



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicants:	P Smith and L Malcolm
RM Reference:	RM120827
Location:	Slope Hill Road and Lower Shotover Road
Proposal:	Subdivision to create two allotments and identification of a residential building platform on one of the allotments; to relocate a dwelling to within the residential building platform; and to construct an access and undertake earthworks and associated landscaping. Consent is also sought to vary conditions specified in Consent Notice 936464.2 as these relate to Part Lot 1 DP 26173; and to change Condition 12 of RM 010807 to make provision for the proposed access to Lot 2.
Type of Consent:	Subdivision and Land Use; Vary Conditions Specified in a Consent Notice; and Change Conditions of Consent.
Legal Description:	Part Lot 1 DP 26173 and Lot 2 DP 26535 held within Computer Freehold Register OT18C/185.
Valuation Number:	2907120907
Zoning:	Rural General
Activity Status:	Discretionary
Notification:	13 March 2013
Commissioners:	W D Whitney and L Overton
Date of Decision:	2 September 2013
Decision:	Consent is granted subject to conditions

A. INTRODUCTION

A.1 Background

1. Philip Smith and Leanne Malcolm have applied to the Queenstown Lakes District Council for resource consent to subdivide an existing title into two allotments and to identify a residential building platform on one of the allotments; to relocate a dwelling within the residential building platform; and to construct an access and undertake earthworks and associated landscaping. Consent is also sought to vary conditions specified in Consent Notice 936464.2 as these relate to Part Lot 1 DP 26173; and to change Condition 12 of RM 010807 to make provision for the proposed access to Lot 2. The site subject to the application has frontage to Slope Hill Road and Lower Shotover Road in the Wakatipu Basin. The site is described as Part Lot 1 DP 26173 and Lot 2 DP 26535 as held in Computer Freehold Register Identifier (CFR) OT 18C/185 in the Otago Land Registration District.
2. The site has an area of 5.7082 hectares more or less. The site has a frontage of 294 metres to Slope Hill Road and 127 metres to Lower Shotover Road. Mature hawthorn hedges exist at the northern and western boundaries, adjacent to Slope Hill Road and Lower Shotover Road respectively.
3. That portion of the site adjacent to Lower Shotover Road is approximately flat and is bisected by an ephemeral watercourse which runs approximately east to west through the centre of the site. The more northern and eastern portions of the site slope fairly gently upwards to the east. In the southern half of the site a small ridge extends into the site to approximately 100 metres east of Lower Shotover Road where it drops reasonably steeply onto the lower terrace.
4. The applicants' existing dwelling is located within the eastern third of the site in a central location. The curtilage of the existing dwelling includes a separate garage and shed that are located close to the eastern boundary of the site. A plantation of poplar trees is located to the south of the dwelling, adjacent to the southern boundary of the site. The western and northern portions of the site are in pasture and the property is fenced into paddocks. The applicants have used the property for grazing purposes for the past decade.
5. Vehicular access to the site is achieved from Slope Hill Road close to the eastern boundary of the site. A small pump shed is located in close proximity to the western boundary of the site.

A.2 Planning History

6. On 11 November 1996 subdivision and land use consent was granted to P Blackler being RM 960353. The subject site forms part of Lot 1 RM 960353. RM 960353 permitted the subdivision of a 20 hectare property into two allotments for farming purposes; and the erection of a dwelling house on each of the proposed allotments. On 23 December 1996 a subdivision consent was granted for a boundary adjustment to P Ritchie being RM 960615. The effect

of that subdivision was to create a smaller title of 5.3693 hectares that broadly approximates the area of the existing title being CFR OT 18C/185. It appears that a further subdivision has occurred subsequent to RM 960615 given that Lot 2 DP 26535 now forms part of the site, being included in CFR OT 18C/185.

7. The applicants' dwelling was authorised by RM 010807 being a land use consent granted on 24 April 2002. This land use consent was required as the land use component of RM 960353 had expired as it related to the applicants' property. The Panel noted in the decision on RM 010807 that the level of domestication within the site and the surrounding environment was then at the threshold for the rural environment and the Panel could not envisage any more development beyond the application within the vicinity of the subject site.
8. The outcome of previous consent decisions is that the applicants' dwelling exists on the site which currently has an area of 5.7082 hectares more or less.

A.3 The Proposal

9. The applicants propose to subdivide the site into two allotments being Lot 1 of approximately 4.1 hectares and Lot 2 of approximately 1.6 hectares. The Commission notes that the areas of the allotments were adjusted at the hearing with Lot 2 having a nominated area of 1.61 hectares. As a consequence it is deduced that Lot 1 will have an area of approximately 4.1 hectares given that CFR 18C/185 contains 5.7082 hectares more or less.
10. A residential building platform is proposed on Lot 2, such platform to have an area of 770m². The residential building platform on Lot 2 is 107 metres from the Slope Hill Road and 76 metres from Lower Shotover Road.
11. Lot 1 includes the existing dwelling authorised by RM 010807, the associated driveway and parking areas and outbuildings, the existing poplar plantation and landscape plantings and paddocks.
12. Lot 2 is that portion of the site on the flats adjacent to Lower Shotover Road and contains the pump shed. Access to Lot 2 is to be achieved from Slope Hill Road via a new driveway that will connect to the residential building platform on Lot 2.
13. The applicants propose to relocate a villa from Christchurch to the residential building platform proposed on Lot 2. A garage is also to be constructed. The garage will project into the internal setback at the common boundary of Lot 1 and Lot 2.
14. A curtilage is proposed to be defined adjacent to the dwelling. The total area of the curtilage (including the residential building platform) is 1597m².

