W D Whitney**

**COMMISSIONER**

**For the Commission being W D Whitney and L Cocks**

## **SCHEDULE : CONDITIONS OF CONSENT FOR RM 120695 : FP OXNEVAD, NJD NEILL & DAI BRENT**

### **SUBDIVISION & LAND USE**

#### **General Conditions**

- 1 That the subdivision and associated development be carried out in accordance with the following plans that are stamped as approved on **5 April 2013**:
  - a. Clark Fortune McDonald & Associates, Lot 1 and Lot 2 being a Proposed Subdivision of Part Lot 1 DP 20124 – Fitzpatrick Road, Job 10933, Drawing No. 03, Dated 27.09.12. Revision A as further amended to amend the curtilage areas to those shown on the plans referred to in d. and e. below.
  - b. Clark Fortune McDonald & Associates, Earthworks for Platform on Proposed Lot 2 Job 10933, Drawing No. 04, Rev B, Dated 02.10.12. Revision B, revision date 25.10.12.
  - c. Baxter Design Group, Neill - Fitzpatrick Road - Site Context Plan, Reference 1738, Dated 26 October 2012, Attachment A.
  - d. Baxter Design Group, Neill - Fitzpatrick Road – Landscape Masterplan, Reference 1738-SK8, Dated 5 March 2013, Attachment B being the amended version tabled by Mr Baxter at the hearing at about 2pm on 8 March 2013 and as further amended in terms of Condition 8.
  - e. Baxter Design Group, Neill - Fitzpatrick Road – Lot 2 Tree Planting for Mitigation, Reference 1738, Dated 8 March 2013, Attachment C being the amended version tabled by Mr Baxter at the hearing at about 2pm on 8 March 2013 and as further amended in terms of Condition 8.
  - f. Clark Fortune McDonald & Associates, Earthworks for Access on Proposed Lot 2, Job 10933, Drawing No. 06. Dated 03.12.12.

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

- 2 The consent holder shall comply with the following:
  - a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
  - b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
- 3 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

- 4 Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Engineer at Lakes Environmental Limited advising who their representative is for the design and execution of the engineering works and construction works required in association

with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

- 5 Prior to the commencement of any works on the site the consent holder shall provide to the Principal Engineer at Lakes Environmental Limited for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lot 1 and Lot 2 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - b) The provision of vehicle crossings to Lot 1 and Lot 2 from Fitzpatrick Road to be in terms of Diagram 2, Appendix 7 of the District Plan. These shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage. To provide suitable line-of-sight, the location of the vehicle crossing to Lot 1 shall be relocated 10 metres to the west of that shown on the plan referred to in Condition 1a, or formed within the unformed legal road that is to the west of Lot 1.
  - c) The provision of access ways to the building platforms on Lot 1 and Lot 2 that comply with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The accesses shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
  - d) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all carriageways and water). The certificate shall be in the format of the NZS4404 Schedule 1A Certificate.
- 6 At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Engineer at Lakes Environmental Limited of the scheduled start date of physical works.
- 7 The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and "*A Guide to Earthworks in the Queenstown Lakes District*" brochure, prepared by the Queenstown Lakes District Council (QLDC). 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.
- 8 The consent holder shall prepare a final landscape plan for approval by the Principal : Landscape Architecture at Lakes Environmental Limited that identifies the species of plants that are to be planted in the positions shown on the plans referred to in Condition 1d. and 1e, such species to be determined in consultation with the Principal : Landscape Architecture at Lakes Environmental Limited; and the final landscape plan shall provide for the retention or replacement of existing vegetation beyond the deer fence(s) adjacent to the southern boundary of Lot 1 and the southern and eastern boundaries of Lot 2, such replacement trees and shrubs to be indigenous.

**To be completed before Council approval of the Survey Plan**

- 9 All necessary easements shall be shown in the Memorandum of Easements attached to the survey plan and shall be duly granted or reserved.
- 10 The residential building platforms identified on the plan of subdivision referred to in Condition 1a shall be shown on the survey plan.



