



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	WILLOWBURN ARROWTOWN LTD
RM reference:	RM140648
Location:	219 MCDONNELL ROAD, ARROWTOWN.
Proposal:	Subdivision consent is sought to undertake a five (5) lot subdivision and to identify three residential building platforms. Land use consent is sought for earthworks and a breach of the road boundary setback and water body setback by the proposed building platforms.
Legal Description:	Lot 1 Deposited Plan 12644, held in Computer Freehold Register OT5C/384.
Zoning:	Rural General (Operative District Plan) Rural (Proposed District Plan)
Activity Status:	Non-complying Activity
Notification:	10 December 2014
Closing Date of Submissions	27 January 2015
Commissioner:	Commissioner A Henderson
Date:	26 January 2016
Decision:	Consent is granted subject to conditions

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Willowburn Arrowtown Ltd to undertake a five (5) lot subdivision and to identify three residential building platforms, and for earthworks and a breach of the road boundary setback and water body setback by the proposed building platforms.

Council File: RM140468

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS COMMISSIONER A. HENDERSON, HEARING COMMISSIONER APPOINTED PURSUANT TO SECTION 34A OF THE ACT

The Proposal

1. I have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. The application (RM150347) has been made by Willowburn Arrowtown Ltd to undertake a five (5) lot subdivision and to identify three residential building platforms. Land use consent is sought for earthworks and a breach of the road boundary setback and water body setback by the proposed building platforms.
3. The section 42A report summarised the component parts of the application, as amended subsequent to notification, as follows:
 - Combining proposed Lots 1 and 2 into a new Lot 1 with a 1000m² RBP identified and located up to 10m from the McDonnell road boundary.
 - Relocating the RBP on proposed Lot 4 to the south of the rocky ridge and walnut grove and reduce the platform size to 764m².
 - Relocating the 1000m² Lot 5 RBP westward, and reduce the earth mound height to 1m.
 - Creating a curtilage area around the RBP on each of Lot 1, Lot 4 and Lot 5.
 - Amending the proposed landscaping in accordance with the assessment of Ms Anne Steven. These plans, amended further at the hearing, detail those plants to be removed, retained and relocated, and the extent of a Proposed Riparian Management Zone.
4. The northeast boundary of the proposed Lot 1 RBP is located approximately 7m from the unnamed stream, while the southern corner of the proposed Lot 5 RBP is approximately 15m from the unnamed stream. Lot 4 RBP is just on 20m from the unnamed stream.
5. The proposed lot configuration is:

	Lot Size	Platform
Lot 1:	12,619 m ²	1,001 m ²
Lot 3:	9,128 m ²	Existing dwelling
Lot 4:	21,969 m ²	746 m ²

Lot 5:	17,226 m ²	998 m ²
Lot 6:	33,631 m ²	None

6. The subdivision is to be staged, as follows:
- Stage 1: Lot 1
- Stage 2: Lot 3 & 4
- Stage 3: Lot 5 & 6
7. A discovery protocol condition is also proposed, along with a clause that any solid fuel domestic heating appliance must meet the provisions in the Otago Regional Plan: Air, and that Lot 6 not be further subdivided for a minimum period of 15 years (other than by boundary adjustment) with a review clause after 10 years unless the zoning changes.

Site Description

8. A full description of the environment within which the application sits can be found in section 1.1 of the Assessment of Environmental Effects (AEE) prepared for the Applicant by Clark Fortune McDonald & Associates and section 3 of Dr Read's landscape assessment. The description of the site was not disputed by any party and I am therefore content to rely upon them, noting that the descriptions accord with my impressions from my site visit.
9. The site is legally described as Lot 1 Deposited Plan 12644, held in Computer Freehold Register OT5C/384.

Notification and Submissions

10. Notification of the application on 10 December 2014 drew nine submissions, six in opposition to the application and three neutral. The matters raised in submissions were summarised in the section 42A report as follows.
- The proposal will adversely affect the rural character, and amenity, be visible in the environment, and result in over-domestication of the area;
 - Visibility of future buildings and road noise effects on future owners;
 - The proposed water source is unsustainable. The unnamed stream has sporadic flows that already restricts others water extraction and has insufficient capacity for additional water takes;
 - The additional individual storm and waste water disposal will adversely affect water quality of the unnamed stream due to close proximity; potential for public health issues;
 - No riparian strip is proposed for the stream or landscape enhancement;
 - The proposal is inconsistent with Plan Change 29 (Arrowtown Boundary), Plan Change 30 (Urban Boundary Framework), and Plan Change 39 (Arrowtown South);
 - The integrity of the District Plan objectives will be adversely affected;
 - Cumulative effects of additional residential development;
 - The proposed earthworks may damage the environment;
 - The proposal lacks consideration of air quality and future home heating sources.
 - The application does not provide details about the ongoing management of Lot 6 which is proposed as a vacant, un-serviced lot
11. The matters raised in the submissions are addressed where relevant later in this decision.

The Hearing

12. A hearing to consider the application was convened on 9 December 2015. In attendance were:

- (a) The Applicants, Willowburn Arrowtown Ltd, represented by Mr Neil MacDonald and Mr Nick Geddes (Clarke Fortune MacDonald), Andrew Green and Peter McKean (Willowburn) and Ms Anne Steven (landscape architect); and
 - (b) Council Officers, being Ms Alana Standish (reporting officer), Ms Jo Fyfe (Senior Planner), Michael Wardill (Council engineer) and Dr Marion Read (consultant landscape architect);
 - (c) Submitters Mr W Forrest, Mrs G Shepherd and Mr A Witherston (for the Dawson Family Trust).
13. Letters were tabled on behalf of Dame Elizabeth Hanan and Mr Murray Hanan providing additional comments as they were unable to attend the hearing. A letter was also tabled from the Southern District Health Board, indicating that they no longer wished to be heard in support of their submission.
14. I had the benefit of a section 42A report prepared by Council's planner, Ms Alana Standish. Based upon her assessment of the amended application, Ms Standish recommended that the application be refused for reasons including:
- The natural hazard risk to Lots 1 and 5 has not been satisfactorily addressed;
 - The form and density of the development is inappropriate; and
 - Insufficient detail on servicing, and particularly water supply.

Summary of Evidence Heard

15. The following is a brief outline of the submissions and evidence presented. This summary does not detail all of the material that was advanced at the hearing, but captures the key elements of what I was told. The material generally reinforced the matters included in the application and submissions. Where relevant, I address specific issues in my assessment.

Applicant

16. **Mr McDonald** introduced the application, and noted that written approval had also now been received from Mr E Lamont (property west of the site) and Mr and Mrs Swanson to the south. Mr McDonald outlined changes to the proposal since notification, including the removal of the building platform from Lot 2, and changes to the location of the remaining platforms. Mr McDonald considered the revised proposal to be within the scope of the original application.
17. **Ms Steven** discussed the character and setting of the site, and described the following changes to the application as shown on the revised plans included in her evidence:
- The proposed road boundary trees (transplanted alder and hornbeam) on Lot 1 have been replaced with poplar and eucalypt species to maintain consistency with the surrounding area.
 - A group of shrubs with a mature height of 3m and a small group of *Betula jacquemontii* (Himalayan Birch) is proposed on the north side of the proposed mounding on Lot 4 to augment the screening. The shelterbelt on Lot 4 will be limited to one species.
 - An additional mound is located on Lot 5 to provide visual separation from the Swanson property.
 - A consent notice condition is proposed requiring new tree planting be undertaken where trees are removed from an identified area on Lots 3 and 4 to ensure that a similar level of screening is provided.

18. Ms Steven concluded that the proposed subdivision and new dwelling areas can be accommodated on the site with no detracting effect on perceptions of rural pastoral and natural character from McDonnell Road. Potential adverse visual and landscape effects will be mitigated by the proposed planting and mounding, which will in themselves be consistent with the surrounding rural character. Ms Steven also noted that the proposal would bring the site to a threshold with respect to its ability to absorb further development.
19. Notably, Ms Steven concluded that the proposal contribute to the outcomes sought for the Arrowtown South Special zone. The northern part of the site containing Lots 1, 3 and 4 represents the point at which a more open rural landscape changes to a traditional landscape, and Lot 1 is sited on the same landform as a large part of the Special Zone.
20. **Mr Geddes** provided planning evidence, including the following matters raised in the planner's report:
- The Regional Council has confirmed that the quantity of water from the proposed bore will not result in any adverse effect on the surface water body, and testing undertaken by CitiLab confirmed that the use of a Filtration UV system will eliminate any potential bacterial contamination.
 - The building platform on Lot 1 is required to be at 387.7m, which results in less than 1% of the platform being below the flood level, and the platform on Lot 5 is to be at 385.2m, which also results in less than 1% of the platform being below the flood level. On this basis, Mr Geddes considered that the revised proposal almost entirely avoids any flooding hazard, apart from some very small areas on the platforms on Lots 1 and 5.
21. Mr Geddes concluded that overall the actual and potential adverse effects of the proposal were no more than minor and could be managed by conditions of consent. He also concluded that the proposal was not contrary to the relevant objectives and policies of the District Plan.