15. Water is to be provided to the new dwelling on Lot 2 from the existing on-site bore. Wastewater disposal is to be via on-site treatment and disposal to ground. The applicants have provided an On-Site Wastewater Management Assessment dated 22 June 2012 prepared by Mr Graeme Heazlewood of Southern Monitoring Services Limited that confirms that Lot 2 contains a large area of ground with sub-soils of adequate capacity to accommodate the treatment of effluent via sub-soil treatment methods in accordance with AS/NZS 1547:2000 for the residential loadings anticipated by the development.
16. Correspondence from Aurora Energy Limited dated 5 September 2012 and from Chorus dated 4 September 2012 confirms that reticulated power and telecommunication services can be provided to the subdivision.
17. In the application documentation, in documents circulated by the applicant subsequent to the lodging of submissions and at the hearing the applicants volunteered a range of conditions to mitigate effects. These include the following (or to like effect):
 - (i) The dwelling and any accessory building to be located within the 770m² building platform proposed on Lot 2.
 - (ii) The dwelling and garage on Lot 2 to be of a specific design as shown on the plans provided at the hearing; with the chimney height as shown on those plans to be reduced.
 - (iii) Compliance with a landscape structure plan; with further amendments to be made to the landscape structure plan in the event that consent is granted.
 - (iv) The maximum height of any residential building within the building platform to be no more than 6.5 metres above original ground level, and the building is to be restricted to single storey only.
 - (v) The finished floor level of any habitable building on the residential building platform to be no less than 385.8 RL.
 - (vi) Roof claddings to be steel (corrugated or tray), slate (natural or imitation), natural grass and/or membrane.
 - (vii) Roof colours to be recessive colours in greys, greens or browns with a light reflectance less than 20%. For the avoidance of doubt, black is not an acceptable colour.
 - (viii) Exterior wall claddings to be timber, smooth plaster, stone (local schist) or corrugated steel.
 - (ix) The exterior wall colours to be recessive with a light reflectivity of less than 36% within the tones of greys, greens and browns, or in natural timber left to weather.
 - (x) All exterior lighting associated with any dwelling to be fixed no higher than 2 metres above finished ground level and to be capped, filtered or pointed downwards so as to reduce or avoid visibility from any point off-site of light sources and to minimise visibility of lit areas.
 - (xi) No lighting beyond the curtilage area.

- (xii) All elements of the domestic curtilage (such as lawns, domestic landscape planting, outdoor storage areas and clotheslines) to be contained within the curtilage area identified on the Landscape Structure Plan dated 13 August 2013.
- (xiii) The original proposal for a hedgerow adjacent to the driveway to be deleted; with provision to be made for a cluster of trees adjacent to the entrance of Slope Hill Road to provide screening for the dwelling on Lot 1 as viewed from the access point that serves Lot 2.
- (xiv) The open paddocks generally to the north of the building curtilage on Lot 2 and on the adjacent portion of Lot 1 are to be maintained in open pasture and kept devoid of tree planting.
- (xv) No fencing shall be permitted (including boundary fencing) other than fences of a traditional farming type being post and wire. The entry and entrance gates shall be designed to fit in with the rural setting.
- (xvi) Any hedgerow plantings that need to be removed to facilitate the relocation of the dwelling onto the site shall be reinstated; except for a gap in the hedgerow that is required to accommodate the vehicle access that serves Lot 2.
- (xvii) The driveway to serve any building on the residential building platform on Lot 2 shall not have kerb and channel and shall be constructed of gravel (except where engineering constraints require alternative treatment).
- (xviii) The lot owners shall not remove or significantly alter any part of the hawthorn hedge (other than parts of the hedge removed for the access and relocation of the dwelling) along the northern boundary of the property. For the avoidance of doubt, maintenance of the hedge is not precluded.
- (xix) There shall be no further subdivision or establishment of residential dwellings on Lot 1 or Lot 2 while the land remains in the Rural General Zone of the Queenstown Lakes District Plan.
- (xx) The engineering conditions as recommended by Mr Hopkins.

18. The Commission confirms that it has assessed the proposal on the basis of the application as lodged; the further information provided on behalf of the applicants prior to the hearing; and the refined and additional conditions offered by the applicants at the hearing including the draft conditions presented at the hearing.

A.4 Zoning

19. The site is zoned Rural General as shown on Map 30 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).
20. Rule 15.2.3.3(vi) confirms that all subdivision and the location of residential building platforms is a discretionary activity in the Rural General Zone.

21. Rule 5.3.3.3i(a) confirms that the construction of any building and any physical activity associated with any building such as roading, landscaping and earthworks is a discretionary activity. This rule is relevant as the dwelling and garage are proposed on the nominated residential building which has not yet been consented and/or the dwelling and garage on Lot 2 may be constructed prior to the completion of the subdivision.
22. Rule 5.3.5.1vi(a) requires a minimum internal boundary setback of 15 metres. A breach of the minimum internal boundary setback (which will occur in this instance in respect to the garage and possibly the dwelling) is a restricted discretionary activity pursuant to Rule 5.3.3.3xi.
23. Rule 19.2.1.2i confirms that any relocated building is a restricted discretionary activity.
24. Rule 5.3.3.2ix(b) confirms that earthworks where the maximum volume of earth moved is between 300m³ and 1000m³ per site within any one consecutive 12 month period is a controlled activity.
25. In addition to the above section 221(3) provides that at any time after the deposit of the survey plan an owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice. In this instance application has been made to vary conditions specified in consent notice CONO 936464.2. Such application is to be treated as an application for resource consent to a discretionary activity pursuant to section 87B(1) of the Resource Management Act 1991 (the Act).
26. Section 127(1) provides for the holder of a resource consent to apply to a consent authority for a change or cancellation of a condition. Section 127(3) confirms that such application is to be considered on the basis that the application were an application for a resource consent for a discretionary activity. In this instance consent is sought to change Condition 12 of RM 010807.
27. The Commission has considered the proposal as an application for subdivision and land use consent to a discretionary activity; and as an application to change and vary conditions pursuant to sections 127 and 221 of the Act.
28. It is noted that the hawthorn hedge at the Lower Shotover Road frontage of the site is identified on Map 30 of the Operative District Plan as being subject to the "Protected Avenue of Trees/Hedge" notation; and is protected in terms of Rule 13.2.3.2iii of the Operative District Plan.

