

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**DECISION ON AN APPLICATION FOR RESOURCE CONSENT**

<b>APPLICANT:</b>	Little's Stream Ltd
<b>COUNCIL REFERENCE:</b>	RM130444
<b>LOCATION:</b>	Little's Stream Subdivision, Little's Road, Wakatipu Basin
<b>PROPOSAL:</b>	<p>Consent to create five new lots by either subdivision or cancellation of existing amalgamation conditions. It is also proposed to amend Consent Notices 7149518.4, 7626056.5 and 9046165.7 as they pertain to the proposed lots and replace them with relevant new consent notices.</p> <p>Land use consent to establish four new residential building platforms with associated access, earthworks and landscaping.</p>
<b>LEGAL DESCRIPTION:</b>	Lot 2 Deposited Plan 457344 and Lot 1 Deposited Plan 449035 held on Computer Freehold Register 592731 and Lot 21, 20 Deposited Plan 436952 and Lot 9 Deposited Plan 388409 held on Computer Freehold Register 538223.
<b>ZONING:</b>	Rural General
<b>ACTIVITY STATUS:</b>	Land Use (Discretionary), Subdivision (Discretionary)
<b>NOTIFICATION:</b>	Publicly notified on the 7 August 2013
<b>COMMISSIONERS:</b>	David W Collins and Cath Gilmour
<b>DATE:</b>	10 January 2014
<b>DECISION:</b>	Land use and subdivision consents are granted, with conditions

## **UNDER THE RESOURCE MANAGEMENT ACT 1991**

IN THE MATTER OF an application to the Queenstown-Lakes District Council by Little's Stream Ltd to create five new lots by either subdivision or cancellation of existing amalgamation conditions, and to establish four new residential building platforms including associated access, earthworks and landscaping, at Little's Road, Wakatipu Basin.

Council File: RM 130444

### **DECISION OF DAVID W COLLINS AND CATH GILMOUR, HEARINGS COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT**

#### **INTRODUCTION**

1. This is a complicated proposal because rather than being another stage of a comprehensive staged development, it is a somewhat disjointed scheme to develop some more of the 76 hectare Little's Stream subdivision in a way that requires re-visiting some existing approvals.
2. The Little's Stream subdivision lies between Little's Road to the north and the Shotover River to the south, with the north-western face of Queenstown Hill (Sugar Loaf) forming the immediate backdrop to the site. Access is from Little's Road and there are already several sealed private rights of way leading to existing lots. The site is mainly in pasture, with some areas of scrub, a mature row of conifers in the centre of the property, and some extensive areas of amenity trees shrubs and grasses planted over recent years. There is no dispute that the site is part of a Visual Amenity Landscape (VAL) as defined in the District Plan.
3. We have undertaken a detailed site visit, looking at each proposed lot and viewing them from various surrounding public and private viewpoints so as to visualize the likely effect on the landscape a dwelling on each proposed building platform. Comprehensive reports were provided by Council officers: Mr David Wallace – planning, Mr Richard Denney – landscape, and Mr Alan Hopkins – engineering. It will be efficient to incorporate parts of Mr Wallace's report into this decision.
4. Some changes have been made to the proposal since notification in response to concerns raised in submissions or by the Council officers. In particular, no residential

building platform or works are now proposed on Lot 9 of the subdivision plan. We are satisfied that these changes, and several less significant amendments discussed below, are “within scope” of the notified proposal.

## THE PROPOSAL

5. The proposal is to create five allotments and four new residential building platforms (RBPs) as follows:

Lot Descriptions	Lot Areas (Ha)
Lot 1 ( <b>RBP 5</b> )	19.6711
Lot 2 & Lot 9 DP 388409 ( <b>Existing RBP</b> ) <b>Note:</b> Two Lot 2s are proposed hence this Lot will be referred to as <b>Lot 2A</b> to avoid confusion	$1.205 + 5.878 = 7.083$
Lot 20 ( <b>RBP 2</b> )	9.8409
Lot 21 ( <b>RBP 3</b> )	4.8923
Lot 2 DP 457344 ( <b>RBP 4</b> ) <b>Note:</b> Two Lot 2s are proposed hence this Lot will be referred to as <b>Lot 2B</b> to avoid confusion	3.8361

6. The proposal includes provision of access, earthworks and landscaping. Several consent notice conditions require amendment or deletion, and lots that are currently amalgamated are proposed to be de-amalgamated. Due to the complexity of varying all the relevant consent notices, the applicant has requested the existing notices be deleted as they relate to the subject lots, and new ones conditioned on any grant of consent for the proposed activity. This is not entirely possible for the reasons discussed below. Other mechanisms can be used to address the existing consent notice conditions that require variation and/or replacement. The primary changes to consent notices relate to the removal of no further subdivision conditions and the amendments resulting from changes to the original planting plan and development within existing areas protected for pastoral use. It is also proposed to alter boundaries between Lots 1 and 20.
7. The proposed building platforms vary in size between 324m<sup>2</sup> and 480m<sup>2</sup>. Design controls are proposed to control the external appearance of future buildings on all platforms. The platforms are generally sunk into the proposed sites by proposed earthworks thereby

reducing future building heights above ground level to a maximum of 3m. A mix of mounding and planting is proposed to mitigate adverse effects of the future buildings on the platforms.

8. Access to three of the proposed platforms will be from the existing private access roads with new links from the formed access road to the proposed RBP areas. Access to proposed RBP 5 will be via a new formed access from an existing right of way that joins onto Littles Road.
9. Potable water supply will be sourced from the Littles Stream Water Company reticulated water supply. Wastewater and stormwater is proposed to be disposed of on-site.
10. No amendments to the public walkway easement as originally sought are now proposed as discussed below.

### Changes to the Application since Notification

11. Following submissions and informal discussions with the reporting officers, the applicant decided to make a number of changes to the proposed development. The changes are as follows:

#### *Removal of Development proposed on Lot 9 and amalgamation*

12. An email received on 11 October 2013 confirmed that no RBP or any works are now proposed for Lot 9. A subsequent email received on 15 October 2013 confirmed that it is proposed to amalgamate Lot 9 with proposed Lot 2A.

#### *Amendment to Lot 2A*

13. An amended subdivision plan was received on 15 October 2013 amending the proposed Lot 2A boundaries. The initial proposal cut off part of an approved (through RM060054) curtilage area for the RBP on Lot 2A. The lot boundaries have been amended to include the approved curtilage area.

#### *Earthworks*

14. The earthworks proposed outlined in section (a)(v) of the AEE have been amended to include further proposed mitigation mounding and in recognition of changes to Lot 9. The following table outlines the current earthworks proposal with new levels differing from that originally proposed shown in **bold** and original levels ~~struck out~~:

PROPOSED BUILDING PLATFORM	MAXIMUM VOLUME OF EARTHWORKS	MAXIMUM BARE EARTH EXPOSED	MAXIMUM FILL	MAXIMUM CUT
1 in Lot 9 – (Now not proposed)	<del>2977m<sup>3</sup></del> <b>0m<sup>3</sup></b>	<del>1980m<sup>2</sup></del> <b>0m<sup>2</sup></b>	<del>2.8m</del> <b>0 m</b>	<del>4.7m</del> <b>0m</b>
2 in Lot 20	2565 m <sup>3</sup>	2332 m <sup>2</sup>	2.6 m	2.5 m

3 in Lot 21	3217 m <sup>3</sup>	<del>2664</del> m <sup>2</sup> <b>2705</b> m <sup>2</sup>	3.6 m	1.7m
4 in Lot 2B	<del>1245</del> m <sup>3</sup> <b>2405</b> m <sup>3</sup>	<del>2096</del> m <sup>2</sup> <b>3683</b> m <sup>2</sup>	<del>1.5</del> m <b>2.0</b> m	1.6 m
5 in Lot 1	6398 m <sup>3</sup>	4355 m <sup>2</sup>	<del>3.1</del> m <b>4.6</b> m	4.8m
Lot 1 access	1950 m <sup>3</sup>	4412 m <sup>2</sup>	0.7m	1.6m

15. The maximum volume of earthworks is approximately 16,535m<sup>3</sup> over the whole development, with the amount of bare earth exposed being approximately 17,487m<sup>2</sup>. The maximum cut depth is 4.8 metres in Lot 1 (RBP 5), with the maximum fill height being 4.6 metres also in Lot 1. No earthworks are proposed in proposed Lot 2A / Lot 9.

#### *Consent Notices*

16. Originally the application proposed to cancel all consent notices relevant to the proposed lots and reapply new consent notices with relevant conditions. Since the application was lodged it has been established that this is not possible to condition the formulation of new consent notices over a number of the lots as proposed. As the lots proposed to be de-amalgamated (Lot 9, 20 and 21 de-amalgamated from each other) will not be subdivided, there is no mechanism to impose consent notices on these lots. This is now addressed in the conditions.

#### *Landscaping*

17. Amended landscape plans were provided and the detailed landscape plans for Lots 20 and 21 were further amended at our request to clarify what the coloured lines mean. The Structural Landscape Plan was also amended at our request on the 11<sup>th</sup> of December to specify that the access alignments shown are required alignments. This is particularly important in the case of the access to the building platform on Lot one, which has been designed to minimize visibility.

#### *Walkway Realignment*

18. In the original application it was proposed to alter an existing walkway easement. An email received on 11 October 2013 confirmed this is now not proposed. The walkway is discussed further below.

#### *Contaminated Site Reporting*

19. An addendum to the reporting relating to the contaminated site on Lot 9 has been provided by Davis Consulting Group Limited providing further information that was not included in the original report. This is no longer relevant as no development is proposed on Lot 9.

#### *Engineering Reporting*

20. An engineering assessment has been provided by Hadley Consultant's Limited addressing issues raised by QLDC reporting engineer, Mr Alan Hopkins. The report refers to further information requests however it is noted that no official further information requests were

issued. The information provided by Hadley's relates to potential engineering issues in relation to proposed Lot 9 and its previously proposed RBP and curtilage area.

## PROCESS

21. The application was publicly notified and individually notified to the owners of quite a number of properties within the visual catchment. Seven submissions were received. They were summarised in Mr Wallace's report as follows:

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Queenstown Trails Trust	N/A – Interest in public waking track easements	N/A	SUBMISSION WITHDRAWN
M Kurvink <b>LATE SUBMISSION</b>	Lot 3 DP 449035	Various general issues relating to development in the District	SUBMISSION WITHDRAWN
Perry Noyce	94 Littles Road, Wakatipu Basin	Mr Noyce opposes development and subdivision on proposed Lot 9 for various reasons including contamination issues and the proposed development on Lot 9 being out of character with the surrounding ONL.	Consent be declined (in relation to Lot 9)
Arnold and Isabelle Middleton	449 Tucker Beach Road, Queenstown	Considers significant adverse effects on rural amenity and pastoral character will arise due to high level of density out of character with the surrounding environment and future buildings will diminish existing spaciousness and arcadian character. The proposed RBPs are 400m from submitter's house and their outlook will be ruined as buildings are in a direct line of sight to the north. Environment Court decision C036/2005 imposed no further subdivision consent notices that were relied upon as determining future appearance of properties and as mitigation measures of the consent approved by Environment Court.	Decline the application
Kelvin Middleton	359 Tucker Beach Road, Queenstown	Considers significant adverse effects on rural amenity and pastoral character will arise due to high level of density out of character with the surrounding environment and future buildings will diminish existing spaciousness and arcadian character. The proposed RBPs will compromise the outlook from their	Decline Application

		property. Alignment of RBPs will result in considerable cluster of lights at night resulting in over domestication of the rural area. Environment Court decision C036/2005 imposed no further subdivision consent notices that were relied upon as determining future appearance of properties and as mitigation measures of the consent approved by Environment Court.	
Otago Regional Council (ORC)	N/A – Dunedin	Request QLDC decline consent unless they are satisfied that: <ul style="list-style-type: none"> <li>• the contaminated Lot 9 is remediated to residential standards prior to residential development;</li> <li>• the applicant has an effective pest management plan to ensure the entire subdivision is cleared of rabbits prior to development commencing to a Maximum Allow Limit (MAL) of 3 as required by the Pest Management Strategy for Otago 2009; and</li> <li>• A rabbit proof structure should be installed prior to s. 224(c) and require maintenance of the structure by owners of each lot bordering the structure.</li> </ul>	Decline unless issues raised in submission are resolved.
Lower Shotover Conservation Trust  LATE SUBMISSION	N/A – PO Box 2125, Wakatipu	Concerned regarding the proposed walkway easement realignment. The submitter states they did not “request” an easement alteration contrary to what is stated in the application. The submitter considers the existing easement has not been maintained, is virtually impassable and has several significant problems as outlined in their submission that are not remedied by the proposed new easement alignment. Further the submitter states that the existing easement has significant advantages.	Discussion with all stakeholders regarding the best access to conservation area, provision of a detailed plan of the works required to ensure adequate construction and maintenance of eventual access solution and Project Gold planting at entrance.

22. Although the Lower Shotover Conservation Trust was not represented at the hearing (a letter from the Trust was tabled) the walkway required to be provided over Lot 9 under an earlier consent was discussed. It is of concern to us that this has not been formed. Mr David Broomfield, director of the applicant company described some difficulties with this but indicated his intention to have the walkway to useable condition over the next 12 months. As this may involve consultation with the Lower Shotover Conservation Trust, we resolved to give the Trust some status in relation to this application by validating the late submission pursuant to sections 37 and 37A.
23. The hearing was convened on the 31<sup>st</sup> of October 2013. The case for the applicant was presented by Mr Carey Vivian – planner, and Mr Paul Smith – landscape architect. Mr Vivian tabled an Affected Person’s Approval form provided by Mr Arnold Middleton and

Mrs Isabelle Middleton of 449 Tucker Beach Road and Mr Kelvin Middleton of 359 Tucker Beach Road, across the river. We visited the Middleton farm prior to the hearing and gather from Mr Middleton senior that there was some confusion about height poles erected on Lot 11, which do not related to this application.

24. Another Affected Person's Approval, from A and M Wilkins of 266 Littles Road adjoining the application site, was submitted with the application. Pursuant to section 104(3) of the Act, we have had no regard to effects of the proposal on the people who provided approvals.
25. No submitters took part in the hearing.
26. After hearing from Mr Vivian, Mr Smith, and the reporting officers we adjourned the hearing at the request of the applicant to allow the applicant to prepare revised landscape planting plans and to update and correct the structural landscape plan, to refine and check draft conditions in consultation with the applicant's counsel (Mr Warwick Goldsmith) who had been unable to attend the hearing, and to allow further discussion between the parties about the walkway. Mr Espie provided further information about all these matters on the 26<sup>th</sup> of November. We sought further changes to the landscape plans and these were received on the 5<sup>th</sup> of December.

## **ASSESSMENT FRAMEWORK**

### **Resource Management Act 1991**

27. The application (strictly two applications, for subdivision and for land use) has to be assessed under sections 104 and 104B of the Act. Section 104 requires consideration of the *"actual and potential effects on the environment of allowing the activity"* and consideration of relevant statutory documents, in this case just the District Plan. Section 104B provides that consent may be granted or refused and that if granted, conditions may be imposed under section 108. Section 220 provides additional power to impose conditions on subdivision and section 106 enables a consent authority to refuse consent to subdivision in certain circumstances, none of which apply in this case.
28. Consideration under section 104 is *"subject to"* the purpose and principles of the Act set out in Part 2. The primary Part 2 consideration is the *"sustainable management of natural and physical resources"* purpose defined in section 5 of the Act, which is broadly enabling but subject to provisos requiring that the potential of resources to provide for future needs is sustained, and that adverse effects on the environment are avoided, remedied or mitigated.
29. We are satisfied that no section 6 "matters of national importance" are relevant in this case – specifically that the proposal would not have any significant adverse effect on the outstanding natural features and landscapes of the surrounding area.
30. Relevant *"other matters"* listed in section 7 (also within Part 2 of the Act) are *"the efficient use and development of natural and physical resources," "the maintenance and enhancement of amenity values",* and *"any finite characteristics of natural and physical resources."*



## District Plan

31. The site is zoned Rural General under the District Plan. Section 5.3.1.1 of the District Plan states that the purpose of the zone is:

*“...to manage activities so they can be carried out in a way that:  
protects and enhances nature conservation and landscape values;  
sustains the life supporting capacity of the soil and vegetation;  
maintains acceptable living and working conditions and amenity for residents of and  
visitors to the Zone; and  
ensures a wide range of outdoor recreational opportunities remain viable within the  
Zone.”*

32. The following are required to implement the development as proposed:

- Subdivision of Lot 2A from the existing Lot 1 and adjust the boundary between Lot 1 and Lot 20;
- De-amalgamation of Lot 2B from Lot 1 and de-amalgamation of Lots 9, 20, 21 from each other. This is not a subdivision as suggested in the application as the lots to be de-amalgamated will not be re-surveyed and sections 223 and 224 of the RMA will not apply or be used if this consent is granted and exercised.
- Establish RBPs on Lot 1 and Lot 20 through the subdivision consent;
- Establish RBPs on Lots 1, 21 and 2B through a land use resource consent;
- Delete the conditions on the consent notices as they relate to Lots 1, 20, 21, 2A and 2B;
- Impose new consent notices with relevant conditions on Lots 1, 20 and 2A;
- Impose land use covenants on Lots 21 and 2B with relevant conditions including on-going conditions currently outlined in the consent notices relevant the Lots. The application proposed that the original consent notices be varied, but it appears that fresh covenants setting out all relevant conditions would avoid confusion on the part of future lot owners.
- Undertake earthworks and associated landscaping.