Submitters

22. **Mr Forrest** spoke to his submission and noted concerns regarding water supply and the integrity of the Rural General Zone. For the Rural zone to have any meaning, its integrity needs to be preserved. He was not convinced that Lot 1 was a natural continuation of the Arrowtown South Special Zone. Mr Forrest noted that there were seven downstream properties that draw from bores, and remained concerned at the potential effects from additional water being taken in the area. He was also concerned that granting consent would create a precedent.
23. **Mr Witherston** spoke on behalf of the Dawson Family Trust, raising concerns regarding water supply. He noted that many trees had been planted and raised the issue of whether there was sufficient water available for irrigation as well as domestic supply.
24. **Mrs Shepherd** also raised concerns regarding water supply, particularly as more platforms are being created that will take water from the stream. She was also concerned that conditions of consent are not always monitored.
25. Written material was tabled on behalf of **Dame Elizabeth Hanan** and **Mr Murray Hanan** reiterating their opposition to the proposal, and supporting the recommendation in the planner's report.
26. A letter was also tabled on behalf of the **Southern District Health Board**, noting in particular that the proposed high level of treatment for the treatment and disposal of sewage may reduce any risk to an acceptable level from a public health perspective. Appropriate conditions of consent were sought in relation to effluent treatment and disposal and water supply.

Officers

27. **Mr Wardill** addressed a number of matters that had arisen, and confirmed the views expressed in his engineering assessment. He noted in particular that:
- Water Force have advised that the proposal will take 0.2% of the capacity of the creek. He considered it would be prudent to include a consent notice requiring lot owners to connect to Council water and waste reticulation in the event the services were ever extended along the road.
 - Dwellings could be successfully positioned on the proposed platforms to avoid any flood hazard.
 - Lot 6 should be provided with services to the boundary and amalgamated with another lot.
28. **Dr Read** accepted that visibility effects from the Golf Course were not an issue as written approval had been provided. She also considered it appropriate that the height of dwellings be restricted to 5 metres above the building platform. She also considered that her preference would be that no earthworks were undertaken until a specific design was decided upon, to avoid cutting a flat slab into the landform.
29. **Ms Standish** noted that a number of outstanding concerns had been addressed, particularly in relation to water supply wastewater and hazards. She supported conditions of consent that included RL conditions for earthworks and buildings.

Applicant's Right of Reply

30. **Mr McDonald** noted that the removal of willow trees along the creek has changed the view of the landscape and had positive ecological effects. He considered that willows and poplars should be planted along the boundary of the Golf Course to mitigate visual effects on Tobin's Track. With respect to additional planting along the riparian margins, Mr McDonald noted that the owners of the site has already entered into enhancement planting and have an existing report from Davis Consulting which describes the enhancements and a species list. Rather than requiring a new plan, Mr McDonald considered a condition of consent relating to the species in the Davis report would be sufficient.
31. In respect to building height, Mr McDonald agreed to a maximum RL for the building platform, as well as a 5m maximum height of 5m above the centre of the building platform on Lot 1, which would prevent a building on the lower part of the platform reaching the maximum height. This would assist in mitigating effects from the road.
32. Mr McDonald agreed the matter of precedent is a difficult issue. While a nearby property (the Barb property) has a recently approved subdivision, he noted that a precedent could only be claimed for future applications if they exhibited similar characteristics to the subject site, including in this case the shape of the site and its topography.
33. Mr McDonald noted that Lot 6 had a bore on it, and did have sufficient net area for effluent disposal. If needed the site could be serviced at a cost. He noted there is a consent notice proposed that would prevent subdivision and building of that Lot for 15 years, unless the Plan changed in the meantime.
34. In respect of water supply, Mr McDonald confirmed that the Otago Regional Council had issued a permit for the water, and that it could therefore be relied upon. The creek has a low flow of 20 litres per second, and the take proposed is 1 litre per second. This equates to 46,000 litres per day, which provides ample potable water and irrigation water.
35. Mr McDonald concluded that the application was not urban sprawl, as the experts agreed this was not an urban development. While the site may be at or approaching a threshold, it was

accepted by the experts that it had not been crossed such that the landscape could not absorb the proposed development. Overall, Mr McDonald's view was that both threshold for a non-complying activity were satisfied.

District Plan Provisions

Proposed District Plan

36. Section 86[b](1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. An exemption to this is section 86[b](3) in which case a rule has immediate legal effect in certain circumstances including if the rule protects or relates to water, air or soil.
37. The Proposed District Plan ("PDP") was notified on 26 August 2015. Pursuant to Section 86[b](3) of the RMA, the following rules that protect or relate to water have immediate legal effect and therefore the application is subject to those rules, regardless of whether the application was lodged prior to the PDP being notified or not:
- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
 - 21.5.4: Setback of buildings from water bodies.
 - 21.5.7: Dairy farming grazing within the bed or margin of a water body.
 - 21.4.30 (b) and 21.4.32: Suction dredge mining.

Plan Change 49: Earthworks

38. Plan Change 49 ("PC49") was a Council initiated plan change that was publicly notified on 2 July 2014 and the decision ratified by Council on 30 June 2015. PC49 is now 'treated as operative' with the exception of a number of discrete appeal matters unrelated to this application. As PC49 was notified prior to receiving the application for RM140648 and made operative after notification, this application does not trigger the rules under PC49 but does require consideration under the Objectives and Policies as a Section 104 matter.

The Operative District Plan

39. The subject site is zoned Rural General under the Operative District Plan ("ODP"). The purpose of the zone includes the intention to manage activities so they can be carried out in a way that:
- *Protects and enhances nature conservation and landscape values;*
 - *Sustains the life supporting capacity of the soil and vegetation;*
 - *Maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
 - *Ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*
 - *Protects the on-going operations of Wanaka Airport.*

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks.

40. The relevant provisions of the Plan that require consideration can be found in Part 4 (District Wide Issues), Part 5 (Rural Areas), and Part 15 (Subdivision, Development and Financial Contributions). The following resource consents are required:

Subdivision

- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3(vi) for the proposed subdivision and location of residential building platforms in the Rural General zone.

- A **non-complying** activity pursuant to Rule 15.2.3.4(i) as the proposal breaches zone standard 15.2.6.3[iii](b) in regard to every allotment created in the Rural General zone containing one Residential Building Platform. It is proposed to create five allotments whereby only three will contain a RBP (Lots 1, 4 and 5). Proposed Lot 3 contains an existing dwelling, and proposed Lot 6 will be a vacant un-serviced lot.

Land Use

- A **controlled** activity resource consent pursuant to Rule 5.3.3.2 for earthworks where the maximum volume of earth moved is between 300m³ and 1000m³ per site within any one consecutive 12 month period. It is proposed to undertake a total of 810m³ of earthworks. Council's control is with respect to this matter

Note: PC49 enables a total volume of earthworks up to 1000m³ per site as a permitted activity.

- A **restricted discretionary** activity pursuant to Rule 5.3.3.3[xi] as the proposal breaches site standard 5.3.5.1[viii](1)(a) in regard to the maximum area of bare soil exposed of 2500m² per site, within any one consecutive 12 month period. It is proposed to undertake earthworks over an area of 2,516.6m². Council's discretion is restricted to this matter

Note: Under PC49 there are no earthwork rules pertaining to area (m²) and as such the total area over which earthworks are proposed is a permitted activity.

- A **non-complying** activity pursuant to Rule 5.3.3.4[vi] as the proposal breaches zone standard 5.3.5.2[ii] in regard to the minimum 20m setback from road boundaries for buildings. It is proposed to locate the Lot 1 RBP a maximum of 10m from the McDonnell Road boundary and enable future building within the setback.

41. Overall, I agree with the section 42A report that the application is to be assessed as a **non-complying** activity.

Relevant Statutory Provisions

42. This application must be considered in terms of Section 104 of the RMA.
43. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

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

44. In addition, Section 104D (Particular Restrictions on non-complying activity) states that:

(1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*

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

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

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

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

46. The subdivision can be refused in certain circumstances in accordance with Section 106 of the RMA which states:

(1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*

- (a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

47. The application must also be assessed with respect to the purpose of the RMA, and section 13 of this report outlines Part 2 of the RMA in more detail.

48. Section 108 and 220 empower me to impose conditions on a resource consent.

49. Section 104(3)(b) requires that I have no regard to effects on people who have given written approvals of the application. This is particularly relevant in this application as written approval has been obtained from the following parties:

Ref	Person (owner/occupier)	Address (location in respect of subject site)
1.	R F Monk and Cook Adam Trustees Limited (dated 20/08/2014)	Pt Section 104 Blk VII Shotover Survey District, OT19C/187 Provided for the 6 lot subdivision – Plans detailed as Job No. 11112, Drawing No. 01-06, Rev 2.