**To be completed before issue of the section 224(c) certificate**

- 11 Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Engineer at Lakes Environmental Limited. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include all carriageways (including right of ways) and water reticulation (including private laterals and toby positions).
  - b) A digital plan showing the location of all building platforms required to be shown on the survey plan shall be submitted to the Principal Engineer at Lakes Environmental Limited. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion and implementation of all certified works detailed in Condition 5 above.
  - d) The consent holder shall provide evidence to the satisfaction of the Principal Engineer at Lakes Environmental Limited as to how the water supply will be monitored and maintained on an ongoing basis.
  - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been provided (minimum supply of single phase 15kva capacity) to the building platform on Lot 1 and Lot 2 and that all the network supplier’s requirements for making such means of supply available have been met.
  - f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been provided to the building platform on Lot 1 and Lot 2 and that all the network supplier’s requirements for making such means of supply available have been met.
  - g) The submission of Completion Certificates from both the Contractor and the Engineer advised in Condition 4 above for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - h) During and upon completion of earthworks the consent holder:
    - i) 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 its expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
    - ii) Shall ensure that no earthworks, temporary or permanent, are to breach the boundaries of the site.
    - iii) Shall, if it is found that there is a need to cart any hardfill off the site, consult with the QLDC to determine whether such hardfill is permitted to be utilised within the unformed legal road that is to the west of Lot 1.
    - iv) All earthworked areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised within 8 weeks.
  - i) A suitably qualified engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431:1989, for all areas of fill within the building platform on Lot 2.

- j) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- k) The implementation of the plantings depicted on the approval final landscape plan provided for in terms of Condition 8, including any necessary irrigation.
- l) The consent holder shall remove the dilapidated barbed wire fence outside the current deer fence on the eastern and part southern boundaries of the site to facilitate ease of management by the Lower Shotover Conservation Trust of the neighbouring land administered by the Department of Conservation such that there is no impediment to the management of that land from the Shotover River up to the deer fence near the eastern and southern boundaries of the site as depicted on the Topographic Plan Job No. 10933 prepared by Clark Fortune McDonald and Associates and lodged with the application.

### **Ongoing Conditions/Consent Notices**

- 12 In accordance with section 221 of the Resource Management Act 1991 a consent notice shall be registered on the relevant Computer Freehold Register Identifiers for the performance of the following conditions on a continuing basis:
- a) At the time a dwelling is erected on Lot 1 and Lot 2, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of the Principal Engineer at Lakes Environmental Limited prior to implementation and shall be installed prior to occupation of the dwelling on Lot 1 and Lot 2.
  - b) At the time a dwelling is erected on Lot 1 and Lot 2, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a secondary level wastewater treatment and effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take into account the site specific report and recommendations by Southern Monitoring Services Ltd (SMS), dated 24 October 2012. The proposed waste water system shall be subject to the review of the Principal Engineer at Lakes Environmental Limited prior to implementation and shall be installed prior to occupation of the dwelling. To maintain high effluent quality such a system would require the following:
    - i) Specific design by a suitably qualified professional engineer.
    - ii) A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.
    - iii) Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
    - iv) Intermittent effluent quality checks to ensure compliance with the system designer's specification.
    - v) Unless an Otago Regional Council consent provides otherwise, disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
    - vi) A producer statement shall be provide to the Principal Engineer at Lakes Environmental Limited that confirms that the system has been installed in accordance with the approved design.
  - c) At such a time that a reticulated Council stormwater/sewage disposal system is available to service the lot, within a period of no more than three months from the system's availability, the owner for the time being shall cease the use of the alternative disposal system and connect to the Council system. The cost of making this connection shall be borne by the

owner of the lot. At that time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.

- d) At the time a dwelling is erected on Lot 1 and Lot 2, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the New Zealand Fire Service as larger capacities and flow rates may be required.

The New Zealand Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Operational Planning Officer for the Southern Fire Region is obtained for the proposed method.