33. To achieve all of these, several processes are required in the right order or contemporaneously (e.g. servicing prior to de-amalgamation being permitted or registration of RBPs etc.). We are grateful to Mr Wallace for working through this with Mr Vivian and Mr Goldsmith leading to a set of volunteered conditions capable of meeting the applicant's objectives while giving the consent authority control over potential adverse effects.

34. The proposal requires the following resource consents under the District Plan:

*Subdivision*

35. A **discretionary** subdivision activity consent pursuant to Rule 15.2.3.3(vi) for all subdivision and the identification of residential building platforms within the Rural General Zone. It is proposed to adjust the boundaries between Lot 20 and Lot 1 by subdivision and to subdivide the resultant Lot 1 DP449035 into two being Lot 1 and Lot 2A. It is also proposed to create new RBPs on Lot 1 and 20 through the subdivision consent.

*Land Use*

36. A **discretionary** land use activity consent pursuant to Rule 5.3.3.3(i)(b) for the identification of residential building platforms within the Rural General Zone. It is proposed identify new residential building platforms on Lots 1, 20, 21 and 2B. A total of four new RBPs are proposed on the site.
37. A **restricted discretionary** land use activity pursuant to Rule 5.3.3.3(xi) as the proposed earthworks breach site standards 5.3.5.1(viii)(1)(a),(b) and 5.3.5.1(viii)(2)(c). It is proposed to undertake 16,535m<sup>3</sup> over the whole development, with the amount of bare earth exposed being approximately 17,487m<sup>2</sup>. The maximum fill height is 4.6 metres in Lot 1. Council's discretion is restricted to this matter.

*Removal of Amalgamation Conditions (De-amalgamation and Re-amalgamation)*

38. A **discretionary** activity pursuant to section 241(3) of the RMA whereby the territorial authority may at any time, whether before or after the survey plan has been deposited in the Land Registry Office or the Deeds Register Office, cancel, in whole or in part, any condition amalgamating two or more land parcels. It is proposed to delete amalgamation conditions holding Lots 1 and 2B together and holding Lots 9, 20 and 21 together. Lot 9 is proposed to be amalgamated with Lot 2A.

*Consent Notice Variation*

39. A **discretionary** activity consent pursuant to 87B in accordance with section 221 of the Resource Management Act 1991 which specifies a variation to the consent notice shall be processed in accordance with sections 88 to 121 and 127(4) to 132.
40. The application proposes to vary conditions of three separate consent notices as outlined in Appendix 3 of this report. The current changes proposed are not considered adequate if what is proposed in the application is to be achieved. There are complications that arise due to different design controls now being proposed in conflict with existing consent notice conditions outlining existing design controls for an existing RBP on the site. The appropriateness of the consent notice variation is dependent on the decisions of whether to grant consent to the associated subdivision, land use and de-amalgamation proposals. Whether the methodology of complex consent notice variations or consent notice deletions and replacement with land use covenants is employed can be decided after the subdivision, land use and de-amalgamations have been considered.

41. Overall, the proposal was assessed as a **discretionary** activity. The relevant objectives and policies in the District Plan are discussed below.
42. Before turning to the effects on the environment of the proposal, we should comment on the “permitted baseline” and the existing “receiving environment”. The District Plan requires consent for all subdivision and buildings in the Rural General Zone so the permitted baseline of activities and their effects which can be disregarded is limited to farming activities including fencing, and earthworks which do not breach Rule 5.3.3.2 ix relating to controlled activity earthworks, including less than 300m<sup>3</sup> of earth being moved over an area of less than 1,000m<sup>2</sup>. We acknowledge that these permitted activities could have some impacts, but those are small relative to the potential effects of development for low density residential use.
43. We have regarded the building platform approved through consent RM060054 and associated curtilage areas and landscaping as part of the existing environment because the platform is registered on the computer freehold register and is likely to be developed.

## LANDSCAPE

44. The main issue raised by this application is the likely effect on landscape values. Landscape is a central concern of the Queenstown Lakes District Plan, reflecting the outstanding landscapes of the District and their importance for residents and the largely tourism based economy.
45. Mr Denney and Mr Smith agree that the RBP originally proposed on Lot 9 DP 388409 would have been within an area of Outstanding Natural Landscape (ONL) as defined in the District Plan. That building platform has been deleted and Lot 9 is now to be amalgamated with Lot 2A.
46. There is also no dispute that all the rest of the proposed development is within an area properly classified as part of a Visual Amenity Landscape (VAL). The following assessment uses the assessment matters for development within VAL areas set out in the District Plan.

## Effects on Natural and Pastoral Character

47. Mr Smith’s evidence described how the four proposed building platforms have been located in existing hollows so as to make use of the undulating topography within the property. He considers that with the proposed strategically placed earth mounding, none of the future dwellings would be visible from a public place within the surrounding ONL. Although he acknowledged that the dwellings might be partially visible from public places within the VAL, they would not be visible against a backdrop of ONL or ONF (outstanding natural feature). Mr Smith’s assessment was that “...*the degree of domestic use will not give rise to the landscape becoming over-domesticated.*” He noted that the driveway to the Lot 1 building platform would wind through the gully so as to ensure minimum visibility.

48. Mr Denney report expressed concern about the potential for the proposed development, including planting, on Lot 1 to compromise the open character of the adjacent ONL (WB) of Sugar Loaf. We have adopted the more stringent conditions now volunteered and although the platform on Lot 1 is elevated we accept that with these controls and a relatively large site, the natural and pastoral landscape character will be maintained.
49. Mr Denney raised concern about the visibility of domestic activities and night lights from Tucker Beach Road and the Hansen Road area however as discussed later in his report it is possible to mitigate effects of this visibility with appropriate conditions of consent. The conditions now:
- Increase and ensure effective landscaping to the west of RBP 3 on Lot 21;
  - Provide visual screening planting between RBP 4 on Lot 2B and views from Tucker Beach Road and the Middleton Farm property on the other side of the Shotover River to the south;
  - Impose design and planting restrictions relating to RBP 5 on Lot 1;
  - Impose design controls as proposed in the application;
  - Require successful implementation of proposed amended mitigation landscaping; and
  - Require the naturalisation (blending in) of the proposed earth mounding.

### **Visibility of Development**

50. There was reasonable agreement between Mr Smith and Mr Denney about the visibility of proposed development but Mr Denney attached more significance to this visibility. We note that the mitigation mounding would be visible from surrounding areas so it is important that the mounds are shaped and planted to blend into the surrounding landscape. This has been done effectively elsewhere. Again, the conditions are important to minimise visibility and make the visible development no more obvious than necessary, while bearing in mind that the District Plan does not require development to be invisible. In our assessment the conditions we are imposing achieve those objectives.

### **Form and Density of Development**

51. Mr Smith's evidence made the point that three of the proposed new building platforms would be served by the existing sealed private access road so only short lengths of additional access formation would be needed. He also noted that the five proposed lots total 34 hectares, giving an average area of 6.8 hectares per building platform (or an 8.5 hectares average for the four new building platforms).
52. We accept that is generous compared to some other developments that have been permitted, but it must be remembered that the District Plan deliberately rejects the traditional minimum lot size approach still used in most districts, and instead requires assessment of the particular circumstances. In this case the natural topography in the areas of the proposed development cannot ensure the development is not highly visible

when viewed from public places so even at this density substantial earthworks, planting and controls over the future dwellings will be needed.

### **Cumulative Effects of Development on the Landscape**

- 53. This assessment matter recognises that even with the best mitigation measures there is a danger that incremental development eventually changes the dominant landscape character. We see that as a difficulty with the approach taken by the applicant, which involves re-visiting previous consents.
- 54. On our site visit we endeavoured to assess the overall effect on the landscape of the total Littles Stream development and we agree with Mr Denney's assessment that overall what is now being consented will bring the level of domestication of this property close to the threshold of what can be absorbed while maintaining the natural and arcadian pastoral landscape character intended by the District Plan.

### **Rural Amenities**

- 55. There is substantial agreement between Mr Smith and Mr Denney about what development would be seen from beyond the site, most significantly what would be seen from public places. They do not completely agree however about the effect of that on rural amenities. Our perception is that in the short term of the next 10 years or so, assuming some dwellings are built, there would be a significant detraction from rural amenities, but the extensive planting required would reduce this over the longer term.
- 56. We accept that the proposed development would not prevent continued agricultural use of most of the site. Despite the usual practical difficulties of this in rural-residential situations, the lots are of a size where grazing is the only practical option for management.

## **OTHER RURAL ASSESSMENT MATTERS**

### **Nature Conservation Values**

- 57. The proposed development will not protect, enhance or degrade current nature conservation values of the site.

### **Natural Hazards**

- 58. The site is not affected by known natural hazards.

### **Earthworks**

- 59. As discussed in section 9.2.2.2 of the Section 42A report many of the adverse effects that can arise 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 re-vegetating to ensure they blend into their surroundings.

## **SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS**

(Section 15 of the District Plan)

### **15.2.3.6(b) Subdivisions of Land in the Rural General Zone**

60. As discussed above, it is considered the proposed subdivision and identification of building platforms will, with stringent conditions, appropriately maintain rural character, landscape values, visual amenity, life supporting capacity of soils, vegetation and water, infrastructure, traffic access and safety and public access to and along lakes and rivers.
61. With the imposition of conditions as recommended by Mr Hopkins, the proposed lots and residential building platforms can be appropriately serviced without adversely affecting the environment.

### **15.2.6.4(i) Lot Size and Dimensions**

- (a) *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.*
- (b) *Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.*
62. The intended purpose or land use for this zone (Rural General) is some form of agricultural or horticultural activity. One of the proposed lots (Lot 2A) is 1.205 hectares with the others ranging from 3.8361 hectares to 19.671 hectares. Lot 2A is to be amalgamated with Lot 9 effectively making one lot as defined by the District Plan measuring 7.083 hectares. The lots are of sufficient size to be viably used as pastoral land, albeit potentially in a cooperative way.
63. The 1.2 hectare lot has an established building platform. Due to the size of the curtilage area it is not considered viable to use the land area within Lot 2A for agricultural activities however this building platform and curtilage area forms part of the existing environment and adverse effects of its establishment cannot be considered. In terms of residential development, all of the proposed lots would be of a sufficient area to provide for the proposed residential use and stormwater and waste water disposal.

### **15.2.7.3 – Subdivision Design**

- (v) *The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).*
- (vi) *The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation,*

*and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.*

64. No significant adverse effects are anticipated from earthworks or development arising from the subdivision. No submissions relating to earthworks or effects on views have been received from surrounding lot owners.

#### **15.2.8 – Property Access**

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.*
  - (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.*
65. Conditions of consent have been proposed by Mr Hopkins and adopted by us to ensure access is properly formed and passing bays are included. No adverse traffic effects are anticipated from the proposed access with recommended conditions. In terms of visual effects for reasons already highlighted the proposed property access is considered appropriate.

#### **15.2.10 – Natural and Other Hazards**

66. No known natural hazards affect any areas where residential development is proposed.

#### **15.2.11-15 Services: Water, telecommunications and electricity supply and stormwater and sewage disposal**

67. Mr Hopkins' report addressed servicing of the development. There appear to be no difficulties, subject to standard conditions.

### **OBJECTIVES AND POLICIES**

68. The relevant Objectives and Policies of the District Plan discussed below relate to:

Part 4	District Wide Issues
Part 5	Rural Areas
Part 14	Transport
Part 15	Subdivision

#### **Part 4 – District Wide Issues**

##### *4.2.5 Landscape and Visual Amenity*

69. This objective aims to ensure development is undertaken in a manner that avoids, remedies or mitigates adverse effects on landscape and visual amenity values.
70. The associated policies aim to protect areas of the District where landscape values are vulnerable to degradation by ensuring development occurs in areas that can absorb change (Policy 1). Policy 2 aims to ensure that development is undertaken in a fashion that takes advantage of natural topography to 'nestle' the development into the landscape as far as possible and practicable.
71. Policy 8 under this objective aims to avoid cumulative degradation of the landscape by promoting sensitive development of the rural area and ensuring development does not increase to a level where the benefits of development and mitigation required outweigh the adverse effects on landscape values caused by over domestication of the landscape.
72. Policy 9 aims to preserve visual coherence of ONLs and visual amenity landscapes by locating structures such that they are in harmony with the landscape and designed appropriately to blend into the landscape within which they are proposed.
73. As outlined previously we consider that with detailed conditions the development will avoid, remedy or mitigate adverse effects on landscape and visual amenity values.
74. The subject site is in a VAL vulnerable to degradation but the development is being proposed in specific localities which have the ability to absorb some careful development with the aid of extensive earthworks. This development will not be invisible from public places but it is not required to be by the District Plan.

#### *4.10.3 Earthworks*

75. These objectives and policies aim to avoid, remedy or mitigate adverse effects from earthworks on the nature and form of existing landscapes, landforms, amenity values of neighbourhoods and cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites.
76. As previously discussed, the considerable amount of earthworks needed to mitigate the landscape effects of the proposed development have been carefully designed to blend into the landform.

### **Part 5 – Rural Areas**

77. The District Wide provisions somewhat overlap with the objectives and policies relating to rural areas and in the interest of succinctness it will be noted where similar issues have been considered and discussed previously within this decision.

#### *Objective 1 - Character and Landscape Value*

78. This objective aims to protect the character and landscape value of the rural area by promoting sustainable development and control of any adverse effects of development.



79. The policies to achieve the above objective seek to ensure the District Wide objectives and policies are fully considered, and that land with potential for rural activities is not compromised by inappropriate development. The policies also aim to avoid, remedy or mitigate adverse effects of development on the landscape values of the District and endeavour to preserve the visual coherence of the landscape by ensuring development is undertaken in areas with the ability to absorb change and that any effects arising from structures breaching skylines or ridgelines are appropriately mitigated.
80. The character and landscape values of the rural areas will not be significantly adversely affected by the proposed development and the development will not breach the threshold of the areas ability to absorb change. The land will be capable of being used for its intended pastoral farming purposes and consent notices are in place to ensure this activity continues outside the residential building platform curtilage areas.

### *Objective 3 - Rural Amenity*

81. These objectives and associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity.
82. For reasons outlined previously the adverse effects of the proposed development on rural amenity are sufficiently avoided, remedied or mitigated and therefore the proposal is in accordance with policies relating to rural amenity.
83. Overall, we consider the proposed development is in accordance with the above objectives and policies relating to rural areas.

## **Part 14 – Transport**

84. The relevant objectives and associated policies regarding transport seek to maintain and improve access, ease and safety of pedestrian and vehicle movements in the District. This is to be achieved by adopting standards for access and road design and ensuring intersections and accessways are designed and located so good visibility and vehicle manoeuvring is provided for.
85. With appropriate conditions of consent the proposed development will provide appropriate access to the proposed RBPs and is therefore in accordance with the relevant objectives and policies in that regard.