2.	Jon G Newson on behalf of the Arrowtown Golf Club Incorporated (dated 3 September 2015)	Pt Section 30, 31, 32 and 88 Block VII Shotover Survey District OT5C/385 Provided for the 6 lot subdivision (noted as 5 lot on the APA form) – Plans detailed as Job No. 11112, Drawing No. 01-05, Rev 08.
3.	R M Hill, A C Hill and E J Hill (dated 18/10/2015)	Lot 7 Deposited Plan 392663 Provided for the 6 lot subdivision (noted as 5 lot on the APA form) – Plans detailed as Job No. 11112, Drawing No. 01-04, Rev 09.
4.	W & M Swanson (dated 3/12/15)	250 Centennial Avenue, Arrowtown Provided for the 6 lot subdivision (noted as 5 lot on the APA form) – Plans detailed as Job No. 11112, Drawing No. 01-05, Rev 10.
5.	E & C Lamont (dated 23/4/2015)	Provided for the 6 lot subdivision (noted as 5 lot on the APA form) – Plans detailed as Job No. 11112, Drawing No. 01-06, Rev 2.

50. Pursuant to section 104(3)(b) of the Act, any effects on these properties have not been considered.

51. In reaching my decision I note that I have taken into account all of the information provided with the application, the section 42A report and appended assessments, and the evidence presented at the hearing. I undertook a site visit on 8 December 2015. I have also considered the provisions of the relevant plans, and Part 2 of the Act.

Permitted baseline, existing environment and receiving environment

52. I agree with Ms Standish's view that there is no relevant permitted baseline for this proposal, on the basis that in the Rural General zone, all buildings and associated physical activities, such as roading and landscaping, require resource consent under the District Plan. The District Plan does not provide a permitted activity status for any relevant building or associated activity. Similarly, all subdivision requires resource consent.

Assessment

53. Planning evidence was provided by Ms Standish for the Council via the section 42A report, and by Mr Nick Geddes for the Applicant. No other party provided expert planning evidence, and by the end of the hearing it was clear that the two planning experts were in agreement, with Ms Standish acknowledging the matters of concern in her original assessment had been addressed.

54. Following the revisions to the proposal I note that both Ms Steven and Dr Read were generally in agreement that while the proposal would introduce additional built form into the area, the threshold beyond which further development could not be absorbed into the landscape was not breached.

55. There was no expert evidence provided at the hearing from any other party. Given the level of agreement on the effects of the proposal among the experts, I address the relevant effects briefly in the following paragraphs in the order in which they were addressed in the section 42A report.

Effects on Natural and Pastoral Character

56. Both of the landscape experts agreed that the site has limited pastoral character, as identified in the section 42A report. Dr Read's assessment of the amended application identified that the three northernmost platforms on the site (Lots 1, 3 and 4) are located within the most complex and already domesticated part of the site, and would therefore only have a small additional effect on the landscape of the surrounding area.
57. Ms Steven noted that the scale and nature of the proposal is consistent with the landscape character of the surrounding area, taking into account the future landscape of the Arrowtown South Special Zone when fully developed. I agree with this view, noting in particular that the proposal will be consistent with the intent of the Special Zone in terms of enhancing the riparian corridor through the site, appropriate setbacks from McDonnell Road, and the retention of the remaining open pastoral space on Lots 5 and 6.
58. I consider that the building platform locations take advantage of the topography of the site, and the landscaping and height controls proposed will ensure that the development will not adversely affect the character of the site or surrounding area to a more than minor degree. In reaching this view I note that the landscape experts agreed that the natural and pastoral character would not be significantly adversely affected, and I accept these views.

Visibility of Development

59. Both Dr Read and Ms Steven undertook comprehensive assessments of the visibility of the proposed development.
60. Ms Steven's view was that visibility of future dwellings and curtilage areas would be limited from McDonnell Road due to the natural and proposed vegetation and mounding, and that there would only be partial and / or 'filtered' views of built elements or curtilage areas. These filtered views would lend themselves to ensuring that the residential developments on the site would appear discreet and subordinate to the more dominant features of the site, being the vegetation and landform.
61. Dr Read and Ms Standish generally held the same view as Ms Steven, although concerns were raised over some elements associated with individual building platforms.
62. The section 42A report raised concerns with the potential visibility of a dwelling on Lot 1, particularly when travelling south on McDonnell Road. Ms Steven's view was that '*only closer to the site does the platform become more completely visible, due to the fact it is set down and tends to sink out of sight in viewpoints progressively further away from the site going towards Arrowtown*'. I agree with this assessment, and note that from more distant viewpoints, such as Arrowtown Ridge, the location of Lot 1 is such that it appears to be within the same landform as the Arrowtown South Special Zone, and will not appear incongruous with this development. I also agree with Ms Steven that the proposed tree planting along the northern boundary of the site and along the road boundary will provide sufficient screening.
63. In his closing comments, Mr McDonald indicated that conditions setting the minimum ground level for the building platform and a maximum height control were accepted by the applicant. Ensuring that earthworks are related to a specific building design will also avoid inappropriate visual effects (and effects on the landform). Subject to these conditions, I am satisfied that the residential building platform on Lot 1 is appropriately located, and that any adverse visual effects that will result from a future dwelling will be appropriately managed to ensure that they are no more than minor.
64. With respect to Lot 4, Ms Steven agreed with the suggestion in Dr Read's assessment that some additional planting around Lot 4 would reduce the potential visibility of the building platform. Ms Steven's landscape plan shows additional mounding, shrubs and trees to achieve

this, and I agree this is appropriate. I also note an additional mound is proposed between Lot 5 and the Swanson property, and that the Swansons have provided written approval.

65. Overall I am satisfied that the visual effects of the proposal are no more than minor. I note that Ms Standish indicated all of her outstanding concerns had been addressed in the applicant's evidence.

Form and Density of Development

66. Ms Steven and Dr Read concurred that the site and landscape has some ability to absorb further development without giving rise to significant landscape and visual effects. There was no expert evidence that reached a different conclusion, and I accept the landscape architects' view. Ms Steven acknowledged the importance of the landscaping in maintaining screening of the developments. I agree that the proposal will not result in an over-domestication of the landscape, as the building platform locations and landscaping solutions proposed in evidence and at the hearing are sufficient, in my view, to ensure that developments can be satisfactorily absorbed in to the landscape.

Cumulative Effects of Development on the Landscape

67. Following the changes made to the application since it was notified, Dr Read's assessment was that the proposed development would introduce additional domestication into the landscape. Notably, both Dr Read and Ms Steven agreed that with the mitigation proposed, the development would not result in an over domestication of the landscape. I agree with this view, and I also accept the landscape architects' evidence that the proposal does represent the threshold being reached in terms of this site's ability to accommodate change beyond which any further development would be likely to result in over domestication.
68. In this regard, I also note that the applicant has volunteered a consent notice condition that prevents further subdivision or building on the site for 15 years, or until the zoning of the land changes. I therefore consider that the proposal will not result in any cumulative effects that are more than minor.

Rural Amenities

69. Dr Read's view, as expressed in her landscape assessment, was that the proposed development would maintain adequate and appropriate visual access across the pastoral landscape, and would not compromise the ability of any surrounding land to accommodate pastoral activities. I accept Ms Standish's conclusion that the proposal will result in acceptable effects on rural amenities.

Infrastructure

70. Mr Wardill confirmed at the hearing that the engineering matters relating to the proposed subdivision had been satisfactorily addressed, and that the outstanding matters in the section 42A report had been covered by the applicant.
71. The adequacy of water supply to the proposed subdivision was raised by a number of submitters. Mr Wardill referred me to the Water Force assessment and confirmed that the Otago Regional Council had given consent to the water take necessary to provide for potable and irrigation water for the development. As confirmed by Mr Geddes, this permit is for five dwellings at a maximum rate of 1 litre per second (43,200 litres per day), and that the Otago Regional Council has confirmed that the quantity will not affect the surface water body. On the basis that the applicant holds a consent for the necessary water, I consider that the applicant has demonstrated that the necessary water can be provided to the subdivision. The conditions of consent include the requirement to create a management company to be responsible for the installation, operation, maintenance and monitoring of the water supply (and sanitation water treatment system). I agree this is appropriate.

72. Mr Geddes has also confirmed that the applicant accepted the conditions proposed by Mr Wardill in relation to the proposed effluent disposal system, and that the remaining services (power, telecommunication and stormwater) can be appropriately provided to service the subdivision. Mr Wardill's conclusion was that the engineering matters had been appropriately addressed, and I accept this advice.

Natural Hazards

73. Mr Geddes' evidence identified that the ground level for the building platform on Lot 1 has been set at 387.7m above sea level in order to avoid flood hazards, and 385.2m above sea level for Lot 5. At these levels, Mr Geddes indicated that less than 1% of the platforms would be below this minimum flood level, and Mr Wardill accepted that dwellings could be successfully positioned on these platforms such that they would not be at risk of flooding. Mr Wardill noted that there would be a potential for access to Lot 5 to be cut off from McDonnell Road in the event of a flood, but there were other routes available if necessary.
74. I rely on Mr Wardill's advice and consider that the RL levels included in the conditions of consent are sufficient to ensure that any flood hazard is appropriately avoided.

Earthworks

75. The section 42A report concluded that earthworks proposed and necessary to give effect to the subdivision can be appropriately managed by conditions of consent such that there will be no more than minor adverse effects. Conditions of consent will be necessary to require that appropriate measures to control silt and runoff be implemented during the construction phase.

