



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL
HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 &
RESOURCE MANAGEMENT ACT 1991

Applicant:	SHOTOVER COUNTRY LIMITED
SH Reference:	SH 160139
Location:	Toni's Terrace, Shotover Country
Proposal:	Subdivision consent to create 101 residential allotments and allotments to vest as road, reserve and a balance allotment and to undertake associated infrastructure, landscaping and earthworks; land use consent to construct future dwellings [residential units] on the 101 residential allotments; and land use consent to undertake earthworks for flood protection measures.
Type of Consent:	Subdivision and Land use consent.
Legal Description:	Lot 441 DP 491188 and Lot 1 DP 503962 as held in CFR 711177 and CFR 757483, respectively.
Valuation Number:	2907461403
Zoning:	Rural General and Shotover Country Special Zone (Operative District Plan); Rural and Shotover Country Special Zone (Proposed District Plan).
Activity Status:	Non-Complying activity (Operative District Plan); Discretionary activity (Proposed District Plan).
Limited Notification:	19 December 2016
Commissioners:	W David Whitney (Chair), David Clarke and Scott Stevens
Date of Decision:	4 May 2017
Decision:	Consent is granted subject to conditions.

A. INTRODUCTION

A.1 Background

1. Shotover Country Limited has applied to the Queenstown Lakes District Council (QLDC/the Council) as an authorised agency under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for subdivision and land use consent with respect to land now described as Lot 441 DP 491188 and Lot 1 DP 503962 as held in Computer Freehold Register Identifiers 711177 and 757483, respectively, in the Otago Land Registration District.
2. The land subject to the application is located generally between Stages 14A and 14B of the Shotover Country subdivision and an unformed legal road being an extension of Old School Road. This land is located on a terrace below an escarpment, such terrace being above the Shotover River. Access to the land is achieved via Toni's Terrace and other roads within the Shotover Country development.
3. The QLDC and the Government entered into the Queenstown Lakes Housing Accord (the Accord) on 23 October 2014 under section 10 of the HASHAA. The Accord established the Council as an authorised agency under the HASHAA and outlines how the Council will achieve the purpose of the HASHAA and increase housing affordability and supply. Under the Accord the Government and the QLDC have agreed to ensure that housing development provide a mix of house types, including more compact affordable homes, that can be sold at different price points.
4. The Accord provides the QLDC with the power to recommend Special Housing Areas (SHAs) for the Minister's approval. At the full Council meeting on 1 March 2016 the Council agreed to recommend to the Minister for Building and Housing that much of the land which now comprises the subject site be classified as a SHA under the Accord. The Housing Accords and Special Housing Areas (Queenstown – New June 2016 Areas) Order 2016 (Order in Council) was made on 20 June 2016 and this declared much of the subject land at Toni's Terrace, Shotover Country, as a SHA. On 29 April 2016 the Shotover Country Special Housing Area Deed (Infrastructure & Affordability) was entered into between Shotover Country Limited and the QLDC regarding the requirements for the SHA.

5. The Shotover Country SHA comprises two pieces of land as identified in Schedule 4 to the Order in Council. The current application SH 160139 relates to Area 1 which can also be referred to as the “western SHA”. Area 2 as identified in the Order in Council (which can also be described as the “eastern SHA”) comprises Stages 13, 14A and 14B of the Shotover Country development. The subdivision and development of Area 2 has been authorised by a series of resource consents under the Resource Management Act 1991 (RMA) being RM 160031, RM 160543, RM 160594 and RM 160626.
6. Some of the land subject to SH 160139 (being the northern portions of Lots 88-100, and Lots 1001-1004) extend beyond the land identified as Area 1 in Schedule 4 to the Order in Council. As a consequence the current application SH 160139 was formally amended by the applicant at the hearing to include any application for consent under the RMA that is necessary to create allotments which extend beyond the area defined as Area 1 in Schedule 4 to the Order in Council.
7. The Order in Council specifies the criteria that a development in the SHA must meet in order to be a qualifying development for the purposes of the HASHAA. The qualifying development criteria that relate to the Shotover Country SHA as specified in clause 5(1) of the Order in Council are as follows:
 - The maximum number of storeys that buildings may have is two.
 - The maximum height of buildings is 8 metres.
 - The minimum number of dwellings that must be built is four.
8. It is noted that the Order in Council did not prescribe a percentage of dwellings that must be affordable in the Shotover Country SHA. The proposal meets the requirements specified for a qualifying development under section 14 of the HASHAA. As such the application may be considered as an application for resource consent under the HASHAA (as well as under the RMA, as discussed in paragraph 6 above).

A.2 The Proposal

9. The proposal is described in detail in Attachments [A] – [U] to the application as notified on a limited basis. It is acknowledged that the application was modified in some respects prior to and at the hearing and that the proposal as presented to the Commission can be summarised as follows:

- The creation of 101 residential allotments (Lots 1-101) which vary in size from 400m² to 913m².
- The creation of 7 allotments to be dedicated in the Council as Road (Lots 801 – 807).
- A balance allotment of 2.67 hectares being Lot 1001.
- Lot 1002 (7155m²) and Lot 1004 (1.43ha) to vest in the Council as Recreation Reserve.
- Lot 1003 to vest in the Council as a Local Purpose Reserve for Water supply, pedestrian and cycle access, and amenity purposes.
- The roads in Lots 801-807 to be formed.
- Street tree planting and irrigation is proposed.
- All services including water supply, power, gas, telecommunications, wastewater, stormwater and access will be provided to the boundary of Lots 1-101 and Lot 1001.
- A number of right of way easements for access and easements for services are proposed.
- Flood protection works are proposed. This includes raising the land to be subdivided into residential allotments and roads with earthworks, which then taper off through the reserves (Lots 1002-1004) to the existing ground level. There will be rip-rap placed underground at the top of the sloping bank, adjacent to the residential allotments.
- Earthworks in association with the proposed subdivision will be required to raise the site, install services and form the roads.
- A future dwelling and accessory buildings on each residential allotment. A number of building design controls which control bulk and location of buildings as well as other design controls have been proposed to enable any future building.
- Controls associated with foundations for the construction of future dwellings are proposed on Lots 1-7.
- Land within 25 metres of the centreline of the Cromwell-Frankton A 110kV high voltage transmission lines to be subject to a condition to be enshrined in a consent notice (relates to Lots 89-100).
- No visitor accommodation to be provided for on Lots 1-101.
- Fencing adjacent to Lots 1002-1004 to be post and wire/wire netting only to a maximum height of 1.2m.

- Landscaping proposed within Lots 1002-1004 and particularly adjacent to the residential allotments. Existing tracks in Lots 1001-1004 to be upgraded if necessary, to Grade 1 standard for the Queenstown Trail and to Grade 2 standard for the track under the transmission lines.
- A lapse date of 2 years from the date of this decision for the subdivision and land use consent for earthworks, and of 6 years from the date of this decision for the land use consent for residential units, is sought.

10. The Commission confirms that it has assessed the proposal on the basis of the application as lodged and as amended in terms of the conditions offered by the applicant at the hearing.

A.3 Zoning : Operative District Plan

11. The site is zoned Rural General and Shotover Country Special Zone as shown on Map 30 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan). That portion of the site in the Shotover Country Special Zone is located in Activity Area 5c – Riverside Protection Area and Activity Area 5e – Open Space – Transmission Corridor as shown in the Shotover Country Special Zone Structure Plan.

12. Rule 15.2.3.2 provides for subdivision as a controlled activity in the Shotover Country Special Zone.

13. Zone Subdivision Standard 15.2.6.3iii(b) requires that every allotment created in the Rural General Zone is to have a residential building platform approved at the time of subdivision of not less than 70m² in area and not greater than 1000m² in area. A breach of Zone Subdivision Standard 15.2.6.3iii(b) is a non-complying activity pursuant to Rule 15.2.3.4(i).

14. Rule 15.2.3.3(vi) confirms that any subdivision in the Rural General Zone is a discretionary activity. Rule 15.2.3.3(viii) confirms that any subdivision within the Shotover Country Special Zone within 32 metres either side of the centreline of the Cromwell-Frankton A 110kV high voltage transmission line is a restricted discretionary activity.

15. Rule 5.3.3.3i(a)(i) and (ii) provide for the construction of any building and of any physical activity associated with any building such as roading, landscaping and earthworks, as a discretionary activity in the Rural General Zone.
16. Site Standard 5.3.5.1vi(a) requires a minimum setback from internal boundaries for buildings of 15 metres in the Rural General Zone. A breach of Site Standard 5.3.5.1vi(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
17. Zone Standard 5.3.5.2ii requires a minimum setback from road boundaries for buildings of 20 metres. A breach of Zone Standard 5.3.5.2ii is a non-complying activity in terms of Rule 5.3.3.4vi.
18. Rule 12.30.3.3v(a) provides for buildings and structures within 25-32 metres of the centreline of the Cromwell-Frankton A 110kV high voltage line as a restricted discretionary activity.
19. Rule 12.30.3.5vi confirms that buildings in Activity Areas 5a – 5e are a non-complying activity except for buildings less than 50m² in area in Activity Areas 5b and 5e which are related to recreation activities.
20. Site Standard 12.30.5.1v establishes limitations for earthworks within the Shotover Country Zone. A breach of Site Standard 12.30.5.1v is a restricted discretionary activity in terms of Rule 12.30.3.4i.
21. Zone Standard 12.30.5.2i requires that all activities and developments must be carried out in accordance with the Structure Plan. A breach of Zone Standard 12.30.5.2i is a non-complying activity in terms of Rule 12.30.3.5x.
22. Zone Standard 12.30.5.2iv confirms that the maximum height of all buildings in Activity Area 5a – 5e is 3.5 metres. A breach of Zone Standard 12.30.5.2iv is a non-complying activity in terms of Rule 12.30.3.5x.
23. Rule 22.3.2.4(b) provides for earthworks with a total volume of over 50,000 cubic metres as a discretionary activity.

24. Site Standard 22.3.3i states that the maximum total volume of earthworks (m³) shall not exceed that specified in Table 22.1 (which includes 1000m³ in the Rural General Zone). A breach of Site Standard 22.3.3i is a restricted discretionary activity in terms of Rule 22.3.2.3(a).

25. Site Standard 22.3.3ii(a) specifies the standards for the maximum height of cut and fill in the Rural General Zone. A breach of Site Standard 22.3.3ii(a) is a restricted discretionary activity in terms of Rule 22.3.2.3(a).

26. The Commission has considered the proposal as a whole as an application for subdivision and land use consent to a non-complying activity in terms of the Operative District Plan.

A.4 Zoning : Proposed District Plan

27. The site is zoned Rural and Shotover Country Special Zone (Operative) as shown on Map 31a of the Proposed Queenstown Lakes District Plan (Proposed District Plan).

28. Section 86B(1) of the RMA confirms that a rule in a Proposed District Plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. However section 86B(3)(d) confirms that a rule in a Proposed Plan has immediate legal effect if the rule protects historic heritage.

29. In this instance the subject site contains a heritage building listed in Clause 26.9 of the Proposed District Plan being No. 248 – Hicks Cottage, Old School Road.

30. Rule 26.6.2 confirms that the subdivision of any site containing all or part of a protected feature is a discretionary activity.

31. The Commission has considered the proposal as an application for subdivision consent to a discretionary activity in terms of the Proposed District Plan.

A.5 Submissions

32. Two submissions were received within the statutory submission period which closed on 8 February 2017. A submission from the Otago Regional Council opposed the

application; and a submission from Transpower New Zealand Limited supported the application in part.

33. The Commission has given consideration to the contents of both submissions received in response to the application.

A.6 Reports and Hearing

34. The Commission has had the benefit of a planning report dated 7 March 2017 prepared by Ms Katrina Ellis, a Senior Planner with the Queenstown Lakes District Council; a Landscape Report prepared by Dr Marion Read, Consultant Landscape Architect dated 3 March 2017; Urban Design Comment dated 1 March 2017 prepared by Ms Paula Costello, Senior Planner : Urban Design with the Queenstown Lakes District Council; Parks and Reserves Comment dated 28 February 2017 from Mr Stephen Quin, Parks and Reserves Manager with the Queenstown Lakes District Council; an Engineering Report dated 6 March 2017 prepared by Mr Alan Hopkins, Consulting Engineer; and a Peer Review report prepared by Messrs Sam Glue and Tom Bassett being the Geotechnical Engineer and Senior Water Resources Engineer, respectively, with Tonkin & Taylor Limited, such report being dated 24 November 2016; and evidence from Mr Bassett dated 7 March 2017. At the hearing on Thursday 30 March 2017 and Friday 31 March 2017 the Commission was assisted by Ms Ellis, Dr Read, Ms Costello (during the afternoon of 31 March 2017 only), Mr Hopkins and Mr Bassett; and Ms Anita Vanstone, a Senior Planner with the Queenstown Lakes District Council, was also present. Ms Charlotte Evans, Planning Support/Committee Secretary with the Queenstown Lakes District Council, provided administrative support at the hearing.

35. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A report and appendices thereto; and the pre-circulated written evidence prepared by Mr Bryant, Mr Hamilton, Ms Lucas, Mr Brown and Ms Hanson for the applicant, and by Professor Davies, Dr Palmer and Mr McRae for the Otago Regional Council. The Commission made a site inspection with Ms Ellis prior to the hearing on 30 March 2017.

36. At the hearing the applicant was represented by Mr Warwick Goldsmith, Counsel, of Anderson Lloyd; Mr Jeff Bryant an Engineering Geologist and Principal of Geo-

consulting Limited; Mr David Hamilton Consulting Engineer and Principal of David Hamilton & Associates Limited; Ms Rebecca Lucas Landscape Architect and Principal of Land Limited; Mr Jeffrey Brown Resource Management Consultant and Director of Brown & Company Planning Group Limited; and Ms Karen Hanson a Consultant Planner to Clark Fortune McDonald & Associates. Mr Chris Hanson of Clark Fortune McDonald & Associates (who had a role in assisting with the design of the roading network), Mr Neil McDonald of Clark Fortune McDonald & Associates and Mr Kristan Stalker of the applicant company were also in attendance and provided information during the course of the hearing.

37. At the hearing evidence was presented in support of the submission by the Otago Regional Council by Professor Tim Davies, a Professor in the Department of Geological Sciences at the University of Canterbury; by Dr Gavin Palmer a Civil Engineer and Director, Engineering, Hazards and Science at the Otago Regional Council; and by Mr Fraser McRae Director of Policy, Planning and Resource Management at the Otago Regional Council. With the agreement of Mr Goldsmith, Professor Davies presented his evidence by speaker phone on the afternoon of Thursday 30 March 2017, part way through the presentation of the applicant's case.

38. At the commencement of the hearing a written statement dated 27 March 2017 prepared by Ms Gemma McFarlane a Senior Environmental Planner with Transpower New Zealand Limited was tabled in support of the submission by Transpower New Zealand Limited.

39. The planning, landscape, urban design and engineering reports were taken as read and Ms Costello, Dr Read, Mr Bassett, Mr Hopkins and Ms Ellis (with Ms Vanstone) were invited to comment following the presentation of the submissions and evidence. Following Mr Goldsmith's reply the hearing was adjourned with leave being granted by the Commission for Mr Goldsmith to provide an amended set of conditions (based on matters discussed at the hearing) and an amended plan of subdivision. The Commission notes that the conditions were received on 7 April 2017 and that the amended plan of subdivision was received on 11 April 2017.

A.7 Principal Issue in Contention

40. The principal issue in contention was the effect on the environment of allowing the subdivision and land use activity to occur on land on a terrace close to the Shotover River having regard to the concerns with respect to natural hazard risk expressed in the opposing submission by the Otago Regional Council.

B. MATTERS FOR CONSIDERATION

41. Section 34(1) of the HASHAA lists the matters which the Commission (for the authorised agency) must have regard to when considering an application for a resource consent under the HASHAA. Section 34(1) states as follows:

- “(1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater or lesser) in the order listed:*
- (a) the purpose of this Act:*
 - (b) the matters in Part 2 of the Resource Management Act 1991:*
 - (c) any relevant proposed plan:*
 - (d) the other matters that would arise for consideration under-*
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:*
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):*
 - (e) the key urban design qualities expressed in the Ministry for the Environment’s New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.”*

42. It is acknowledged that the matters listed in section 34(1) of the HASHAA are to be given weight in the order listed. Each matter listed in section 34(1)(a) – (e) of the HASHAA is therefore listed in descending priority.

43. Section 34(2) of the HASHAA contains a direction to the Commission (for the authorised agency) with respect to infrastructure. Section 34(2) of the HASHAA states:

- “(2) An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.”*

44. As previously noted resource consent is also required in terms of the RMA as land beyond the SHA is to be subdivided and developed as part of this proposal SH 160139. It is acknowledged that all relevant matters to be considered in the context of the resource consents required in terms of the RMA are encompassed in the matters listed in section 34(1) of the HASHAA. To avoid unnecessary repetition the Commission has chosen to address all matters relevant to the consideration of the applications made in terms of both the HASHAA and the RMA once only, in the order and context of the matters listed in section 34(1) of the HASHAA. It is acknowledged however that the weighting given to matters in terms of section 34(1) of the HASHAA does not apply to the consideration of applications under the RMA.