## **Part 15 – Subdivision**

### *Objective 1 – Servicing*

86. The relevant objectives and associated policies regarding servicing seek to ensure necessary services are provided in anticipation of the effects of future land use activities and costs are to be met by the developer.
87. The policies to achieve the above objective seek to ensure safe vehicular access to all lots, provision of pedestrian linkages where useful linkages can be developed and

provision of adequate clean water supply, wastewater disposal, telecommunications and electricity supply.

- 88. As discussed earlier, appropriate access and road design is proposed and this will ensure safe vehicular traffic movements. No changes to walking easements are proposed.
- 89. Provision of water can be appropriately achieved as can provision of adequate wastewater disposal. Confirmation has been provided that telecommunications and power can be provided to the site thereby ensuring the development is in accordance with the objectives and policies above.

#### *Objective 5 - Amenity Protection*

- 90. The above objective seeks to ensure development that maintains or enhances amenities of the built environment through the subdivision and development process.
- 91. The policies to achieve the above objective seek to ensure lot sizes that can provide for pleasant functioning of anticipated land uses and reflect open space and density of built form anticipated in each area. The policies further seek to ensure subdivision patterns and location and size of lots will not lead to a pattern of land uses that will adversely affect landscape, visual, cultural and other amenity values and innovative design is encouraged to maintain amenity values and safe and efficient operation of the subdivision and its services. Finally the policies aim to minimise effects of subdivision on safe and efficient functioning of services and roads and to encourage the identification of archaeological sites and sites of cultural significance.
- 92. For the reasons discussed previously amenities of the built environment will be appropriately maintained. The subdivision design is such that it will not lead to an unanticipated pattern of land uses that will significantly adversely affect landscape, visual, cultural and other amenity values. Overall the proposal is in accordance with objectives and policies relating to amenity protection.
- 93. In our assessment the development, with appropriate conditions, is in accordance with objectives and policies relating to traffic, service provision and amenity protection.

#### **CONSENT NOTICES RELATING TO NO FURTHER SUBDIVISION OR DEVELOPMENT**

- 94. Consent Notices relating to no further subdivision and development in the areas proposed in this consent application were imposed through a previous resource consent decision made by the Environment Court (C36/2005). We understand they were offered as conditions by the applicant. They are not discussed in the Environment Court decision so it is not clear whether the Court viewed these instruments as effective mitigation.
- 95. Mr Wallace's report pointed out that although these restrictive conditions on consent notices arising from the Environment Court decision may have provided some perceived

degree of comfort to some people, in fact they do not really have much force. This is because an application to amend or cancel a consent notice condition can be made as a discretionary activity at any time. As the District Plan stands, the same criteria would be used to assess such as application as would be used for an application for subdivision or new residential building platforms if the “no further development” covenant was not in place.

96. In course of discussion of this at the hearing, Mr Wallace acknowledged that such restrictions could have more effect if the District Plan was changed to provide a more liberal regime. Interestingly, Mr Broomfield indicated that he had no objection to the condition because in his experience prospective buyers in a rural subdivision want to see such controls.
97. While we acknowledge that these “no further development” conditions do not really prevent further development, in this situation we consider they are still useful as a brake on buyer’s expectations and as a factor to be taken into account in the event of future applications for further development.

## **CONCERNS RAISED IN SUBMISSIONS**

### *The Queenstown Trails Trust and M Kurvink*

98. The Queenstown Trails Trust and M Kurvink have withdrawn their submissions in an email dated 12 October 2013 and 6 October 2013 respectively and these will not be considered further.

### *Mr Perry Noyce*

99. Mr Noyce’s submission relates to the de-amalgamation (referred to as subdivision in his submission) and establishment of a residential building platform and associated development on Lot 9. All development originally proposed for Lot 9 has been removed from the application effectively achieving the relief sought by Mr Noyce. The site will be de-amalgamated from the lots it is currently amalgamated with however it is proposed to be amalgamated with proposed Lot 2A. The status of Lot 9 as a lot amalgamated with another site will therefore not change.

### *Lower Shotover Conservation Trust*

100. The submission from the Lower Shotover Conservation Trust related to the originally proposed amendment to an existing walkway easement over to land the submitter administers. The amendments to the walkway easement have been removed from the application and no development is proposed near the easement. As recorded earlier in this decision, we are concerned that the walkway required under an earlier decision has not yet been provided, but Mr Broomfield assured us at the hearing that he intended to make progress with this in the near future. As the walkway is not now part of the present application there is nothing further we can do.

*Mr and Mrs Arnold and Isabelle Middleton, and Mr Kelvin Middleton*

101. The Middleton's' submissions were effectively withdrawn when they supplied an affected party approval, just prior to the hearing. We have however considered the likely effects of the development on landscape and amenity as perceived from public places across the river.

*Otago Regional Council (ORC)*

102. The ORC's concerns related to site contamination and pest management. The issues of residential development occurring on a potentially contaminated site will not arise as development of Lot 9 is no longer proposed.
103. In terms of pest control, the ORC has concerns over pest (rabbit) control on the property and would be satisfied if conditions of consent were imposed to ensure the applicant has an effective pest management plan and rabbit proof fencing. No representative of the ORC attended the hearing so we were unable to explore this concern. We would have been interested to know more about experience with rabbit control (or lack of it) within rural-residential subdivisions. As Mr Wallace's report pointed out, there is a potential difficulty with imposing a condition that would effectively require the QLDC to monitor and enforce breaches in pest management practices that are the responsibility of the Regional Council, so we have not imposed a condition as requested by the submitter.

## **DECISION**

For the reasons discussed above consent is hereby granted pursuant to sections 104 and 104B of the Resource Management Act 1991 to the applications by Little Stream Limited, subject to the following conditions imposed under section 108 and section 220.



David W. Collins

Cath Gilmour

Hearings Commissioners

10 January 2014

## **Decision A - Subdivision**

### **Proposed Lots 1, 2, 20 as shown on the approved plan**

#### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - Aurum Survey Consultants, Drawing Number 2737.13R.1F, Revision F, dated 30.10.13;
  - Aurum Survey Consultants, Drawing Numbers 2737.11R.2H, Revision H, dated 08.11.13; 2737-11R-3G dated 11.11.13; 2737-11R-4F Revision F dated 27.09.13; 2737-11R-5D Revision D dated 20.09.13; 2737.13R.3D Revision D dated 15.10.13; and 2737.13R.4D Revision D dated 15.10.13.
  - Vivian + Espie, Amended Structural Landscaping Plan, Ref 0815 SLP5 Dated: 11.12.13 and Detailed Landscape Plan, Lot 20, Ref 0815 DLP2 dated 11/12/13.

stamped as approved on 9 January 2014, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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

#### ***General***

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 Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - (a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms or within the lot boundary and no greater than 30 metres from the building platforms on Lots 1 & 20 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - (b) The provision of a sealed vehicle crossing to Lot 20 from the existing access right-of-way to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
  - (c) The provision of a gravel access way to the building platform on Lot 1 from the existing right-of-way to the north-east that complies with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access 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 and passing bays.

- (d) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
  - (e) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1, 2 and 20, and no increase in run-off onto land beyond the site from the pre-development situation.
6. Prior to commencing any work on Lot 20 the consent holder shall install a construction vehicle crossing to the lot, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site.
  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 the site management plan submitted with the application for consent. 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.

***To be monitored throughout earthworks***

8. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
9. No earthworks, temporary or permanent, are to breach the boundaries of the site.

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

10. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - (a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
  - (b) The names of private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan. This specifically refers to the existing sealed private right-of-way access road that crosses Lot 20.

*[Note: the road naming application should be submitted to the Technical Support Officer: Engineering and should be lodged prior to the application for the section 223 certificate]*

***To be completed before issue of the s224(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 to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots) and Water (including private laterals and toby positions).
  - (b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - (c) The completion and implementation of all certified works detailed in Condition (5) above.
  - (d) The consent holder shall submit to the Principal Resource Management Engineer at Council Chemical and bacterial tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of

submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).

- (e) In the event that the test results required in Condition 11(d) above show the water supply does not conform with the Drinking Water Standards for New Zealand 2005 (Revised 2008) then it is the responsibility of the consent holder to ensure a treatment system is installed that will ensure an ongoing potability, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.
- (f) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and water infrastructure associated with the subdivision in perpetuity.
- (g) The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.
- (h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- (i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the building platform on all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- (j) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roothing and Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- (k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- (l) All earthworked areas shall be top-soiled and grassed/revegetated.
- (m) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- (n) The consent holder shall complete the landscape planting on Lot 20 in accordance with the Landscape Plan approved by this resource consent (Vivian+Espie, Amended Structural Landscaping Plan, Ref 0815 SLP3 Dated: .13.11.13).

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

- 12. Consent Notices 7149518.4, 7626056.5 and 9046165.7 as they relate to proposed Lots 1, 2 and 20 on the approved plans shall be cancelled and replaced with the following consent notices pursuant to s.221 of the Act:
  - (a) The owners of Lots 1 and 20 are required to be part of the management entity as required by Condition 11(f) of Decision A of RM130444. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
  - (b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the owners of Lots 1 and 20 shall be responsible for establishing a replacement management entity and, in the interim, the individual lot owners shall be responsible for undertaking all necessary functions.
  - (c) At the time a dwelling is erected on the Lot 20, the owner for the time being shall construct an access way to the dwelling that complies with Council's standards applicable at that time.
  - (d) All future buildings shall be contained within the approved Building Platforms and shall comply with the height limits as depicted on Deposited Plan XXX.

- (e) At the time a dwelling is erected on the lots, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design an 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 Hadley Consultants Ltd 'On-site Wastewater Assessment', dated 25/06/2013". 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, unless consent for this is obtained by the Otago Regional Council. The proposed wastewater system shall be subject to the review of the Principal Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling. A producer statement shall be provided to the Principal Engineer at Council that confirms that the system has been installed in accordance with the approved design.
- (f) The Little Stream Water Company Limited shall ensure the drinking water supply is monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), and the results forwarded to the Principal: Environmental Health at Lakes Environmental. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the Little Stream Water Company Limited shall be responsible for ensuring the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
- (g) At the time a dwelling is erected on the lots, a domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times on each lot 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 NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

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



- (h) The approved landscape and planting plans are intended to minimize the visibility of buildings on the residential building platforms and domestic activities within the defined curtilage areas. They shall be implemented within the first planting season from the completion of approved earthworks.
- (i) No part of any lot boundary shall be planted in lineal or border planting, or mass planting against the boundary.
- (j) All earthworks shall be shaped and sown in grass, or planted as required by the approved Landscape Plans, to blend seamlessly into the surrounding natural contours with smooth changes in gradient and shaped to match the natural landforms.
- (k) All areas of exposed soil shall be reseeded within 3 months upon completion of earthworks. Reseeded areas shall be maintained and reseeded as required to achieve a healthy sward of grass with complete coverage within 1 year of completion of works.
- (l) All boundary fences are to be standard farming post and wire only and there shall be no boundary planting that would accentuate Lots boundaries. Fencing may be established for pest management purposes.
- (m) The landscaping shown on the approved landscape plan for Lot 20 shall be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased, it shall be replaced within 8 months. All replacement trees to replace existing trees as identified on the certified landscape plan shall be of an equivalent species or an indigenous species with a mature height of no less than 6m, and shall be planted at grade of no less 1.5m height. Planting shall be at a density to maintain the extent of existing planting within 7 years. Replacement planting shall exclude all species of wilding potential as defined within the District Plan.
- (n) Any building within the building platform on Lot 1 shall have a living green roof (turf or similar) or be coloured with dark grey or green finish with a light reflectivity value of between 5 and 15 % with a matt finish to ensure the roof is recessive in the surrounding pastoral landscape.
- (o) Any planting within the curtilage area of Lot 1 with a mature height of over 4m must be of species typical of the rural pastoral landscape such as poplar, oak, non-wilding pines or indigenous species and shall not be a domestic, amenity or ornamental species that would be out of context within the upland pastoral landscape or draw attention to the site or be visible from Tucker Beach Road or the Tucker Beach river reserve.
- (p) The driveway for Lot 1 shall be gravel only of local stone chip, and shall not have avenue or border planting to keep in character with the surrounding open pastoral landscape.
- (q) All land that is outside the marked curtilage areas is to be restricted to pastoral use only and is to be kept free of all noxious weeds. No planting shall be permitted outside the marked curtilage areas except for that shown on the approved structural landscape plan. All domestic elements (such as sheds, garages, car-parking area, gardens, external lighting, lawns, water tanks and clothes lines, etc.) shall be contained within the curtilage areas.
- (r) All external lighting shall be restricted to curtilage areas and shall be down lighting only. Lighting shall not exceed 1m in height, except where attached to a building where it shall not exceed 3m in height. There shall be no light spill beyond the property boundary. No external lighting shall be used to highlight or accentuate built forms, structural elements or any landscaping features.
- (s) Apart from the roof on Lot 1 as described in (n) above, external roofing materials shall be finished in dark recessive tones of grey, green or brown with a light reflectivity value of between 5% and 20% and have a matt finish if painted.
- (t) External wall claddings shall be limited to a plaster finish, horizontal schist, natural finished weatherboards, painted weatherboards in recessive colours or painted corrugated iron that is finished in a dark recessive colour.
- (u) Joinery shall match or be darker than selected roof and wall colours.

- (v) All ancillary structures (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
- (w) All outdoor activities associated with residential use shall be contained within the approved curtilage areas and any built form within these spaces shall not exceed a height of 3m. The curtilage areas shall only be fenced in standard post and wire fencing that shall not exceed a height of 1.4m.
- (x) The portions of each lot outside of the curtilage areas shall be managed in two ways. Specific planting and mounding shall be undertaken only in accordance with the approved structural planting plan and the remainder shall be maintained as pastoral land via grazing or periodic mowing.
- (y) Monumental gates or any other road front 'furniture' other than simple post and rail or stone fences to 1.4 metres in height shall not be permitted.
- (z) Vehicle access to each proposed building platform shall have tar seal or gravel finish.
- (aa) The wilding species listed below that have the potential to easily spread shall not be planted on the site and shall be removed from the subject site:
  - (a) Contorta or lodgepole pine (*Pinus contorta*)
  - (b) Scots pine (*Pinus sylvestris*)
  - (c) Douglas fir (*Pseudotsuga menziesii*)
  - (d) European larch (*Larix decidua*)
  - (e) Corsican pine (*Pinus nigra*)
  - (f) Radiata Pine (*Pinus radiata*)
  - (g) Bishops pine (*Pinus muricata*)
  - (h) Ponderosa pine (*Pinus ponderosa*)
  - (i) Mountain Pine/Dwarf Mountain pine (*Pinus mugo*)
  - (j) Maritime pine (*Pinus pinaster*)
  - (k) Sycamore
  - (l) Hawthorn
  - (m) Boxthorn
- (ab) All earth bunds (proposed and existing) shown on approved Aurum Survey earthworks plans are to be protected for screening purposes.
- (ac) Riparian and ecological plantings identified within the Landscape Master Plan as approved under condition 6(i) of RM030727 shall have appropriate stock fencing established and maintained to follow the edge of existing swamp and gully areas. All stock fencing shall remain in perpetuity and be maintained by the landowner of each respective allotment within which these plantings are located.
- (ad) All planting identified on the Landscape Master Plan as approved under condition 6(i) RM030727 shall be maintained in perpetuity by each respective landowner.
- (ae) Restrictive Covenant  
Lots 1 and 20 may not be subdivided into further residential allotments.

***To be completed and registered to individual Lot titles (1, 2 and 20) via a consent notice prior to 244(c) certification***

13. Lot 2 shall be amalgamated with Lot 9 DP 388409 and exist on one computer freehold register.

**Advice Note:**

Should the subdivision consent be given effect to prior to Decision B (Land Use consent), then the existing amalgamation conditions (as identified in Decision C) are required to be retained by amalgamating Lots 9 DP 388409, 20 DP 436952, 21 DP 436952, 1 DP 449035 & 2 DP 457344 with proposed Lots 1 & 2 or 20 from the subdivision consent.