A.5 Submissions

29. Two submissions were received within the statutory submission period which closed on 12 April 2013. The submission by Robert & Elvena Heywood expressed support for the application subject to conditions being imposed. In essence the applicants are agreeable to these conditions or to conditions to like effect.
30. The Otago Regional Council provided a submission dated 12 April 2013. The Otago Regional Council promoted that consent be declined unless the alluvial fan hazard risk is addressed.
31. The Commission has given consideration to all submissions lodged in response to the application.

A.6 Reports and Hearing

32. The Commission has had the benefit of a planning report dated 5 August 2013 from Mr Nathan Keenan a Planner with the Queenstown Lakes District Council; a Landscape Assessment report dated 8 May 2013 from Dr Marion Read, then the Principal: Landscape Architecture with Lakes Environmental Limited; and an engineering report dated 30 July 2013 from Mr Alan Hopkins, an Engineer with the Queenstown Lakes District Council. It is noted that subsequent to the preparation of Dr Read's report Lakes Environmental Limited was dis-established and the relevant functions of that company have now been assumed by the Queenstown Lakes District Council.
33. At the hearing we were assisted by Mr Keenan, by Mr Richard Denney a Landscape Architect with the Queenstown Lakes District Council (who had originally reviewed Dr Read's report) and by Mr Hopkins. Ms Adonica Giborees, a Senior Planner with the Queenstown Lakes District Council, was also in attendance. Ms Louise Ryan, Committee Secretary with the Queenstown Lakes District Council, provided administrative support at the hearing.
34. Prior to the hearing we had the opportunity to consider the application and supporting material including the further information filed by the applicants together with the submissions. In the company of Mr Keenan we made a site inspection on the morning of the hearing on Wednesday 14 August 2013.
35. At the hearing the applicant was represented by Mr Michael Parker, Counsel, of Parker Cowan Lawyers. Mr Parker presented written submissions and called evidence from Mr Smith and Ms Malcolm (the applicants); from Mr Philip Blakely, Landscape Architect and Partner of Blakely Wallace Associates; and from Mr Brett Giddens, a Planner and Director of Town Planning Group Limited.

36. The submitters R & E Heywood were represented by Ms Annabel Ritchie, Counsel, of Anderson Lloyd. Ms Ritchie presented written submissions and called evidence from Mr Heywood. Mrs Heywood was also in attendance.
37. The planning, landscape and engineering reports were taken as read and Mr Hopkins, Mr Denney and Mr Keenan were invited to comment following the presentation of submissions and evidence. Following Mr Parker's reply the hearing was adjourned.

A.7 Principal Issues in Contention

38. The principal issues in contention before us are the effects on the environment of allowing the subdivision and the associated land use activity in the landscape.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted & Consented Baseline

39. Farming activities, planting (with specific exclusions), fencing and earthworks which do not breach Rule 5.3.5.1viii are permitted activities in the Rural General Zone. Within the Rural General Zone any subdivision and any building that exceeds 5m² and a height of 2 metres requires resource consent and is therefore not a permitted activity.
40. The consented baseline includes the dwelling on Lot 1 consented under RM 010807.

B.2 Affected Persons Approvals

41. At the hearing we were presented with signed affected persons approvals from D & P Martin; from the Valerie Miller Family Trust; and from AG Paisley. Section 104(3)(a)(ii) of the Act directs that a consent authority must not have regard to any effect on a person who has given written approval to the application when considering that application.

B.3 Assessment Matters

42. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 5, 15 and 19 that are relevant to subdivision and development in the Rural General Zone.
43. The officers' reports and the evidence presented to us have assessed the effects of the activity in terms of the relevant assessment matters. In our view this approach is appropriate in this instance, and we have assessed the actual and potential effects of the proposed activity having regard to relevant assessment matters, particularly those presented in Part 5 of the Operative District Plan.

B.4 Part 5

44. Clause 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.
45. The Landscape Categorisation in the Wakatipu Basin is shown at Appendix 8A – Map 2 in the District Plan. This shows the subject site as being Visual Amenity Landscape (VAL). Dr Read, Mr Denney and Mr Blakely agreed that the subject site is in the VAL. Land opposite the site on Lower Shotover Road is classified as being Other Rural Landscape (ORL) as confirmed in the decisions of the Environment Court in Hawthorn v QLDC Dec C83/2004 (Hawthorn) and Lakes District Rural Landowners Society Incorporated & Others v QLDC Dec C75/2001.
46. Ms Ritchie drew our attention to the following statement at paragraph 81 of the Hawthorn decision:
- “...While we have not needed to define the boundary between the ORL and the adjoining VAL, we consider that the site occupies a fairly central position in an ORL which includes the lower slopes east of Lower Shotover Road and the developed land west of Domain Road*
....”
- (Emphasis Added)
47. In essence the Environment Court has observed that the ORL includes the lower slopes east of Lower Shotover Road which appears to include the site. At the very least this lends weight to Mr Parker’s and Ms Ritchie’s submissions that the site is at the lower end of the continuum of landscape quality to qualify as a VAL.
48. Notwithstanding the comment at paragraph 81 of the Hawthorn decision, the expert evidence presented to us is that the site is within a VAL. Accordingly the Commission has applied those assessment matters that are relevant to a VAL in this instance.
49. Clause 5.4.2.2(3) contains assessment matters that apply to development in the Rural General Zone on land categorised as VAL. Each assessment matter stated in the District Plan is presented in italics below, followed by our assessment of the proposal in terms of the assessment matter, including our discussion of effects.