45. The matters listed in section 34(1) of the HASHAA are addressed in the succeeding parts of this decision being Parts C – G inclusive. Part H relates to section 34(2) of the HASHAA.

C. PURPOSE OF THE HASHAA

46. The purpose of the HASHAA is the first priority matter for consideration in terms of section 34(1) of the HASHAA. The purpose of the HASHAA is stated in section 4 of that Act is as follows:

“4 Purpose

The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.”

47. The Queenstown Lakes District is listed in Schedule 1 of the HASHAA as a District that has significant housing supply and affordable issues for the purposes of the HASHAA.

48. Ms Ellis’s report advised that the Council’s affordability approach and the Lead Policy dated 30 April 2015 (which was attached at Appendix 1b to Ms Ellis’s section 42A report) is not to mandate the delivery of housing at a specified price point but to focus on requiring a certain proportion of qualifying developments to comprise smaller subdivision allotments or dwellings. Ms Ellis advised that the updated Lead Policy dated 24 November 2016 expects landowners and developers to identify appropriate mechanisms to ensure that housing developed in a SHA addresses the District’s housing affordability issues.

49. Ms Ellis addressed the specific provisions of the updated Lead Policy in Clause 5.6.3.5 of her report. The Commission acknowledges in this context that the proposed site is located adjacent to an existing urban area being Shotover Country; that adequate infrastructure is available; that the proposal will help to address housing supply issues by providing for an increased level of housing supply in Shotover Country; that 40 of the 101 residential allotments have a total or net area in the range of 400m² – 499m²; that a range of covenants and conditions subject to consent notices are proposed; that Shotover Country will meet its obligations under the agreement between Shotover Country Limited and the Queenstown Lakes Community Housing Trust dated 5 November 2015; that there is to be a prohibition on visitor accommodation; and that a mix of section sizes has been promoted as part of the development.

50. Objective 4.10.1 of the Operative District Plan seeks to provide access to community housing or the provision of a range of residential activity that contributes to housing affordability in the District. It is also noted that the Proposed District Plan provides clear guidance regarding the provision of more affordable housing and acknowledges that minimum site size, density, height, building coverage and other controls influence housing affordability (see Objective 3.2.6.1 and Policies 3.2.6.1.1 and 3.2.6.1.2 of the Proposed District Plan).

51. The Commission finds that the proposal to develop the western SHA (or Area 1 as identified in the Order in Council) at Shotover Country will achieve the purpose of the HASHAA as 101 additional allotments will be created and developed for residential purposes on land currently not zoned for residential use, thus increasing the supply of residential land in the District.

D. PART 2 OF RMA

52. The matters in Part 2 of the RMA are recognised as the second priority matter under section 34(1) of the HASHAA.

53. Part 2 of the RMA contains sections 5 to 8. These are referred in reverse order.

54. Section 8 requires the Commission, in exercising its functions on this application, to take into account the principles of the Treaty of Waitangi. While no issues were raised in reports or evidence in relation to section 8, the Commission has noted that the applicant has offered an accidental discovery protocol condition with respect to the land use consent sought for earthworks.
55. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and the effects of climate change. The proposal will achieve the efficient use and development of the land resource in terms of increasing housing supply upon an area of land which is no longer of a size upon which farming is feasible. Land immediately to the west and north of the residential allotments are to be vested as reserves which will serve to maintain and enhance amenity values and the quality of the environment. It is also acknowledged that the anticipated effects of climate change have been incorporated into the flood model created by the applicant, the outcome of which is discussed further below in the context of flood hazard effects [in Part F.1.2 of this decision].
56. There are no other matters stated in section 7 which are of any particular relevance to the application.
57. Section 6 sets out a number of matters which are declared to be of national importance and directs the Commission to recognise and provide for them. Sections 6(a), 6(b), 6(d) and 6(f) confirm that the following are matters of national importance:
- “(a) The preservation of the natural character of... lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (d) The maintenance and enhancement of public access to and along the ... lakes, and rivers:*
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development.”*

58. The Commission is satisfied that the proposal does not represent inappropriate subdivision, use and development in terms of sections 6(a) and 6(b). The Commission notes that the SHA is separated from the Shotover River and the margins of the Shotover River by the Longshot Limited [Wilson] property and the Old School Road road reserve; and that the proposed reserves will provide additional separation between residential allotments and the river. While the river and its margins form part of an Outstanding Natural Landscape (“ONL”) the Commission concurs with Dr Read that the proposal will not adversely affect the quality or character of that ONL.
59. The proposal will have no particular effect in terms of section 6(d) and 6(f). The Commission notes in this context that the public utilises a pedestrian cycling track (being part of the Queenstown Trail) which is located on the site adjacent to the boundary with the unformed legal road which is an extension of Old School Road. This track is to be retained and may be upgraded; and to that extent the proposal will maintain and enhance public access to and along the margin of the Shotover River. Hicks Cottage is located on the subject site and will be located within the balance allotment. Given the separation proposed between Hicks Cottage and the residential allotments the Commission finds that the proposal does not represent inappropriate subdivision, use and development in terms of section 6(f).
60. There are no other matters stated in section 6 which are of any particular relevance to the application.
61. Section 5 sets out the purpose of the RMA – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission is satisfied that the application will achieve the purpose of the RMA.
62. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of this land will be developed in such a way that the social and economic wellbeing of the applicant and of the community is provided for through the provision of 101 residential allotments and dwellings (with associated employment opportunities during construction) while the potential of natural and physical resources will be

sustained to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of ecosystems will not be compromised and any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

63. Taking into account the purpose and principles of the RMA as presented in Part 2 of that Act the Commission finds that the subdivision and use of the land, as proposed, promotes sustainable management of natural and physical resources; and that the proposal will achieve the purpose of the RMA.

E. RELEVANT PROPOSED PLAN

64. Any relevant proposed plan is recognised as the third priority matter under section 34(1) of the HASHAA.

65. Section 6(1) of the HASHAA confirms that a proposed plan has the meaning set out in section 43AAC of the RMA. The relevant proposed plan for the purposes of section 34(1)(c) of the HASHAA is considered to be the Proposed Queenstown Lakes District Plan that was publicly notified on 26 August 2015.

66. Ms Ellis advised that hearings on the Rural Chapter of the Proposed District Plan have been completed but that decisions have not yet been released. As previously noted the only relevant rule with legal effect is Rule 26.6.2 which relates to subdivision that contains a protected feature; in this instance Hicks Cottage.

67. The relevant objectives and policies from the Proposed District Plan are presented at Appendix 3a to Ms Ellis's section 42A report. These objectives and policies were discussed in Section 5.6.1.5 of Ms Ellis's report and were also addressed in attachments [A] and [P] to the application, and in Mr Brown's evidence. The Commission also acknowledges that Dr Read addressed the landscape effects of the proposal having regard to the assessment matters contained in Chapter 21 : Rural of the Proposed District Plan.

68. Ms Ellis noted that the Shotover Country Special Zone, Earthworks and Transport chapters do not form part of the notified Proposed District Plan; and that the

Subdivision and Development chapter of the Proposed District Plan excludes Shotover Country (but does include Rural).

69. The Commission has given consideration to the proposal having regard to the objectives and policies stated in the Proposed District Plan. The Commission acknowledges in particular the relevant objectives and policies stated in Chapter 3 – Strategic Direction. Objectives 3.2.2.1 and 3.2.2.2 and their associated policies are of particular relevance and state as follows:

“Objective 3.2.2.1

Ensure urban development occurs in a logical manner:

- ***to promote a compact, well designed and integrated urban form;***
- ***to manage the cost of Council infrastructure; and***
- ***to protect the District’s rural landscapes from sporadic and sprawling development.***

Policy 3.2.2.1.4

Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.

Policy 3.2.2.1.6

Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.

Objective 3.2.2.2

Manage development in areas affected by natural hazards.

Policy 3.2.2.2.1

Ensure a balanced approach between enabling higher density development within the District’s scarce urban land resource and addressing the risks posed by natural hazards to life and property.”

70. In this instance the proposal promotes a compact urban development that is located adjacent to the existing urban area being Shotover Country. The existing infrastructure within the adjoining Shotover Country development will be extended to serve the proposal; and the proposal does not represent sporadic or sprawling development into the rural landscape. The proposal will result in urbanisation of an existing semi-rural environment and any adverse effects on the nearby Shotover River ONL will be minor.

71. In terms of Objective 3.2.2.2 and its associated policies the Commission is satisfied that risks posed by natural hazards have been properly addressed and that development is to be managed having regard to such natural hazards. This matter is addressed further in Part F.1.2 of this decision in the context of flood hazard effects.

72. Chapter 4 relates to Urban Development. The relevant Objectives 4.2.1 and 4.2.4 and associated policies state as follows:

“Objective 4.2.1

Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Policy 4.2.1.1

Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.

Policy 4.2.1.2

Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.

Policy 4.2.1.3

Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.

Policy 4.2.1.4

Development enhances connections to public recreation facilities, reserves, open space and active transport networks.

Policy 4.2.1.5

Urban development is contained within or immediately adjacent to existing settlements.

Policy 4.2.1.6

Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.

4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.

Objective 4.2.4

Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

Policy 4.2.4.1

Limit the spatial growth of Queenstown so that:

- the natural environment is protected from encroachment by urban development*
- sprawling of residential settlements into rural areas is avoided*
- residential settlements become better connected through the coordinated delivery of infrastructure and community facilities*
- transport networks are integrated and the viability of public and active transport is improved*
- the provision of infrastructure occurs in a logical and sequenced manner*
- the role of Queenstown Town Centre as a key tourism and employment hub is strengthened*
- the role of Frankton in providing local commercial and industrial services is strengthened”*

73. The Commission is satisfied that the proposal is consistent with Objective 4.2.1 and its associated policies. Again the Commission acknowledges that the proposed subdivision and development is located adjacent to the existing urban area of Shotover Country; and that existing infrastructure at Shotover Country will be extended to serve the proposal. Future residents will have the benefit of close proximity to community and education facilities at Shotover Country and Mr Hanson confirmed that the local roading network is designed to accommodate public transport; with the closest designated bus stop being at Merton Park in Stage 14A of the Shotover Country development. Again the Commission notes that the proposed urban development is not sporadic and that the existing rural land has little productive potential.

74. In terms of Objective 4.2.4 and Policy 4.2.4.1 the Commission notes that the site is located outside the proposed Queenstown Urban Growth Boundary and that the proposal is therefore inconsistent with provisions which specifically relate to the Urban Growth Boundary. The Commission acknowledges however that submissions in response to the Proposed District Plan have challenged the Queenstown Urban Growth Boundary including a submission by Shotover Country Limited which was attached as Appendix 6 to Ms Hanson’s evidence. The Commission notes in this context Ms Ellis’s opinion that while the site is located outside of the proposed Urban Growth Boundary the Urban Growth Boundary reflects the existing zoning, and that it would be logical to locate the Urban Growth Boundary so as to encompass the proposed development, in the event that consent is granted.

75. Again it is acknowledged in the context of Objective 4.2.4 and its associated policy that the site is immediately adjacent to Shotover Country and that the proposal achieves integrated and logical development consistent with Policy 4.2.4.1.

76. Chapter 6 – Landscapes contains Objectives 6.3.1, 6.3.2 and 6.3.5 and associated policies which are presented below:

“Objective 6.3.1

The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policy 6.3.1.4

That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.

Policy 6.3.1.5

Avoid urban subdivision and development in the Rural Zones.

Policy 6.3.1.7

When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.

...

Objective 6.3.2

Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

Policy 6.3.2.1

Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

Policy 6.3.2.2

Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

...

Policy 6.3.2.5

Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

Objective 6.3.5

Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).

Policy 6.3.5.1

Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

Policy 6.3.5.2

Avoid adverse effects from subdivision and development that are:

- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- *Visible from public roads.*

Policy 6.3.5.3

Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.

Policy 6.3.5.4

Encourage any landscaping to be sustainable and consistent with the established character of the area.

...

77. Map 31a of the Proposed District Plan confirms that the land subject to this application that is zoned Rural in terms of the Proposed District Plan has a Landscape Classification of “RLC”. The Commission notes in the context of Policy 6.3.1.4 that Dr Read has assessed the proposal against the assessment matters listed in the Proposed District Plan and has concluded that the proposed subdivision and development would alter the character of the landscape of the site from a peri-urban/rural landscape to an urban landscape. Dr Read considers that the interface between the development and its public margin requires management to ensure that the character and quality of the remaining rural landscape is not degraded; and that this can be achieved by the imposition of conditions limiting the height and style of fencing along the western boundary of the residential lots (as proposed), and by the planting of the bank with indigenous vegetation in keeping with that required on the terrace risers within the existing development. The Commission accepts Dr Read’s opinion that the alteration to the character of the subject site would not have an adverse effect on the character and quality of the wider landscape at the south-western Wakatipu Basin.

78. Chapter 28 – Natural Hazards includes Objective 28.3.1 and Objective 28.3.2 and associated policies which state as follows:

Objective 28.3.1

The effects of natural hazards on the community and the built environment are minimised to tolerable levels.

Policy 28.3.1.1

Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, infrastructural networks and other parts of the environment.

Policy 28.3.1.2

Restrict the establishment of activities which have the potential to increase natural hazard risk, or may have an impact upon the community and built environment.

Policy 28.3.1.5

Where practicable, reduce the risk posed by natural hazards to the existing built environment and the community.

Objective 28.3.2

Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.

Policy 28.3.2.1

Seek to avoid intolerable natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.

Policy 28.3.2.2

Allow subdivision and development of land subject to natural hazards where the proposed activity does not:

- *Accelerate or worsen the natural hazard and/or its potential impacts.*
- *Expose vulnerable activities to intolerable natural hazard risk.*
- *Create an unacceptable risk to human life.*
- *Increase the natural hazard risk to other properties.*
- *Require additional works and costs that would be borne by the community.*

Policy 28.3.2.3

Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment covering:

- *The type, frequency and scale of the natural hazard.*
- *The type of activity being undertaken and its vulnerability to natural hazards.*
- *The effects of a natural hazard event on the subject land.*
- *The potential for the activity to exacerbate natural hazard risk both in and off the subject land.*

- *The potential for any structures on the subject land to be relocated.*
- *The design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.*
- *Site layout and management to avoid the adverse effects of natural hazards, including access and egress during a hazard event.*

Policy 28.3.2.4

Promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk.

Policy 28.3.2.5

Recognise that some infrastructure will need to be located on land subject to natural hazard risk.”

79. In summary the Natural Hazards objectives and policies seek to ensure that the effects of natural hazards on the community and the built environment are minimised to tolerable levels (Objective 28.3.1) and that the development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated (Objective 28.3.2).

80. In this instance hazard risk assessments have been undertaken and are discussed in detail in Attachments [A] and [R] to the application. Hazard risks were also addressed in the evidence presented by Messrs Bryant and Hamilton (for the applicant) and by Professor Davies, Dr Palmer and Mr McRae (for the Otago Regional Council). Hazard risks were also addressed in the reports prepared by Mr Hopkins and Mr Bassett. While the Commission addresses the flood hazard risk in more detail in Part F.1.2 of this decision it is appropriate to acknowledge at this point that the Commission considers that the effects of natural hazards have been properly assessed and are to be appropriately managed in this instance. Accordingly the Commission finds that the proposal is not contrary to Objective 28.3.1 and Objective 28.3.2 and their associated policies.

81. The Commission has also had regard to the objectives and policies stated in Chapter 21 – Rural, Chapter 26 – Historic Heritage, Chapter 27 – Subdivision and Development and Chapter 30 – Energy and Utilities. The Commission concurs with Ms Ellis that the proposal is not contrary to these objectives and policies.

82. The Commission's overall conclusion is that the proposal is consistent with the direction of the Proposed District Plan and in particular with the strategic management approach to growth and development enshrined in the Proposed District Plan.

F. OTHER MATTERS UNDER SECTIONS 104 TO 104F OF RMA

83. Other matters that would arise for consideration under sections 104 to 104F of the RMA, were the application being assessed under that Act [only], is recognised as the fourth priority matter under section 34(1)(d)(i) of the HASHAA.

84. Section 104(1) of the RMA lists matters to be had regard to when considering an application under the RMA. Section 104(1) states as follows:

"104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of-*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application."*

F.1 Actual and Potential Effects on the Environment (section 104(1)(a) of the RMA)

F.1.1 Permitted Baseline

85. Under both the Operative District Plan and the Proposed District Plan any subdivision requires consent and associated earthworks, landscaping and infrastructure is considered to be part of the subdivision. Under the Operative District Plan and Proposed District Plan all buildings or alterations to buildings in the Rural General Zone (as well any physical activity associated with any building such as roading or landscaping) require resource consent under the Operative District Plan and Proposed District Plan. As such there is no relevant permitted baseline.