## **Decision B - Land Use (Including identification of residential building platforms on Lot 2 DP 457344 & Lot 21 DP 436952 and Earthworks Relating to All Lots)**

### **General**

1. That the development must be undertaken/carried out in accordance with the plans:
  - Aurum Survey Consultants, Drawing Number 2737.13R.1F, Revision F, dated 30.10.13;
  - Aurum Survey Consultants, Drawing Numbers 2737.11R.2H, Revision H, dated 08.11.13; 2737-11R-3G Revision G dated 11.11.13; 2737-11R-4F Revision F dated 27.09.13; 2737-11R-5D Revision D dated 20.09.13; 2737.13R.3D Revision D dated 15.10.13; and 2737.13R.4D Revision D dated 15.10.13.
  - Vivian + Espie, Amended Structural Landscaping Plan, Ref 0815 SLP5 Dated: 11.12.13 and Detailed Landscape Plan, Lot 21, Ref 0815 DLP2 dated 11/12/13.

stamped as approved on 9 January 2014, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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

### ***General conditions***

4. 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***

5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
6. Prior to any work commencing on the site, the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), 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 or within the lot boundary and no greater than 30 metres from the building platforms on Lots 1 & 20 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - (b) The provision of a sealed vehicle crossing to Lot 21 from the existing access right-of-way to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
  - (c) The provision of an engineer's assessment of the potential sheet flow hazard on Lot 21 and if required a design associated with the construction of a minor cut off drain installed to the north of the building platform that directs overland flows away from any potential future building.
  - (d) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

- (e) The installation of a construction vehicle crossing to the lot, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site.
- 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 the site management plan submitted with the application for consent. 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. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who shall supervise the excavation procedure and ensure compliance with the recommendations of this report.

***To be monitored throughout earthworks***

- 9. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 10. No earthworks, temporary or permanent, are to breach the boundaries of the site.

***New Building Platform to be registered***

- 11. At the time the land use consent (Decision B) is given effect to, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platforms on Lots 2 and 21 (as per XXXXX plan titled "XXXXXXXXXX", Job No. XXXXX, Revision X, dated XX/XX/20XX). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register XXXXXX and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

***Prior to the registration of the building platform on the Computer Freehold Register***

- 12. Prior to the building platforms being registered on the Computer Freehold Register, the consent holder shall complete the following:
  - (a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots) and Water (including private laterals and toby positions).
  - (b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - (c) The completion and implementation of all certified works detailed in Condition (5) above.
  - (d) The consent holder shall submit to the Principal Resource Management Engineer at Council Chemical and bacterial tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).
  - (e) In the event that the test results required in Condition 12(d) above show the water supply does not conform with the Drinking Water Standards for New Zealand 2005 (Revised 2008) then it is the responsibility of the consent holder to ensure a treatment system is installed that will ensure an ongoing potability, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.

- (f) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and water infrastructure associated with the subdivision in perpetuity.
- (g) The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.
- (h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- (i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the building platform on all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- (j) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (5) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roding and Water reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- (k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- (l) All earthworked areas shall be top-soiled and grassed/revegetated.
- (m) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- (n) The landscape planting on Lot 21 shall be implemented in accordance with the Landscape Plan approved by this resource consent (Vivian+Espie, Amended Structural Landscaping Plan, Ref 0815 SLP3 Dated: .13.11.13).
- (o) No building shall occur within Lot 21 until such time as all planting within the extended woodland proposed immediately south and west of the building platform (as shown in lighter green on the approved Amended Structural Landscape Plan) has reached a height of 3m

***At the Time the Building Platform is Registered***

13. At the time that each Building Platform is registered on the Computer Freehold Register for the site, a covenant pursuant to Section 108(2)(d) of the Resource Management Act shall be registered as follows:
  - (a) The owners of Lots 2 and 21 are required to be part of the management entity as required by Condition 11(f) of Decision A of RM130444. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
  - (b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the owners of Lots 2 and 21 shall be responsible for establishing a replacement management entity and, in the interim, the individual lot owners shall be responsible for undertaking all necessary functions.
  - (c) At the time a dwelling is erected on the Lot 21, the owner for the time being shall construct an access way to the dwelling that complies with Council's standards applicable at that time.
  - (d) All future buildings shall be contained within the approved Building Platforms and shall comply with the height limits as depicted on Deposited Plan XXX (No more than 3.5 metres above ground level prior to excavation).
  - (e) At the time a dwelling is erected on the lots, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design an 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 Hadley Consultants Ltd 'On-site Wastewater Assessment', dated 25/06/2013". 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, unless consent for this is obtained by the Otago Regional Council. The proposed wastewater system shall be subject to the review of the Principal Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling. A producer statement shall be provided to the Principal Engineer at Council that confirms that the system has been installed in accordance with the approved design.

- (f) The Little Stream Water Company Limited shall ensure the drinking water supply is monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), and the results forwarded to the Principal: Environmental Health at Lakes Environmental. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the Little Stream Water Company Limited shall be responsible for ensuring the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
- (g) At the time a dwelling is erected on the lots, a 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 NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

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

- (h) The approved landscape and planting plans shall be implemented within the first planting season from the completion of approved earthworks.
- (i) No part of any lot boundary shall be planted in lineal or border planting, or mass planting against the boundary.

- (j) All earthworks shall be shaped and sown in grass, or planted as required by the approved Landscape Plans, to blend seamlessly into the surrounding natural contours with smooth changes in gradient and shaped to match the natural landforms.
- (k) All areas of exposed soil shall be reseeded within 3 months upon completion of earthworks. Reseeded areas shall be maintained and reseeded as required to achieve a healthy sward of grass with complete coverage within 1 year of completion of works.
- (l) All boundary fences are to be standard farming post and wire only and there shall be no boundary planting that would accentuate Lots boundaries. Fencing may be established for pest management purposes.
- (m) The landscaping shown on the approved landscape plan for Lot 21 shall be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased, it shall be replaced within 8 months. All replacement trees to replace existing trees as identified on the certified landscape plan shall be of an equivalent species or an indigenous species with a mature height of no less than 6m, and shall be planted at grade of no less 1.5m height. Planting shall be at a density to maintain the extent of existing planting within 7 years. Replacement planting shall exclude all species of wilding potential as defined within the District Plan.
- (n) All land that is outside the marked curtilage areas is to be restricted to pastoral use only and is to be kept free of all noxious weeds. No planting shall be permitted outside the marked curtilage areas except for that shown on the approved structural landscape plan. All domestic elements (such as sheds, garages, car-parking area, gardens, external lighting, lawns, water tanks and clothes lines, etc.) shall be contained within the curtilage areas.
- (o) All external lighting shall be restricted to curtilage areas and shall be down lighting only. Lighting shall not exceed 1m in height, except where attached to a building where it shall not exceed 3m in height. There shall be no light spill beyond the property boundary. No external lighting shall be used to highlight or accentuate built forms, structural elements or any landscaping features.
- (p) External roofing materials shall be finished in dark recessive tones of grey, green or brown with a light reflectivity value of between 5% and 20% and have a matt finish if painted.
- (q) External wall claddings shall be limited to a plaster finish, horizontal schist, natural finished weatherboards, painted weatherboards in recessive colours or painted corrugated iron that is finished in a dark recessive colour.
- (r) Joinery shall match or be darker than selected roof and wall colours.
- (s) All ancillary structures (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
- (t) All outdoor activities associated with residential use shall be contained within the approved curtilage areas and any built form within these spaces shall not exceed a height of 3m. The curtilage areas shall only be fenced in standard post and wire fencing that shall not exceed a height of 1.4m.
- (u) The portions of each lot outside of the curtilage areas shall be managed in two ways. Specific planting and mounding shall be undertaken only in accordance with the approved structural planting plan and the remainder shall be maintained as pastoral land via grazing or periodic mowing.
- (v) Monumental gates or any other road front 'furniture' other than simple post and rail or stone fences to 1.4 metres in height shall not be permitted.
- (w) Vehicle access to each proposed building platform shall have tar seal or gravel finish.
- (x) The wilding species listed below that have the potential to easily spread shall not be planted on the site and shall be removed from the subject site:
  - (a) Contorta or lodgepole pine (*Pinus contorta*)
  - (b) Scots pine (*Pinus sylvestris*)

- (c) Douglas fir (*Pseudotsuga menziesii*)
  - (d) European larch (*Larix decidua*)
  - (e) Corsican pine (*Pinus nigra*)
  - (f) Radiata Pine (*Pinus radiata*)
  - (g) Bishops pine (*Pinus muricata*)
  - (h) Ponderosa pine (*Pinus ponderosa*)
  - (i) Mountain Pine/Dwarf Mountain pine (*Pinus mugo*)
  - (j) Maritime pine (*Pinus pinaster*)
  - (k) Sycamore
  - (l) Hawthorn
  - (m) Boxthorn
- (y) All earth bunds (proposed and existing) shown on approved Aurum Survey earthworks plans are to be protected for screening purposes.
  - (z) Riparian and ecological plantings identified within the Landscape Master Plan as approved under condition 6(i) of RM030727 shall have appropriate stock fencing established and maintained to follow the edge of existing swamp and gully areas. All stock fencing shall remain in perpetuity and be maintained by the landowner of each respective allotment within which these plantings are located.
  - (aa) All planting identified on the Landscape Master Plan as approved under condition 6(i) RM030727 shall be maintained in perpetuity by each respective landowner.
  - (ab) Restrictive Covenant  
Lots 2 and 21 may not be subdivided into further residential allotments.

### **Decision C - Cancellation of existing Amalgamation Conditions**

Pursuant to Section 241(3) of the Act, approval is given to cancel the two amalgamation conditions relating to Lots 9, 20 and 21 DP 436952, and 1 DP 449035 & 2 DP 457344 imposed in Decision A & B of this consent, such that:

- Lot 9 DP 436952 shall be held in a separate Computer Freehold Register (which is to be further amalgamated with Proposed Lot 2 under Decision A).
- Lot 20 DP 436952 shall be held in a separate Computer Freehold Register
- Lot 1 DP 449035 shall be held in a separate Computer Freehold Register
- Lot 2 DP 457344 shall be held in a separate Computer Freehold Register

Subject to the following conditions:

- (1) All conditions of Decision B above, specifically conditions 6, 12, 13, 14 & 25 shall be met to the Council's satisfaction, and that all relevant development contributions for Lots 20 DP 436952, 21 DP 436952, 1 DP 449035 & 2 DP 457344 are paid PRIOR TO the request for cancellation of the amalgamation conditions.
- (2) The consent holder shall prepare the certificate pursuant to Section 241(4)(b) of the Act and submit this to Queenstown Lakes District Council for approval and signing. All costs involved shall be borne by the consent holder.
- (3) Proposed Lot 2 shall be amalgamated with Lot 9 DP 388409 and exist on one computer freehold register.

#### **Advice Note:**

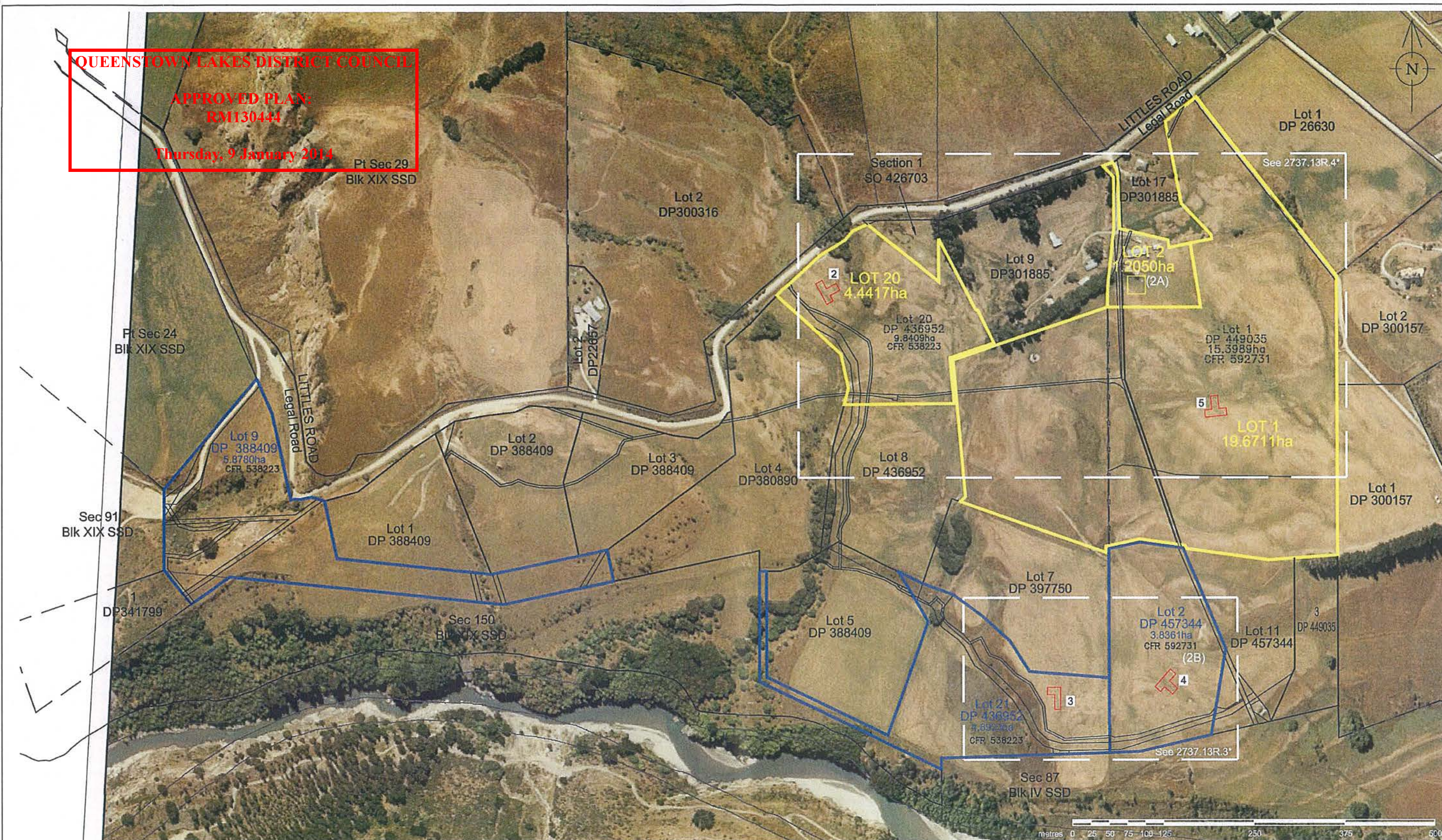
Should the subdivision consent be given effect to first, then the existing amalgamation conditions are required to be retained by amalgamating Lots 9 DP 388409, 20 DP 436952, 21 DP 436952, 1 DP 449035 & 2 DP 457344 with proposed Lots 1 & 2 or 20 from the subdivision consent.



## **Decision D - Cancellation of Existing Consent Notices**

Pursuant to Section 221 of the Act consent is granted to cancel Consent Notices 7149518.4, 7626056.5 and 9046165.7 as they relate to Lot 2 DP 457344, Lot 21 DP 436952, Lot 20 DP 436952 and Lot 1 DP 449035, provided the new consent notices and covenants required under Decision A and Decision B have been put in place.