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

- e) The owners of Lot 1 and Lot 2 shall maintain (and irrigate as required) all plantings depicted on the approved final landscape plan and implemented in terms of Condition 11k). Should any tree or shrub to be maintained in terms of this condition die or become diseased it shall be replaced within the next available planting season.
- f) The owner of Lot 1 and Lot 2 shall retain or replace existing vegetation beyond the deer fence(s) adjacent to the southern boundary of Lot 1 and the southern and eastern boundaries of Lot 2, such replacement trees and shrubs to be indigenous.

- g) The following building design controls shall apply to any building on the residential building platforms on Lot 1 and Lot 2:
- i) Dwellings and accessory buildings shall be constructed within the residential building platforms shown on the survey plan.
  - ii) The maximum height of any building within the residential building platform on Lot 1 shall be 6.5 metres from a finished ground level of 424.00masl.
  - iii) The maximum height of any building within the residential building platform on Lot 2 shall be 5.5 metres from a finished ground level of 410.00masl.
  - iv) All structures including dwellings, water tanks and accessory buildings, or any building used as an accessory to any farming activity, shall conform to the following building design controls:
    - a. Roof claddings to be in steel (corrugated or tray), slate (natural or imitation), natural grass and/or membrane.
    - b. Roof colours to be natural slate or grass, or the colours of steel, imitation slate and membrane roofs to be dark greys only, and of light reflectance less than 20%.
    - c. Wall colours to be in a recessive colour with a light reflectivity of less than 36%; to be within the tones of greys and browns to ensure that the house blends with the receiving environment.
    - d. Wall cladding to be in timber, smooth plaster, stone (local schist), concrete or corrugated steel (to complement roof colours where both exist). Wall claddings are to be continuous in one cladding from ground to roof. Artificial weatherboards are not permitted.
    - e. Dwellings and accessory buildings shall be designed (by the use of features such as eaves, recessed windows and pergolas and/or by other methods) so as to avoid glare, including from glazing.
    - f. Exterior joinery shall be in timber, steel or aluminium. Joinery colours (excepting timbers) shall match roofing, gutter and spouting colours.
  - v) All exterior lighting associated with any dwelling shall be fixed no higher than 2.0 metres above finished ground level and shall be capped, filtered or pointed downwards so as to reduce or avoid visibility from any point off-site of light sources and to minimise visibility of lit areas.
  - vi) No outdoor speakers or amplified exterior bells are to be utilised
  - vii) Construction activities shall be limited to the hours of 8am-5pm Monday to Friday and shall exclude public holidays.
- h) The following controls shall apply to the curtilage areas on Lot 1 and Lot 2:
- i) All elements of domestic curtilage (such as car parking areas, lawns, domestic landscape planting, outdoor storage areas, and clotheslines) for each dwelling shall be contained within the curtilage areas identified on the plan referred to in Condition 1d.
  - ii) All curtilage fencing shall be of post and wire or post and netting.

- iii) Planting is not permitted to follow any curtilage fencing.
- i) The following controls shall apply to the balance of Lot 1 and Lot 2:
  - i) No fencing shall be permitted (including boundary fencing) other than fences of post and wire or post and netting and shall follow natural contours.
  - ii) All pastoral areas shall be maintained by way of grazing and/or cropping which may include the mowing of grass or hay or baleage.
  - iii) The proposed planting alongside the boundary with Lot 1 DP 23457, depicted on the approved final landscape plan in terms of Condition 11k), once established shall be maintained at a height not exceeding 3m.
  - iv) No exterior lighting shall be permitted outside of the curtilage areas.
  - v) No entrance structures shall be permitted