F.1.2 Flood Hazard Effects

86. The Shotover River catchment has an area of about 1,100km² to its 1.3km wide delta confluence with the Kawarau River. Mr Hamilton advised that this width is now reduced to 800 metres by the training line works which were constructed by the ORC in 2010 to ensure that the Shotover River always enters the Kawarau River at the favourable (eastern) side of the delta.
87. The 1% Annual Exceedance Probability (AEP) flood event for the Shotover River established during the Expert Caucusing for Plan Change 41 (which provided for the Shotover Country Special Zone) was 1500m³/s. Mr Hamilton advised that the flood record used was 43 years (1967 – 2010) and that in order to provide a higher 97% confidence in the flood figure Tonkin & Taylor Limited (for the Council) requested that two standard deviations be added to the assessed 1% AEP flood, resulting in a flow figure of 1994m³/s. Furthermore Tonkin & Taylor Limited also requested that high climate change factors for a 4.6°C rise in mean annual temperature by 2090 be added; with the high intensity rainfall expected to increase by 8% for every 1° rise in mean annual temperature. The flow figure is thus adjusted upwards for climate change by $4.6 \times 8\% = 36.8\%$ to yield a design flow of 2730m³/s which currently equates to a 1 in 10,000 year flood event using standard flood frequency techniques.
88. The design solution proposed with respect to the potential flood hazard is to place engineered fill on that part of the site to be subdivided and developed for residential purposes, consistent with the approach taken in Stages 14A and 14B of the Shotover Country development. The engineered fill will provide for 1.5 metres freeboard at cross-section 3 over the design flow of 2730m³/s based on the projected delta bed levels in 2110. Mr Goldsmith's plan E3 demonstrated that the proposed minimum finished ground level of RL 316.00 significantly exceeds the 1999 flood level for Lake Wakatipu at Queenstown (RL 312.78) and the minimum building floor level in Queenstown (RL 312.00).
89. Mr Hamilton, Professor Davies, Dr Palmer and Mr Bassett agreed that the potential flood hazard (excluding landslide related events) is satisfactorily dealt with and that any inundation effects in terms of conventional flood hazard are to be mitigated by the design solution proposed by the applicant.

90. Erosion protection works are proposed at the edge of the engineered fill. The proposed fill has a 15H:1V batter slope that pushes the toe out by about 20 metres from the proposed fill top surface, and will provide an additional buffer should flood waters ever get in behind the main willow edge protection line at the margin of the Shotover River. Mr Hamilton observed that river bank protection through the use of willows is a well-recognised form of river edge protection in New Zealand. The batter toe is to be some 30-40 metres behind the line of established willows and will terminate within the reserves to be established in Lots 1002-1004 between the residential allotments and the unformed legal road (being the extension of Old School Road).
91. Mr Hamilton noted that bank erosion through natural scour could develop should the established willow protection be undercut. As a consequence the applicant has considered it prudent to provide for a secondary line of defence by construction of longitudinal river bank protection works behind the established willows in the form of trenched rock rip rap. The overall length of the trenched rock rip rap proposed is 528 metres; and this involves over 4000m³ of rock rip rap. Again the Commission notes that no issues were raised at the hearing with respect to this design solution for erosion protection.
92. The Otago Regional Council (ORC) submission contended that the broader geomorphic setting of the Shotover delta is not suited to a linear engineering analysis as presented; and that punctuated changes in bed load, for example consequent to an upstream landslide or earthquake-generated disturbance, may lead to bed level aggradation in the lower Shotover River which is not readily predictable based on current knowledge of the river catchment. The ORC is concerned that an increase in bed level would increase the flood risk to the proposed development accordingly, by either reducing the freeboard against high flows or by causing the river to avulse [move away] from its current course. The ORC also noted further risks from landslides adjacent to the Kawarau River downstream of the Shotover-Kawarau confluence.
93. Attached to the ORC submission was a report from Professor Davies (Attachment 1 to the submission) which emphasised that delta aggradation and associated bed level increase could occur following a significant release of sediment upstream. Such a situation could occur as a result of a large slope failure in the upper Shotover River

catchment, potentially as a landslide dam or as an active landslide/debris flow complex.

94. Professor Davies expanded on his report in his evidence. Professor Davies noted that from 30 kilometres to about 9 kilometres upstream of the delta the Shotover flows with an approximate width of less than 20 metres to 50 metres in a deeply-incised gorge above which are slopes several hundreds of metres high, a large proportion of which on both sides of the river show evidence of landslide activity.

95. Professor Davies noted that a landslide of about $50,000\text{m}^3$ would be capable of blocking the gorge to a depth of 10 metres in places; and that a $10,000,000\text{m}^3$ deposit would form a dam about 100 metres high. Professor Davies observed that such a dam may fail soon after it first overtops (as happened at Poerua in Westland) releasing the lake water and large volumes of mainly fine sediment as a “dambreak flood”; or alternatively the dam may not fail soon after it is first topped (as happened at the Young River in the Lake Wanaka catchment) in which case the lake infills with sediment until failure does, or does not, occur. In the months to decades following a landslide dam failure the remaining dam sediment is reworked downstream by the river, often creating substantial aggradation of the lowlands downstream of the gorge reach.

96. Professor Davies noted that an additional consequence of a landscape dam failure would be longer term aggradation of the Shotover delta as the dam sediment moves down into the Kawarau River. Professor Davies acknowledged that while the data from the Poerua dam break in 1999 cannot be directly applied to the Shotover situation, they suggest that metre-scale aggradation on the Shotover delta following a similar event cannot be ruled out. In his report attached to the ORC submission Professor Davies noted that a sediment input of $10,000,000\text{m}^3$ would potentially cover the delta surface to a maximum depth of about 8 metres, although he considered that a lower figure is more reasonable.

97. Professor Davies also noted that with metre-scale aggradation on the Shotover delta, normal variations in bed level could allow the main stream of the river to flow through the development during flood conditions, carrying a substantial sediment load. He

noted that this would obviously have the potential to cause structural damage to the development.

98. Professor Davies noted that the probability of a major earthquake-generated landslide in the Shotover Gorge is unknown but not necessarily very low; and he considered that further investigation was needed to remedy this lack of knowledge. As a consequence Professor Davies considered that the risk to the proposed development from a dambreak flood and/or major aggradation episode on the Shotover delta is also presently unknown; in particular he noted that this probability cannot be shown to be less than the 0.2% per annum [1 in 500 years] critical level for development. In response to a question from the Commission Professor Davies considered that the likelihood of an upstream landslide causing aggradation in the delta as described by him was “likely” to happen in the next 500 years. Professor Davies considered that it would be unwise to ignore the possibility of a landslide dam leading to a dambreak flood and a major episode of aggradation on the delta.

99. Mr Bryant noted that the Shotover Catchment has extensive landsliding on the flanks of the main valley and some of its tributaries, particularly those with high relief. Mr Bryant considered that the most notable landslide dams are the Lochnagar and Polnoon Burn landslide dams situated in tributaries about 65 and 72 kilometres, respectively, upstream of the State Highway 6 bridge across the Shotover River. Mr Bryant noted that Lochnagar has never overflowed and has remained intact for between 6000 and 9000 years; and that the Polnoon Burn landslide dam has breached and that the lake drained with little evidence available on the timing of such an event, but that this appears to be several thousand years in age.

100. Mr Bryant acknowledged that Professor Davies had made repeated reference to the Poerua landslide dam and failure and Professor Davies’s assertion that a similar sized failure (100m high, 10,000,000m³) could happen in the Shotover Catchment. Mr Bryant observed that this is despite a lack of common characteristics about which meaningful comparisons could be made, and despite any evidence for similar sized features having occurred locally in the last few thousand years.

101. Mr Bryant advised that he has undertaken 70-80 site investigations in the Shotover Country subdivision. He is confident that if there were any anomalous deposits that

could be attributed to damburst floods reaching the Lower Shotover fan that these would have come to his attention by now.

102. Mr Bryant addressed Professor Davies's scenario (ii) [as described at paragraph 23 of Professor Davies's evidence] which involved flooding due to failure of a landslide dam in the Shotover Gorge and passage of a floodwave down the river. Mr Bryant noted that this would have to involve a coincidence of events being:

- (i) A very large (100m high) dam, and
- (ii) A co-seismic trigger, and
- (iii) A catastrophic failure, and,
- (iv) Preferably a 1:20 AEP flood event to rapidly infill the dam and enhance the flood flows, and
- (v) [The dam being] located not too far upstream (to maximise impact).

103. Mr Bryant considered that the overall probability of these things happening at or about the same time could be gained by multiplying individual spatial and temporal probabilities. On this basis he considered that such a scenario has an extremely low probability of occurring. The Commission notes that conservatively applying a back of the envelope approach to the above factors indicates an overall probability of 1 in 8 million years; albeit that Mr Bassett was of the opinion that items (i) and (ii) would be likely to coincide, thus resulting in a conservative probability of 1 in 40,000 years.

104. Mr Bryant also calculated the volumes of sediment and hence aggradation thickness for different landslide scenarios in the Shotover delta as follows:

<u>Aggradation thickness (mm)</u>	<u>Landslide volume (m³)</u>
380 – 770	10,000,000
38 – 77	1,000,000
4 – 8	100,000

105. Mr Bryant noted that the delta is only one of (and the last of) several sections of river over which the dam-burst debris would be distributed and thus he considered that the thickness estimates presented above are highly conservative. Mr Bryant's analysis indicated that any aggradation would be in centimetres (or less), rather than being in metres as stated by Professor Davies.

106. The Commission invited Mr Bryant to comment on the likelihood of the landslide dam break and aggradation scenario described by Professor Davies; which Professor Davies considered was “likely” to happen in the next 500 years. Mr Bryant considered that such an event was “extremely unlikely” to happen within the next 500 years.
107. The Commission has been presented with two starkly different opinions by Professor Davies and Mr Bryant. Professor Davies’s position is that it cannot be shown that the risk to the proposed development from a major landslide dam break flood is tolerable. Mr Bryant has specifically addressed the history of landslides in the Shotover Catchment and has found, based on the potential coincidence of events, that a scenario as outlined by Professor Davies has an extremely low probability of occurring.
108. The Commission has found the evidence of Mr Bryant to be more plausible and prefers Mr Bryant’s evidence over that of Professor Davies with respect to this element of the flood hazard risk.
109. As previously noted the design flow of $2730\text{m}^3/\text{s}$ equates to a 1 in 10,000 year flood event. Mr Hamilton confirmed that the impact on the proposed development from any future delta aggradation levels as a result of mass movement in the Shotover Catchment will be minor even if:
- a. the event occurs, and
 - b. there is sufficient water energy to transport the sediment in far greater volumes than occur naturally now, and
 - c. the sediment passes in large volumes through the upstream trap areas at Big Beach and Tuckers Beach.
110. Mr Hamilton advised that very low probability landslide dam breaches upstream, with flows of up to $5,000\text{m}^3/\text{s}$ past the site, could be accommodated without reaching the proposed SHA hard fill level.
111. Mr Hamilton noted that should a landslide dam block the Kawarau River downstream of the Shotover River confluence then the Shotover River would flow back into the Lake Wakatipu. As the area of Lake Wakatipu is 290km^2 , and with no outflow and

depending on inflows, the level would rise over days to weeks until significant areas of lower Queenstown were inundated. Lower areas of Glenorchy and Kingston would also be affected. At a mean annual flow of $220\text{m}^3/\text{s}$ (the Kawarau River at Chard Road) Lake Wakatipu would rise at an average rate of $0.065\text{m}/\text{day}$; and it would take over 2 months to raise the lake by 5m. By the time the minimum finished ground level of 316 RL was reached at the SHA a substantial area in central Queenstown would be flooded to a depth of up to 4 metres (as demonstrated on Mr Goldsmith's attachment E3). Mr Hamilton advised that the water level rise back up the Shotover River to the SHA would be gradual and that velocities adjacent to the SHA site would be relatively low and unlikely to cause structural damage.

112. The Commission accepts Mr Hamilton's opinion that it is likely that efforts would be made to lower or remove any such landslide dam on the Kawarau River well before it would affect the SHA. Mr Bryant concurred that in such an event intervention works are likely to be mobilised to mitigate any flood impacts on the SHA and beyond.

113. The Commission also notes, in the context of flood hazards, that Stages 11, 12, 13, 14A and 14B of the Shotover Country development have occurred on the same terrace as that upon which the proposed development is to occur; and that engineered fill has been deployed for those stages. Mr Goldsmith's attachment D indicated that at present some 162 lots are in the process of subdivision and development on this terrace and that these are exposed to the same or similar hazard risk as any that might apply to the subdivision and development on the western SHA site.

114. In all the circumstances the Commission finds that any flood hazard effects are to be satisfactorily mitigated by the design solutions that are proposed by the applicant.

F.1.2 Liquefaction

115. A geotechnical report dated October 2016 prepared by Geosolve Ltd was provided as Attachment [O] to the application. This report was subject to a peer review by Tonkin & Taylor Limited dated 24 November 2016 which was attached as Appendix 2b to Ms Ellis's section 42A report.

116. Mr Hopkins advised, based on the above report and peer review, that all of the proposed allotments other than Lots 1-7 will be free from significant liquefaction risk.

Mr Hopkins has recommended that a layer of geogrid or similar ground improvement be undertaken on Lots 1-7 such to reduce ULS seismic differential settlement and ULS seismic lateral stretch to a level tolerated by NZS 3604:2011 foundations. Mr Hopkins also recommended that detailed design plans and design certification from a suitably qualified Geotechnical Engineer be provided accordingly.

117. Mr Hopkins's recommendation relates to Lots 1-7 only, and the Commission accepts that there is no liquefaction hazard risk with respect to the balance of the residential allotments which are proposed in the SHA.

118. The Commission finds that any adverse effects associated with liquefaction can be satisfactorily mitigated by the conditions recommended by Mr Hopkins.

F.1.3 Landscape and Visual Effects

119. A Landscape and Visual Assessment prepared by Land Landscape Architects dated July 2016 was provided at Attachment [K] of the application. The Commission has also been assisted by the report prepared by Dr Read dated 3 March 2017 which agreed with the Landscape and Visual Assessment in the main and which also agreed with Land's conclusions.

120. The Land report noted that the Operative District Plan [at Appendix 8A – Map 1] has classified the site as being within an area of Visual Amenity Landscape (VAL). Accordingly the Land report assessed the application on the basis of this landscape category. Ms Lucas in her evidence acknowledged the advice of Mr Goldsmith to the effect that the area of the SHA is too small to be considered as a VAL in its own right; and for completeness Ms Lucas assessed the proposal against assessment matters for an Other Rural Landscape (ORL). In his submissions Mr Goldsmith referred to the relevant caselaw being the High Court decision in Trident v QLDC CIV 2004-485-2426 and the Environment Court decision in Prospectus Nominees Ltd v QLDC C 238/2001. Dr Read concurred with Ms Lucas that the site should be considered an ORL rather than as a VAL.

121. The Commission confirms that it has had regard to the Assessment Matters which relate to an ORL as stated in Clause 5.4.2.2(4) of the Operative District Plan. The

Commission also acknowledges that Dr Read assessed the proposal in terms of the Assessment Matters presented in Chapter 21 : Rural in the Proposed District Plan.

122. When assessing the visual effects of the proposal the Commission acknowledges the Planting Concept Plan being drawing LIC dated 30 March 2017 which was tabled by Mr Goldsmith at the hearing. The Planting Concept Plan provides for plantings within the reserve areas adjacent to the residential allotments. The Commission also acknowledges the recommendation of Ms Lucas, to be enshrined in a condition, to the effect that fences adjacent to the reserves be post and wire [or wire netting] only, to a maximum height of 1.2 metres.
123. During the course of the hearing the building setback from the reserve boundary was discussed. Some witnesses referred to the setback as being 3 metres but draft Condition 12 of the land use consent for residential house construction, as tabled by Mr Goldsmith at the commencement of the hearing, provided for all buildings to have a minimum setback of 2.0 metres only from internal boundaries. The Commission has given consideration to this matter and considers that a setback of 3.0 metres should be provided adjacent to boundaries which are shared with the reserves in Lots 1002-1004. A 3.0 metre setback is to provide additional clearance from the plantings to be provided in terms of the Planting Concept Plan; to provide additional separation from the flood protection works to facilitate any future maintenance or repairs; and to provide additional separation between buildings on the residential allotments and the public space within the reserves.
124. The placement of the engineered fill on the existing terrace will result in the proposed residential allotments being at the same level as Stages 11, 12, 13, 14 and 14B of the Shotover Country development (in Activity Areas 1e and 1f of the Shotover Country Special Zone). Future dwellings on the engineered fill will be visible from Jim's Way (being a narrow road above State Highway 6 at the base of Ferry Hill); from State Highway 6 when travelling in an easterly direction between the cutting and the Shotover Bridge; from the formed Old School Road and the Queenstown Trail which is adjacent to the boundary of the site; and from the unformed legal road being an extension of Old School Road. The development will also be visible from the existing walking/cycle trail under the transmission lines which connects Old School Road to the internal roading system of Shotover Country.

125. From distant views (Jim's Way and State Highway 6) future dwellings will simply appear to be an extension of the existing Shotover Country development. Plantings within the reserves (along with street trees and garden trees) will serve to soften visual effects over time. From Old School Road and from the Queenstown Trail visual effects of development will be softened by plantings within the reserves. The existing walking/cycle trail between Old School Road and the internal Shotover Country road network will also have the benefit of plantings within the reserves. Dwellings will not be unexpected in this locality given the close proximity of the existing Shotover Country residential development.
126. While the subject site is close to the Shotover River which is identified as an ONL in the Operative District Plan and the Proposed District Plan; the proposed development will be elevated and set back from the ONL. The Commission concurs with Dr Read's opinion that the development will not adversely affect the quality or character of the ONL.
127. While the proposal is essentially for a large scale subdivision which is not generally found in the Rural General or Rural Zone the land concerned is enclosed to the north, east and south by the Shotover Country Special Zone, and to the west by the Old School Road road reserve, the Longshot Limited property and by the Shotover River. Given that the site is essentially an isolated pocket of rural land the Commission is satisfied that the proposed development will not degrade the quality and character of the surrounding rural landscape.
128. Having regard to the Assessment Matters contained in both the Operative District Plan and the Proposed District Plan the Commission has concluded that the landscape and visual effects of the proposal will be no greater than minor and that any such effects will be mitigated by adherence to the Planting Concept Plan and to adherence to conditions, particularly those relating to fencing and setback from internal boundaries where residential allotments share a boundary with the reserves in Lots 1002-1004.