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

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

- (a) was either
 - planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and*
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places*
- shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
 - (2) as part of the permitted baseline.**
- nor shall removal of such vegetation be considered as a positive effect of any proposal.”*

51. The Commission acknowledges that the assessment matters in Assessment Matter 5.4.2.2(3) are to be read in light of the above guiding principle. The Commission notes in this context that the hawthorn hedges adjacent to the northern and western boundaries of the site have existed for many years.

“(a) Effects on natural and pastoral character

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

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;*
- (ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;*

- (iii) *whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;*
- (iv) *whether any adverse effects identified in (i) – (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;”*

- 52. The site can be described as being adjacent to the Slope Hill Outstanding Natural Feature (ONF). The Commission concurs with Dr Read’s opinion that the proposal will have no adverse effects on the adjacent ONF of Slope Hill.
- 53. The residential building platform nominated on Lot 2 is located on the south-eastern corner of Lot 2. The future dwelling on Lot 2 will be screened by the existing hawthorn hedge located on the western boundary of Lot 2 that is protected in terms of Rule 13.2.3.2iii of the Operative District Plan; and by the hawthorn hedge adjacent to the northern boundary of the site that is currently protected in terms of Condition 12 of RM 010807, and which is to be further protected in terms of a condition offered in the context of the current application. While glimpse views of the dwelling will be available at the accesses to the Heywood property at 222 Lower Shotover Road (to the south), from the existing entrance to Lot 1 and from the proposed entrance to Lot 2, the Commission is satisfied that the scale and nature of the development will not compromise the natural or arcadian pastoral character of the surrounding VAL.
- 54. Dr Read’s report drew our attention to the areas of sites found on the east side of Lower Shotover Road. She advised us that the average size of sites abutting the eastern side of Lower Shotover Road between the intersection with Domain Road and the intersection with Speargrass Flat Road is 5.2478 hectares and that the range is from 8.373 hectares to 0.8 hectares (being a parcel held in common with the adjacent parcel of 1.6030 hectares). Dr Read commented that while there is no minimum lot size in the Rural General Zone, the size of the existing sites creates a consistent pattern to the landscape in the vicinity. Dr Read observed that the subdivision would create a lot of 1.5 hectares [as originally proposed] which is significantly smaller and which would fragment the landscape and compromise this pastoral character.
- 55. The Commission acknowledges that there is no minimum lot size in the Rural General Zone. Furthermore the Commission notes that the potential would exist for the subdivision to be redesigned to, say, create an allotment of approximately 4 hectares adjacent to Lower Shotover Road with a smaller allotment of approximately 1.7 hectares to contain the dwelling and outbuildings that exist on the currently proposed Lot 1. In essence the effects

of the proposed subdivision, in terms of any effects on natural and pastoral character, would be no different than those associated with such a redesigned subdivision. The Commission finds that the proposed subdivision would not compromise pastoral character in this landscape.

56. The Commission is satisfied that the location of the dwelling on the nominated residential building platform on Lot 2 will not cause over-domestication of the landscape. The Commission notes in this context that the landscape in the Lower Shotover Road/Slope Hill Road locality features dwellings on small rural properties. The effect of the current proposal is to provide for one additional dwelling that will be largely screened from public view by the existing hawthorn hedges. In all the circumstances the Commission is satisfied that the proposal will not cause over-domestication of the landscape.
57. The Commission also acknowledges the range of conditions offered by the applicants, including conditions with respect to restricting elements of domestic activity to the curtilage area; maintaining the open paddocks to the north of the building curtilage on Lot 2 and the adjacent portion of Lot 1 in open pasture; protection of the hawthorn hedge adjacent to the northern boundary; and preventing further subdivision or establishing residential dwellings on Lot 1 and Lot 2. Potential effects on the natural and pastoral character of the landscape associated with the subdivision and the construction and use of a dwelling on the residential building platform on Lot 2 will be mitigated by adherence to the conditions offered by the applicants.

“(b) Visibility of Development

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

- (i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and*
- (ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;*
- (iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural*

topography or cultural plantings such as hedge rows and avenues;

- (iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;*
- (v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;*
- (vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;*
- (vii) any proposed new boundaries and the potential for plantings and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;*
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;*
- (ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.”*

58. Mr Blakely observed that the proposed development is not highly visible when viewed from any public places. He informed us that there is no high ground in public ownership near the proposed development; and that locations such as Coronet Peak and the Remarkables Road are too far away to be of any consequence. The Commission concurs with this assessment.
59. While a future dwelling on Lot 2 will be visible from Lower Shotover Road and Slope Hill Road, such development will be largely screened by the existing hedgerows. During the spring, summer and autumn foliage of the hedgerows will screen the development. During winter months the screening effect is less but will still retain a significant blocking effect. The Commission also acknowledges that planting within and adjacent to the curtilage area including hedges and tree planting will provide additional screening and will further reduce the visibility of the future dwelling.
60. The Commission notes that there are no unformed legal roads in the vicinity of the site.