**Advice Notes:**

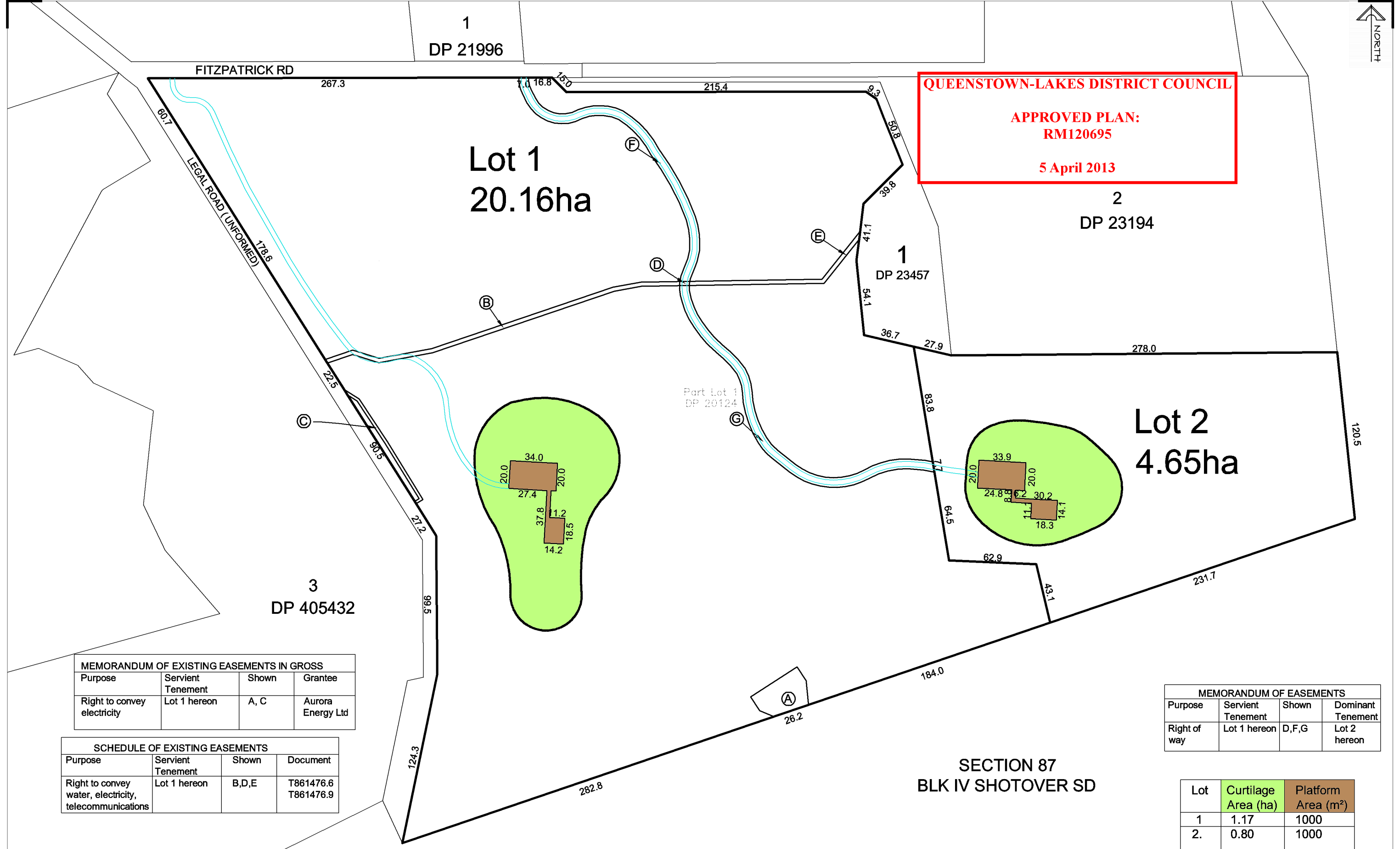
1. This consent triggers a requirement for Development Contributions. For further information please contact the DCN Officer at Lakes Environmental Limited.
2. Land use consent will be required for any dwelling on the residential building platform on Lot 1 and Lot 2.
3. This site may contain archaeological material. Under the Historic Places Act 1991, the permission of the NZ Historic Places Trust must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associate with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been arranged by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the NZ Historic Places Trust must be contacted (Dunedin Office phone 03 477 9871).
4. Use of the unformed legal road for access to Lot 1 [being an option available in terms of Condition 5b)] is dependent upon the granting of a licence to occupy by the QLDC as the roading authority.