F.1.4 Infrastructure Effects

129. An Infrastructure Assessment Report prepared by Clark Fortune McDonald & Associates has been provided as Attachment [J] to the application. Mr Hopkins also addressed matters relevant to the provision of infrastructure.

Water Supply

130. Potable water is to be provided by extending the existing Council water supply network installed within Toni's Terrace under previous stages of the Shotover Country development. Mr Hopkins is satisfied that there is sufficient capacity within the existing water supply network for the addition of the 101 allotments proposed in the western SHA subdivision.

131. The Shotover Country development and the SHA site will rely on a single bore pump, without a backup generator. This bore pump is located within the proposed reserve being Lot 1003 and is located in close proximity to Old School Road near the commencement of the Queenstown Trail. Mr Hopkins advised that the Council has recently confirmed that the existing single borefield will be expanded to include 6 bores and a standby generator. The applicant has agreed to contribute to the cost of this infrastructure.

132. The Commission is satisfied that adverse effects on the environment in terms of water supply will be no more than minor.

Wastewater

133. To service the subdivision the applicant proposes to extend the existing Council wastewater network which has been installed during previous stages of the Shotover Country subdivision.

134. Mr Hopkins is satisfied that the existing wastewater gravity mains are sized to cater for the demand for the SHA and he has recommended a condition of consent to ensure that the extension to the Council pipe network is appropriately installed.

135. Mr Hopkins's report initially recommended that an additional 60m³ inline storage tank should be provided at the existing Shotover Country pump station to ensure that sufficient storage of wastewater (for emergency and buffering) is provided. Further

consideration has now been given to this matter and the Council's Chief Engineer, Mr Glasner, has determined that storage in the network (pipes) can be utilised as emergency storage and that therefore the additional tank storage is no longer considered necessary.

136. The Commission is satisfied that any adverse effects on the environment in relation to wastewater treatment and disposal will be no greater than minor.

Stormwater Disposal

137. All stormwater is to be managed in general accordance with the Catchment Stormwater Management Plan for the Shotover Country Special Zone. The applicant proposes to extend the existing Council stormwater mains installed and vested under previous stages of the Shotover Country development; with discharge to a final treatment and discharge point installed within Activity Area 5d in the Shotover Country Special Zone.

138. Mr Hopkins is generally satisfied that the downstream pipe network has been designed to cater for the proposed increased flows from the SHA.

139. The Commission is satisfied that any adverse effects on the environment with respect to stormwater disposal will be less than minor.

Energy and Telecommunications

140. Correspondence from PowerNet dated 9 March 2017 and from Chorus dated 7 March 2017 was attached as Appendix 1 and Appendix 2, respectively, to Ms Hanson's evidence. This correspondence confirms that electricity and telecommunication services can be provided to the subdivision within the SHA.

141. Gas mains also run through the Shotover Country Special Zone and it is understood that these are to be extended into the SHA.

142. The Commission considers that any adverse effects on the environment will be less than minor with respect to energy supply and telecommunications.

143. Having regard to the above the Commission's conclusion is that any adverse effects with respect to infrastructure will be no greater than minor and can be mitigated by adherence to appropriate conditions of consent.

F.1.5 Traffic Effects

144. Lots 801-807 are proposed to be dedicated in the Council as Road. The reason for dedication, rather than vesting, is the presence of interests on the land which the developer is unable to reasonably have removed. Ms Ellis confirmed that the Council agrees to the proposal for the roads to be dedicated in this instance.

145. The Infrastructure Assessment Report at Attachment [J] to the application confirmed that the new roading in the SHA is to be consistent with the roading provided in the rest of the Shotover Country Special Zone. An initial assessment of the operating speeds for the respective roads was provided by Mr Jason Bartlett of Bartlett Consulting in an email dated 8 September 2016, which was provided at Attachment [M] to the application. Traffic effects associated with the roading were assessed in Mr Hopkins's report.

146. Mr Hopkins is satisfied that the existing road network, being the road network within Shotover Country and the roundabout which has been recently installed on State Highway 6, has sufficient capacity to cater for the proposed 101 residential allotments.

147. Mr Hopkins has assessed the details of each proposed road (in Lots 801-807) and is satisfied that they will be able to meet the Council's standards. The Commission also notes that Mr Hanson advised at the hearing that buses will be able to pass through the proposed roading system within the subdivision albeit that the closest designated bus stop is located at Merton Park in Stage 14A of the Shotover Country development.

148. Indented parking is proposed along the subdivisional roads consistent with the approach being taken elsewhere in the Shotover Country Special Zone. The Commission questioned the adequacy of this form of on-road parking provision at the hearing. Mr Hopkins noted the potential for vehicles to park on-site in front of garages and he noted that a particular issue has arisen elsewhere in the Shotover Country Zone where medium density (and not low density) housing has been provided for.

The Commission also notes that Ms Ellis advised that the proposed allotments are of sufficient size to provide for two on-site parking spaces per dwelling. In all the circumstances the Commission accepts Mr Hopkins's opinion that there is unlikely to be a significant issue with respect to on-road parking within the SHA.

149. The Commission has concluded that any adverse effects on the environment relating to traffic matters will be less than minor.

F.1.6 Earthworks

150. Substantial earthworks will be required with respect to the placement of engineered fill. These works will involve the stripping of 400mm of topsoil and placing some 227,000m³ of fill. The fill will be extracted from the bed of the Shotover River as permitted in terms of ORC consent 2008.594. Relevant QLDC resource consents include RM 081455, RM 150023 and RM 160785. As noted above some 4000m³ of rock rip-rap will be placed along the western edge of the residential subdivision to provide additional flood protection.

151. Potential short term adverse effects associated with earthworks include dust, sediment, noise and vibration. Conditions have been proposed by the applicant to manage earthworks to ensure that adverse effects on neighbouring properties are mitigated. Mr Hopkins has also recommended that a Site Management Plan (SMP) be required for certification prior to works commencing. Mr Hopkins also recommends that all sumps installed be fitted with filter cloth to exclude silt entering the system, in order to protect the stormwater outfalls and wetlands beyond the site.

152. Conditions of consent have also been promoted by the applicant to address concerns raised by Transpower with respect to any effects of earthworks on the Cromwell-Frankton A 110kV transmission line that forms part of the National Grid.

153. The Commission considers that conditions can be applied to mitigate any adverse effects associated with earthworks on neighbours, on the transmission line and on the wider environment.

F.1.6 Other Potential Effects

154. Other potential effects have been addressed in Ms Ellis's report. The Commission acknowledges that the applicant is agreeable to a condition to be subject to a consent notice, with respect to development within 25 metres of the Cromwell-Frankton A 110kV high voltage transmission line on Lots 89-100. The Commission agrees that such a condition is appropriate.

155. The Commission has no further comment to make with respect to other potential effects identified in Ms Ellis's section 42A report and in the application.

F.1.7 Positive Effects

156. The proposal will have a positive effect by increasing the supply of residential sections consistent with the purpose of the HASHAA. The proposed subdivision and development is consistent with the adjoining pattern of development within the Shotover Country Special Zone and amenity planting is to be provided within the reserves in Lots 1002-1004. Other positive effects include the employment opportunities which will be provided during the construction phase of the development.

F.1.8 Summary : Effects

157. The Commission finds that any actual or potential adverse effects on the environment can be satisfactorily mitigated by adherence to appropriate conditions of consent; and that the proposal will have significant positive effects which outweigh any actual and potential adverse effects on the environment.

F.2 National Environmental Standards (section 104(1)(b)(i) of the RMA)

158. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES) came into effect on 1 January 2012.

159. The applicant has commissioned Davis Consulting Group Limited to prepare a Preliminary Site Investigation (PSI) in terms of the NES which is Attachment [G] to the application. The Commission notes that the PSI was prepared in January 2013 and related to land across the Shotover Country development area. In correspondence dated 12 September 2016, which is also at Attachment [G], Mr Davis of the Davis Consulting Group Limited advises that, based on the PSI, it is highly unlikely that there is a risk to human health associated with the residential activity. Accordingly the

Commission is satisfied that no Hazardous Activities and Industries List (HAIL) activities are being, have been, or are more likely than not to have been, undertaken on the subject site. The proposal can therefore be considered as a permitted activity under the NES.

160. There are no other national environmental standards relevant to the proposal.

F.3 National Policy Statements (section 104(1)(b)(ii) of the RMA)

F.3.1 National Policy Statement on Electricity Transmission 2008

161. The National Policy Statement on Electricity Transmission 2008 (NPSET) confirms the national significance of the National Grid and the need to appropriately manage both the transmission network and activities and development under and close to it. Policies 2, 10 and 11 of the NPSET are relevant in this instance. These policies direct decision makers to recognise and provide for the effective operation, maintenance, upgrade and development of the electricity transmission network; to manage activities to avoid reverse sensitivity effects on the transmission network and to ensure the ongoing maintenance and operation of the network is not compromised; and to consult with the operator of the National Grid to ensure an appropriate buffer is established.

162. The Commission is satisfied that the imposition of conditions, consistent with the submission of Transpower New Zealand Limited, will ensure that the NPSET is given effect to.

F.3.2 National Policy Statement on Urban Development Capacity 2016 (NPSUD)

163. The National Policy Statement on Urban Development Capacity 2016 (NPSUD) is about recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change; and
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

164. Under the NPSUD Queenstown is recognised as a “High-growth urban area” which means that all provisions of the NPSUD apply, some immediately. Mr Goldsmith

tabled a copy of the NPSUD at the hearing and drew the Commission's attention to key objectives and policies of the NPSUD in his supplementary legal submissions.

165. The Commission finds that the proposal is consistent with the relevant objectives and policies of the NPSUD.

F.3.3 National Policy Statement for Freshwater Management 2014 (NPSFM)

166. The objective of the National Policy Statement for Freshwater Management 2014 (NPSFM) is to improve the integrated management of freshwater and the use and development of land. The proposal seeks to store and treat stormwater in an existing facility in Activity Area 5d within the Shotover Country Special Zone. As stormwater will be treated, this will ensure that any potential contaminants are removed from the stormwater, thus protecting freshwater and ecosystems from contaminants that may result from the development.

167. The Commission finds that the proposal is consistent with the objectives and policies of the NPSFM.

F.4 Regional Policy Statement or Proposed Regional Policy Statement (section 104(1)(b)(v) of the RMA)

F.4.1 Operative Regional Policy Statement for Otago (ORPS)

168. The Regional Policy Statement for Otago (ORPS) became operative on 1 October 1998. The key regional objectives and policies of the ORPS were attached to Ms Ellis's report at Appendix 3b. The Commission also notes that objectives and policies of the ORPS relating to the management of natural hazards were discussed by Mr McRae in his evidence.

169. Following consideration of all of the evidence relating to natural hazards the Commission has concluded that action is to be taken to avoid or mitigate the adverse effects of natural hazards in this instance, and that such mitigation is adequate. Accordingly the Commission has concluded that the proposal is not contrary to the objectives and policies of the ORPS as these relate to natural hazards.

170. The Commission concurs with Ms Ellis that the proposal will be consistent with the relevant objectives and policies of the ORPS.

F.4.2 Proposed Regional Policy Statement for Otago (PRPS)

171. The proposed Regional Policy Statement for Otago (PRPS) was publicly notified in 2015 and was amended by decisions on submissions on 1 October 2016. Many provisions of the amended PRPS remain subject to appeal and the Commission considers that these provisions can therefore carry limited weight.
172. The relevant objectives and policies of the PRPS are presented in Appendix 3b to Ms Ellis's section 42A report. Again it is noted that the objectives and policies of the PRPS relevant to natural hazards were discussed by Mr McRae in his evidence.
173. Following consideration of flood hazard effects in Part F.1.2 of this decision the Commission is satisfied that the flood risk is to be adequately mitigated. In this context it is also noted that Dr Palmer acknowledged that the Shotover Country Special Housing Area Deed (Infrastructure & Affordability) dated 29 April 2016 provides for the ownership of the buried rip-rap wall to rest with the Council.
174. The Commission concurs with Ms Ellis that the proposal is consistent with the relevant objectives and policies of the PRPS albeit that limited weight can be placed on these provisions given the inchoate status of them.

F.5 Plans or Proposed Plans (section 104(1)(b)(vi) of the RMA)

F.5.1 Operative District Plan

175. The Queenstown Lakes District Plan became fully operative on 10 December 2009. Parts 4, 5 and 12.29 of the Operative District Plan contain objectives and policies that are District Wide; for Rural Areas; and for the Shotover Country Special Zone. Other relevant objectives and policies are presented in Parts 14, 15 and 22 which relate to Transport; Subdivision, Development and Financial Contributions; and Earthworks, respectively.
176. The relevant objectives and policies of the Operative District Plan are presented at Appendix 3a to Ms Ellis's section 42A report; and an analysis of these objectives and policies is presented at Attachment [P] to the application.

177. To a large degree the objectives and policies relate to matters discussed in Part F.1 of this decision where the actual and potential effects of the proposal on the environment are addressed. It is neither desirable or necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

178. Section 4.2 of the Operative District Plan relates to Landscape and Visual Amenity and Section 4.2.4(iv) confirms that Other Rural Landscapes (ORL) are those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as Outstanding Natural Landscapes or Visual Amenity Landscapes.

179. Objective 4.2.5 is:

“Objective:

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

180. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of subdivision and development; Policy 6 that relates to Urban Development; Policy 7 that relates to Urban Edges; Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; and Policy 17 that relates to Land Use.

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

182. The Commission is satisfied that this policy is satisfied in this instance. The development is to occur in an area that has potential to absorb change without detracting from landscape and amenity values, the land concerned being within an ORL immediately adjacent to the existing Shotover Country development. The Commission also notes that the land is contained by topography and that the reserves

in Lots 1002-1004 will provide a landscape buffer between residential subdivision and development and the Queenstown Trail, as well as between such subdivision and development and the walking/cycle trail under the transmission lines.

183. In terms of Policy 6 – Urban Development and Policy 7 – Urban Edges this urban development is not within an Outstanding Natural Landscape of the Wakatipu Basin or in a Visual Amenity Landscape; the SHA will serve to clearly identify the edge of this extension to the Shotover Country Special Zone; and the proposal will avoid sprawl along the roads of the District.

184. In terms of Policy 8 – Avoiding Cumulative Degradation – the Commission is satisfied that the proposed density of development will not increase to the point where the benefits of further planting and building are outweighed by adverse effects on landscape values of over-domestication of the landscape. The Commission is satisfied that the proposal is consistent with Policy 8(a); and that the proposal will be sympathetic to the rural area in terms of Policy 8(b).

185. Policy 9 – Structures refers specifically (in the context of ORL) to preserving the visual coherence of all rural landscapes by limiting the size of signs, corporate images and logos and by providing for greater development setbacks from public roads to maintain and enhance amenity values associated with views from public roads. The Commission simply notes in this context that the reserves being Lots 1002-1004 will provide substantial separation between the unformed legal road being Old School Road and the residential allotments.

186. In all the circumstances the Commission is satisfied that the proposal is consistent with Policy 9.

187. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. The Commission is satisfied that the proposal is consistent with Policy 17.

188. Section 4.8 of the Operative District Plan relates to Natural Hazards and the relevant Objective 1 and associated policies seek to avoid or mitigate loss of life and damage to infrastructure and assets from natural hazards by ensuring buildings and

developments are constructed and located to avoid or mitigate hazards. Policy 1.6 is of particular relevance as it discourages subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.

189. Following consideration of flood hazard effects in Part F.1.2 of this decision the Commission finds that the risk of flooding to people and property in the SHA will be sufficiently mitigated. Accordingly the Commission finds that the proposal is not contrary to the objective and policies in Section 4.8 of the Operative District Plan.

190. Part 5 of the Operative District Plan contains objectives and policies that specifically relate to Rural Areas. These objectives and policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area.

“Objective 1 – Character and Landscape Value

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

Policies:

1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

...

1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*

...

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

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

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

191. In terms of Policy 1.1 the District Wide landscape objectives and policies have been considered fully above. In terms of Policies 1.3 and 1.5 the proposed development will not change or compromise the productive rural potential of the land as the site

contains a small remnant of rural land being the residual land resulting from the development of Shotover Country. In terms of Policy 1.6 the proposal will adequately avoid, remedy and mitigate adverse effects of development on the landscape values of the District; in terms of Policy 1.7 the proposal provides for future structures that are located in areas with the potential to absorb change; and in terms of Policy 1.8 the proposal will serve to avoid or mitigate adverse effects on skylines, ridges, hills and prominent slopes. The Commission notes in the context of Policies 1-6 – 1.8 that the SHA is a logical extension to the existing Shotover Country development. The Commission finds that the proposal is not contrary to Objective 1 and its associated policies.