Access and Traffic

76. No party raised concerns relating to the adequacy of access to the proposed subdivision, and Mr Wardill was satisfied that access to the proposed lots can be provided in accordance with the Council's standards, subject to conditions of consent to ensure compliance with the appropriate design standards. I accept Mr Wardill's advice.

Setbacks from Water Bodies

77. As identified in the section 42A report, the proposed District Plan contains rules with immediate legal effect relating to setback distances from water bodies. The application proposes environmental compensation by way of environmental restoration of the unnamed stream and riparian margin. The applicant's Ecology Report (contained within the agenda) has now been supplemented by the landscape treatment as identified in the amended landscape plans provided by Ms Steven, and I agree that these will have a positive effect on the overall development.
78. As identified above, I am satisfied that the building platforms are sufficiently located such that they will not be susceptible to flood hazards from the unnamed creek bisecting the property. Overall I am satisfied that appropriate setbacks from the water body are provided.

Summary of Effects

79. Overall, having considered the evidence presented at the hearing, the application and supporting reports, the submissions and the amended plan provided subsequent to the hearing, I am satisfied that the adverse effects of the proposed activity will not be more than minor, and I therefore consider that the proposal meets the threshold in section 104D(1)(a) of the Act. I consider that conditions of consent can be imposed that will be sufficient to ensure that any adverse effects are appropriately avoided, remedied or mitigated.

Objectives and Policies of the Operative District Plan

80. I have considered the detailed assessments of the objectives and policies of the Plan as set out in the Application, the section 42A report and the evidence of the planning experts. I address these below

Part 4 – District Wide Landscape and Visual Amenity

81. The most relevant objective is Objective 4.2.5, and its associated policies which recognise the significance of landscape and visual amenity values to the district, and seek to ensure that those values are not diminished through inappropriate development. This proposal seeks to establish three additional residential allotments at the edge of the AUGB, and contains an existing residence and out buildings.
82. As I have found in the assessments above, the proposed buildings will not cross the threshold beyond which the site and landscape cannot absorb the change. I consider that the design of the subdivision and the landscaping and other conditions proposed will adequately mitigate any visual effects. Overall I consider the development will not affect the visual amenity landscape, and is not contrary to these provisions.

Part 4: Natural Hazards

83. The relevant provisions from this section are Objective 4.8.3 and its associated policies, which seek to avoid or mitigate loss of life, and damage to infrastructure from natural hazards by ensuring buildings and developments are constructed and located appropriately away from hazards, or are adequately mitigated. As identified in the assessment of effects above, I am satisfied that the amendments made to the proposal post-notification and as advanced at the hearing sufficiently demonstrate that any risks arising from natural hazards, and particularly flooding, are sufficiently avoided. Accordingly, I consider that the proposal is not contrary to these provisions.

Part 5: Rural Areas

84. As identified in the section 42A report, the relevant objectives and policies contained in Part 5.2 of the Plan seek to protect the character and landscape values of the rural area, retain the life supporting capacity of soils and vegetation, and appropriately manage effects of activities on rural amenity. I consider the proposal is not contrary to the district wide landscape objectives, and I agree with Ms Standish that the proposed riparian restoration will have a positive impact.
85. Given the topography of the site and the surrounding area, and the specific locations of the building platforms within the site, I am satisfied that the building locations will not adversely affect any skyline, ridge, hill or prominent slope. The life-supporting capacity of soils is not diminished, and I note that the landscape architects were agreed that overall the amenity of the rural area would not be adversely affected by the proposal. Overall, I am satisfied that the proposal is not contrary to these provisions.
86. Having considered the actual and potential effects of the proposal, while I accept that the proposed development will introduce additional built form into the area, I consider that the development does not cross a threshold beyond which the effects of the development cannot be absorbed into the landscape, and I am satisfied that the proposal is not contrary to the relevant Part 5 objectives and policies.

Part 15: Subdivision, Development and Financial Contributions

87. The relevant objectives and policies of Part 15 seek to ensure the necessary services are installed, that the cost of subdivision is met by the subdivider, and to ensure that amenity is protected through lot sizes that provide for efficient and effective functioning with appropriate

levels of open space. For the reasons identified earlier in this assessment, I consider these matters to be satisfied, and conclude that the proposal is not contrary to these provisions.

Part 22 – Earthworks (Plan Change 49)

88. The relevant objective and policy seek to ensure that effects of earthworks are mitigated, and to protect the nature and form of the existing landscape. Ms Standish concluded that the earthworks are feasible and that appropriate measures to mitigate effects of the earthworks can and will be put in place, and that additional mitigation measures will be required to be put in place to prevent any further degradation of the stream as a result of the works. These mitigation works will be required as a condition of consent, and I accept Ms Standish's view that provided these measures are implemented, the proposed works will not be contrary to the relevant objectives and policies for earthworks.

Proposed District Plan

89. The Proposed District Plan (PDP) was notified on 26 August 2015. The section 42A report has identified that the objectives and policies that are relevant to this application seek to recognise the importance of areas described as Rural Landscape Character (RLC – currently known Visual Amenity Landscapes), and to ensure that landscape character is not diminished as a consequence of development.
90. The PDP identifies that it is necessary to recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places. Subdivision and development should only be allowed where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape. Having considered the actual and potential effects of the proposal, I conclude that it satisfies the policy direction in the proposed Plan, and has suitable regard to the natural hazard risk that is present on site.

Summary of Objectives and Policies

91. Overall, I am satisfied that the proposed development is not contrary to the relevant objectives and policies of the Operative and proposed District Plans.

Other Matters

Precedent

92. The section 42A report and some of the submissions received raised the concern that the proposal has the potential to create a precedent, noting that a subdivision has also been granted recently for development of a nearby site. In order to be able to rely on a precedent, an application would be required to exhibit similar characteristics. As Mr McDonald noted, a future application would have to demonstrate that it had a similar shape and topography as the subject site, as well as other factors. I agree that each application is assessed on its merits, and agree with Mr McDonald that unless an application is made on a site with similar characteristics, this application is not precedent setting.

Part 2 Matters

93. Section 5 states that the purpose of the Resource Management Act is “to promote the sustainable management of natural and physical resources”. “Sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

94. Section 6(a) of the Act requires that I recognise and provide for the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. I am satisfied that the evidence presented, and particularly that of Ms Steven on behalf of the Applicant, has satisfactorily addressed this matter.
95. Section 7 requires that I have particular regard to a range of matters. I am satisfied that the evidence presented on behalf of the Applicant, and that of the Council reporting officers, has demonstrated that these matters are appropriately addressed.
96. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
97. For the reasons set out in this decision, I consider the application to be consistent with relevant matters in Part 2 of the Act, and overall to achieve the purpose of the Act.

Determination

98. Consent is sought to undertake a five (5) lot subdivision and to identify three residential building platforms. Land use consent is sought for earthworks and a breach of the road boundary setback and water body setback by the proposed building platforms.
99. Overall, the activity was assessed as a non-complying activity under sections 104, 104B and 104D of the Act.
100. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. I consider that the adverse effects of this application can be appropriately avoided, remedied or mitigated such that the threshold beyond which the landscape's ability to absorb the development is not breached, and accordingly I am satisfied that the test in section 104D(1)(a) is met.
101. I further find that the proposal is not contrary the relevant objectives and policies of the District Plan, and accordingly I am satisfied that the test in section 104D(1)(b) is also met.
102. Accordingly, I determine that Consent be GRANTED pursuant to sections 104B and 104D of the Act subject to the attached conditions which are imposed under sections 108 and 220 of the Act.
103. Dated at Queenstown this 26th day of January 2016.



Andrew Henderson

Hearings Commissioner

CONDITIONS OF CONSENT: RM140648

General Conditions

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

Anne Steven Landscape Architect:

- Proposed Subdivision Lots 1-4 Ref. 229.LP01A January 2016.
- Proposed Subdivision Lot 5 Ref. 229.LP01B January 2016

Clark Fortune McDonald & Associates:

- Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(01), Rev. 09 dated 15.04.14.
- Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(02), Rev. 09 dated 11.04.14.
- Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(03), Rev. 09 dated 11.04.14.
- Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(04), Rev. 09 dated 15.04.14.
- Proposed Earthworks Lots 1, 3 – 5, Drawing No. 01(01), Rev. A dated 25.11.14.
- Proposed Earthworks Lots 1 and 4 Accessways, Drawing No. 01(03), Rev. A dated 25.11.14.
- Proposed Earthworks Lot 5, Drawing No. 01(05), Rev. A dated 25.11.14.