QUEENSTOWN-LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM120695

5 April 2013



MEMORANDUM OF EXISTING EASEMENTS IN GROSS			
Purpose	Servient Tenement	Shown	Grantee
Right to convey electricity	Lot 1 hereon	A, C	Aurora Energy Ltd

SCHEDULE OF EXISTING EASEMENTS			
Purpose	Servient Tenement	Shown	Document
Right to convey water, electricity, telecommunications	Lot 1 hereon	B,D,E	T861476.6 T861476.9

MEMORANDUM OF EASEMENTS			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of way	Lot 1 hereon	D,F,G	Lot 2 hereon

Lot	Curtilage Area (ha)	Platform Area (m²)
1	1.17	1000
2.	0.80	1000

 **Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	24.10.12	Amend location & size of platform	ED

LOTS 1 AND 2 BEING A PROPOSED SUBDIVISION  
OF PART LOT 1 DP 20124  
- FITZPATRICK RD

Client	Surveyed	Signed	Date	Job No.	Drawing No.
NJD NEILL				10933	03
<small>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hand copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</small>	Drawn	Signed	Date	Scale	
	ESMD		27.09.12	1:1250 @ A1 1:2500 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	A



Earthworks Quantities Lot 2 Platform & Bund	
Cut	3600m³
Fill	2900m³
Area	1.12ha
Max Cut	2.6m
Max Fill	1.9m

2m +	
1 - 2m	Fill
0 - 1m	
0 - 1m	
1 - 2m	Cut
2m +	

 <b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors - Land Development - Planning Consultants  309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz	Rev.	Date	Revision Details	By
	A	15.10.12	Amend earthworks design	RB
	B	25.10.12	Amend Building Platform	RB
<b>EARTHWORKS FOR PLATFORM ON PROPOSED LOT 2</b>				
Client		Surveyed	Signed	Date
NJD NEILL				
		Drawn	Signed	Date
		RB		02.10.12
		Designed	Signed	Date
		RB		02.10.12
Job No.		Drawing No.		
10933		04		
		Scale		
		1:250 @ A1		
		1:500 @ A3		
		Datum & Level	Rev.	
		MT NIC 2000	B	
		MSL		



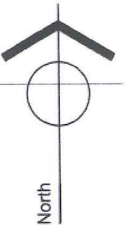


QUEENSTOWN-LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM120695

5 April 2013





Proposed mixture of evergreen planting that, once established, is maintained at a height not exceeding 3m

Proposed tree planting

Lot 2 size 4.65ha  
Building platform 1000m<sup>2</sup> approx.

Existing vegetation highlighted in red

Lot 1 size 20.16ha  
Building platform 1000m<sup>2</sup> approx.