192. Objective 3 and its associated policies relate to avoiding, remedying or mitigating adverse effects on rural amenity. The Commission is satisfied that the proposal will avoid, remedy and mitigate adverse effects on rural amenity, to the extent that an open buffer area is to be retained within the reserves being Lots 1002-1004. The Commission also acknowledges that the site has limited rural amenity given that it is a small remnant of rural land adjacent to an established urban area at Shotover Country. The Commission finds that overall the proposal is not contrary to Objective 3 and its associated policies.

193. The Commission concurs with Ms Ellis that the proposal gives effect to the relevant Part 5 objectives and policies.

194. Having regard to the above objectives and policies, and to the other objectives and policies from the Operative District Plan which have been comprehensively presented in Appendix 3a to Ms Ellis's report, the Commission finds that the proposal is not contrary to the relevant objectives and policies of the Operative District Plan.

F.5.2 Proposed District Plan

195. The Proposed Queenstown Lakes District Plan was publicly notified on 26 August 2015; and submissions in response to the Proposed District Plan are currently being heard.

196. The relevant provisions of the Proposed District Plan have been addressed above in Part E of this decision; the relevant Proposed District Plan being a third priority matter for consideration under the HASHAA.

197. The Commission considers that it is not necessary to repeat that analysis here but confirms its overall conclusion that the proposal is consistent with the direction of the Proposed District Plan and in particular with the strategic management approach to growth and development enshrined in the Proposed District Plan.

F.5.3 Regional Plan : Air

198. The Regional Plan : Air became operative on 1 January 2003. The Regional Plan : Air provides objectives, policies and rules to manage air quality throughout the Otago Region. Consistent with the approach taken elsewhere in the Shotover Country development, all woodburners will be prohibited.

199. The Commission concurs with Ms Ellis that the proposal is consistent with the Regional Plan : Air.

F.5.4 Regional Plan : Water

200. The Regional Plan : Water was deemed to be operative on Thursday 1 March 2012. The Regional Plan : Water provides objectives, policies and rules to manage the water resource through the Otago Region. Objective 5.3.8 and Policy 5.4.2, which relate to natural hazards, were discussed in Mr McRae's evidence. Again, having regard to the Commission's consideration of flood hazard effects in Part F.1.2 of this decision, the Commission finds that the flood hazard risk is to be satisfactorily avoided or mitigated by the design solutions proposed by the applicant.

201. All earthworks will be managed to avoid runoff into waterways; and all stormwater and wastewater will be appropriately managed.

202. The Commission concurs with Ms Ellis that the proposal is consistent with the objectives and policies of the Regional Plan : Water.

F.5.5 Summary : Plans and Proposed Plans

203. Following the above analysis the Commission finds that the proposal is not contrary to the objectives and policies stated in the plans and proposed plans which are relevant to the application.

F.6 Other Matters (section 104(1)(c) of the RMA)

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

F.6.1 Lead Policy

205. It is appropriate to assess this application against the Lead Policy dated 30 April 2015 which was the relevant Lead Policy at the time that Area 1 at Shotover Country was recommended to be a SHA and subsequently included in Schedule 4 of the Order in Council.

206. The provisions of the Lead Policy have been addressed in Part C of this decision.

F.6.2 Precedent

207. Precedent is a relevant consideration given that the subdivision and land use activity has status as a non-complying activity in terms of the Operative District Plan. In this instance the site is a remnant piece of rural land adjacent to the subdivision and development which has occurred in Activity Area 1f of the Shotover Country Special Zone. The Commission has concluded earlier in this decision that any actual or potential adverse effects on the environment can be satisfactorily mitigated; and that the proposal is not contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan. In all the circumstances the Commission is satisfied that the proposal will not establish a significant precedent.

F.6.3 Queenstown Growth Management Strategy

208. The Queenstown Lakes District Council Growth Management Strategy 2007 proposed to contain development within set areas that do not include the existing development areas of Shotover Country or Lake Hayes Estate. Accordingly the proposal is not consistent with the Queenstown Lakes District Council Growth Management Strategy 2007.

209. It is important to note in this context that this Strategy predates Plan Change 41 (for the Shotover Country Special Zone); the HASHAA; the NPSUD; and the Proposed District Plan. As a consequence the Strategy is somewhat outdated given the residential subdivision and development which has occurred at both Shotover Country and Lake Hayes Estate, in particular, and accordingly the Commission finds that limited weight should be placed on the Strategy.

F.6.4 NZECP 34:2001

210. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) specifies minimum safe separation distances for buildings/structures, earthworks, mobile plant and people from transmission lines and support structures. It is noted that the NZECP 34:2001 is a regulation under the Electricity Act 1992 and that compliance with the provisions of NZECP 34:2001 is mandatory. The Commission simply acknowledges that the applicant is agreeable to a condition which ensures that the proposed earthworks will comply with the NZECP 34:2001.

F.6.5 Section 106 of the RMA

211. Section 106(1) of the RMA provides discretion for a consent authority to refuse to grant a subdivision consent or to grant a subdivision consent subject to conditions, if it considers that the land in respect of which a consent is sought is, or is likely to be, subject to (or is likely to accelerate) material damage by various natural hazards including inundation. Having regard to the analysis contained in Part F.1.2 of this decision the Commission is satisfied that conditions of consent will ensure that any flood hazard effects are to be satisfactorily mitigated in this instance. A condition is also to be applied with respect to the potential liquefaction.

212. For completeness it is noted that sufficient provision is made for legal and physical access to each allotment to be created by the subdivision in the SHA, and section 106(1)(c) of the RMA therefore does not apply in this instance.

213. No other matters appear to have any particular relevance in this instance in terms of section 104(1)(c) of the RMA.

F.7 Section 104D of the RMA

214. As the application for subdivision and land use consent is a non-complying activity in terms of the Operative District Plan the proposal has to pass through one of the gateway tests specified in section 104D(1) of the RMA. Having regard to the analysis contained in Part F.1 and Part F.5 of this decision the Commission has concluded that any adverse effects of the activity on the environment will be minor; and that the activity will not be contrary to the objectives and policies of the Operative District Plan and the Proposed District Plan. Accordingly the Commission is satisfied that the proposal passes through both of the gateway tests specified in section 104D(1) of the RMA.

F.8 Other Relevant Enactments

215. The Commission is satisfied that there are no other relevant enactments; and that accordingly there are no matters that would arise for consideration under any other relevant enactment pursuant to section 34(1)(d)(ii) of the HASHAA.

G. URBAN DESIGN QUALITIES

216. The key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and any subsequent additions of that document are recognised as the fifth priority matter under section 34(1)(e) of the HASHAA.

217. The New Zealand Urban Design Protocol (2005) identifies seven essential design qualities ("the 7 C's") that together create quality urban design. These are as follows:

- **Context** – Seeing buildings, places, and spaces as part of whole towns and cities.
- **Character** – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
- **Choice** – Ensuring diversity and choice for people.
- **Connections** – Enhancing how different networks link together for people.
- **Creativity** – Encouraging innovative and imaginative solutions.
- **Custodianship** – Ensuring design is environmentally sustainable, safe and healthy.
- **Collaboration** – Communications and sharing knowledge across sectors, professions and with communities.

218. Ms Costello has reviewed the application against the 7 C's. In summary she has found that the proposal will be a seamless extension to the existing Shotover Country residential development and therefore reflects the existing **context**; and that the **character** will be consistent with the adjoining Activity Area 1f development in the Shotover Country Special Zone. Ms Costello notes that while there is little variation in lot sizes, the SHA will continue to provide an existing (popular) housing option which can form part of the **choice** available in the District's housing stock.

219. Ms Costello also found that the proposal will provide for suitable **connections** to the road networks and open space; and that the design is practical and workable rather than being imaginative and that while the proposal does not directly accord with the **creative** design quality, it is accepted from a design perspective. She also noted that the design does not preclude additional sustainability measures or **custodianship** at the development stage of individual allotments; and that the proposal represents **collaboration** between the relevant experts.

220. Ms Costello acknowledged that the proposal is appropriate as it is an extension of the existing Shotover Country Special Zone Activity Area 1f, continues the existing character and will provide additional choice of this product. She considered the design of roading and resulting block and lot layouts as being relatively simple and coherent whilst linking with existing roads and development, which will add legibility for residents and visitors. The Commission accepts Ms Costello's overall conclusion that the proposal, given its context and its role as an extension to the Shotover Country development, is appropriate in terms of the key urban design qualities expressed in the New Zealand Urban Design Protocol (2005).

H. SUFFICIENT AND APPROPRIATE INFRASTRUCTURE

221. Section 34(2) of the HASHAA directs that an authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.

222. The Commission has addressed in-ground infrastructure and roads in Parts F.1.4 and F.1.5 of this decision. The Commission confirms that it is satisfied that sufficient and appropriate infrastructure will be provided to support the subdivision and development which will occur within the western SHA.

I. SUBMISSIONS

223. The Commission has given consideration to the submissions lodged by the Otago Regional Council and Transpower New Zealand Limited in response to the application.

224. Having regard to the analysis of flood hazard effects in Part F.1.2 of this decision the Commission does not consider it appropriate that the application be declined, as requested in the Otago Regional Council submission.

225. Transpower New Zealand Limited has supported the application in part and has promoted conditions as detailed in Attachment 2 to the correspondence from Ms McFarlane of Transpower dated 27 March 2017. The Commission considers it appropriate that conditions be applied consistent with the intent of the Transpower submission and notes that the applicant is agreeable to such conditions.

J. LAPSING DATE

226. Section 51 of the HASHAA has the effect of amending the lapsing date specified in section 125 of the RMA by reducing the lapse period in section 125(1)(a) from 5 years to 1 year. It is noted that section 125(1) of the RMA enables a consent authority to specify a different lapse date in the consent.

227. In this instance the applicant has sought a two year lapse period from the date of this decision for the subdivision consent and land use consent for earthworks; and a six year lapse period for the land use consent for residential units. The applicant anticipates that the subdivision will take one year to construct and accordingly seeks an extended period of time in relation to both the subdivision component of the consent and the land use components.

228. The Commission considers that extended lapsing dates, as sought by the applicant, are appropriate in this instance.

K. OUTCOME

229. The Commission has given consideration to the western SHA proposal in terms of both the HASHAA and the RMA.

230. Following consideration of the application and submissions in terms of section 34(1) of HASHAA and sections 104, 104B and 104D of the RMA the Commission has decided to exercise its discretion under section 36 of the HASHAA and section 104B of the RMA to grant consent to the application subject to the imposition of the conditions of subdivision and land use consent as attached in the Schedule to this decision.

This decision on SH 160139 is dated 4 May 2017.

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

W D Whitney

COMMISSIONER for the Commission being WD Whitney, D Clarke and S Stevens

SCHEDULE : CONDITIONS OF SUBDIVISION AND LAND USE CONSENT FOR SH 160139 : SHOTOVER COUNTRY LIMITED

The consent conditions are provided below in three parts:

Part A: *Subdivision Consent*

Part B: *Landuse Consent - Earthworks for the placement of fill*

Part C: *Landuse Consent – Residential House Construction Lots 1 - 101*

PART A: SUBDIVISION CONSENT

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - a) Clark Fortune McDonald & Associates:
 - Scheme Plans Entitled 'Stage 15 Shotover Country, Lots 1-101, 801-807, 1001-1004 being a subdivision of Lots 1 RM160626', Drawing No 01, (sheets 001-003), Rev F dated 07.04.17;
 - Shotover Country Stage 15 Subdivision Layout Plan, Drawing No 02, (sheets 001-002), Rev G dated 07.04.17;
 - Shotover Country Proposed Erosion Protection Layout, Drawing No. ER001, Sheets 001 – 006, Rev C, dated 04.11.16 *[It is noted that the willows on this plan are now excluded and do not form part of this consent];*
 - Shotover Country Fill Design, Drawing No 18, Sheets 001 & 002, dated 02.12.15;
 - b) Land Landscape Architects:
 - Shotover Country – SHA 'Planting Concept Plan', drawing no. L1C, Rev C dated 30.03.17
 - Shotover Country Stage 15 'Street Tree Planting Plan' drawing no. L19, dated 24.08.16;
- stamped as approved on 4 May 2017**, with the exception of the amendments required by the following conditions of consent.
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 (QLDC LDCP) and subsequent amendments to that document up to the date of issue of any subdivision consent, except where specified otherwise.
4. Any landscaping located within the public open space areas including reserve land, the road corridors and walking/cycling links, shall be comprised of species identified as being frost hardy and shall be connected to a reticulated irrigation supply (irrigation supplied to each tree).

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 1.7 & 1.8 of the QLDC's LDCP, in relation to this development.

6. Prior to commencing works on site, the consent holder shall submit to the Principal Resource Management Engineer at Council an approved Traffic Management Plan from the Road Corridor Engineer at Council if any parking or public traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers need to be installed on any public road. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor and implemented in accordance with the approved Traffic Management Plan.
7. Prior to the commencement of works, the consent holder shall provide to the Principal Resource Management Engineer at Council, for review and acceptance, a Site Management Plan for the proposed works. This Plan shall specifically include measures to limit the effects of erosion, dust and silt migration in accordance with Section 2.3.7 of the QLDC LDCP. These measures shall be implemented prior to the commencement of any works on site and shall remain in place for the duration of the project. To protect the operational stormwater outfalls, and wetlands beyond, all sumps installed shall be fitted with filter cloth to exclude silt entering the system and this measure shall remain in place until 224c certification has been obtained.
8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at the Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by the Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - a. Provision of a developer agreement (Heads of Agreement) with Council to address the upgrades to bore water field, which will provide supply to allow for the increased demand generated by the development. The developer agreement shall confirm the programming of and payment for these upgrades.
 - b. Provision of a potable water supply connection from Council reticulation to each residential lot in terms of the Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
 - c. The provision of landscaping irrigation that is designed to last at least five years and includes the use of backflow preventers. This shall be accompanied by evidence that the design has been reviewed and accepted by the Council's Parks & Reserves Manager. Irrigation shall be designed in accordance with QLDC Irrigation Standards.
 - d. The provision of fire hydrants with adequate pressure and flow to service each residential lot with a Class FW2 fire risk in accordance with the NZ Fire Service Code of Practice for Fire fighting Water Supplies 2008. Any lesser risk must be approved in writing by the NZ Fire Service.
 - e. The provision of a foul sewer connection from each residential lot to Council's reticulated sewerage system, in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot.
 - f. The provision of a stormwater connection from each residential lot to Council's reticulated stormwater network in accordance with Council's standards and connection policy, which shall be able to drain the maximum potential impervious area within each lot under the 5% AEP storm event.
 - g. The provision of a secondary stormwater protection system consisting of secondary flow paths to cater for the 1% AEP storm event.
 - h. Provision of a minimum 1.5 m wide gravel path linking Hicks Road with the existing gravel cycle trail within the transmission line corridor to the north-west in accordance with Council standards.
 - i. The extension to Hicks Road (contained within Lot 801) has a target operating speed of 40 kph and shall be designed and formed in accordance with the QLDC LDCP, Table 3.2 "Suburban, Live and Play, Primary Access to housing up to 200 du", Figure E12 with the following exceptions:
 - The carriageway shall be formed in asphaltic concrete.

- Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on the southern side of the road only.
- j. Headley Road (contained within Lots 801/803/807) has a target operating speed of 40 kph and shall be designed and formed in accordance with the QLDC LDCP, Table 3.2 “Suburban, Live and Play, Primary Access to housing up to 200 du”, Figure E12 with the following exceptions:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on both sides of the road.
- k. Road 2 (contained within Lot 802) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- l. Peasmoor Road (contained within Lots 804 & 805) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- m. Road 7 (contained within Lot 806) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- n. The rights-of-way accessing Lots 2 & 3, 7 & 8, 11 & 12, 41, 46, 47 & 50, 57 & 58, 98-100 shall be designed in accordance with the QLDC LDCP, Table 3.2 “Suburban, Live and Play, Access to houses up to 3 du”, Figure E09 with the exception that the carriageway shall be constructed of asphaltic concrete.
- o. The formation of all road intersections in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and approval by Council with any associated costs met by the consent holder. Intersections shall include traffic signs and markings which shall comply with NZTA’s Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
- p. The provision of asphaltic concrete vehicle crossings, which shall be constructed to each residential lot to Council’s standards. Crossings shall either be double width or single width, with sufficient offset from indented parking to allow future widening to a double width crossing without conflict. The crossings shall be located a minimum distance of 1 metre from side boundaries.
- q. The provision of road lighting in accordance with the Council’s road lighting policies and standards, including the Southern Lighting strategy. A Lighting Subcategory of minimum P5 shall be used for all roads in accordance with AS/NZS 1158.3.1:2005. If possible, the poles and luminaries shall be consistent with those installed on previous stages of the Shotover Country development.
- r. The transportation infrastructure design submitted for review and certification shall be accompanied by the following;
- i) A design and access statement in accordance with the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015*, Section 3.2.6.
 - ii) Vehicle tracking movements shall be clearly demonstrated for all roads (specifically that of an 8 m rigid truck).