(stamped as approved on 27 January 2016) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Engineering Conditions

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.
Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>
4. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:
- Stage 1: Lot 1
 - Stage 2: Lot 3 & 4
 - Stage 3: Lot 5 & 6

The stages set out above may be progressed in any order and combined in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

5. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. Specifically silt fencing shall be provided above the water course, where site earthworks are located within 20m, to prevent sediment entering the channel. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

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

6. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Monitoring Planner at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
7. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1, 4 & 5 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - b) The provision of a sealed vehicle crossing servicing Lots 1-5 from McDonnell Road to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the District Plan. This shall include gradient improvements to the Lot 5 crossing to provide compliant break over angles from McDonnell Road in accordance with Council standards.
 - c) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1 and 5, and no increase in run-off onto land beyond the site from the pre-development situation.
 - d) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads and the Creek Crossing to Lot 5. The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
 - e) The provision of an access way to the building platforms of Lots 1 - 5 that complies with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access way shall meet the following requirements:
 - (i) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.

- (ii) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the sub-grade.
- (iii) The minimum standard for carriageway formation shall be a minimum compacted depth of 150mm AP40 metal and a formed metal carriageway width of no less than 3.5 metres.

To be monitored throughout earthworks

- 9. The earthworks and batter slopes shall be undertaken in accordance with the recommendations of the report by RD Agritech report titled 'Geotechnical Assessment Report – Willowburn Geotech, 219 McDonnell Road, Arrowtown', dated 16 May 2014.
- 10. 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 their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 11. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) Notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

To be completed before Council approval of the Survey Plan

- 12. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:

- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include right-of-way easements over proposed Lot 4 in favour of Lot 1 and 3.
- b) Any areas within Lot 5 building platform that is below flood level shall be shown as covenant areas on the Survey Plan.

To be completed before issue of the s224(c) certificate

13. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder shall provide a geotechnical completion report and a Schedule 2A *“Statement of professional opinion as to suitability of land for building construction”* in accordance with Section 2.11.1 of NZS 4404:2004 that has been prepared by suitably qualified geotechnical engineer as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms for Lots 1, 4 & 5 are suitable for building development. In the event that the site conditions within the building platforms are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and approval full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for future building construction.
 - b) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council’s ‘as-built’ standards and include all Roads (including right of ways) and Water reticulation (including private laterals and toby positions).
 - c) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - d) The completion of all works detailed in Condition (8) above.
 - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on Lots 1, 4, 5 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 building platform on Lots 1, 4, 5 and that all the network supplier’s requirements for making such means of supply available have been met.
 - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - h) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - i) The existing firefighting provision to Lot 3 shall be upgraded to comply with firefighting requirements. This shall include either; the provision of a suitable firefighting connection located adjacent to a suitable hardstand area and a minimum 60 minute fire rating to the rear interior wall of the adjacent building, or the tank to be relocated (or new tank) in

accordance with Councils standards. Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

- j) Load Restriction signage shall be installed on the Creek Crossing approach to Lot 5, with limits as calculated by the certifying Engineer.
- k) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (6) for all engineering works completed in relation to or in association with this subdivision/development, including all Roads and the Creek Crossing in Lot 5. The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- l) The consent holder shall demonstrate that a management company (whose responsibility it is to install, operate, monitor and maintain the sanitation water treatment system and the communal water supply) has been created. The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.
- m) The completion and implementation of the planting shown on the two approved landscape plans scheduled in Subdivision, Condition 1 to the extent required for that stage of the subdivision. All planting shall be mulched and irrigated where practicable.

Planting may be staged in accordance with the staging of the subdivision. The level of planting required to be completed for each stage shall be in accordance the approved landscape plans in Condition 1.

Ongoing Conditions/Consent Notices

14. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) Within 3 months of completion of earthworks, a consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works **AND** require the owner to implement all such measures prior to occupation of any building.
 - b) All future buildings shall be located within the approved residential building platforms identified on the Title Plan.
 - c) The finished floor level of any building/dwelling on Lots 1 and 5 shall be a minimum of 250mm above the following ground levels;
 - Lot 1 – shall be no less than 387.7m above sea level.
 - Lot 5 – shall be no less than 385.2m above sea level.
 - d) The maximum height for any building within the approved Residential Building Platform shall be 5m above the existing ground level as shown on the Clark Fortune McDonald & Associates plans approved in Condition 1: *“Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(01), Rev. 09 dated 15.04.14”, “Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(02), Rev. 09 dated 11.04.14”, “Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(03), Rev. 09 dated 11.04.14”, and “Proposed Lots 1-5 Being A Subdivision of Pt Lot 1 DP 12644, Drawing No. 01(04), Rev. 09 dated 15.04.14”.*

- e) Roofing materials shall be in the range of grey, brown and green colours and shall have a LRV of 15% or less. Cladding of the future dwelling within the platforms shall be timber (painted or unpainted), stacked stone, Colorsteel or solid plaster or a similar material approved by the Council. Finishes shall be visually recessive and of low reflectivity (less than 36%)
- f) Gutters and spouting shall be the same or darker colour as roof and cladding. Joinery shall be in timber, steel, or aluminium. Metal Joinery shall be the same as the roofing and spouting colours.
- g) Accessory buildings shall be clad and coloured to match the primary dwelling.
- h) None of the following materials may be incorporated into the exterior of the building:
 - Fibre cement weatherboard sidings and roofing
 - Uncoated fibre materials
 - Imitation timber, brick or masonry
 - Metal weatherboards or compressed fibre weatherboards
 - Any metal or asphalt based aggregate covered tiles and shingles.
- i) Exterior lighting shall be low level, down lighting only, no greater than 0.5m above ground and directed away from property boundaries to ensure that no upwards light spill or light spill beyond property boundaries will occur.
- j) All domestic activity such as mown lawns, amenity gardens and garden structures, paved areas, play equipment, clothes lines, play huts, kennels, vehicle parking (including boats, caravans and similar), shall be restricted to the curtilage areas.
- k) All boundary fences and internal fences outside the curtilage are to be standard farming post and wire fences;
- l) Lot entrances shall be of simple rural character utilising timber, stone and metal and shall not exceed 1.2m in height.
- m) Any water tanks (if required) must be buried and/or screened by landform and/or planting so they are not visible outside of the lot.
- n) The land owner is advised that the installation of solid fuel domestic heating appliances must meet the permitted activity rule for domestic heating in Air Zone 1 of the Regional Plan: Air for Otago.
- o) Planting completed in accordance with the landscape plan approved under RM140648 and any tree marked as To Be Retained on this landscape plan shall be maintained in good health. Any plant that dies, is damaged or otherwise fails to thrive, shall be replaced in the next planting season. Any replacements necessary for transplanted sugar maples shall be a minimum of 3m height and shall have a good root ball: foliage ratio.
- p) Prior to building work on Lot 1 the road boundary tree planting shall reach a minimum height of 3m for 90% of the trees and have interlocking foliage to within 500mm of ground level. The maximum height of trees at maturity shall be 5-6m (including trimmed height) to avoid excessive shading of Lot 1 and McDonnell Road.
- q) The pruning of any trees along the road boundary of Lots 3 & 4 that results in a high level of visibility from McDonnell Road to the existing dwelling on Lot 3 or the Lot 4 building platform will require the planting of new trees at a minimum planting height of 2.5m to screen this visibility. The species of these trees shall be the same or of similar character to the existing trees (excluding Pinus spp., Larch or Douglas Fir).

- r) No domestic stock shall be permitted within the Riparian Management Zone (delineated on the landscape plan approved under RM140648) except for the purposes of managing grass vegetation, where there shall be a fully stock proof fence preventing any stock access to within 3m of the wet edge of the stream.
- s) The Riparian Management Zone (delineated on the landscape plan approved under RM140648) shall be maintained free of invasive weed species such as crack willow, broom and gorse. The stream bed and banks shall be maintained in their natural state.
- t) Planting within the Riparian Management Zone (delineated on the landscape plan approved under RM140648) shall be local indigenous species including but not limited to the following:

Riparian Margin/Wetland

Austroderia richardii (Toi toi)

Phormium tenax (Flax)

Carex secta

Chionochloa rubra (Red Tussock)

Coprosma propinqua (Mingimingi)

Olearia lineata

Olearia hectorii

Sophora microphylla (South Island Kowhai)

Rocky Outcrops and drier areas:

Coprosma propinqua

Other local coprosma species

Olearia odorata

Melicytus alpinus (Porcupine Shrub)

Any other indigenous species used shall be approved by an experienced ecologist familiar with the ecology of the Wakatipu Basin.

- u) The Owner of Lot 6 DP***** shall not further subdivide this Lot (excluding boundary adjustments where the result of the boundary adjustment subdivision results in no additional residential Lots) for a minimum period of 15 years from the date of the decision for RM140648, and the Lot shall be maintained free of any buildings throughout that time. The future owner is advised there are no services to Lot 6, and these shall be required at the time of any further development.
- v) At the time that a dwelling is erected on Lots 1 - 5, the owner for the time being is to treat the domestic water supply if necessary by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005.
- w) The drinking water supply is to be monitored in compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the management group for the lots, and the results forwarded to the Council Monitoring Planner. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 (revised 2008) are met or exceeded.
- x) At such a time that Council's reticulated potable water is extended to within 30m of the lot boundary, the owner for the time being shall cease the use of any private water sources, decommission them appropriately, and connect to the Council reticulated water system. The cost of making the connection shall be borne by the owner of the lot and the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contributions. The costs of registering the consent notice shall be borne by the consent holder and the final wording shall be determined by Councils legal representatives.