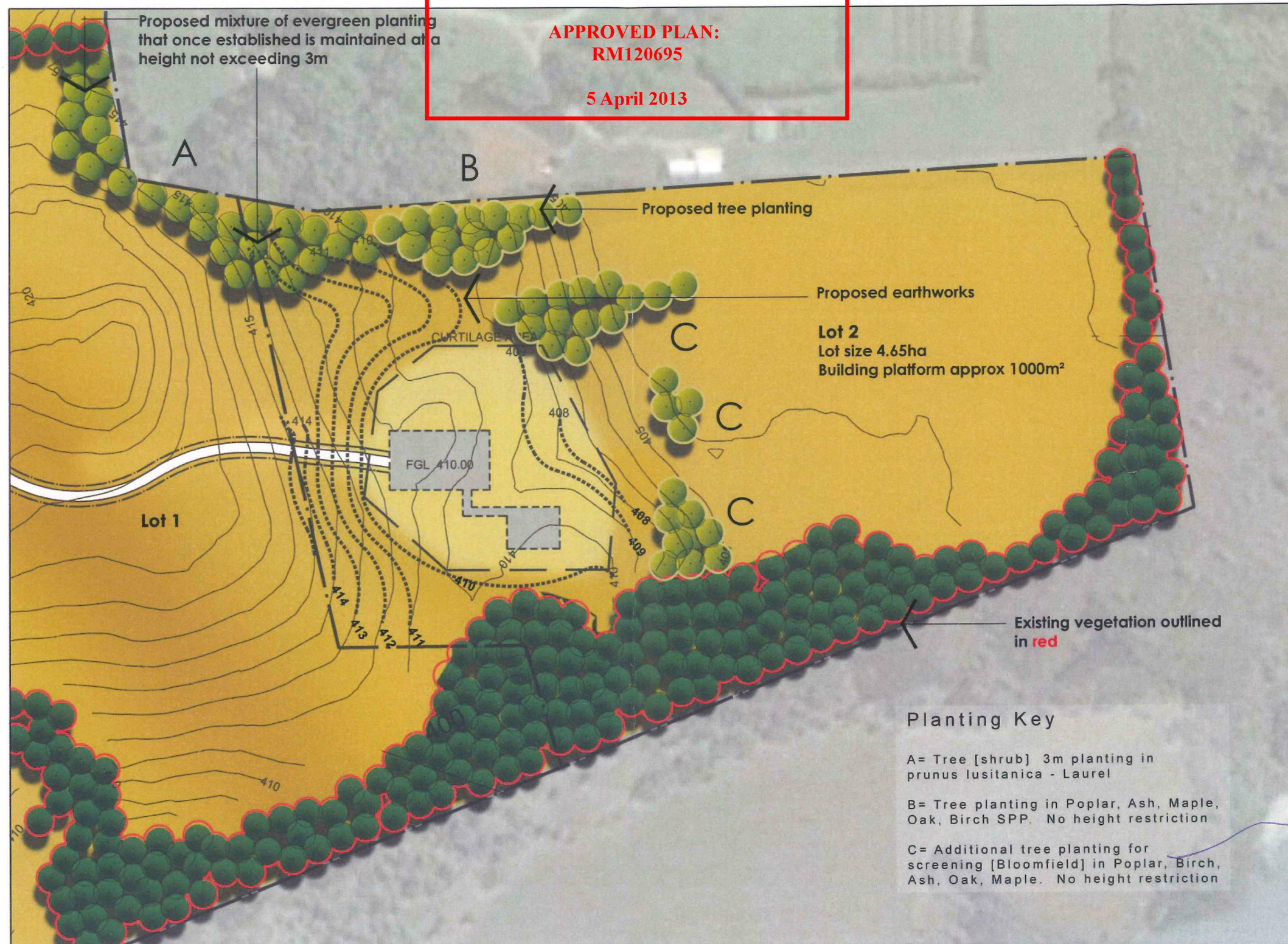
*Proposed extra planting*  
*① Reduces openness*  
*② Reduces pastoral character*  
*③ Diminished ability to maintain productive use.*