- iii) Detailed design for all roading shall illustrate how traffic calming measures have integrated pedestrian facilities, cycling facilities, parking layout and streetscapes into the overall design to achieve the target operating speed. The detailed design shall be prepared in consultation with an independent qualified person and a report submitted by this person confirming the designs achieve the target operating speed.
 - s. Provision of flood protection erosion works as per the Clark Fortune McDonald & Associates Ltd Job 11494 Drawing ER001 sheets 001-006 Rev C dated 04.11.16 with the addition of the following specific changes-
 - Amend drawings from 150 % gradient to 100% gradient, and add a note that all trenches should be designed and inspected by a suitably qualified Engineer before any personnel enter the trenches.
 - Add note to Specification that “Nuclear Density Meter (NDM) testing shall be undertaken at a frequency of 1 per 100 m³ of backfill material placed”.
 - Add note to Specification Item 12: “Maximum particle size of 200 mm diameter”.
 - Add note to Specification that “No buildings shall be constructed over the river protection works trench without specific approval of the Chief Engineer for the Queenstown Lakes District Council”.
 - Add note to drawings that the double row of shrub willows at the base of the earthfill areas are “optional”.
 - t. Provision of design plans and certification from a suitably qualified Geotechnical Engineer for the provision of a layer of geogrid or similar ground improvement on Lots 1-7 to ensure the ULS seismic differential settlement and ULS seismic lateral stretch is reduced to the level tolerated by standard NZS 3604:2011 foundations for residential houses.
 - u. The provision of Design Certificates for all engineering infrastructure works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Flood protection works, Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015* Schedule 1A Certificate.
9. The Consent Holder shall provide to the Queenstown Lakes District Council (Property and Infrastructure Department) for review and acceptance details of the works proposed to be carried out on the walking and cycle trails within Lots 1001-1004, in accordance with Council’s Cycle Trail and Track Design and Specifications 2015, to achieve the following standards in respect of the following trails:
- a. The trail which forms part of the Queenstown Trail and runs through Lots 1002-1004 alongside the unformed legal road – Grade 1 Standard;
 - b. The cycle trail which runs through Lots 1001 and 1002 along the Transmission Line Corridor – Grade 2 Standard.
10. The consent holder shall submit a planting plan for certification by Queenstown Lakes District Council’s Parks and Reserves Manager. The planting plan shall show detailed planting within the Recreation and Local Purpose Reserves being Lots 1002-1004 in general accordance with the Land Landscape Architects Planting Concept Plan listed under Condition 1b) and shall:
- a. Include a planting list that details plant and tree species, grades and spacing at time of planting and number of each species to be planted;
 - b. Be designed so that some of the species, when mature, will achieve partial screening of the residential development when viewed from the trail which forms part of the Queenstown Trail runs alongside the unformed legal road through Lots 1002-1004 whilst avoiding excessive shading and the obstruction of views from the residential lots.

To be completed before Council certification of the Survey Plan

11. Prior to the Council certifying the survey plan pursuant to section 45 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and/or section 223 of the RMA, the consent holder shall complete the following :

- a. All necessary easements shall be shown in the Memorandum of Easements attached to the Title Plan and shall be duly granted or reserved.
- b. Lots 801-807 shall be shown on the survey plan as roads to dedicate in the Council.
- c. The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

[Note: the road naming application should be submitted to the Principal Resource Management Engineer at Council and should be lodged prior to the application for the section 223 certificate]

To be monitored throughout works

12. 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.
13. No earthworks, temporary or permanent, are to breach the boundaries of the site.

To be completed before issue of the section 46 certificate of the HASHAA and/or section 224(c) of the RMA

14. Prior to issue of the section 46 certificate under the HASHAA and/or section 224(c) certification under the RMA, the consent holder shall complete the following :
 - a. The completion and implementation of all works detailed in Conditions 8, 9 and 10 above.
 - b. The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Irrigation, Wastewater and Stormwater reticulation.
 - c. The provision of finished contour plans and survey certification to confirm that finished ground levels within the SHA subdivision comply with minimum levels specified within the '*Shotover Country Ltd – Special Housing Area Design Parameters & River Protection Works*' report by David Hamilton dated 9th September 2016 and the associated Clark Fortune McDonald & Associates Ltd '*Shotover Country Fill Design*' Job 11494 Drawing No.18 sheets 001-002.
 - d. All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing, and any defects identified shall be repaired.
 - e. Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of a minimum single phase 15kva underground electricity supply has been made available to the boundaries of each residential lot and that all the network supplier's requirements for making such means of supply available have been met.
 - f. Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundaries of each residential lot and that all the network supplier's requirements for making such means of supply available have been met.
 - g. Any road signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public roads in accordance with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
 - h. Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
 - i. The submission of Completion Certificates for all engineering works completed in relation to or in association with this subdivision. The certificates shall be in the format of the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015* Schedule 1B and 1C Certificate.

- j. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- k. All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- l. All planting within the Land Landscape Architects 'Street Planting Plan' and 'Planting Concept Plan' listed under Condition 1b) shall be implemented.
- m. All works within the Land Landscape Architects 'Planting Concept Plan' listed under Condition 1b) and the planting plan certified under Condition 10 shall be implemented in accordance with those plans and the QLDC Land Development and Subdivision Code of Practice.
- n. The walking and cycle trails shall be upgraded to meet the standards specified in Condition 9.
- o. The roads and services consented under Stage 14A (RM160594) and 14B (RM160626) must be constructed up to the boundary of the subject site (Stage 14A & Stage 14B, excluding balance Lot 1).
- p. All works in accordance with Part B SH160139 (land use consent – earthworks for the placement of fill) must be completed.
- q. Provision of a maintenance agreement must be established between the consent holder and Council's Parks and Reserves Manager in relation to the maintenance of planting and turf on Lots 1002-1004 on the Land Landscape Architects 'Planting Concept Plan' (listed under Condition 1b), and the maintenance of irrigation. The maintenance agreement must be certified by Council Parks and Reserves Manager. As part of this agreement, the consent holder shall be responsible for the maintenance of Lots 1002-1004 in accordance with the Agreement for a period of 5 years following the issue of 224c certification. This agreement shall include details of replacement planting if any plant shall die or become diseased within this period.
- r. Lots 1002-1004 shall be vested in Council as reserves, as detailed on the Scheme Plans listed under Condition 1a) with Lots 1002 and 1004 to vest as Recreation Reserves and Lot 1003 to vest as a Local Purpose Reserve for Water Supply, Pedestrian and Cycle Access and Amenity Purposes.

Consent Notice Conditions

15. Prior to certification pursuant to section 224 of the Resource Management Act 1991 and in accordance with section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Computer Freehold Registers for the performance of the following conditions on a continuing basis:

- a) For Lots 1 - 101: Any Residential Unit is not to be used for Visitor Accommodation.

For the purpose of this condition Visitor Accommodation means the use of land or buildings for short-term, fee paying, residential accommodation where the length of stay for any visitor/guest is less than 3 months.

- b) For Lots 1 - 101: There shall be no:
 - i. Erection, construction or installation of any solid fuel burning fireplace or appliance in any building.
 - ii. Burning of any garden waste, rubbish, or materials of any kind whatsoever other than solid fuel (such as wood or coal) burned within a Barbeque when cooking. For the purposes of this condition: 'Barbeque' means any portable or permanent device constructed or placed for the purposes of outdoor cooking.
 - iii. Any gas cylinder which is not screened from view from an adjoining road.
- c) For Lots 89 – 100: Any species selected to be grown within 12m either side of the centreline of the transmission line should be limited to a species that will grow to a maximum height of 2m at full maturity. Any vegetation or trees outside of this 12m must be planted so that at maximum growth height they comply with the Electricity (Hazards from Trees) Regulations 2003 and cannot fall within 4m of the transmission line.

d) For Lots 89 – 100:

(i) This condition applies to those areas named '*Transmission Line Consent Notice Area*' ("**TLCNA**") and marked 'DA', 'DB', 'DC', 'DD', 'DE', 'DF', 'DG', 'DH', 'DI', 'DJ', 'DK' and 'DL' on the Scheme Plans listed under Condition 1b);

(ii) The TLCNA includes all land located within 25 metres from the centre line of the Cromwell - Frankton A 110k V high voltage transmission lines. This area of land is subject to those requirements set out in Section 12 of the Queenstown Lakes District Plan being a non-complying activity in terms of Rule 12.30.3.5vii with the exception of post and wire fencing to a maximum height of 1.2m. (Rule 12.30.3.5vii provides that buildings and structures within 25 metres of the centreline of the Cromwell - Frankton A 110kV high voltage transmission line are a non-complying activity).

e) For Lots 1-4, 6-13, 15 – 17, 37, 38, 40-42, 46, 47-50, 56-59, 98-101:

(i) There shall not be any solid walls or solid fencing within the building setback (Side Yard) along any boundaries of the Lot that adjoin a right of way or leg in access way. At least 50% of any wall or fencing along those boundaries shall be visually permeable. Fence / wall heights along or within the building setbacks to these boundaries shall be no higher than 1.2m in height.

f) For Lots 90 - 100:

(i) All northern fences (being those along the boundary fronting the reserve being Lot 1002) shall be a maximum height of 1.2m and restricted to being constructed from post and wire, or post and wire netting only

g) For Lots 1, 2, 3, 7, 8, 11, 12, 16 – 23, 100 and 101:

(i) All western fences (being those along the boundary fronting the reserves being Lots 1003-1004) shall be a maximum height of 1.2m and restricted to post and wire, or post and wire netting only.

Lapse Date

16. The lapse date for this consent shall be 4 May 2019 being two years from the date of this decision

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. Prior approval from Council's Engineer and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if this water supply is to be utilised for dust suppression or temporary irrigation.
3. Shotover Country Limited is reminded of their requirements to meet the *Defects and Maintenance Covenants*, as per Schedule E of the Shotover Country Special Housing Area Deed (Infrastructure & Affordability) dated 29 April 2016. This covenant period is for five years from the date that practical completion of the Flood Protection Works is achieved.
4. For the purposes of these conditions of subdivision consent the term 'residential lot' refers to Lots 1-101 and Lot 1001 as shown on Scheme Plans referred to in Condition 1a).

PART B: LANDUSE CONSENT – EARTHWORKS FOR THE PLACEMENT OF FILL

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Shotover Country Proposed Erosion Protection Layout, Drawing No. ER001, Sheets 001 – 006, Rev C, dated 04.11.16 *[It is noted that the willows on this plan are now excluded and do not form part of this approval]*;
 - Shotover Country Fill Design, Drawing No 18, Sheets 001 & 002, dated 02.12.15;

stamped as approved on 4 May 2017, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 (QLDC LDCP), except where specified otherwise.

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

4. Prior to commencing earthworks, the consent holder shall submit to the Principal Resource Management Engineer at Council, for review and acceptance, a Site Management Plan for the works. The proposed plan shall specifically include measures to limit the effects of erosion, dust, vibration and silt migration in accordance with Section 2.3.7 of the QLDC LDCP. The approved plan shall be implemented prior to the commencement of works and control measures shall remain in place for the duration of the works, until all exposed areas of earth are permanently stabilised.

The objective of the Site Management Plan (SMP) is to protect the environment and transmission lines from the potential and actual effects of earthworks and construction activities on the site. The SMP shall include the requirements of Conditions 7-19 below, and any additional measure to ensure earthworks are managed to avoid and mitigate effects from erosion, dust, vibration and silt.
5. At least 15 days prior to the commencement of works, the consent holder shall request the Council to appoint an independent and suitably qualified consultant to undertake ongoing inspection of the construction of the Flood Protection Works and ensure these are in accordance with the Shotover Country Special Housing Area Deed (Infrastructure & Affordability) dated 29 April 2016 and designs approved by Council. The consent holder shall ensure that the appointed consultant has suitable access to the site, design drawings and related documents at all relevant times to carry out their overseeing role for the Council. This consultant shall report to the Council and shall keep the developer reasonably informed of his/her findings. The associated cost of this appointment shall be solely that of the consent holder.
6. At least 5 days prior to commencing earthworks, the consent holder shall provide the Principal Resource Management Engineer at the Council with the name of a suitably qualified professional as defined in Section 1.7.2 of the QLDC's LDCP who is familiar with the Geosolve Ltd – 'Geotechnical Report Shotover Country SHA' ref 160554 October 2016 and 'Shotover Country Ltd – Special Housing Area Design Parameters & River Protection Works' report by David Hamilton dated 9th September 2016 and the associated Clark Fortune McDonald & Associates Ltd 'Shotover Country Fill Design' Job 11494 Drawing No.18 sheets 001-002. This professional shall supervise the fill procedure and batter slope construction and ensure compliance with the recommendations of these reports. This engineer shall continually assess the condition of the earthworks area and shall be responsible for ensuring that the site management measures approved are implemented and maintained.

7. Prior to commencing earthworks a minimum 1.8 m high mesh fence shall be installed on the north and western boundary of the subject site to ensure exclusion of the public utilising the local trails network from the area of works.

To be monitored throughout earthworks

8. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities authorised by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and certification.
9. No earthworks, temporary or permanent, are to breach the boundaries of the site.
10. Council owned water supply shall not be used for dust suppression or to assist compaction without the specific permission of the Council's 3 Waters Senior Engineer.
11. Only cleanfill material shall be deposited at the site. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid waste.

Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of the Council prior to disposal at the site. Topsoil shall be used for final cover only.

On completion of earthworks

12. On completion of the earthworks the consent holder shall provide certification from the supervising engineer to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which future buildings can be founded.
13. On completion of the earthworks, all disturbed ground shall be topsoiled and grassed. Grass seeding can be undertaken by any method deemed appropriate but the area must be irrigated until strike. Any patches of grass seed greater than 10m² which fail to strike within two weeks of sowing are to be re-sown immediately until complete cover is gained.
14. On completion of the earthworks, the consent holder shall remedy any damage to all existing road surfaces and berms that result from work authorised by this consent. Any new haul roads created to undertake the fill activities shall be reinstated.

Earthworks near transmission lines

15. Any earthworks near power lines, including extraction, processing and stockpiling activities, and the use of haul roads by construction traffic, shall be undertaken in accordance with any requirements of Transpower New Zealand Limited, PowerNet/Electricity Southland Ltd, Aurora Energy/Delta, the Electricity Act and the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

16. The consent holder shall notify Delta prior to any gravel extraction or processing works commencing within the electricity easement or within 5m of power lines or power poles.
17. All machinery and mobile plant operated in association with the works shall maintain a minimum clearance distance of 6 metres from the conductors (wires) of the Cromwell-Frankton A (CML-FKN-A) 110kV transmission line at all times.
18. No fill or material shall be stockpiled or deposited under the CML-FKN-A 110 kV transmission line that reduces the conductor to ground clearance to less than 6.5 metres.
19. The consent holder must ensure that the discharge of dust and/or particulate matter from the activities authorised by this consent do not create any dust hazard or nuisance to the CML-FKN-A 110 kV transmission line, including Towers A0120 and A0121. A dust hazard or nuisance will occur if:
 - a) There is visible evidence of suspended solids in the air; and/or
 - b) There is visible evidence of suspended solids traceable from a dust source from the site settling on ground, building and /or structure on an adjoining site or waterbody.

Hours of Operation

20. Hours of operation for earthworks shall be:
 - Monday to Friday (inclusive): 7:30am to 6.00pm, and
 - Saturday: 7:30am to 12:00pm.
 - Sundays and Public Holidays: No Activity.

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 7.30am. All activity on the site is to cease by 6.00pm.

Accidental Discovery Protocol

21. If the consent holder:
 - a) does not have an Archaeological Authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify the Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with the Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) In the absence of an Archaeological Authority, if the consent holder discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an

application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;

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

Site work may only recommence following consultation with Council.

Lapse Date

- 22. The lapse date for this consent shall be 4 May 2019 being two years from the date of this decision.

PART C: LAND USE CONSENT – TO CONSTRUCT RESIDENTIAL UNITS ON LOTS 1 – 101

General Conditions

- 1a. The development must be undertaken/carried out in accordance with the proposal, with the exception of the amendments required by the following conditions of consent.
- 1b. For the avoidance of doubt the conditions specified in Part C are deemed to constitute a separate set of consent conditions for each of Lots 1-101 SH 160139.
- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$145. This initial fee has been set under section 36(1) of the Act.

Building and Site Controls

3. There shall be no more than one residential unit erected on the Lot.
4. Two off street car parking spaces shall be provided within the Lot per residential unit.
5. There shall be no excavation of the site other than for trenching for servicing infrastructure and foundations at current ground level and removal of topsoil layer.
6. All buildings and structures shall have roof colours in the range of browns, greens, greys and blue greys.
7. Maximum building height is restricted to 8.0m
8. Building coverage is restricted to a maximum of 50% of the net area of the site.
9. All buildings shall be located at least 3.0m from the legal road boundary.
10. Where a garage door is facing the legal road, it shall be located a minimum distance of 4.5m from the legal road boundary.
11. A maximum of 40% of street frontage shall be taken up by garaging when a garage is located within the 4.5m setback from the road boundary.
12. All buildings shall be setback a minimum of 2.0 metres from internal boundaries with the following exceptions:
 - (i) A minimum setback of 3 metres shall be provided on Lots 1, 2, 3, 7, 8, 11, 12, 16-23 and 90-101 where any internal boundary is adjacent to a reserve being Lots 1002-1004 SH 160139.
 - (ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - a. eaves up to 0.6m into the setback; and
 - b. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and

- c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - d. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
 - e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
13. Utility areas shall not be visible from the road. For the purposes of this condition utility areas includes rubbish/recycling bin storage areas, gas cylinders, heat pump/air condition units and washing lines.
14. There shall not be any fence, wall, barrier or similar structure:
- (i) Within a Front Yard that is higher than 1.2 metres above Ground Level.