- y) At the time a dwelling is erected on Lot 1 and 5, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- z) At the time a dwelling is erected on the lot, should Council wastewater reticulation not be available in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. All lots with disposal within 50m of waterways shall design to provide for 'tertiary' Ultra Violet treatment and obtain consent from Otago Regional Council. For lots outside the 50m waterway setback shall design and provide disposal systems for a minimum of 'secondary' treatment.
- aa) At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative onsite disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution. The costs of registering the consent notice shall be borne by the consent holder and the final wording shall be determined by Council's legal representatives.
- bb) At the time a dwelling is erected on Lots 1, 4 & 5 domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

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








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

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank

whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance. Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method. The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

KEY

-  Proposed Riparian Management Zone
-  Existing Trees to be Retained
-  Other Existing Trees
-  Proposed Curtilage Area
-  Proposed Earth Mounding
- Yunnan Poplars and Weeping Willows planted along east boundary
- 
- 

QUEENSTOWN LAKES DISTRICT COUNCIL

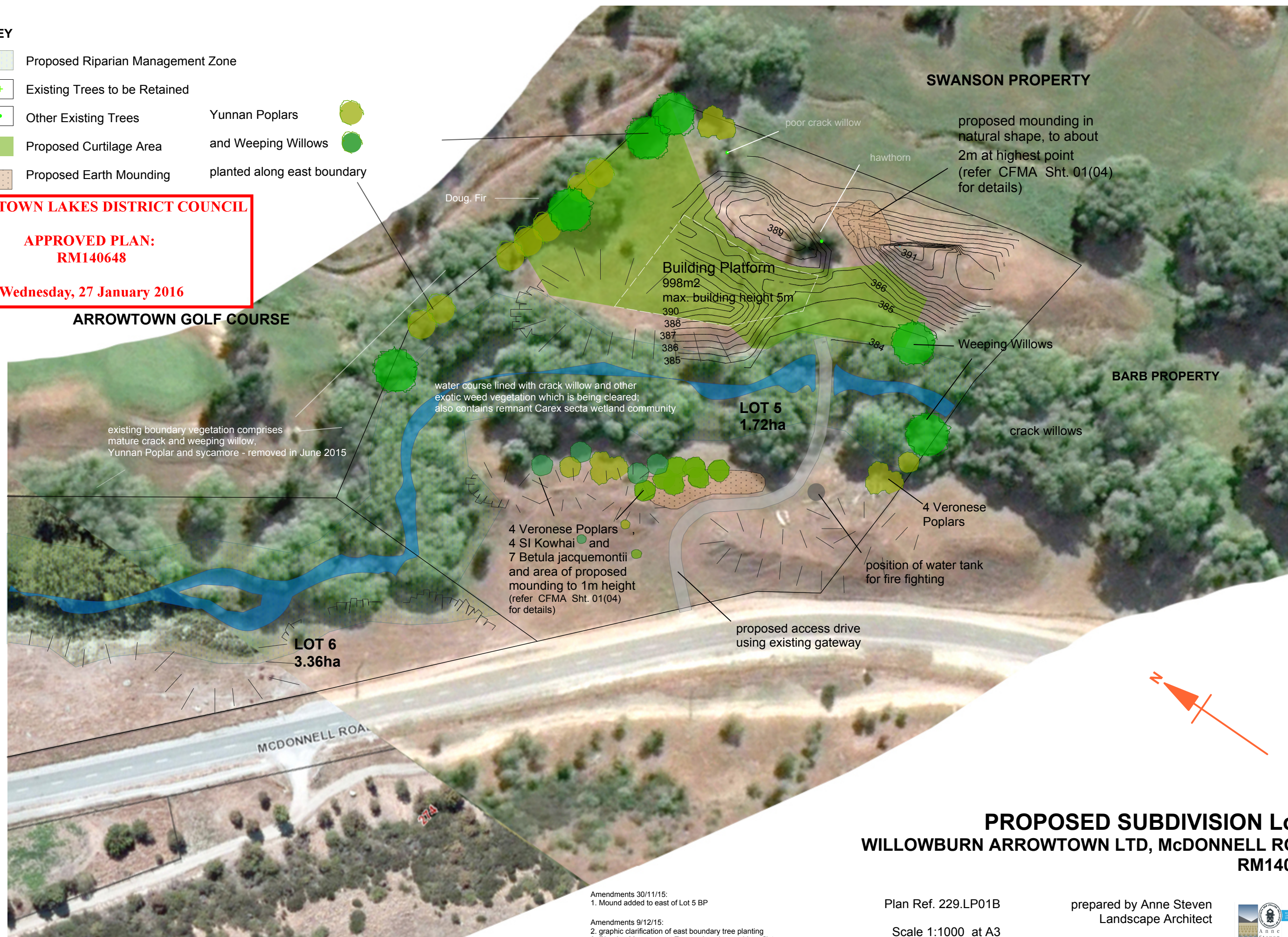
**APPROVED PLAN:
RM140648**

Wednesday, 27 January 2016

ARROWTOWN GOLF COURSE

SWANSON PROPERTY

BARB PROPERTY



PROPOSED SUBDIVISION Lot 5 WILLOWBURN ARROWTOWN LTD, McDONNELL ROAD RM140648

Amendments 30/11/15:
1. Mound added to east of Lot 5 BP

Amendments 9/12/15:
2. graphic clarification of east boundary tree planting
3. Riparian Management Zone reduced to avoid conflict with exotic tree planting for mitigation

Amendments 15/1/16:
1. Changed building height from RL to max. height 5m

Plan Ref. 229.LP01B

Scale 1:1000 at A3

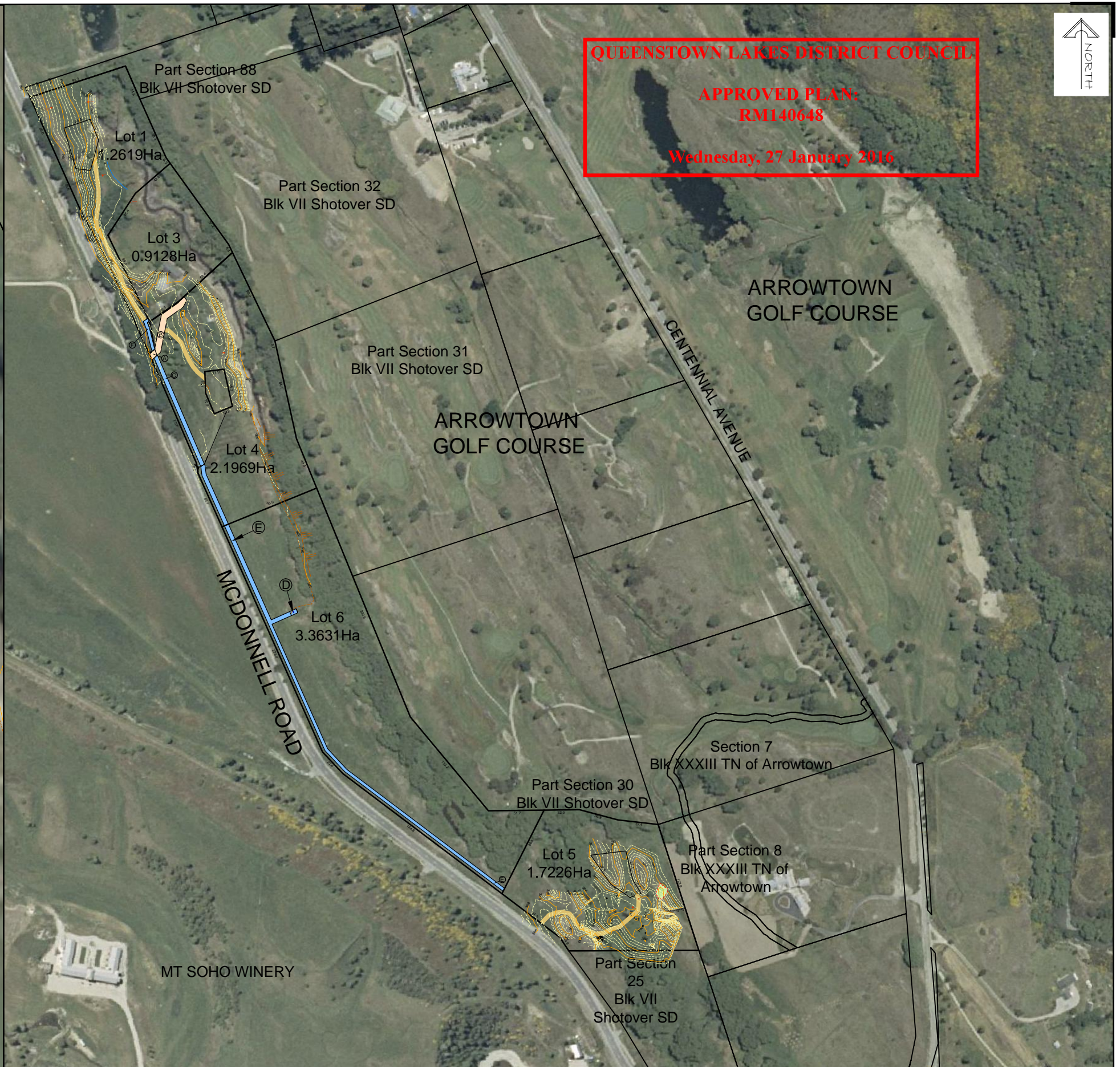
prepared by Anne Steven
Landscape Architect