- LEGEND**
- Existing Building Platforms
  - Proposed Building Platforms
  - Existing Easements
  - Proposed Easements
  - New Lots
  - Existing affected Lots
  - Proposed Track Re-Alignment

- Amalgamation Condition:**  
That Lot 9 DP 388409 and Lot 2 hereon be held together and one CFR be issued.
- Notes:**
- Areas and dimensions subject to final legal survey.
  - Existing CFRs:
    - CFR 592731 - Lot 1 DP 449035 (15.3989ha), Lot 2 DP 457344 (3.8361ha)  
Total Area = 19.2350ha
    - CFR 538223 - Lot 9 DP 388409 (5.8780ha), Lot 20 DP 436952 (9.8409ha), Lot 21 DP 436952 (4.8923ha)  
Total Area = 20.6112ha
  - Five new CFRs will be created by this subdivision and all lots will be held in their own individual CFRs except for Lot 9 DP 388409 and Lot 2 hereon.
  - Levels are in terms of MSL. Contours represent original ground. Contour Interval is 1m

REV.	DATE:	REVISION DETAILS:	BY:
F	30.10.13	Title changed	SML
E	15.10.13	Lot 2 bdy change and Platform 1 deleted	ADPW
D	11.10.13	North Boundary of Lot 2 DP 457344 corrected	SML
C	23.09.13	Track re-alignment	ADPW
B	07.03.13	Building Platforms Dimensioned	SML
A	10.05.13	Initial Issue	ADPW

**WARNING NOTE:**  
This plan has been prepared for Little Stream Ltd from field survey and existing records. It is to be read in conjunction with our terms of engagement. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
Lots 1, 2 and 20 being a proposed subdivision of Lot 1 DP 449035 and Lot 20 DP 436952 for Little Stream Ltd

DATE: 17 June 2013  
BY: Antony White

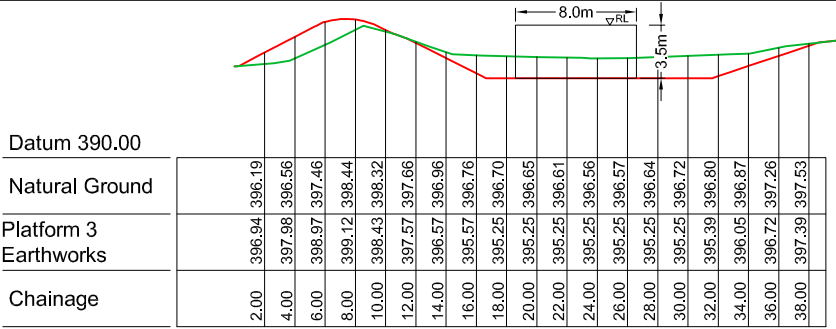
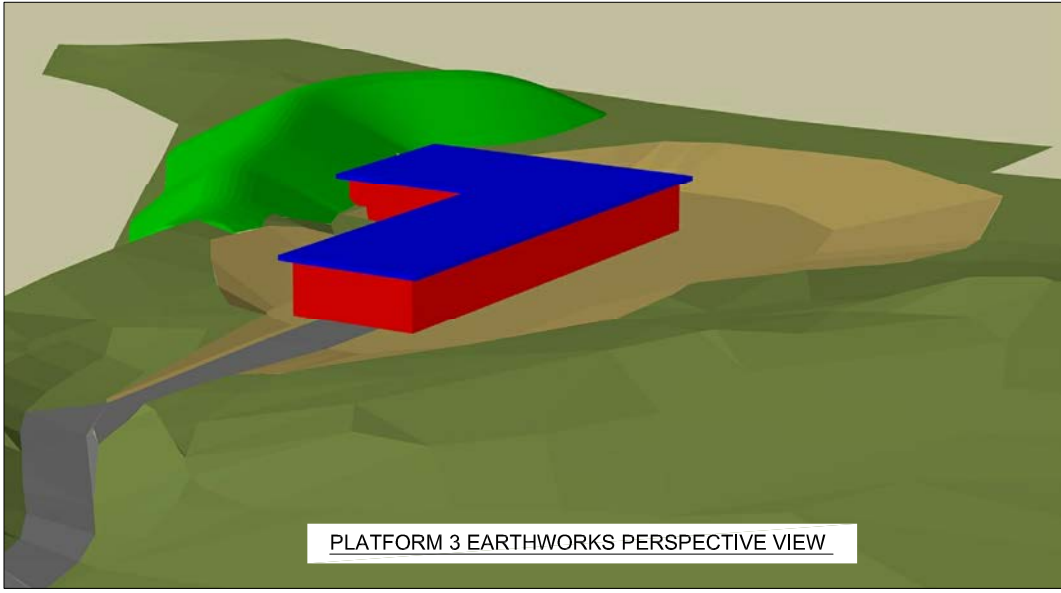
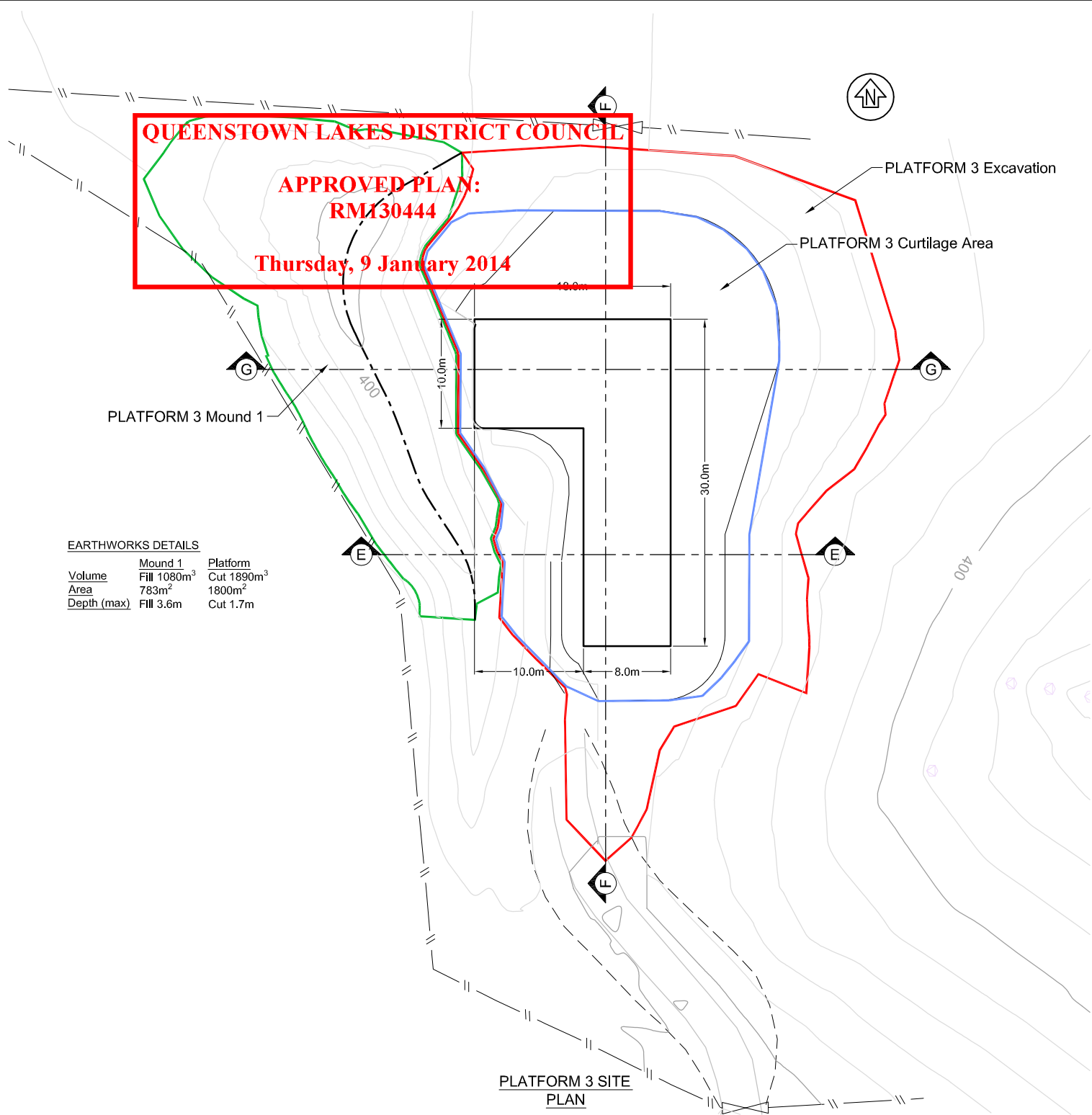
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Original Plan A3

DRAWING & ISSUE No.  
2737.13R.1F

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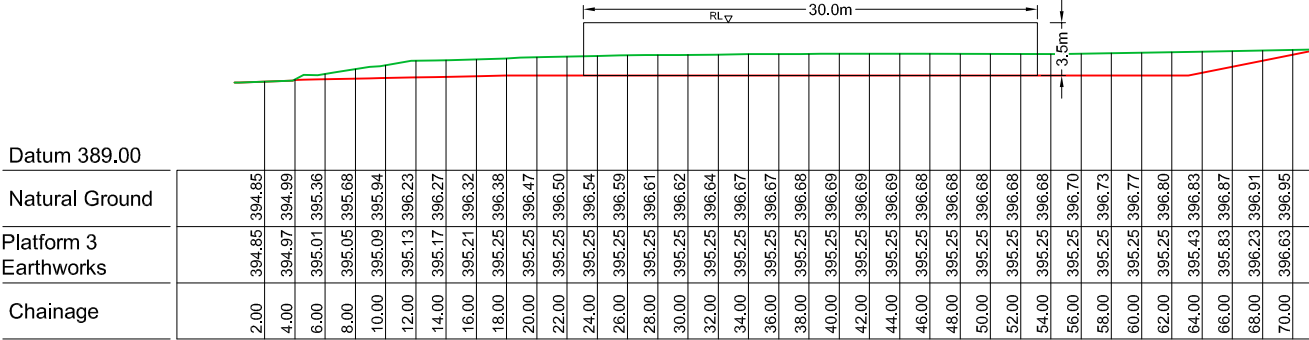
Section E

Horizontal scale 1:500

Vertical scale 1:500

Maximum height 398.75

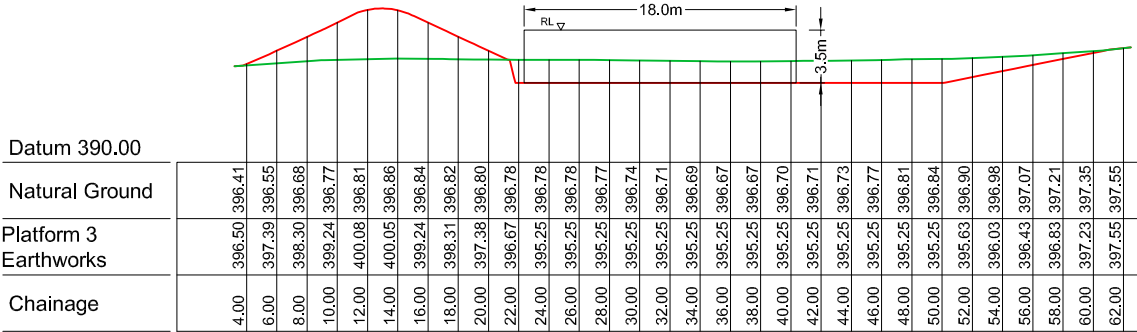
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Section F

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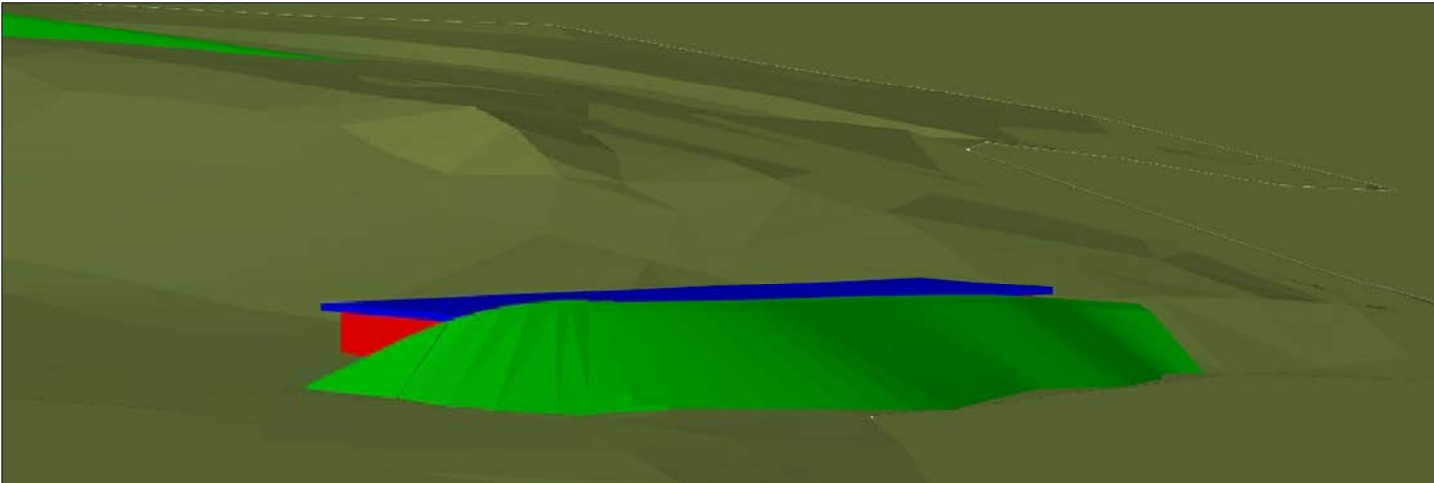
Vertical scale 1:500



Section G

Horizontal scale 1:500

Vertical scale 1:500



G	11-11-13	Mound altered to be within fenceline	SML
F	20-09-13	Curtilage area added	SML
E	03-07-13	Platform Levels added	SML
D	02-07-13	Mounding Altered	JDR
C	05-06-13	House Altered	JDR
B	05-04-12	Earthworks revised	JDR
A	23-02-12	Initial Issue	JDR
REV.	DATE:	REVISION DETAILS:	BY:

**WARNING NOTE:**  
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TITLE:

**Proposed Building Platform**  
**Platform 3 - Littles Stream**

DATE: 23 Feb 2012

BY: Jason Rhind

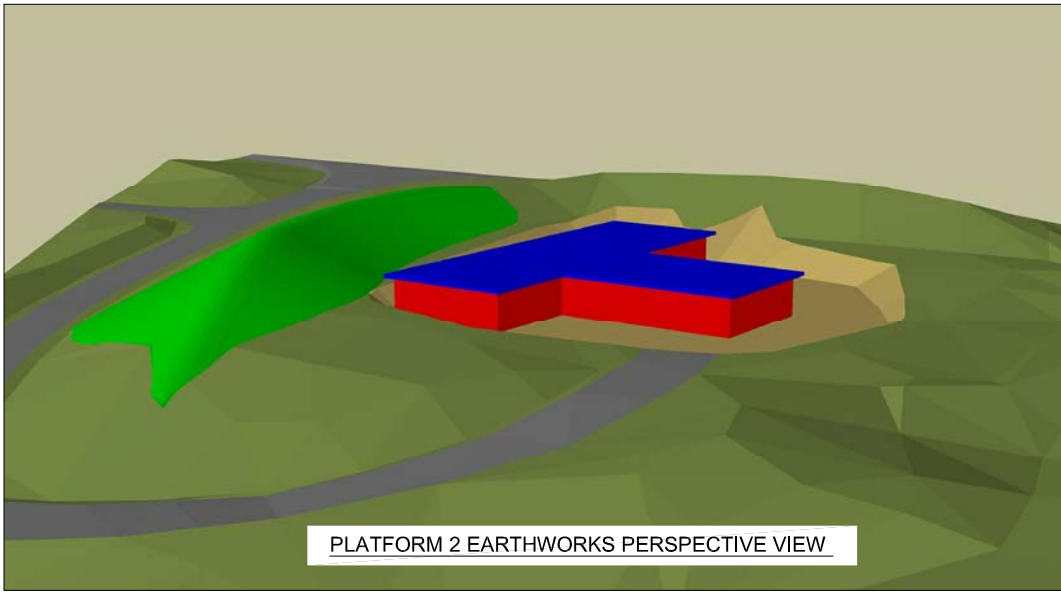
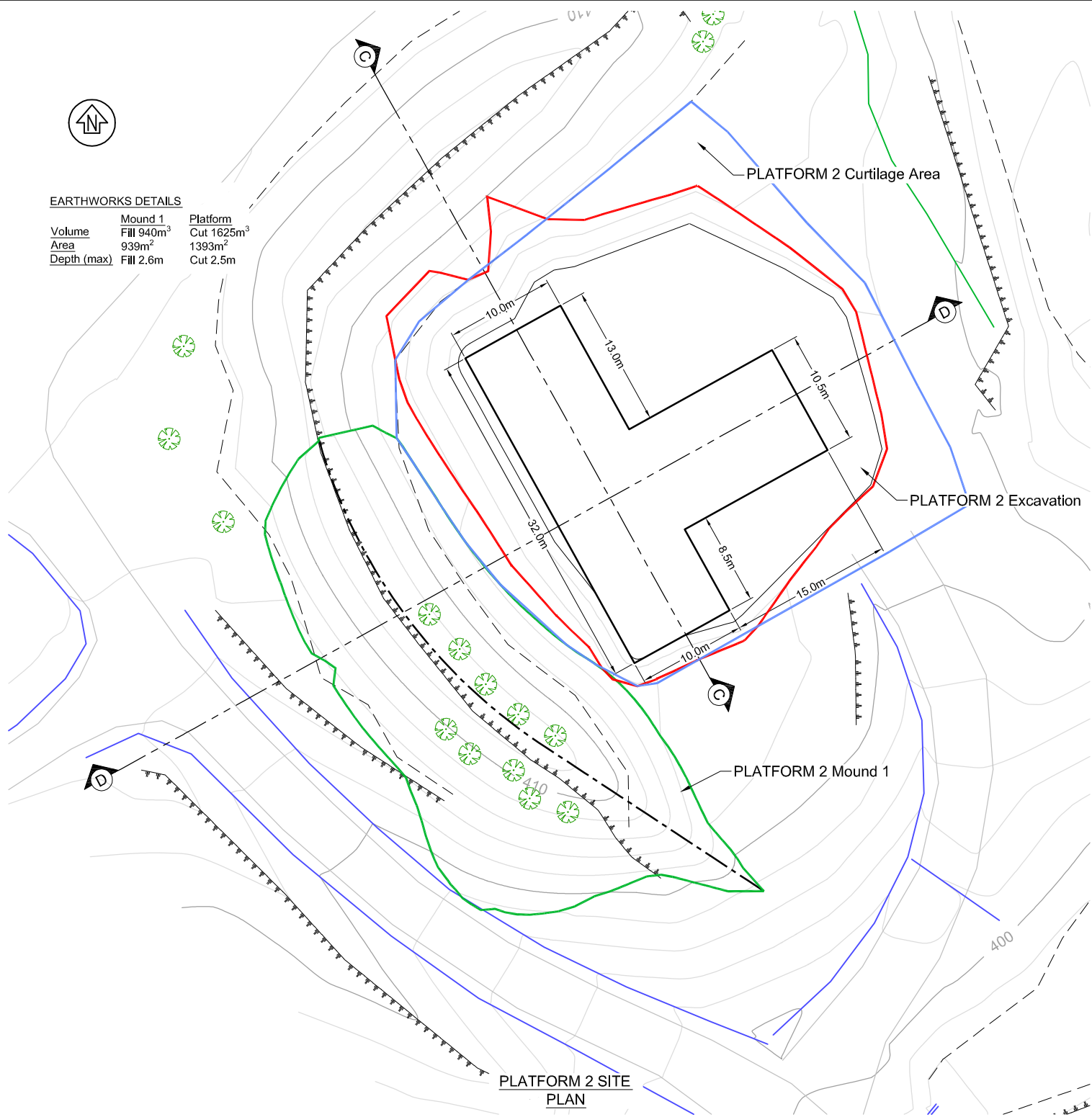
Scale 1:500

Original Plan A3

DRAWING & ISSUE No. 2737-11R-3G

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SURVEY

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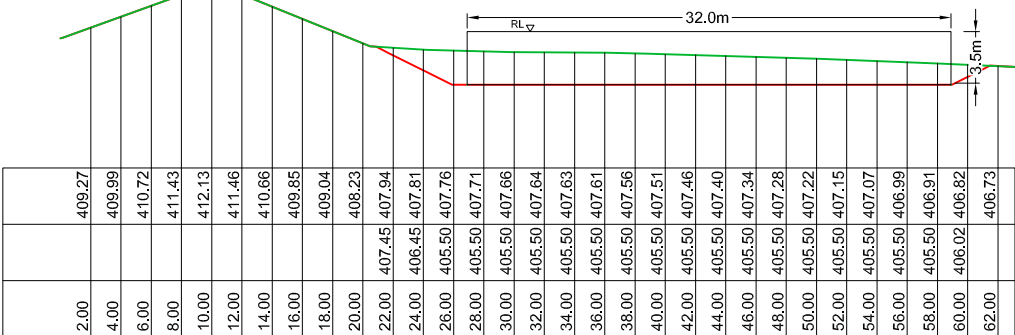
Datum 400.00

Natural Ground

Platform 2

Earthworks

Chainage



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM130444

Thursday, 9 January 2014

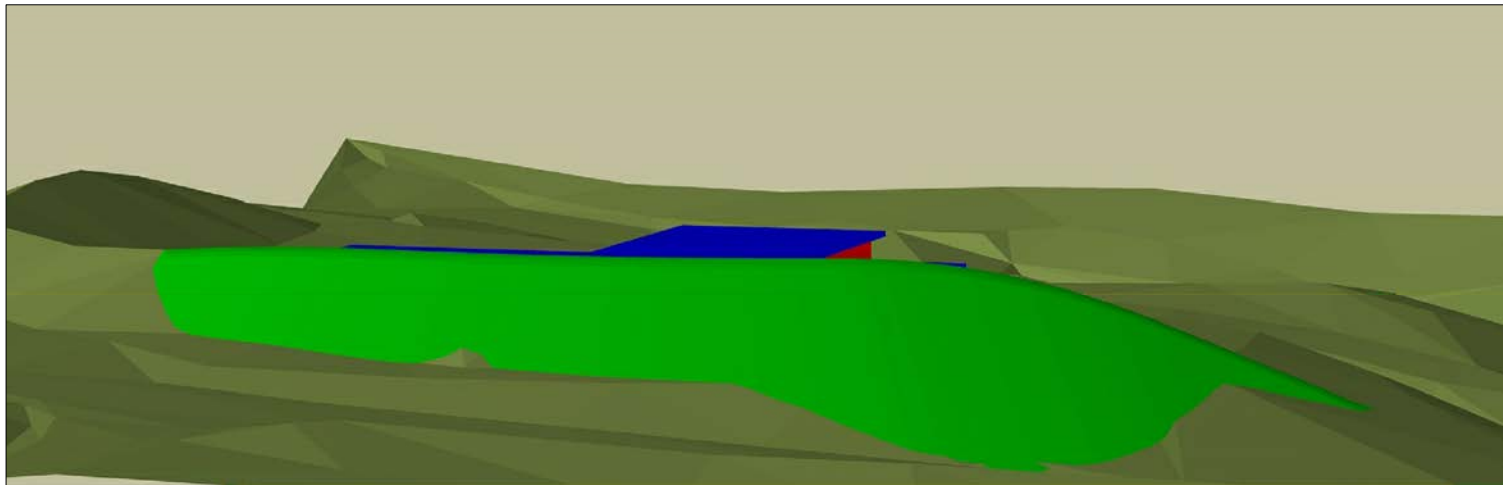
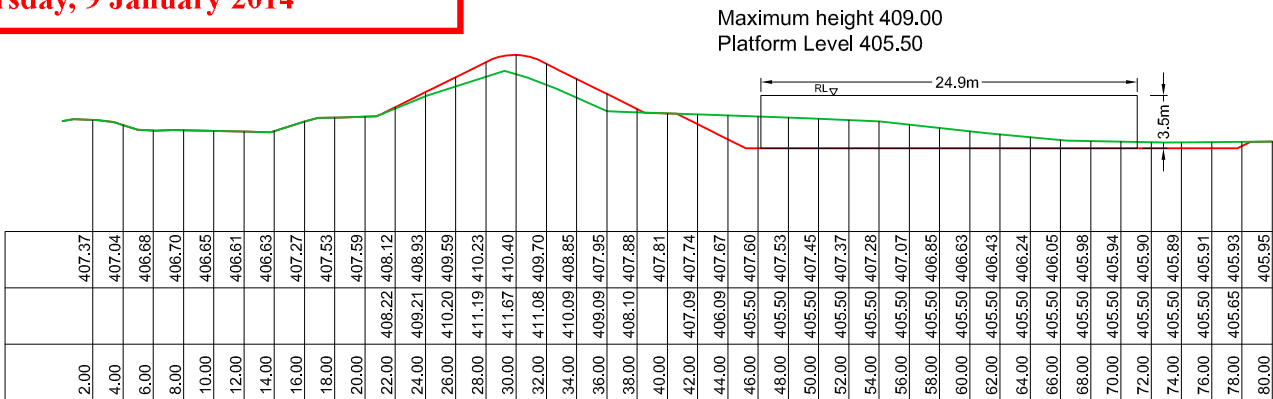
Datum 400.00

Natural Ground

Platform 2

Earthworks

Chainage



H	08-11-13	Curtilage area altered	SML
G	20-09-13	Curtilage area added	SML
F	03-07-13	Platform Levels added	SML
E	02-07-13	Mounding Altered	JDR
D	05-06-13	House Altered	JDR
C	31-05-13	House Altered	JDR
B	05-04-12	Earthworks revised	JDR
A	23-02-12	Initial Issue	JDR
REV.	DATE:	REVISION DETAILS:	BY:

**WARNING NOTE:**  
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TITLE:

Proposed Building Platform  
Platform 2 - Little's Stream

DATE: 23 Feb 2012  
BY: Jason Rhind

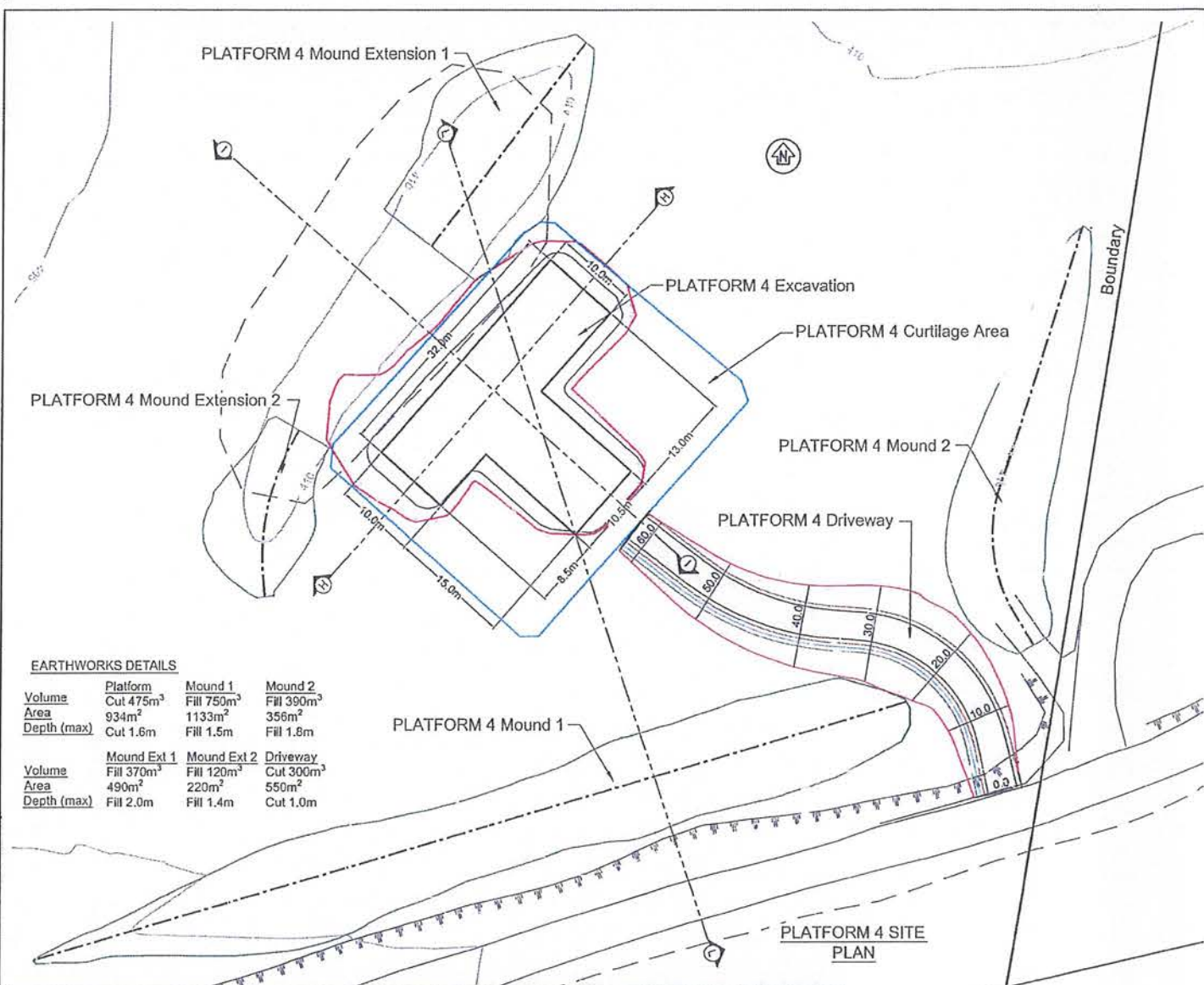
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Original Plan A3

DRAWING & ISSUE No.  
2737-11R-2H

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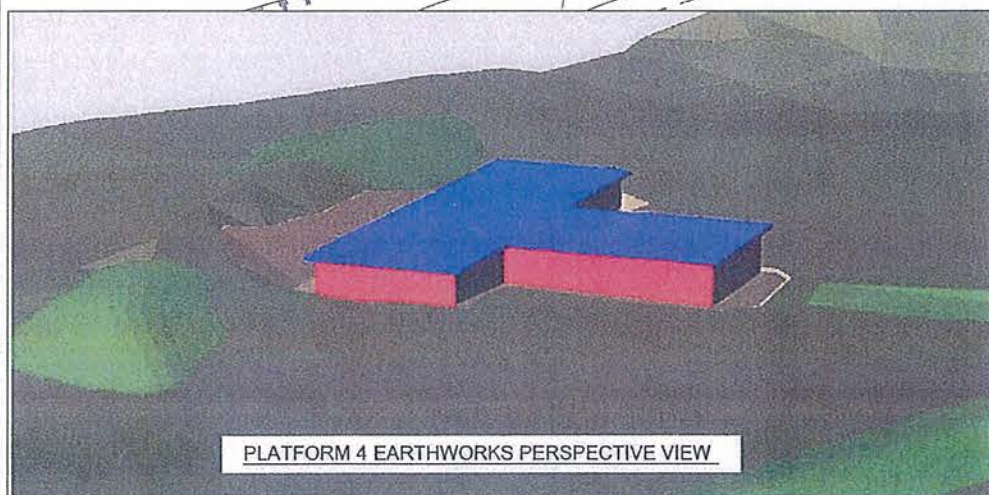


**EARTHWORKS DETAILS**

Volume	Platform	Mound 1	Mound 2
Area	Cut 475m <sup>3</sup>	Fill 750m <sup>3</sup>	Fill 390m <sup>3</sup>
Depth (max)	934m <sup>2</sup>	1133m <sup>2</sup>	356m <sup>2</sup>
	Cut 1.6m	Fill 1.5m	Fill 1.8m

Volume	Mound Ext 1	Mound Ext 2	Driveway
Area	Fill 370m <sup>3</sup>	Fill 120m <sup>3</sup>	Cut 300m <sup>3</sup>
Depth (max)	490m <sup>2</sup>	220m <sup>2</sup>	550m <sup>2</sup>
	Fill 2.0m	Fill 1.4m	Cut 1.0m