Where Front Yard means any part of a Lot situated within 3.0 metres of a boundary between that Lot and an adjoining Legal Road including any part of the Lot boundary within that area.
 - (ii) Within a Side Yard that is higher than 1.8 metres above Ground Level.

Where Side Yard means any part of a Lot situated within 2.0 metres of an internal boundary or within 3.0 metres of an internal boundary where required in terms of Condition 12(i) (internal boundary being any boundary other than a boundary adjoining a Legal Road).
 - (iii) Within a Front Yard:
 - That incorporates shade cloth, corrugated iron or corrugated composite materials, or similar materials.
 - That (excluding wire) is any colour other than a colour within the range of browns, greens or greys (including natural treated timbers).
 - Which comprises more than 50% solid or impermeable material.

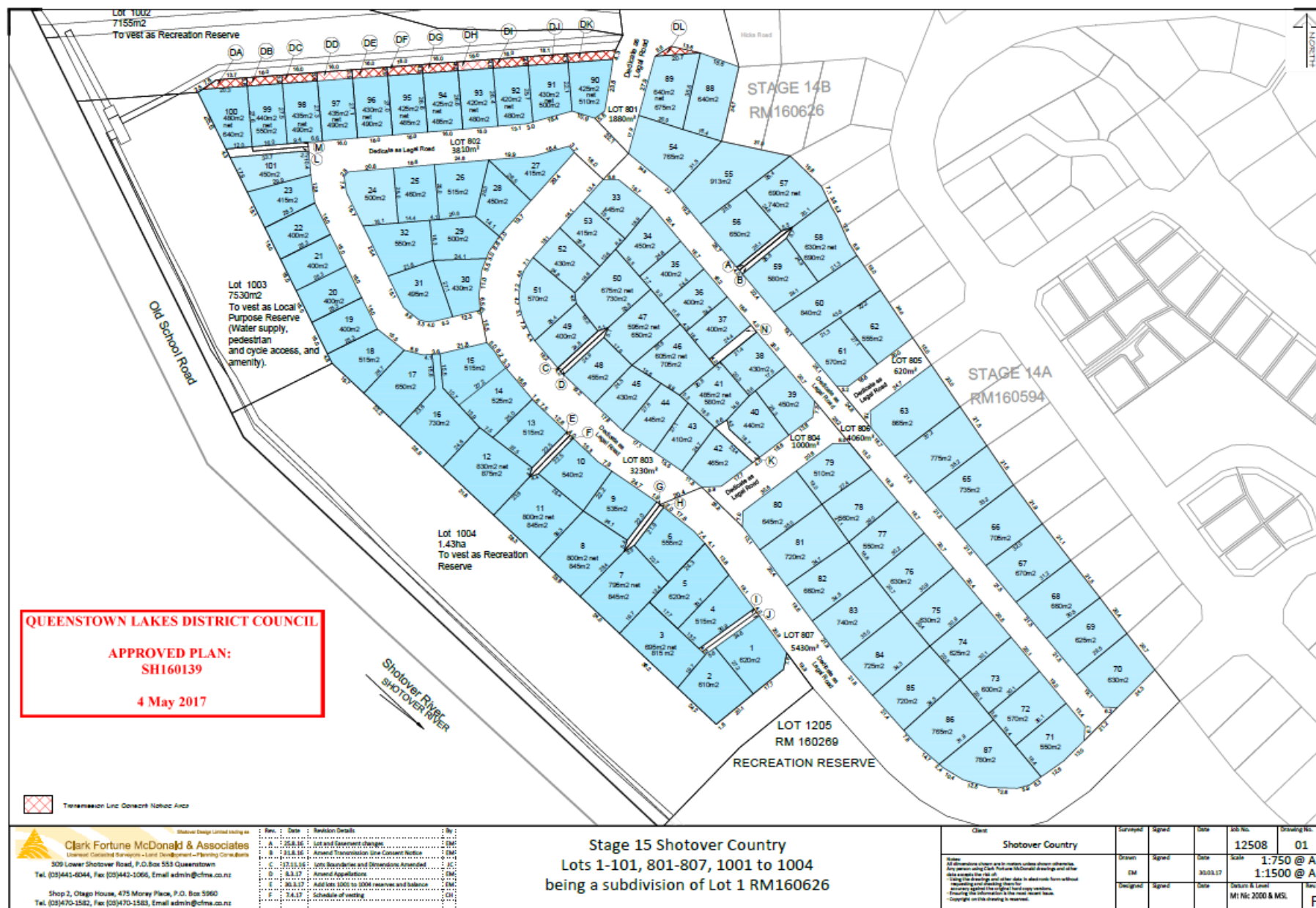
Note: Conditions subject to a consent notice being Conditions 15f) and g) of the subdivision consent SH 160139 apply to fences adjacent to reserves.

15. Hours of construction shall be restricted to:
- Monday to Saturday (inclusive): 7.30am to 6.00pm
 - Sundays and Public Holidays: No Activity
- In addition, no heavy vehicles shall enter or exit the site, and no machinery shall operate, earlier than 7.30am. All activity on the site is to cease by 6.00pm.

Lapse Date

16. The lapse date for this consent shall be 4 May 2023 being six years from the date of this decision.







SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY (Pedestrian and cycleway)	AU, AT, AV, AJ, AI, AH, BU, BV, CV	LOT 1001 to LOT 1004 hereon	E.I. 5271061.3
RIGHT OF WAY (Pedestrian and cycle)	AS, AO, BS	LOT 1001 4 LOT 1002 hereon	E.I. 5642602.19
RIGHT TO CONVEY ELECTRICITY	AS, AO, AT BS	LOT 1001 4 LOT 1002 hereon	E.I. 5642602.21
RIGHT TO CONVEY WATER	BZ	LOT 1003 hereon	E.I. 5500269.18
RIGHT TO TAKE AND CONVEY WATER	AL	LOT 1003 hereon	
RIGHT TO CONVEY ELECTRICITY	AO, AN, AL, AK, AJ BN	LOT 1002 4 LOT 1003 hereon	
RIGHT TO CONVEY AND TRANSFORM ELECTRICITY	AM	LOT 1003 hereon	
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	AJ, AK, AI AG, AH	LOT 1003 4 LOT 1004 hereon	

SCHEDULE OF VESTING	
TO VEST AS LOCAL PURPOSE RESERVE (WATER SUPPLY, PEDESTRIAN AND CYCLE ACCESS, AND AMENITY)	LOT 1003
TO VEST AS RECREATION RESERVE	LOTS 1002, 1004

SCHEDULE OF DEDICATION	
TO DEDICATE IN THE QUEENSTOWN LAKE DISTRICT COUNCIL AS LEGAL ROAD	LOT 801, LOT 802, LOT 803, LOT 804, LOT 805, LOT 806, LOT 807 hereon

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	A	LOT 57 hereon	LOT 55 hereon
RIGHT TO DRAIN STORMWATER	B	LOT 50 hereon	LOT 57 hereon
RIGHT TO DRAIN SEWAGE	C	LOT 50 hereon	LOT 47 hereon
RIGHT TO CONVEY WATER	D	LOT 47 hereon	LOT 50 hereon
RIGHT TO CONVEY POWER	E	LOT 12 hereon	LOT 11 hereon
RIGHT TO CONVEY	F	LOT 11 hereon	LOT 12 hereon
TELECOMMUNICATIONS AND COMPUTER MEDIA FILE	G	LOT 5 hereon	LOT 7 hereon
	H	LOT 7 hereon	LOT 5 hereon
	I	LOT 3 hereon	LOT 2 hereon
	J	LOT 2 hereon	LOT 3 hereon
	K	LOT 41 hereon	LOT 40 hereon
	L	LOT 100 hereon	LOT 50 hereon
	M	LOT 55 hereon	LOT 50 hereon
	N	LOT 46 hereon	LOT 37 hereon
RIGHT OF WAY	O	LOT 47 hereon	LOT 50 hereon
	D	LOT 50 hereon	LOT 47 hereon
	G	LOT 5 hereon	LOT 7 hereon
	H	LOT 7 hereon	LOT 5 hereon
	N	LOT 46 hereon	LOT 37 hereon

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO CONVEY GAS	A B C D E F G H I J	LOT 57 hereon LOT 50 hereon LOT 50 hereon LOT 47 hereon LOT 12 hereon LOT 11 hereon LOT 5 hereon LOT 7 hereon LOT 3 hereon LOT 2 hereon	ROCKGAS LTD
RIGHT TO TELECOMMUNICATIONS AND COMPUTER MEDIA FILE	A B C D E F G H I J	LOT 57 hereon LOT 50 hereon LOT 50 hereon LOT 47 hereon LOT 12 hereon LOT 11 hereon LOT 5 hereon LOT 7 hereon LOT 3 hereon LOT 2 hereon	CHORUS NEW ZEALAND LTD
RIGHT TO CONVEY ELECTRICITY	A B C D E F G H I J	LOT 57 hereon LOT 50 hereon LOT 50 hereon LOT 47 hereon LOT 12 hereon LOT 11 hereon LOT 5 hereon LOT 7 hereon LOT 3 hereon LOT 2 hereon	ELECTRICITY SOUTHLAND LTD
RIGHT TO CONVEY WATER	AZ	LOT 1002 hereon	OLDG
RIGHT OF WAY	L M	LOT 100 hereon LOT 55 hereon	OLDG

PROPOSED LAND COVENANT AREAS	
AREAS MARKED DA-DL HEREON ARE TRANSMISSION LINE CONSENT NOTICE AREAS	

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017

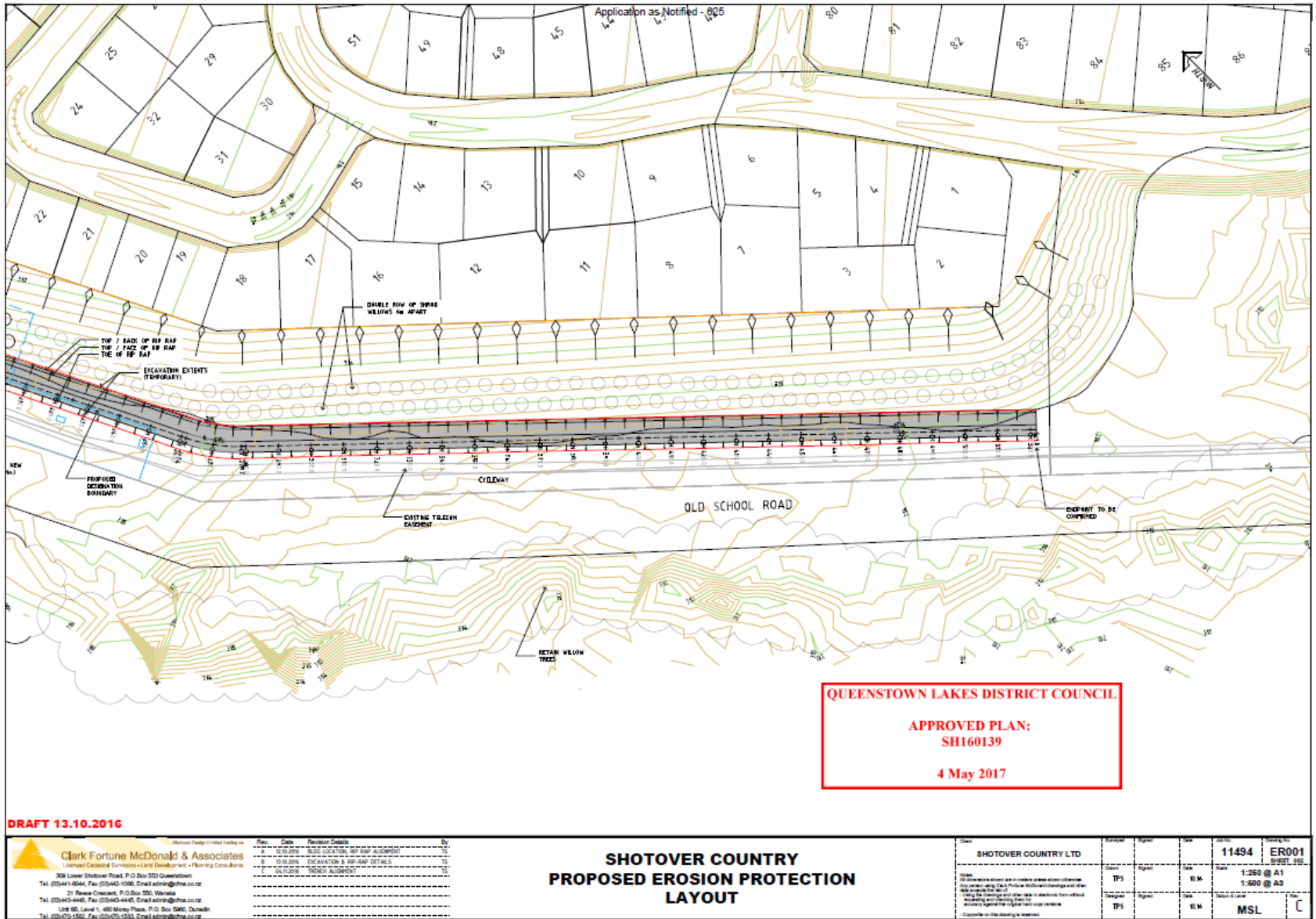
 Clark Fortune McDonald & Associates Licensed Land Use Consultants 309 Lower Shotover Road, P.O. Box 553 Queenstown Tel: (03)441-6044, Fax: (03)442-1066, Email: admin@cfma.co.nz Shop 3, Otago House, 475 Moray Place, P.O. Box 5960 Tel: (03)470-1582, Fax: (03)470-1583, Email: admin@cfma.co.nz	Rev.	Date	Revision Details	By
	1	20.08.16	Lot and Easement changes	DM
	2	20.08.16	Amend Transmission Line Consent Notice	DM
	3	20.08.16	Amend Appointments and Easements	DM
	4	20.08.16	Amend Easements	DM
	5	20.08.16	Amend Easements	DM
	6	20.08.16	Amend Easements	DM
	7	20.08.16	Amend Easements	DM
	8	20.08.16	Amend Easements	DM
	9	20.08.16	Amend Easements	DM
	10	20.08.16	Amend Easements	DM
	11	20.08.16	Amend Easements	DM
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	97	20.08.16	Amend Easements	DM
	98	20.08.16	Amend Easements	DM
	99	20.08.16	Amend Easements	DM
	100	20.08.16	Amend Easements	DM

Stage 15 Shotover Country
Lots 1-101, 801-807, 1001 to 1004
being a subdivision of Lot 1 RM160626

Client		Surveyed	Signed	Date	Job No.	Drawing No.
Shotover Country					12508	01
Notes: All dimensions shown are to natural unless otherwise stated. Any person using Clark Fortune McDonald drawings and other data accepts this as is. Using the drawings and other data is to electronic form without requiring any showing them. Accuracy against original hard copy is not guaranteed. Drawing the information to the most recent version. Copyright in this drawing is retained by the client.		Drawn	Signed	Date	Scale	NTS@ A1 NTS @ A3
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		Designed	Signed	Date	Drawn & Laid	Rev.
					MR Mc 2000 & MSL	