61. The Commission is satisfied that the proposed development is not visually prominent such that it detracts from public and private views.
62. The Commission acknowledges that the existing hedgerows are cultural plantings which provide screening; and that additional earthworks and new planting are proposed which will not detract from or obstruct views of the existing natural topography. The subject site contains flat land (predominantly in Lot 2), a small ridge and gently sloping land that comprises the more northern and eastern portions of the site. The hawthorn hedgerows are confining vegetation in this VAL (and on the ORL on the western side of Lower Shotover Road).
63. The Commission concurs with Dr Read that a dwelling on the proposed residential building platform would not break the line and form of any skyline, ridge, hill or prominent slope.
64. The Commission also concurs with Dr Read that the mounding proposed to extend the small ridge to the south of the dwelling would have an extremely small effect in terms of altering the line of the landscape and diminishing its naturalness. This conclusion also applies to earthworks required to avoid or mitigate the flooding risk associated with the alluvial fan and the ephemeral watercourse that bisects the subject site.
65. The Commission also concurs with Dr Read that the proposed boundary between the two lots more or less follows the toe of the slope and will not give rise to any arbitrary lines. Amendments made to the application at the hearing (including removing an avenue of trees and a hawthorn hedge on the boundary of Lot 1 and Lot 2) will serve to avoid the potential for plantings to give rise to any arbitrary lines in the landscape. A condition has been offered which will result in post and wire fencing being at the common boundary of Lot 1 and Lot 2.
66. Dr Read observed that the proposed boundary between Lot 1 and Lot 2 follows the natural line of the landscape. While the proposal would bring residential development closer to Lower Shotover Road than is currently present in the immediate locality; the Commission concurs with Dr Read that this does not constitute sprawl of development along Lower Shotover Road. The Commission concurs with Mr Blakely's opinion that viewers from the road would be largely unaware of the increase in the development on the site, being the presence of the relocated dwelling on the residential building platform on Lot 2.
67. The Commission's overall conclusion is that the development will not result in any appreciable loss of the natural or Arcadian pastoral character of the VAL landscape in this locality.

“(c) Form and Density of Development

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

- (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;*
- (ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);*
- (iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;*
- (iv) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.*
- (v) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:*
 - (a) within a 500 metre radius of the centre of the building platform, whether or not:*
 - (i) subdivision and/or development is contemplated on those sites;*
 - (ii) the relevant land is within the applicant's ownership; and*
 - (b) within 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council*

- must be taken into account.

(vi) *recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large.”*

68. The Commission is satisfied that the form and density of development proposed is appropriate in the context of the VAL. The proposed residential building platform on Lot 2 is located on flat land and will not be highly visible when viewed from public places. Access is to be achieved to the proposed residential building platform from a new access from Slope Hill Road. Utilising this access is preferable to utilising the existing access that serves Lot 1 as it avoids the need to construct a driveway on the gentle slope that exists within Lot 1. The Commission acknowledges that the proposal will not result in an additional access being established on the boundary with Lower Shotover Road; and avoiding further access off this road can be achieved by variation of a condition subject to CONO 936464.2.
69. The Commission is satisfied that the proposal is entirely consistent with Assessment Matter 5.4.2.2(3)(c)(iii) as development is to be concentrated in an area with a higher potential to absorb development while retaining areas which are more sensitive in their natural or Arcadian pastoral state being the open paddocks generally to the north of the building curtilage on Lot 2 and on the adjacent portion of Lot 1.
70. The Commission is satisfied that the proposed development does not introduce densities which reflect those characteristics of urban areas. The proposal will result in a residential building platform being identified on Lot 2 that has an approximate area of 1.6 hectares. This density of development is not characteristic of urban areas.
71. Within 500 metres of the site there are a number of as yet undeveloped sites consented for residential development. These sites are generally located in the ORL west of Lower Shotover Road. Given the ownership structure none of these sites are available to the applicants for the purposes of establishing their dwelling that is to be relocated from Christchurch.

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

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

(i) *the assessment matters detailed in (a) to (d) above;*

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

...

72. Having regard to the assessment matters discussed above the Commission does not consider that granting consent will give rise to adverse cumulative effects on the natural or Arcadian pastoral character of the landscape. The Commission concurs with Mr Blakely that the proposal is consistent with the nature and extent of existing development within the vicinity of the site. In all the circumstances the Commission is satisfied that the proposal will not result in inappropriate domestication of this VAL landscape.
73. At paragraph 7 of this decision we referred to a comment of the Panel in the context of RM 010807 with respect to the threshold of the rural environment. The Commission acknowledges that that statement was made in the context of the environment as it existed in 2002. Since that time subdivision and development has occurred within the ORL as a consequence of the Hawthorn decision (and subsequent litigation); and the Commission notes that the Panel did not have the benefit of the Court's observation at paragraph 81 of the

Hawthorn decision that was issued on 23 June 2004, subsequent to the release of the Panel's decision on RM 010807 on 24 April 2002.

74. The Commission is satisfied that the proposed development will not result in further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change.
75. The Commission is also satisfied that further development as proposed will not visually compromise the existing natural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects. Again the Commission notes that the existing hawthorn hedgerows provide screening and that these are to be retained. The Commission also notes that the open paddocks generally to the north of the building curtilage on Lot 2 and the adjacent portion of Lot 1 are to be maintained in open pasture and kept devoid of tree planting.
76. The identification of the residential building platform in a location that utilises the natural topography (being the small ridge) and the demarcation of a curtilage area will contain development.
77. The Commission is satisfied that the proposed development will not result in the need for infrastructure consistent with urban landscapes.
78. The Commission acknowledges that a range of building and landscape controls have been promoted by the applicants; and that a condition has been volunteered to the effect that no further subdivision or the establishment of residential dwellings on Lot 1 or Lot 2 will be permitted, such condition to be subject to a consent notice.