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM130444**

**Thursday, 9 January 2014**

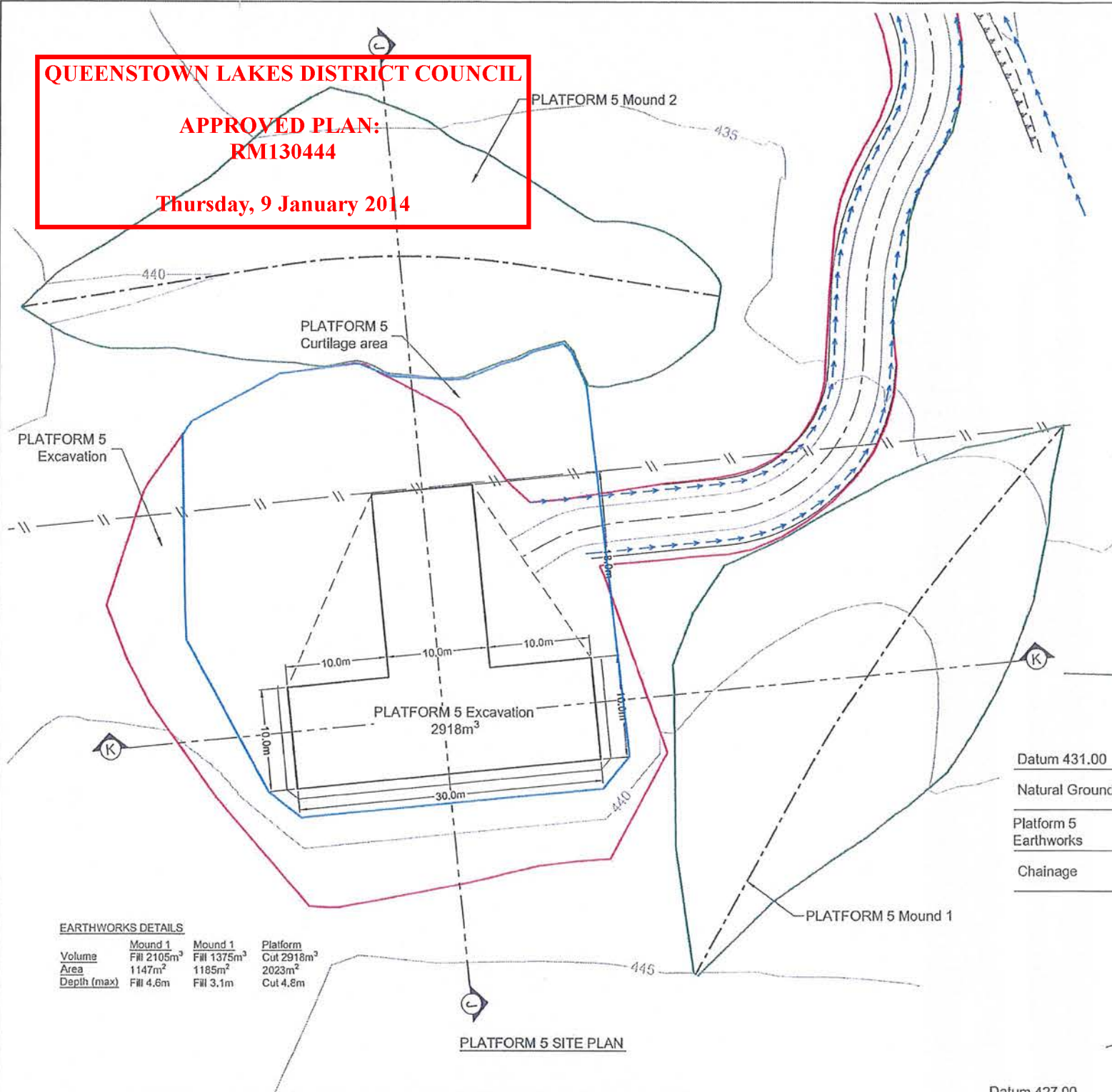
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# QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM130444

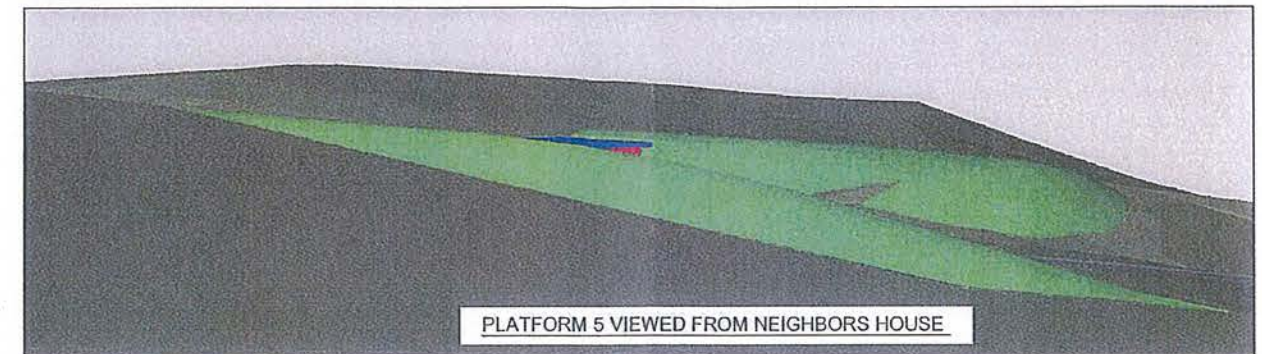
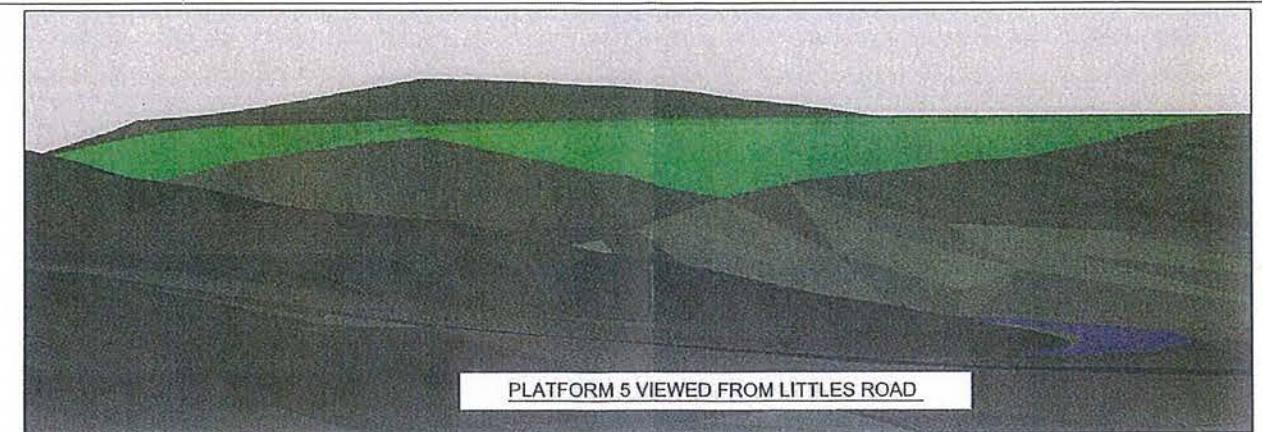
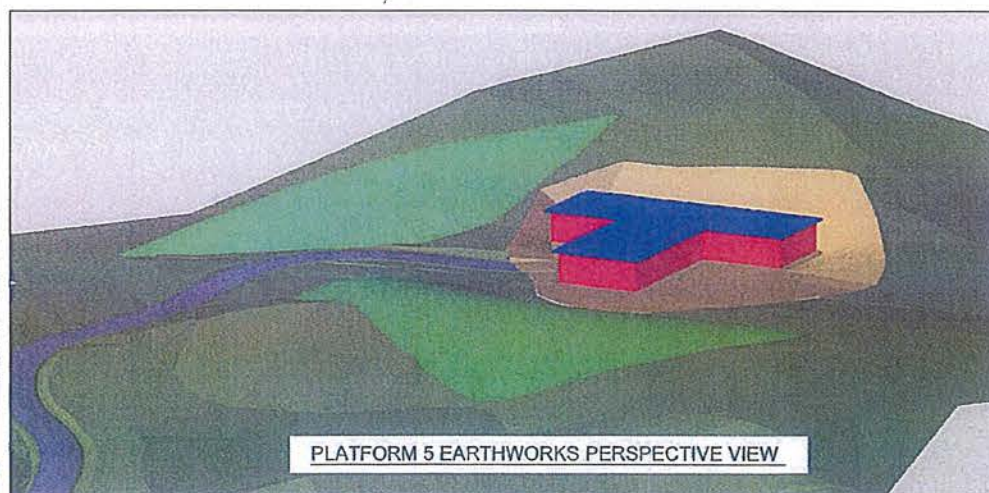
Thursday, 9 January 2014



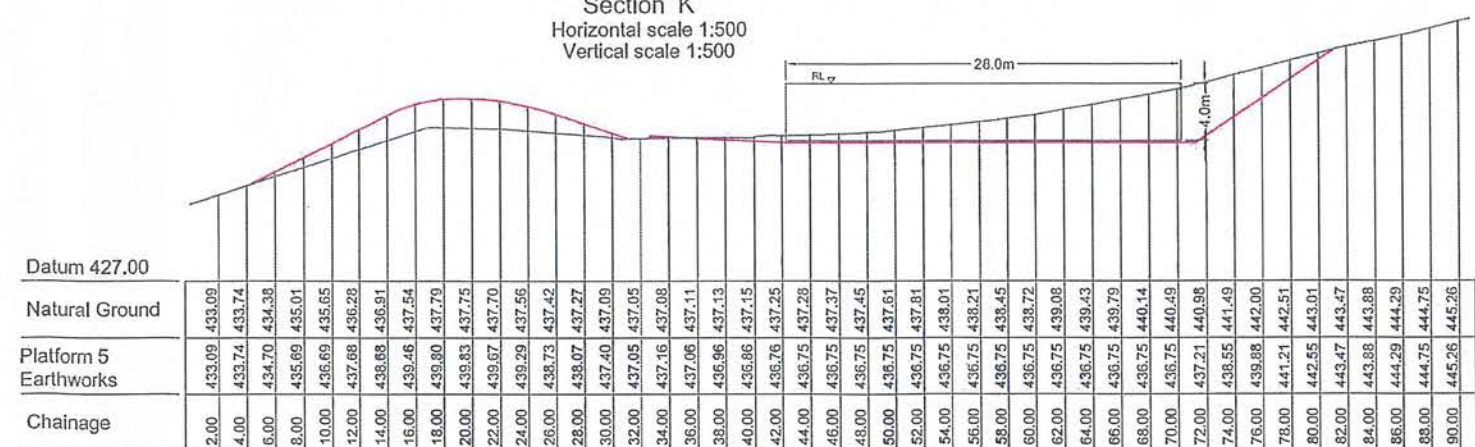
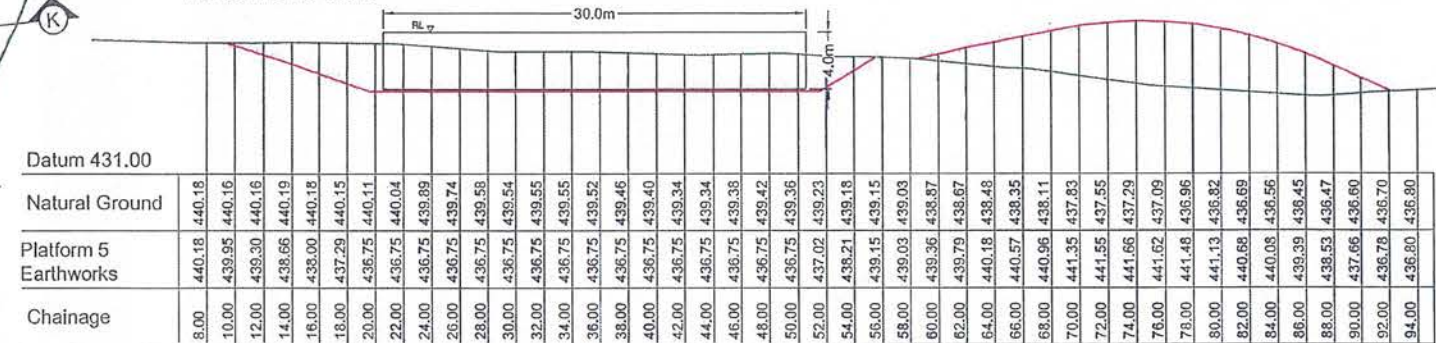
## EARTHWORKS DETAILS

	Mound 1	Mound 2	Platform
Volume	Fill 2105m³	Fill 1375m³	Cut 2918m³
Area	1147m²	1185m²	2023m²
Depth (max)	Fill 4.6m	Fill 3.1m	Cut 4.8m

PLATFORM 5 SITE PLAN



Maximum height 440.75  
Platform Level 436.75



REV.	DATE	REVISION DETAILS	BY
D	20-09-13	Curtilage area added	SML
C	05-07-13	Platform Levels added	SML
B	02-07-13	Mounding Altered	JDR
A	25-06-13	Initial Issue	JDR

WARNING NOTE:  
This plan has been prepared for the client from field survey and existing records as instructed. It is to be read in conjunction with our terms of engagement. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

TITLE:  
Proposed Building Platform  
Platform 5 - Littles Stream

DATE: 25 June 2013  
BY: Jason Rhind

Scale 1:500  
Original Plan A3

DRAWING & ISSUE No.  
2737-11R-5D

**AURUM SURVEY**

PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz





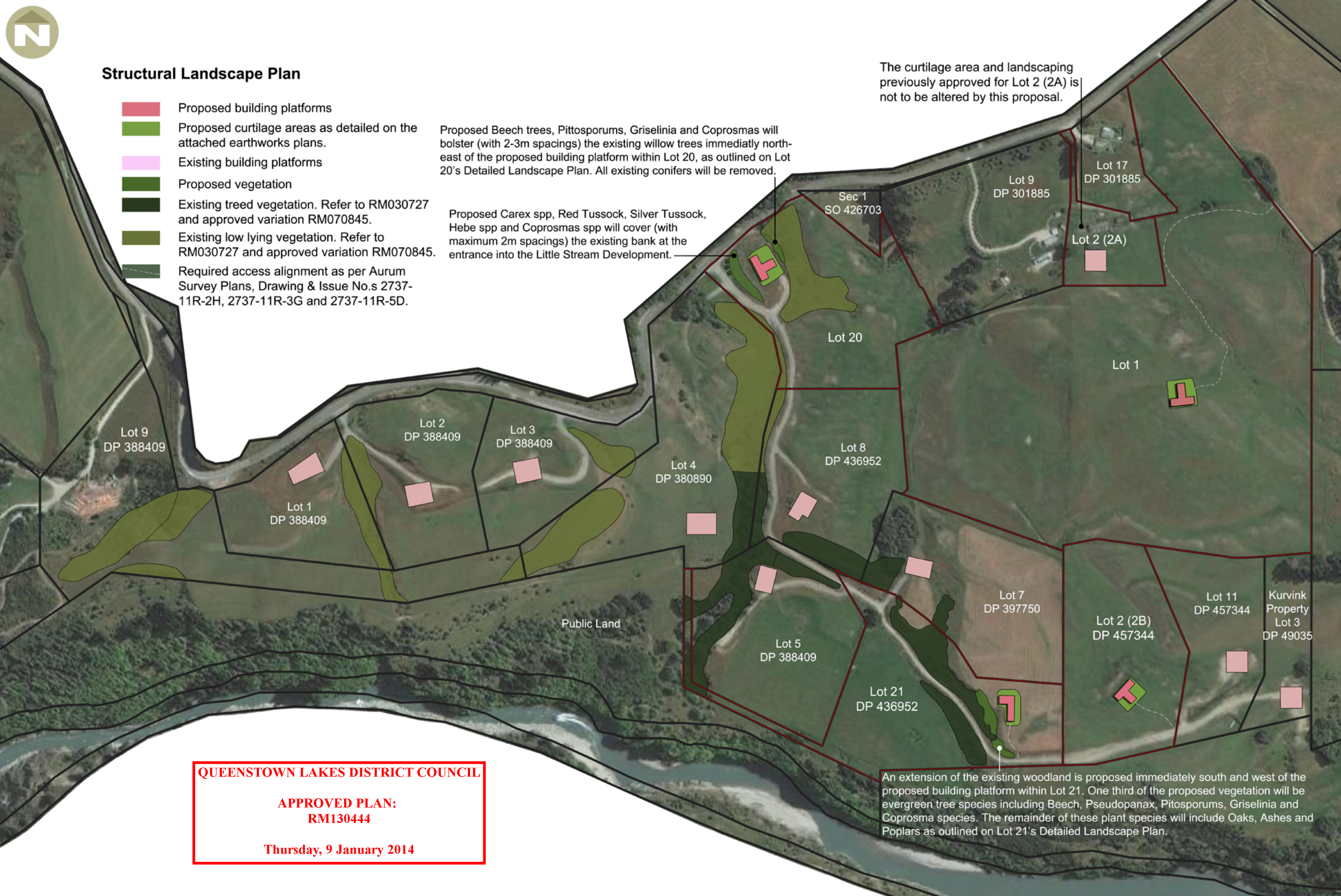
## Structural Landscape Plan

- Proposed building platforms
- Proposed curtilage areas as detailed on the attached earthworks plans.
- Existing building platforms
- Proposed vegetation
- Existing treed vegetation. Refer to RM030727 and approved variation RM070845.
- Existing low lying vegetation. Refer to RM030727 and approved variation RM070845.
- Required access alignment as per Aurum Survey Plans, Drawing & Issue No.s 2737-11R-2H, 2737-11R-3G and 2737-11R-5D.