January 2016





SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	A	Lot 4	Lot 1
	A & B		Lot 3
SCHEDULE OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right to Take Water	D	Lot 6	Water Company - To Be Confirmed
Right to Convey Water	E	Lot 6	
	C & A	Lot 4	
	F	Lot 1	



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Rev.	Date	Revision Details	By
02	2/5/14	Additional survey/shift building platform Lot 5	CRW
03	20/6/14	Shift building platform Lots 1, 4 and 5	CRW
04	26/6/14	Shift Lot 4/6 boundary	CRW
05	28/7/14	Amend drawing layout	CRW
06	5/11/14	Add Lot 5 Fire Fighting Tank	CRW
08	6/7/15	Move BP's Lots 1, 4 & 5, add BH location	DP
09	21/7/15	Move Lot 4 Driveway Position	DP

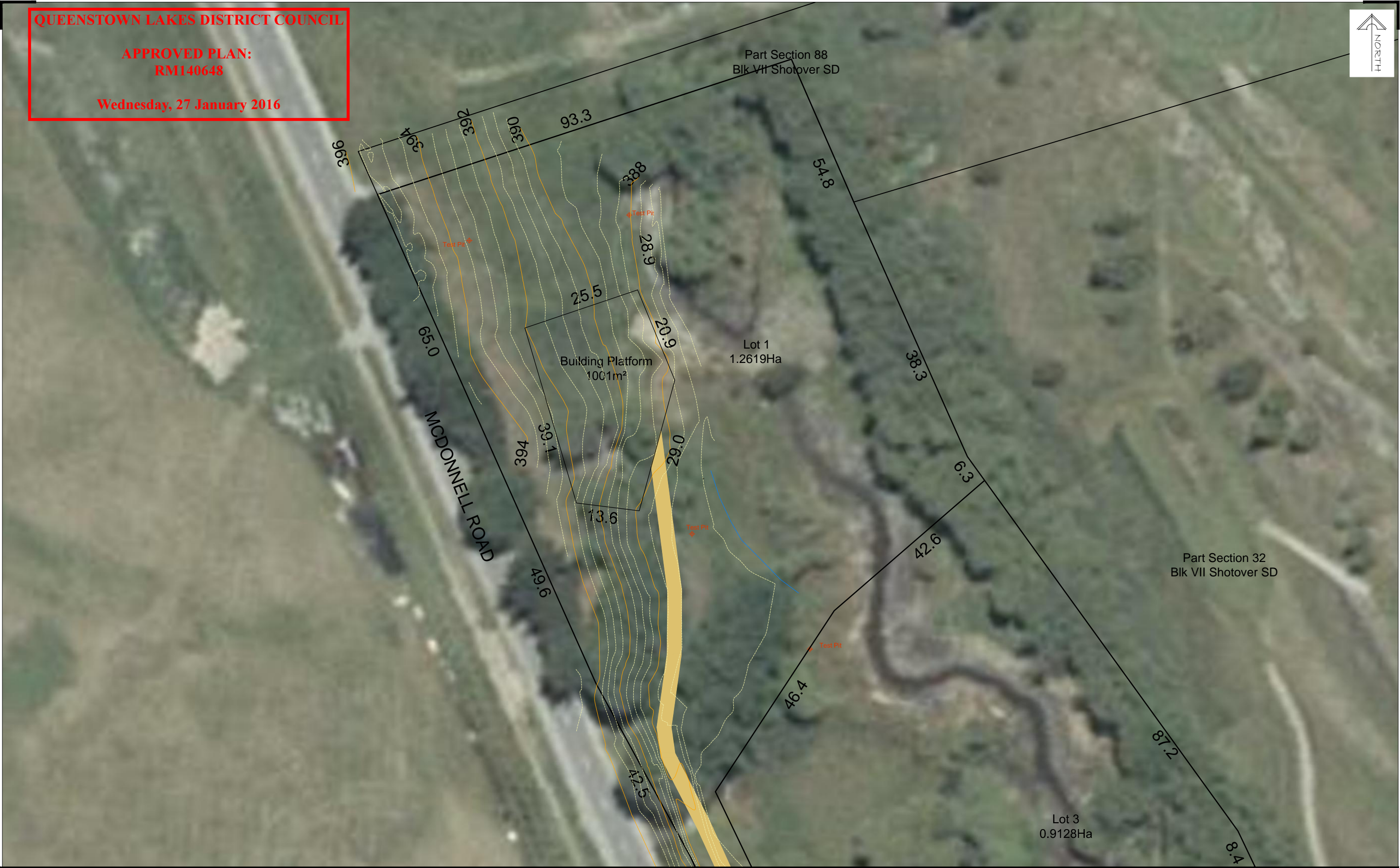
PROPOSED LOTS 1-5 BEING A SUBDIVISION OF Pt LOT 1 DP 12644


Client	Surveyed	Signed	Date	Job No.	Drawing No.
WILLOWBURN ARROWTOWN LTD	CRW	Signed	11.04.14	11112	01 (01)
<small>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</small>	Drawn	Signed	Date	Scale	1:2000 @ A1
	CRW	Signed	15.04.14		1:4000 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	09

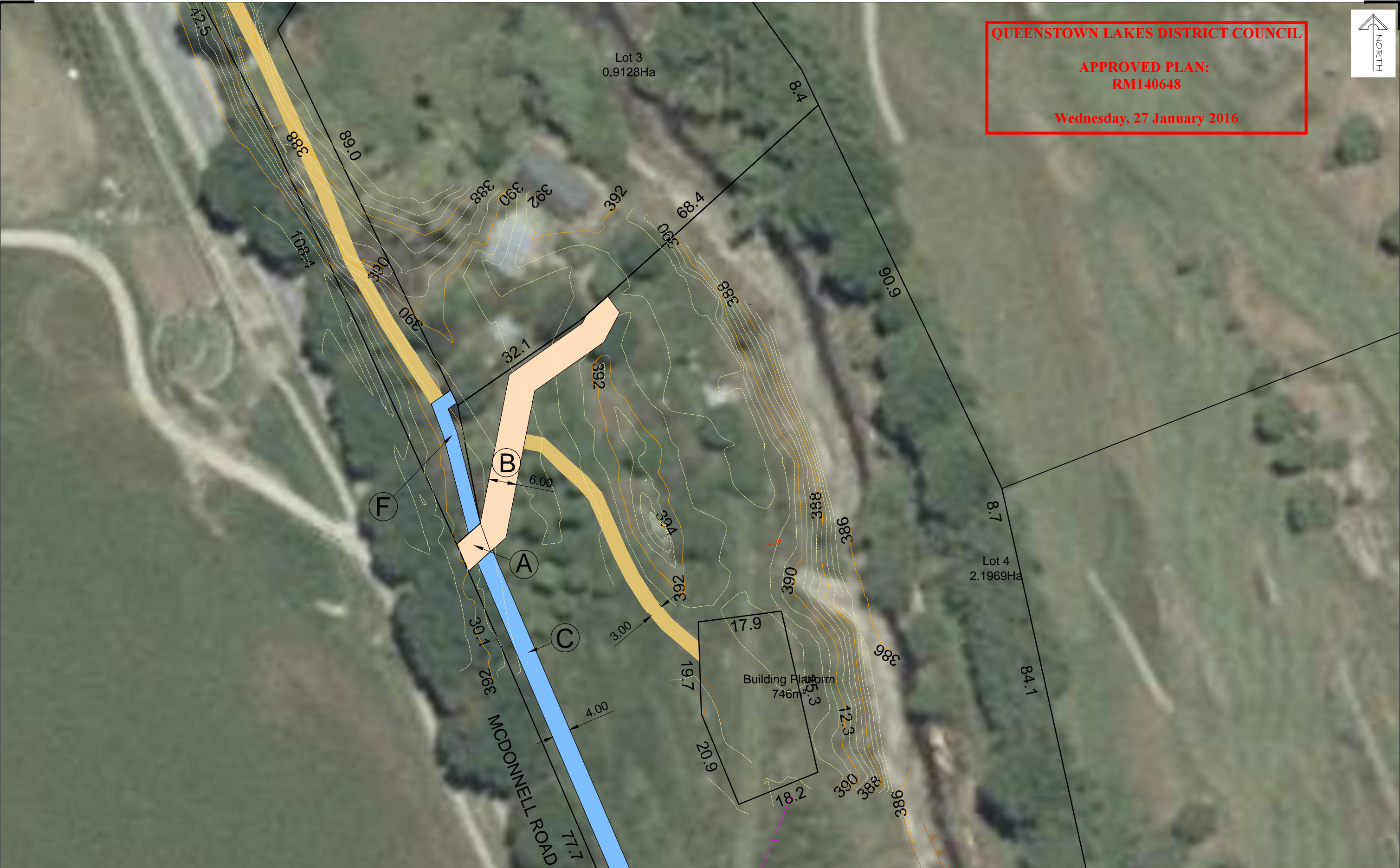
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140648