“(e) Rural Amenities

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

- (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;*
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;*
- (iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and*

curb [sic] and channelling, particularly in relation to public road frontages;

- (iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.*
- (v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.”*

79. The Commission considers that the proposed development maintains adequate and appropriate visual access to open space and views across the Arcadian pastoral landscape from public roads and other public places; and from adjacent land. As noted above the residential building platform nominated on Lot 2 will be screened by the protected hawthorn hedge when viewed from Lower Shotover Road; and an existing hawthorn hedge will also provide screening from Slope Hill Road. In essence the status quo will be maintained in that the existing hawthorn hedgerows largely screen the Arcadian pastoral landscape from public roads. The Commission also notes in this context the supporting submission of the Heywoods; and the applicant's willingness to maintain the existing open paddocks to the north of the curtilage on Lot 2 and on the adjacent portion of Lot 1 in open pasture.
80. The Commission concurs with Dr Read that the proposal will not compromise the ability to undertake agricultural activities on surrounding land.
81. The proposed development will not require infrastructure consistent with urban landscapes.
82. The proposed landscaping, existing entranceway and fencing are consistent with traditional rural elements.
83. Mr Giddens informed us that the residential building platform on Lot 2 is to be 107 metres from the Slope Hill Road boundary and 76 metres from the Lower Shotover Road boundary. Scaling off the Landscape Structure Plan prepared by Blakely Wallace Associates as presented at the hearing confirms that the dwelling and garage on Lot 2 will be approximately 20 metres off the southern boundary (that is shared with the Heywood property). The mounding and landscape treatment proposed is intended to mitigate potential effects on the Heywoods associated with the proposal.
84. Scaling off the Landscape Structure Plan also indicates that the garage is to be located 3 metres off the common boundary between Lot 1 and Lot 2. The Commission concurs with Dr Read's opinion that this intrusion into the required 15 metre minimum setback will not have any adverse effects on the

rural amenity of Lot 2 [or of Lot 1] given that the existing dwelling on Lot 1 is elevated and is approximately 120 metres to the north-east.

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

Assessment Matters - General

86. Assessment Matter 5.4.2.3 contains Assessment Matters – General which have been considered by the Commission. The Commission does not propose to reproduce these assessment matters in detail as to a considerable extent they overlap with the assessment matters specific to VAL discussed above.
87. In the context of Assessment Matter 5.4.2.3ii Natural Hazards – General the Commission acknowledges that the applicant has provided two reports from Royden Thomson, Geologist.
88. Mr Thomson in a report dated 7 February 2013 addressed the potential liquefaction hazard. Mr Thomson observed that there are no obvious anomalous surface features suggestive of past settlement, or liquefaction occurrences within and marginal to the property; and that an appraisal of the fan deposits across the site indicate they will be dry, implying a non-liquefaction condition with respect to seismic events. Mr Thomson concluded that there is minimal liquefaction risk to the site in total from any major seismic events affecting the local region in the future.
89. In a report dated 1 July 2013 Mr Thomson addressed potential flooding issues associated with an alluvial fan as identified in the submission by the Otago Regional Council. Mr Thomson concluded that the fan has the potential to adversely impact on the building platform through flooding in an open ended timeframe, without implementing mitigation works. Mr Thomson noted that a water race that traverses Slope Hill at RL 425 has the potential to both intersect flood flows (off the north-west flank of Slope Hill) and to generate flooding at the site through breaching. Mr Thomson found that from an on-site appraisal, an appropriate mitigation with respect to future flooding would involve placing the relocatable dwelling on Lot 2 on piles. He noted that at an estimated floor level of RL 385.8 only minor cutting would be required along the eastern margin of the residential building platform.
90. Mr Thomson also noted that bunding would be necessary both north and south of the platform to prevent future stream incursions. He advised that the bund minimum heights would be in the order of 1 metre; integrated into landscaping works. The Commission acknowledges that the applicants have promoted a condition that the finished floor level of any habitable building on the residential building platform on Lot 2 be no less than RL 385.8, consistent with Mr Thomson's advice.

91. Mr Hopkins confirmed to us that he accepted Mr Thomson's conclusions and recommendations. The Commission has concluded that the activity will not exacerbate any natural hazard; and that it is appropriate to apply a condition in the event that consent is granted, consistent with the applicants' suggested condition.
92. In terms of Assessment Matters 5.4.2.3iv and xvii the Commission notes that these assessment matters largely duplicate those already discussed in the context of the VAL (above). The Commission considers that the external appearance of the proposed dwelling and garage will be appropriate within the rural context; and that the residential unit is able to be serviced.
93. In terms of Assessment Matter 5.4.2.3xxviii Earthworks any adverse effects due to earthworks taking place can be managed and mitigated by the imposition of appropriate conditions.