Proposed Beech trees, Pittosporums, Griselinia and Coprosmas will bolster (with 2-3m spacings) the existing willow trees immediately north-east of the proposed building platform within Lot 20, as outlined on Lot 20's Detailed Landscape Plan. All existing conifers will be removed.

Proposed Carex spp, Red Tussock, Silver Tussock, Hebe spp and Coprosmas spp will cover (with maximum 2m spacings) the existing bank at the entrance into the Little Stream Development.

The curtilage area and landscaping previously approved for Lot 2 (2A) is not to be altered by this proposal.



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM130444**

**Thursday, 9 January 2014**

An extension of the existing woodland is proposed immediately south and west of the proposed building platform within Lot 21. One third of the proposed vegetation will be evergreen tree species including Beech, Pseudopanax, Pittosporums, Griselinia and Coprosma species. The remainder of these plant species will include Oaks, Ashes and Poplars as outlined on Lot 21's Detailed Landscape Plan.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM130444

Thursday, 9 January 2014

Lot 7  
DP 397750

Lot 2  
DP 457344  
3.8361ha  
CFR 592731

Building Platform 4 477m<sup>2</sup>  
Curtilage 1450m<sup>2</sup>

Lot 21  
DP 436952  
4.8923ha  
CFR 538223

Building Platform 3 340m<sup>2</sup>  
Curtilage 1124m<sup>2</sup>

Lot 11  
DP 457344

Sec 87  
Blk IV SSD

- LEGEND**
- Existing Building Platforms
  - Proposed Building Platforms
  - Existing Easements
  - Proposed Easements
  - New Lots
  - Existing affected Lots
  - Curtilage Area

**Amalgamation Condition:**  
\*That Lot 9 DP 388409 and Lot 2 hereon be held together and one CFR be issued.\*

- Notes:**
- Areas and dimensions subject to final legal survey.
  - Existing CFRs:
    - CFR 592731 - Lot 1 DP 449035 (15.3969ha), Lot 2 DP 457344 (3.8361ha)  
Total Area = 19.2330ha
    - CFR 538223 - Lot 9 DP 388409 (5.8780ha), Lot 20 DP 436952 (9.8409ha),  
Lot 21 DP 436952 (4.8923ha)  
Total Area = 20.6112ha
  - Five new CFRs will be created by this subdivision and all lots will be held in their own individual CFRs except for Lot 9 DP 388409 and Lot 2 hereon.
  - Levels are in terms of MSL. Contours represent original ground. Contour Interval is 1m

REV.	DATE	REVISION DETAILS	BY
D	15.10.13	Lot 2 bdy change and Platform 1 deleted	ADPW
C	25.09.13	Curtilage areas added	ADPW
B	7.03.13	Building Platforms Dimensioned	SML
A	10.05.13	Initial Issue	ADPW

**WARNING NOTE:**  
This plan has been prepared for Little Stream Ltd from field survey and existing records. It is to be read in conjunction with our terms of engagement. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
Details of Proposed Building Platforms 3 & 4  
on Lot 21 DP 436952 and Lot 2 DP 457344  
for Little Stream Ltd

DATE: 17 June 2013  
BY: Antony White

Scale 1:1000  
Original Plan A3

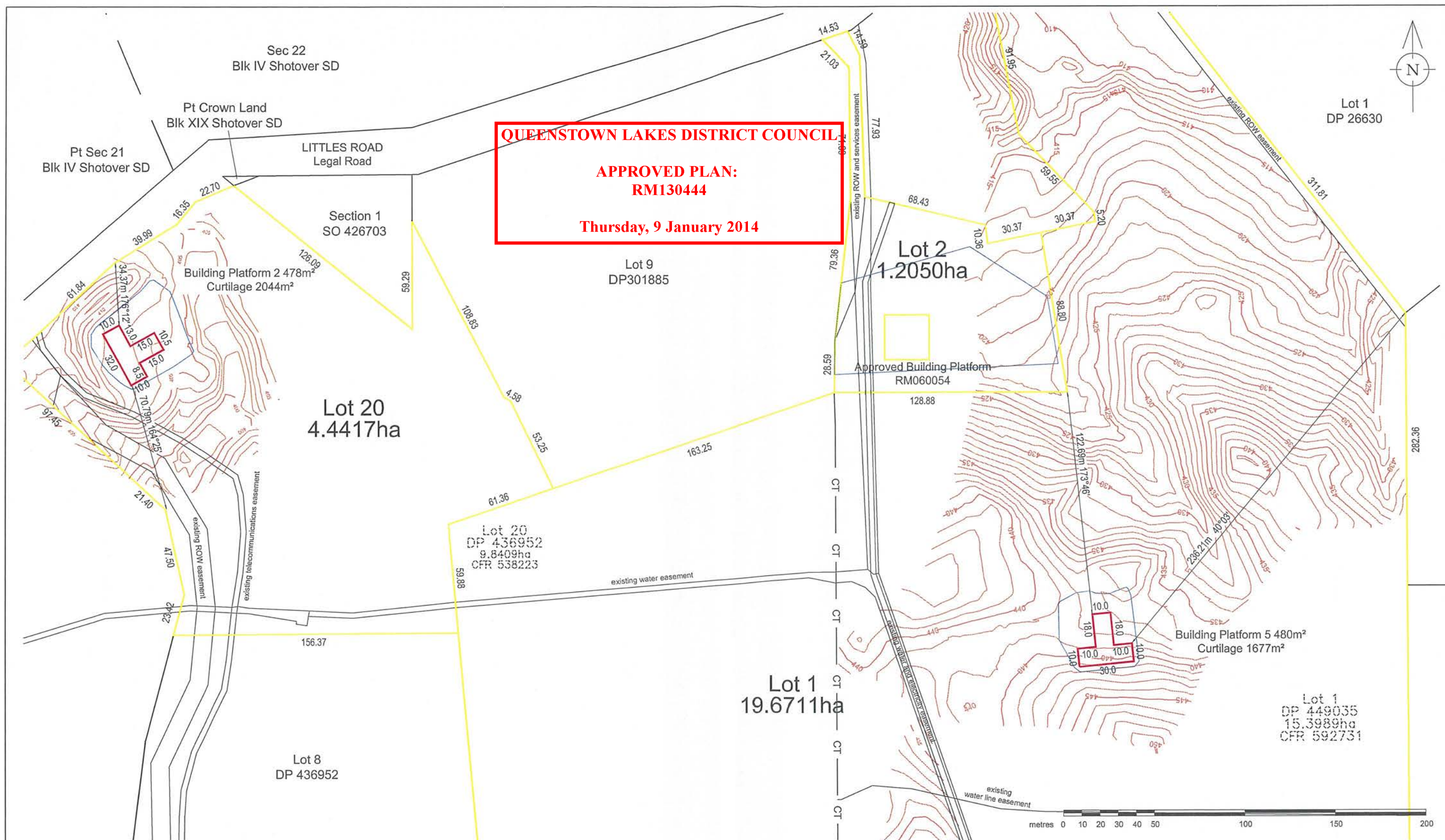
DRAWING & ISSUE No.  
2737.13R.3D



A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:  
1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;  
2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

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Wakatipu 9349  
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Fax 03 442 3469  
Email [admin@ascl.co.nz](mailto:admin@ascl.co.nz)





- LEGEND**
- Existing Building Platforms
  - Proposed Building Platforms
  - Existing Easements
  - Proposed Easements
  - New Lots
  - Existing affected Lots
  - Curtilage Area

**Amalgamation Condition:**  
"That Lot 9 DP 388409 and Lot 2 hereon be held together and one CFR be issued."

**Notes:**

- Areas and dimensions subject to final legal survey.
- Existing CFRs:
  - CFR 592731 - Lot 1 DP 449035 (15.3989ha), Lot 2 DP 457344 (3.8361ha)  
Total Area = 19.2350ha
  - CFR 538223 - Lot 9 DP 388409 (5.8780ha), Lot 20 DP 436952 (9.8409ha),  
Lot 21 DP 436952 (4.8923ha)  
Total Area = 20.6112ha
- Five new CFRs will be created by this subdivision and all lots will be held in their own individual CFRs except for Lot 9 DP 388409 and Lot 2 hereon.
- Levels are in terms of MSL. Contours represent original ground. Contour Interval is 1m

REV.	DATE:	REVISION DETAILS:	BY:
D	15.10.13	Lot 2 bdy change and Platform 1 deleted	ADPW
C	25.09.13	Curtilage areas added	ADPW
B	7.03.13	Building Platforms Dimensioned	SML
A	10.05.13	Initial Issue	ADPW

**WARNING NOTE:**  
This plan has been prepared for Little Stream Ltd from field survey and existing records. It is to be read in conjunction with our terms of engagement. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**

**Proposed Lots 1, 2 and 20  
and details of Building Platforms 2 & 5  
for Little Stream Ltd**

**DATE:** 17 June 2013  
**BY:** Antony White

**Scale** 1:2000  
Original Plan A3

**DRAWING & ISSUE No.**  
2737.13R.4D



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Email admin@ascl.co.nz





## LEGEND



A mix of Mountain and Red Beech (26).  
*Nothofagus menziesii*.  
*Nothofagus fusca*.



A mix of Pittosporums, Broadleaf and Coprosmas (24).  
*Pittosporum tenuifolium*.  
*Griselinia littoralis*.  
*Coprosma propinqua*.



Proposed *Carex* spp, Red Tussock, Silver Tussock, Hebe spp, and Coprosma Spp, planted at 2m maximum spacings; as outlined on the Amended Structural Landscape Plan.



Existing vegetation within the site, as outlined on the Aurum survey plan.



Existing vegetation approved by Resource Consents RM030727 and RM070845.



Earth mound.



The building platform's excavation area.



The building platform's curtilage area.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM130444

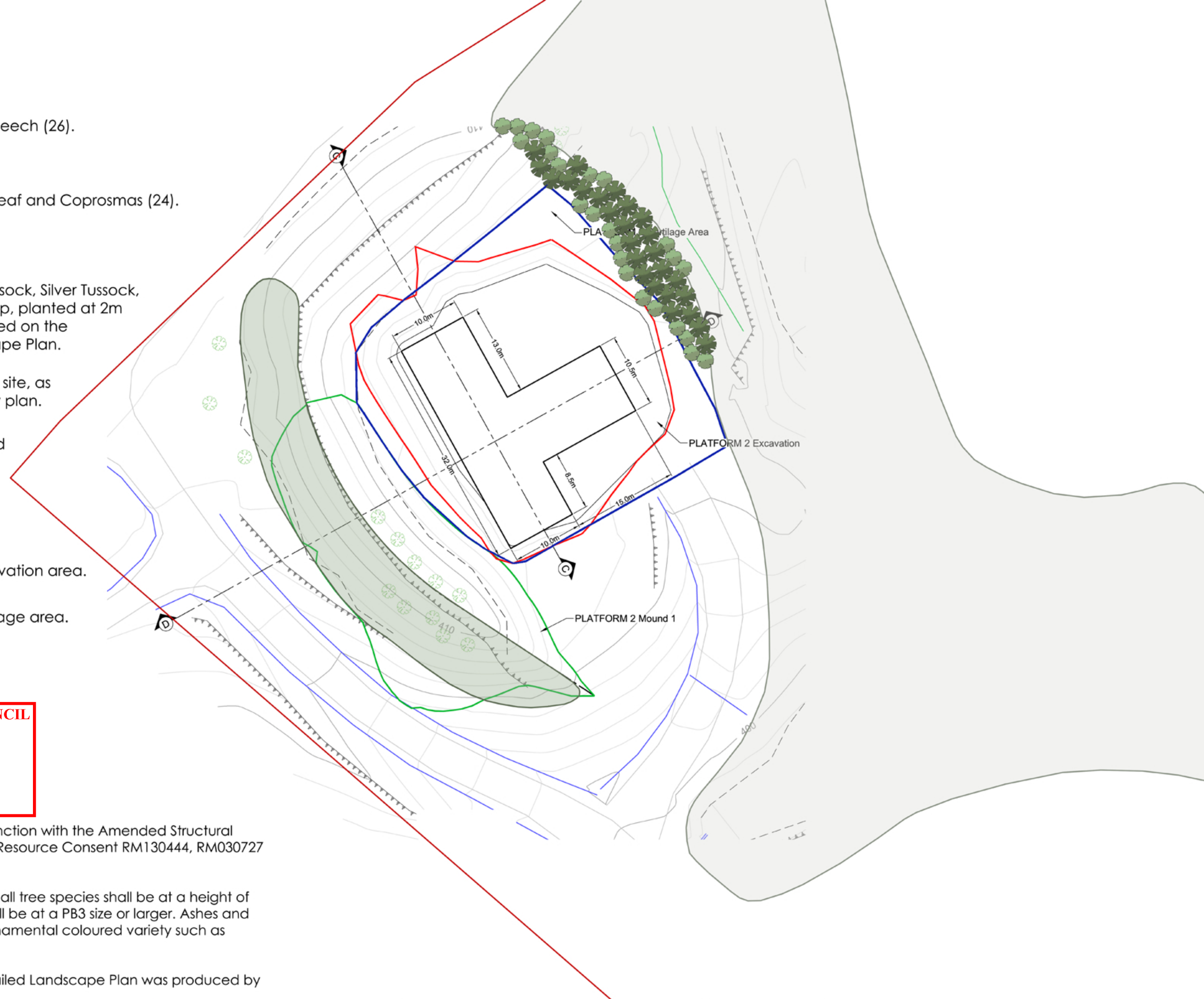
Thursday, 9 January 2014

### Note:

This plan shall be read in conjunction with the Amended Structural Landscape Plan approved by Resource Consent RM130444, RM030727 and RM070845.











At the time of implementation; all tree species shall be at a height of 1.5m or taller and all shrubs shall be at a PB3 size or larger. Ashes and Oak species shall not be an ornamental coloured variety such as Claret Ash or Scarlet Oak.

The base map used in the Detailed Landscape Plan was produced by Aurum Survey Consultants Ltd.





## LEGEND

-  A mix of Mountain and Red Beech (19).  
*Nothofagus menziesii*.  
*Nothofagus fusca*.
-  Lancewood (9).  
*Pseudopanax crassifolius*.
-  A mix of Pittosporums, Broadleaf and Coprosmas (17).  
*Pittosporum tenuifolium*.  
*Griselinia littoralis*.  
*Coprosma propinqua*.
-  Poplars (11).  
*Populus spp.*
-  Ashes (15).  
*Fraxinus spp.*
-  Oaks (20).  
*Quercus spp.*
-  Existing vegetation approved by  
Resource Consent RM030727 and  
RM070845.
-  Earth mound.
-  The building platform's excavation area.
-  The building platform's curtilage area.

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM130444**

**Thursday, 9 January 2014**

**Note:** This plan shall be read in conjunction with the Amended Structural Landscape Plan approved by Resource Consent RM130444, RM030727 and RM070845.

At the time of implementation; all tree species shall be at a height of 1.5m or taller and all shrubs shall be at a PB3 size or larger. Ashes and Oak species shall not be an ornamental coloured variety such as Claret Ash or Scarlet Oak.

The base map used in the Detailed Landscape Plan was produced by Aurum Survey Consultants Ltd.