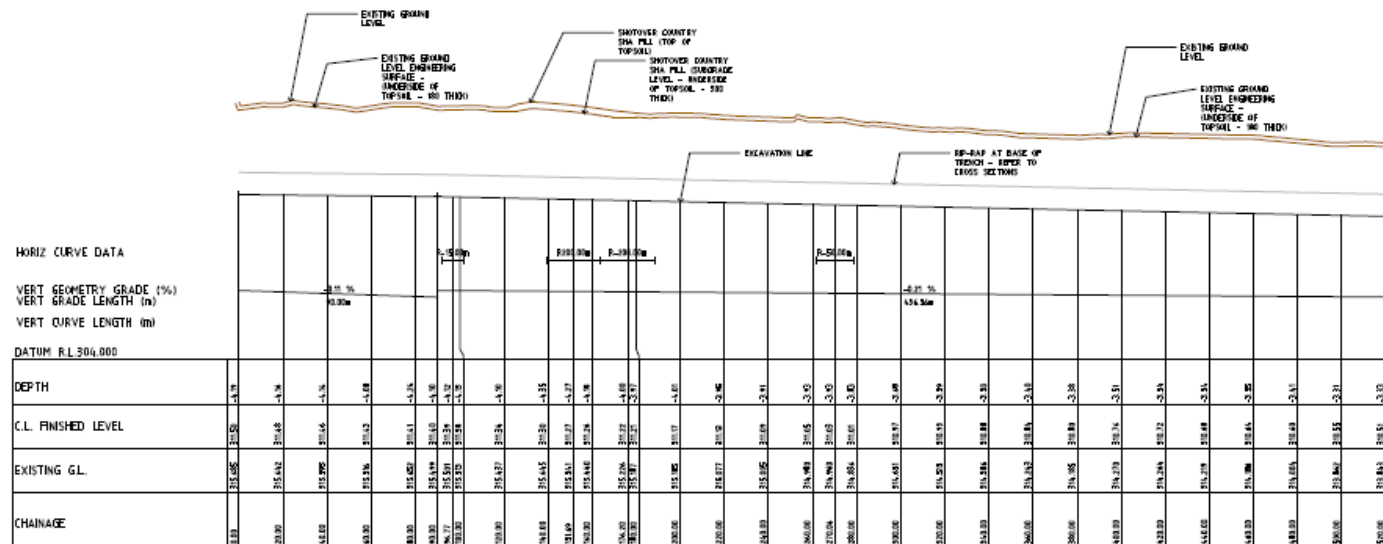




QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017



LONGSECTION - CL EROSION 1 EXCAVATION CONTROL LINE

AT HORIZ SCALE 1 : 1000

AT VERT SCALE 1 : 100

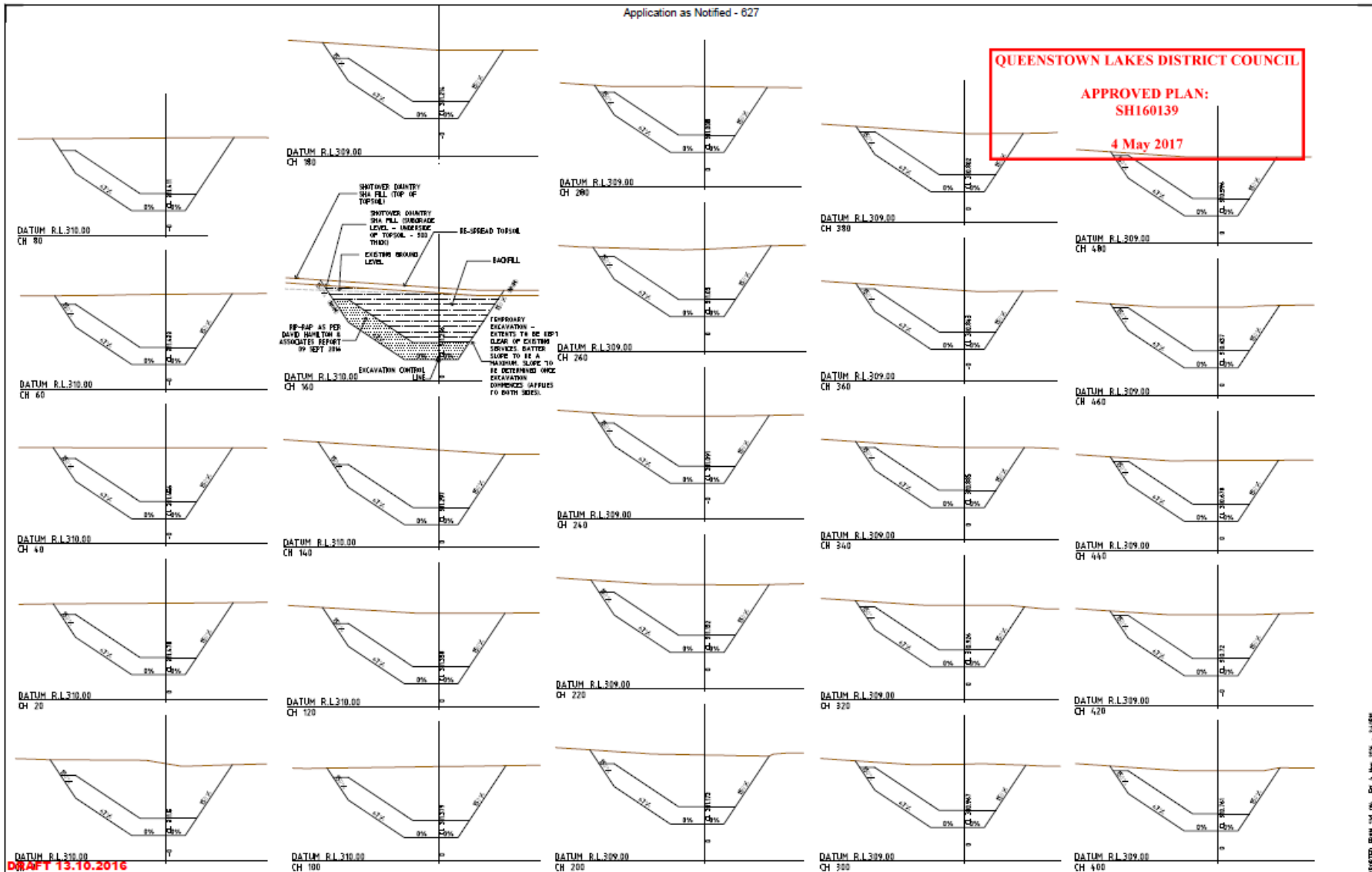
DRAFT 13.10.2016

Clark Fortune McDonald & Associates Licensed Geotechnical Surveyors & Land Development & Planning Consultants 308 Lower Shotover Road, P.O. Box 553 Queenstown Tel: (03) 441 4041, Fax: (03) 441 1088, Email: admin@cfma.co.nz 21 Race Course, P.O. Box 550 Wanaka Tel: (03) 443 4445, Fax: (03) 443 4445, Email: admin@cfma.co.nz Unit 10, Level 1, 480 Motu Place, P.O. Box 5040, Dunedin Tel: (03) 470 1150, Fax: (03) 470 1155, Email: admin@cfma.co.nz	Rev. Date Revision Details By 1 13.10.2016 EXCAVATION CONTROL LINE 2 13.10.2016 EXCAVATION CONTROL LINE 3 13.10.2016 EXCAVATION CONTROL LINE		Client: SHOTOVER COUNTRY LTD Project: SHOTOVER COUNTRY LTD Design: SHOTOVER COUNTRY LTD Drawn: SHOTOVER COUNTRY LTD Checked: SHOTOVER COUNTRY LTD Approved: SHOTOVER COUNTRY LTD Date: 13.10.2016 Scale: AS SHOWN Title: MSL		11494 ER001 13.10.2016
	SHOTOVER COUNTRY LTD PROPOSED EROSION PROTECTION LONGSECTION ALONG TOE OF RIP-RAP		SHOTOVER COUNTRY LTD PROPOSED EROSION PROTECTION LONGSECTION ALONG TOE OF RIP-RAP		11494 ER001 13.10.2016

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017



DRAFT 13.10.2016

Clark Fortune McDonald & Associates
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21 River Crescent, P.O. Box 583, Wanaka
Tel: (03) 443 4440, Fax: (03) 443 4442, Email: admin@cfma.co.nz
Unit 60, Level 1, 400 Money Place, P.O. Box 5860, Dunedin
Tel: (03) 475 1500, Fax: (03) 475 1503, Email: admin@cfma.co.nz

Rev.	Date	Revision Details	By
1	13.10.2016	DESIGN CROSS SECTIONS	TS
2	13.10.2016	EXCAVATION & RIP-RAP DETAILS	TS
3	04.10.2016	INTERIM CROSS SECTIONS	TS

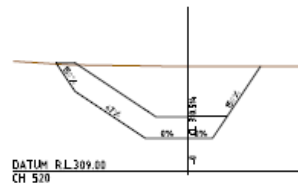
SHOTOVER COUNTRY PROPOSED EROSION PROTECTION CROSS SECTIONS

Client	Shotover Country Ltd	Project	11494	Sheet No.	ER001
Scale	1:100 @ A1 1:200 @ A3	Drawn	TPS	Check	MSL
Date	10.10.2016	Design	TPS	Check	MSL
By	MSL	Check	MSL	Drawn	B

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017



Clark Fortune McDonald & Associates
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21 Plover Crescent, P.O. Box 550, Wanaka
Tel: (03) 440 4440, Fax: (03) 440 4445, Email: admin@cfma.co.nz
Unit 60, Level 1, 480 Mony Place, P.O. Box 5900, Dunedin
Tel: (03) 475 1555, Fax: (03) 475 1555, Email: admin@cfma.co.nz

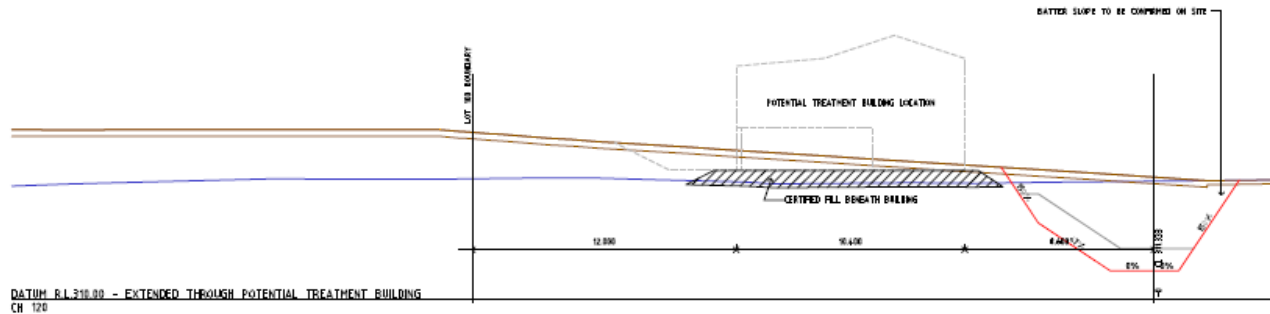
SHOTOVER COUNTRY PROPOSED EROSION PROTECTION CROSS SECTIONS

Client	Project No.	Sheet No.	Scale	Revision
SHOTOVER COUNTRY LTD	11494	ER001	1:100 @ A1 1:200 @ A3	
Notes: 1. Dimensions shown are to centre of erosion protection. 2. Any necessary details should be provided by the client. 3. The drawings are for information only and do not constitute a contract. 4. The drawings are for information only and do not constitute a contract. 5. The drawings are for information only and do not constitute a contract.	TPS	TPS	TPS	TPS
Designed by	Checked by	Drawn by	Scale	Revision
TPS	TPS	TPS	MSL	

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017

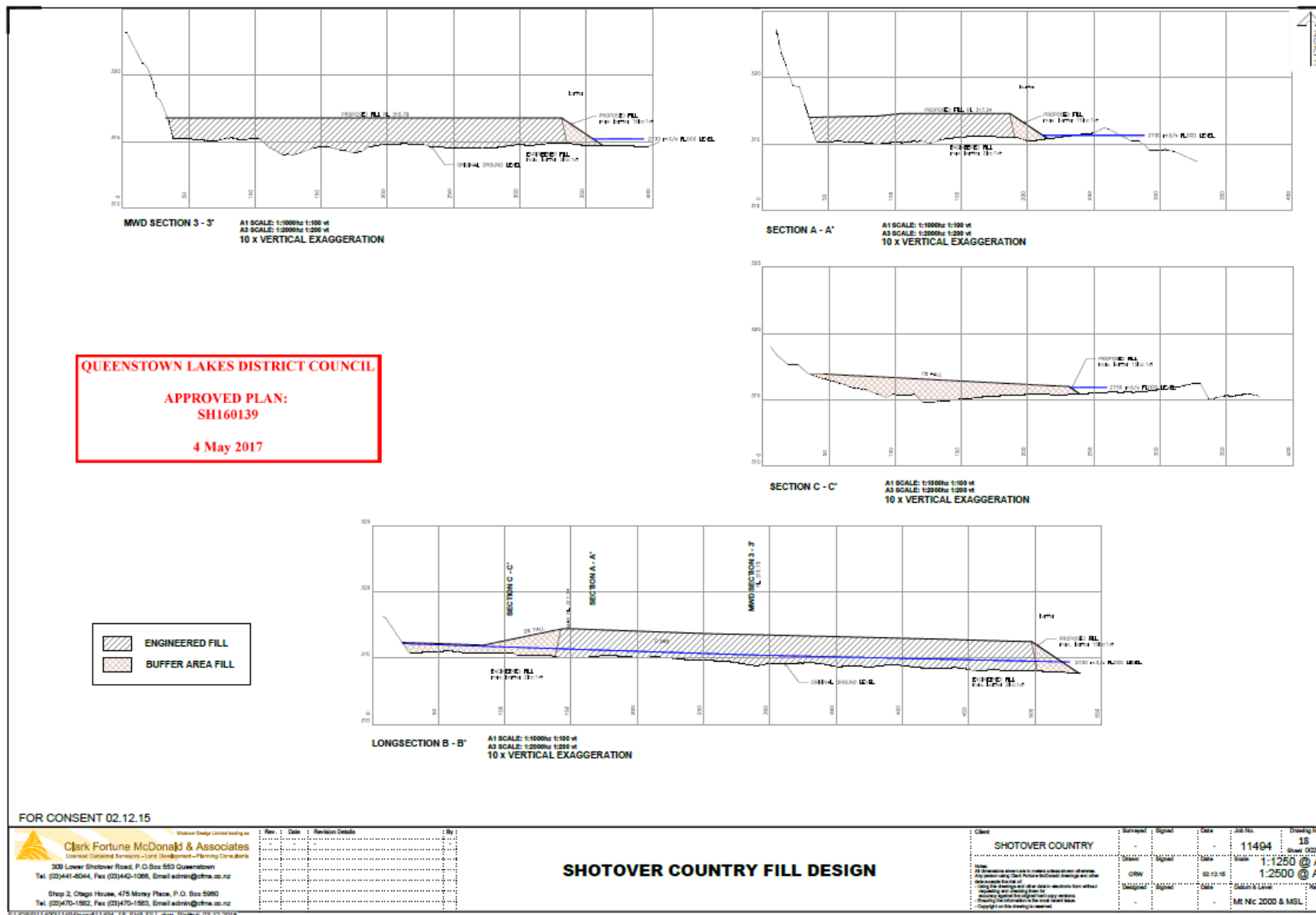


DRAFT 13.10.2016


Clark Fortune McDonald & Associates
 General Contractors - Land Development - Planning Consultants
 305 E. Oakshire Drive, P.O. Box 555, Wenatchee, WA 98806
 Tel: (509) 41-6044, Fax: (509) 44-1096, Email: admin@cfma.com
 21 Reaco Crescent, P.O. Box 555, Wenatchee, WA 98806
 Tel: (509) 44-4449, Fax: (509) 44-4445, Email: admin@cfma.com
 Unit 65, Level 1, 400 Main Place, P.O. Box 5960, Kamloops, BC V2C 6A6
 Tel: (250) 838-1100, Fax: (250) 838-1101, Email: admin@cfma.com

SHOTOVER COUNTRY PROPOSED EROSION PROTECTION CROSS SECTIONS

[illegible]





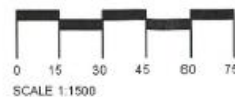
PLANT LEGEND

	cordyle australis - cabbage tree (*)		HEBE MIX: Hebe cupressioides Hebe odora
	TREES: nothofagus solandri var cliffortioides - mountain beech (+\$) sophora microphylla - Kowhai		GRASS MIX: astelia nervosa cortaderia richardii - toi toi (*) phormium cookianum - mountain flax phormium tenax - swamp flax (*)
	LARGE SHRUB / SMALL TREE MIX: leptospermum scoparium - manuka (+) olearia avicenniifolia - tree daisy olearia hectori - Hector's tree daisy olearia lineata - narrow leaf tree daisy		TUSSOCK MIX: chionochloa rigida - snow tussock chionochloa rubra - red tussock poa cita - silver tussock poa colensoi - blue tussock
	GREY MIX: aristotelia fruticosa - mountain wineberry coprosma propinqua - mingimingi coprosma rugosa - coprosma coprosma virescens - coprosma corokia cotoneaster	* do not plant species on the edge of lawns + do not plant species on embankments \$ do not plant species in transmission corridor	

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH160139

4 May 2017



Registered
NZILA
Landscape
Architect

Project:
SHOTOVER COUNTRY - SHA
Title:
PLANTING CONCEPT PLAN

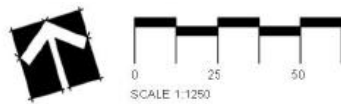
Location:
SHOTOVER COUNTRY, QUEENSTOWN



Rev.	Description	By	Date
-	issued for comment	JD	25.01.16
A	planting area revisions	JD	06.03.16
B	layout revisions	JD	14.03.17
C	planting removed lot 1 / 2 equestrian track removed	JD	30.03.17
NOT FOR CONSTRUCTION			
Scale: 1:1500 @ A3			Job No: 2613
Drawn / Checked: JD / RL			Date: 25.01.16

This drawing is supplied on the understanding that the information herein will not be passed to any other party without written permission from LAND LIA.

Drawing No:
L1C



Botanical Name	Common Name	Planting Size	Mature Size	No
Trees				
Acer rubrum	Red maple	2-2.5m	10m	11
Sorbus aria	Whitebeam	2-2.5m	15m	14
Prunus yedoensis	Cherry	1.8m STD	7m	3



Notes:



REGISTERED
LANDSCAPE
ARCHITECT

Project:
SHOTOVER COUNTRY - STAGE 15

Title:
STREET TREE PLANTING PLAN

Location:
SHOTOVER COUNTRY, QUEENSTOWN

Rev + Description By + Date

Scale:
1:1250 @ A3

Drawn / Checked:
JD / RL

Job No:
2640

Date:
24.08.16

NOT FOR CONSTRUCTION

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Drawing No:
L19