B.5 Part 15

94. Clause 15.2.3.6(b) contains assessment matters relating to subdivision and the location of residential building platforms in the Rural General Zone. We briefly discuss these matters below, acknowledging that many of the assessment matters have already been discussed by us above in the context of Part 5 assessment matters.
95. Clause 15.2.3.6(b)(i) requires that consideration be given to the extent to which subdivision, the location of residential building platforms and proposed development maintains and enhances rural character; landscape values; heritage values; visual amenities; life-supporting capacity of soils, vegetation and water; infrastructure, traffic access and safety; and public access to and along lakes and rivers. Clause 15.2.3.6(b)(ii) relates to the extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.
96. The proposed subdivision and the proposed residential building platform on Lot 2 will maintain rural character, landscape values and visual amenity in this locality; and will have no more than a minor adverse effect on adjoining land uses.
97. The proposal will not adversely affect the life-supporting capacity of soils, vegetation and water. The Commission notes in this context that most of the land in the subject site is to be retained in Lot 1 that will continue to be available for grazing purposes; and that a substantial portion of Lot 2 will continue to be maintained in open pasture with the potential to be utilised for grazing purposes.
98. Services are relevant in the context of Clause 15.2.3.6(b)(iii). In this instance the proposed subdivision can be adequately serviced with a potable water supply, on-site wastewater disposal, and through the provision of

telecommunications and electricity services from the relevant utility providers. Chorus and Aurora Energy Limited have confirmed that such services are available to the subdivision.

99. Clause 15.2.3.6(b)(iv) relates to the extent to which the subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation. The Commission acknowledges again in this context that Mr Hopkins is satisfied with Mr Thomson's conclusions and recommendations with respect to liquefaction and surface flooding issues.
100. Clause 15.2.3.6(b)(v) requires consideration of the long term development of the entire property. In this instance the proposed subdivision relates to the entire property, most of which is to be retained in Lot 1. The Commission again acknowledges in this context that the applicants have volunteered a condition to be subject to a consent notice that there shall be no further subdivision or establishment of residential dwellings on Lot 1 and Lot 2.
101. Clause 15.2.6.4(i)(a) relates to whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone.
102. The Commission considers that Lot 1 is of sufficient area and dimensions to effectively fulfil the intended purpose of accommodating the consented dwelling subject to RM 010807 and for on-going grazing use.
103. Lot 2 is to have an area of approximately 1.6 hectares and will accommodate the proposed residential building. Lot 2 contains the majority of the land in the subject site that constitutes flat land north of Lower Shotover Road and is of sufficient area to accommodate on-going grazing use.
104. The Commission considers in the context of Clause 15.2.6.4(i)(b)-(d) that the lots are of sufficient size for on-site disposal of wastewater and stormwater; that the lots are of a suitable slope to enable their safe and efficient use; and that the proposed lots are compatible with the pattern of adjoining subdivision and land use activities, and access.
105. Clause 15.2.7.3(i) relates to the relationship and size of the lots in terms of their solar advantage. Dr Read observed that both of the proposed lots are of adequate size; and that the location of the proposed residential building platform on Lot 2 is such that both lots will retain good solar advantage.
106. The proposed subdivision and development will not result in domination of surrounding properties by buildings on the site; and the mitigation measures offered by the applicants will serve to mitigate any adverse effects on the views enjoyed from the Heywood property.

107. In the context of Clause 15.2.17.4(i) the Commission acknowledges that the applicants have offered a condition to achieve protection of the hawthorn hedge at the northern boundary of the site. The Commission concurs with Mr Keenan that this is a positive effect associated with the proposal.

B.6 Part 19

108. Clause 19.2.1.3ii contains assessment matters relating to relocated buildings.
109. In this instance the dwelling to be relocated is approximately 90 years old, has heritage character and was previously located in the Red Zone that was identified subsequent to the Christchurch earthquakes. The Commission concurs with Dr Read that while most dwellings in the vicinity of the subject site are less than 15 years old, the dwelling will be compatible with buildings on adjoining properties and in the vicinity.
110. Conditions have been volunteered by the applicant with respect to the exterior materials and colours. Conditions have also been volunteered with respect to the completion of reinstatement works within six months of the relocation of the dwelling onto the site; and with respect to a bond.

B.7 Positive Effects

111. The proposal will have a positive effect by providing for future residential activity to occur on the residential building platform nominated on Lot 2. Another positive benefit is that the dwelling, which Ms Malcolm described as a “beautiful historic villa,” will be relocated to the site. She confirmed that the applicants have been inspired by the relocation of other villas onto properties elsewhere in the Wakatipu Basin. Mr Smith emphasised that while the applicants have no immediate plans with respect to the villa that it could be retained for use by the applicants’ elderly parents.
112. The Commission also considers that positive effects associated with the proposal will be the protection of the hawthorn hedge at the Slope Hill Road boundary of the property; the retention of part of Lot 1 and Lot 2 in open pasture; avoidance of future access onto Lower Shotover Road; and particularly the prohibition on further subdivision and establishing residential dwellings on Lot 1 and Lot 2 while the land remains in the Rural General Zone of the District Plan.

B.8 Summary : Effects and Assessment Matters

113. The Commission finds that any adverse effects of the proposal are limited and can be satisfactorily mitigated through adherence to appropriate conditions of consent. The proposal is appropriate having regard to the relevant assessment matters including those stated in Parts 5, 15 and 19 of the Operative District Plan, as discussed above.

C. THE QLDC DISTRICT PLAN : OBJECTIVES & POLICIES

114. Parts 4, 5, 15 and 19 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas and in relation to Subdivision and Relocated Buildings, respectively. The objectives and policies from Parts 4, 5, 15 and 19 have been presented in Mr Keenan's report, and to a large degree the objectives and policies relate to matters discussed in the context of the assessment matters. It is neither desirable 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 our analysis of this application.