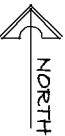
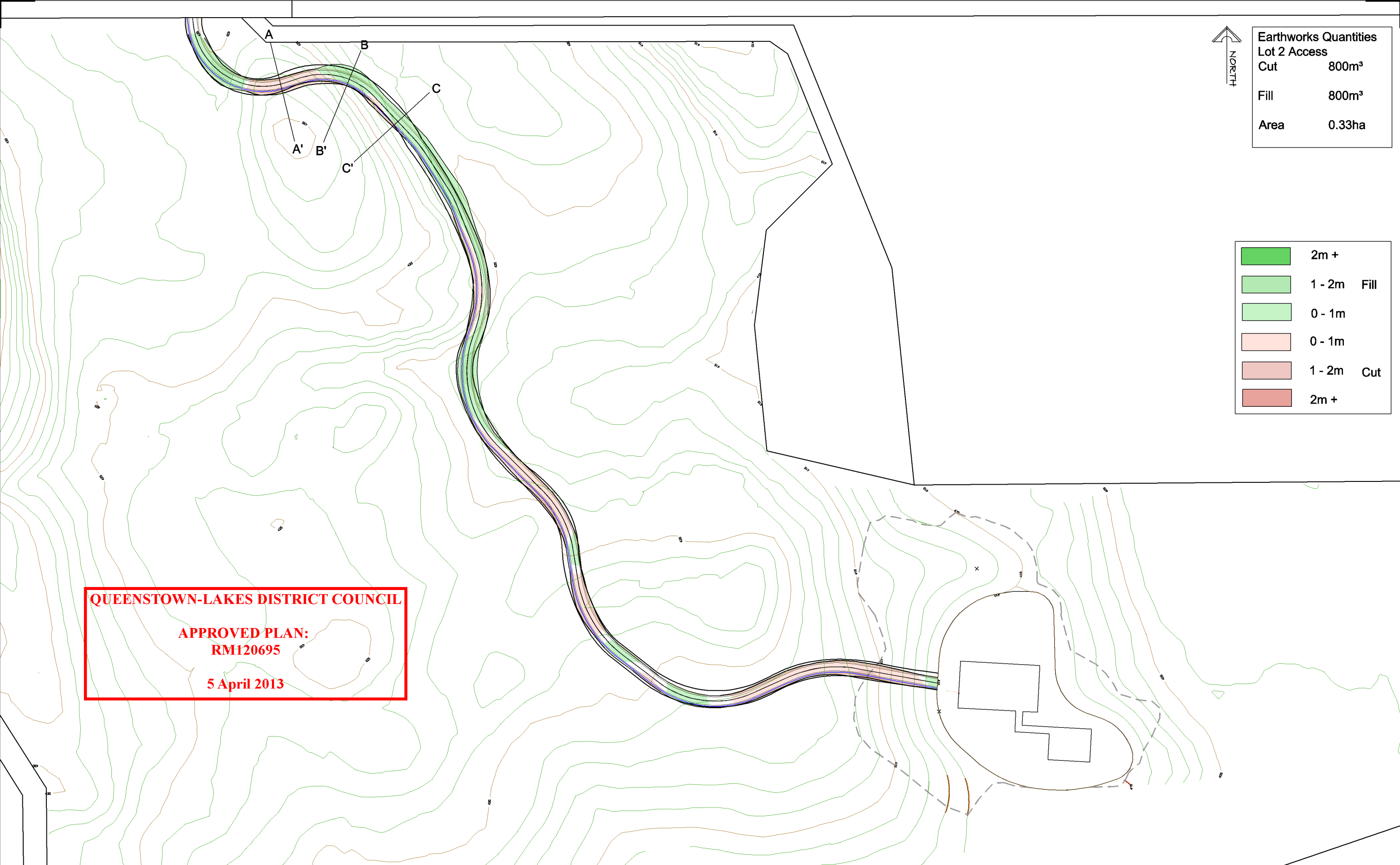
QUEENSTOWN-LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM120695

5 April 2013







Earthworks Quantities	
Lot 2 Access	
Cut	800m³
Fill	800m³
Area	0.33ha

2m +	
1 - 2m	Fill
0 - 1m	
0 - 1m	
1 - 2m	Cut
2m +	

QUEENSTOWN-LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM120695

5 April 2013

 <b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors - Land Development - Planning Consultants  309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz	Rev.	Date	Revision Details	By	Client	Surveyed	Signed	Date	Job No.	Drawing No.
					NJD NEILL				10933	06
						Drawn	Signed	Date	Scale	
						RB		03.12.12	1:750 @ A1 1:1500 @ A3	
<b>EARTHWORKS FOR ACCESS ON PROPOSED LOT 2</b>					Notes:	Designed	Signed	Date	Datum & Level	Rev.
					All dimensions shown are in meters unless shown otherwise.				MT NIC 2000	
					Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	RB		02.10.12	MSL	