Wednesday, 27 January 2016



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	06	5/11/14	Add Lot 5 Fire Fighting Tank	CRW
	08	6/7/15	Move BP's Lots 1, 4&5, add BH location	DP
	09	21/7/15	Move Lot 4 Driveway Position	DP
PROPOSED LOTS 1-5 BEING A SUBDIVISION OF Pt LOT 1 DP 12644 - LOT 2 BUILDING PLATFORM				
Client				
WILLOWBURN ARROWTOWN LTD				
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Surveyed	Signed	Date	Job No.	Drawing No.
CRW		11.04.14	11112	01 (02)
Drawn	Signed	Date	Scale	
CRW		11.04.14	1:375 @ A1 1:750 @ A3	
Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	09




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Wednesday, 27 January 2016





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Shotover Design Limited trading as

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PROPOSED LOTS 1-5 BEING A SUBDIVISION OF
Pt LOT 1 DP 12644 - LOT 4 BUILDING PLATFORM

Client

WILLOWBURN ARROWTOWN LTD

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Surveyed

CRW

Drawn

CRW

Designed

-

Signed

Signed

Signed

-

Date

11.04.14

Date

11.04.14

Date

-

Job No.

11112

Scale

1:375 @ A1

Datum & Level

Mt Nic 2000 & MSL

Drawing No.

01 (03)

1:750 @ A3

Rev.

09



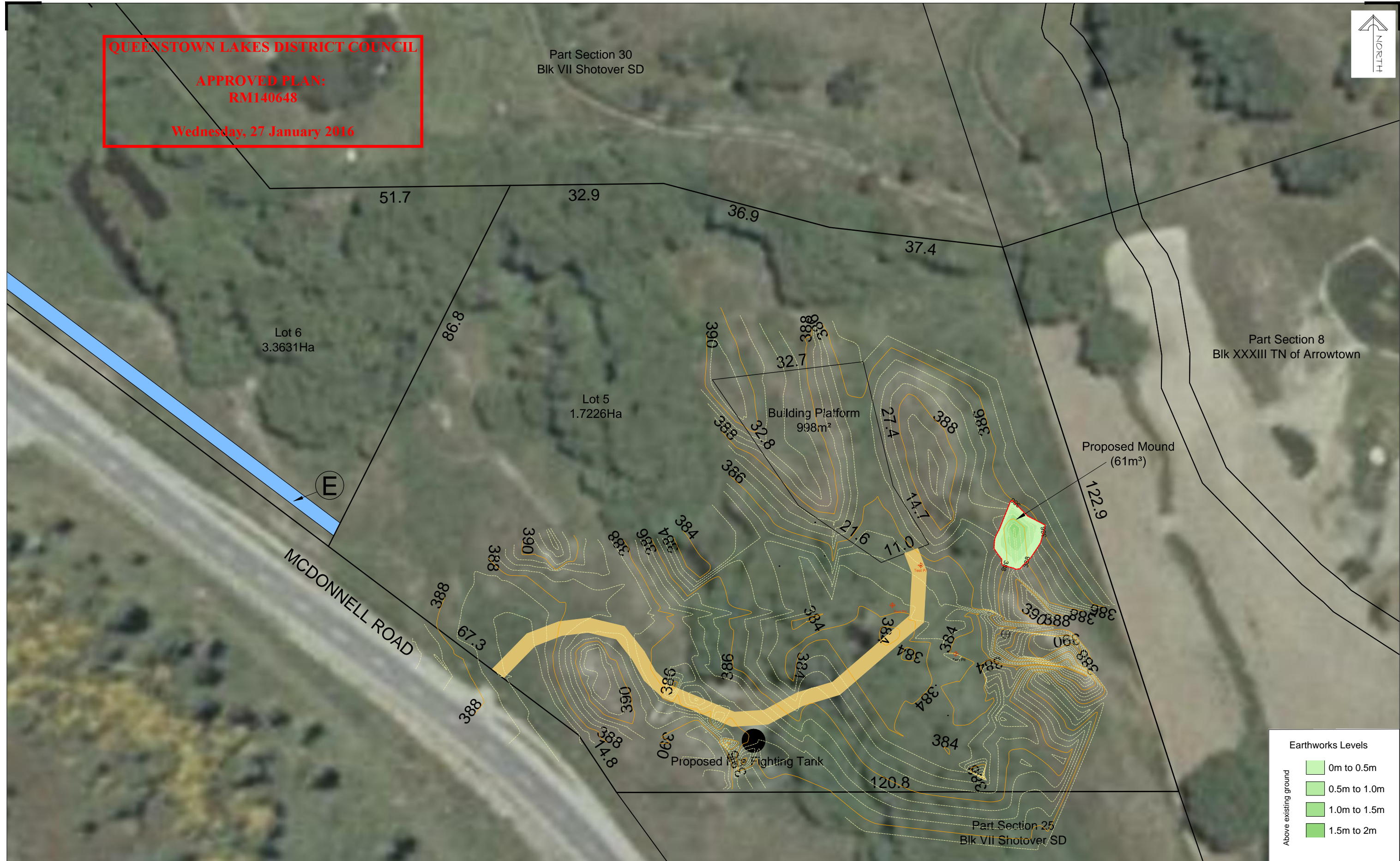
QUEENSTOWN LAKES DISTRICT COUNCIL


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RM140648

Wednesday, 27 January 2016

Part Section 30
Blk VII Shotover SD

Part Section 8
Blk XXXIII TN of Arrowtown





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PROPOSED LOTS 1-5 BEING A SUBDIVISION OF
Pt LOT 1 DP 12644 - LOT 5 BUILDING PLATFORM

Client	Surveyed	Signed	Date	Job No.	Drawing No.
WILLOWBURN ARROWTOWN LTD	CRW		11.04.14	11112	01 (04)
	Drawn	Signed	Date	Scale	
	CRW		15.04.14	1:750@ A3	
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	09

Notes:

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Lot 5
1.7226Ha

Client	Surveyed	Signed	Date	Job No.	Drawing No.
WILLOWBURN ARROWTOWN LTD	CRW		11.04.14	11112	01 (01)
Notes:	Drawn	Signed	Date	Scale	
All dimensions shown are in meters unless otherwise specified.				1:2000 @ A1	
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- Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.	Designed	Signed	Date	Datum & Level	Rev.
- Ensuring the information is the most recent issue.					
- Copyright on this drawing is reserved.	BP		25.11.14	Mt Nic 2000 & MSA	

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QUEENSTOWN LAKES DISTRICT COUNCIL


APPROVED PLAN:
RN140648

Wednesday, 27 January 2016

EARTHWORKS

CUT 400m³
FILL 80m³

- Below existing ground
- 1.2m to -1.4m
 - 1.0m to -1.2m
 - 0.8m to -1.0m
 - 0.6m to -0.8m
 - 0.4m to -0.2m
 - 0.2m to -0.4m
 - 0m to -0.2m
- Above existing ground
- 0m to 0.2m
 - 0.2m to 0.4m
 - 0.4m to 0.6m
 - 0.6m to 0.8m
 - 0.8m to 1.0m
 - 1.0m to 1.2m
 - 1.2m to 1.4m
 - 1.4m to 1.6m

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Rev.	Date	Revision Details	By
A	8.12.15	Amend Driveway Earthworks	CRW

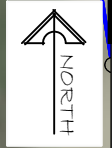
PROPOSED EARTHWORKS
LOTS 1 AND 4 ACCESSWAYS

Client	Willowburn Arrowtown Ltd CRW	Surveyed	Signed	Date	Job No.	Drawing No.
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.			11.04.14	11112	01 (03)
Drawn	Signed	Date	Scale	25.11.14	1:500 @ A1	1:1000 @ A3
Designed	Signed	Date	Datum & Level	25.11.14	Mt Nic 2000 & MSL	Rev.
BP	BP					

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140648

Wednesday, 27 January 2016



Building Platform
998m²

Lot 5
1.7226Ha

122.9

67.3

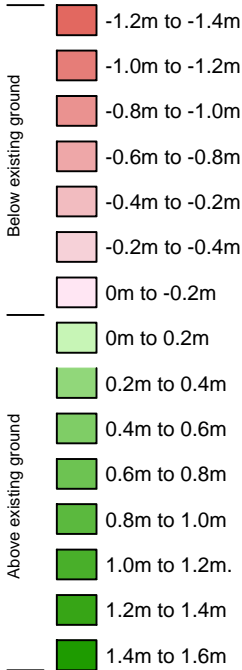
14.8


120.8

MCDONNELL ROAD

EARTHWORKS

CUT 350m³
FILL 80m³



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PROPOSED EARTHWORKS
LOT 5

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				11.04.14	11112	01 (05)
		Drawn	Signed	Date	Scale	
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		Designed	Signed	Date	Datum & Level	Rev.
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