C.1 Part 4

115. Clause 4.2.4(3) confirms that the Visual Amenity Landscapes (VAL) are those landscapes which wear a cloak of human activity much more obviously [than outstanding natural landscapes] being pastoral or arcadian landscapes with more houses and trees, greener (introduced) grasses; and VAL tend to be on the District's downlands, flats and terraces. The key resource management issues for VAL are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and to enable alternative forms of development where there are direct environmental benefits.
116. 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."***
117. Objective 4.2.5 is supported by a number of policies. Policies of potential relevance include Policy 1 Future Development which relates to the effects of development; Policy 4 which relates to Visual Amenity Landscapes; Policy 6 that relates to Urban Development; Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; Policy 12 that relates to Transport Infrastructure; and Policy 17 that relates to Land Use.
118. 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.
119. The Commission is satisfied that this policy is satisfied in this instance. The subdivision and development is to occur in an area with greater potential to absorb change without detracting from landscape and amenity values.

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

“4. Visual Amenity Landscapes

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

121. The proposal will serve to avoid, remedy or mitigate adverse effects of subdivision and development on the VAL. The boundary between Lot 1 and Lot 2 follows a natural line. The identification of the residential building platform on Lot 2 will facilitate future residential development that is screened by the protected hawthorn hedge at the Lower Shotover Road boundary and by the existing hawthorn hedge that is to be protected by a condition subject to a consent notice at the Slope Hill Road boundary. The location of the proposed residential building platform on Lot 2 and the suite of conditions offered by the applicant will ensure that any adverse effects on visual amenity landscapes will be satisfactorily mitigated.
122. In terms of Policy 6 – Urban Development – the Commission is satisfied that the subdivision, that will create an average lot area in excess of 2.8 hectares and which will provide for the identification of a single residential building platform on Lot 2, does not constitute urban subdivision and development.
123. 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.
124. Policy 9 – Structures – refers specifically to preserving the visual coherence of VAL by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment. In this instance the hawthorn hedges will provide screening of a future dwelling on the residential building platform on Lot 2 for those looking directly into the site from Lower Shotover Road or Slope Hill Road.

125. The Commission is satisfied that the proposal is consistent with Policy 12 – Transport Infrastructure. The access carriageway that will serve the residential building platform on Lot 2 is on the flat portion of the site; and the Commission acknowledges that the applicants are committed to minimising damage to the hawthorn hedge when relocating the dwelling onto the site. Following relocation the hawthorn hedge is to be reinstated except for the gap in the hedgerow that is required to accommodate the vehicle access that serves Lot 2.
126. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. The Commission is satisfied that the proposal is consistent with this policy having regard to the presence and retention of the hawthorn hedge and the location of the proposed residential building platform on Lot 2.
127. The Commission also acknowledges that objectives and policies are also presented in Part 4 relating to natural hazards and earthworks. The Commission has considered Objective 4.8.3.1 and Objective 4.10.3 and their supporting policies when assessing this application. The Commission is satisfied that the proposal is consistent with these objectives and policies.

C.2 Part 5

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

“Objective 1 – Character and Landscape Value

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

Policies:

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- 1.2 *Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*
- 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

- 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
 - 1.5 *Provide for a range of buildings allied to rural productive activity and worker accommodation.*
 - 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
 - 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
 - 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.”*
129. In terms of Policy 1.1 the district wide landscape objectives and policies have been considered fully above. In terms of Policies 1.2 and 1.3 the Commission acknowledges the applicants’ intention to continue grazing on Lot 1; and the potential for grazing to continue on Lot 2. In terms of Policy 1.4 the character of the rural area will not be adversely impacted in this instance. In terms of Policy 1.5 the Commission acknowledges that the future dwelling on the residential building platform is likely to be used for rural residential purposes. The Commission considers that the proposal is consistent with Policies 1.6-1.8 having regard to the location of the residential building platform on Lot 2; and notes in this context that the dwelling is located on that part of the site most able to absorb change and that the dwelling to be relocated to the site has heritage character values. The water tank is to be relocated to the slope to the east of the proposed dwelling; and the Commission anticipates that this will be in the proposed tree/crop/orchard area on Lot 1 to facilitate screening.
130. The Commission notes that Objective 3 and the associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity. In this instance the adverse effects of the proposed development on rural amenity are sufficiently avoided, remedied or mitigated and the Commission finds that the proposal is in accordance with the policies that relate to rural amenity.

C.3 Part 15

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

provided in the context of the subdivision, in some instances via conditions subject to consent notices.

132. Objective 15.1.3.5 and associated policies relate to Amenity Protection. The Commission is satisfied that the proposed subdivision will not be contrary to these provisions. The Commission notes in this context that the boundary to be created by the subdivision is consistent with a natural line in the landscape; that the lot sizes and dimensions will facilitate on-going grazing use of open pasture; and that the subdivision is consistent with the level of open space and density of built development anticipated in this area. The Commission's conclusion is that the proposed subdivision and identification of the residential building platform on Lot 2 will serve to maintain amenities in this instance.

C.4 Part 19

133. Objective 19.1.3.1 requires that relocatable buildings be located to minimise adverse effects on the environment; and the associated policy places emphasis on compatibility with the amenity of the surrounding locality. The Commission concurs with Mr Keenan that in this instance the dwelling will be recessed in the landscape ensuring that the dwelling does not adversely affect the amenity of the locality.

C.5 Summary : Objectives and Policies

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

D. OTHER MATTERS

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

D.1 Precedent

136. Precedent is a relevant matter as subdivision consent is sought for a discretionary activity. The Environment Court noted in the Scurr decision C060/2005 that in terms of the Queenstown Lakes District Plan, there is even greater reason to consider issues of precedent for discretionary activities.
137. Resource consent applications must be assessed on their merits. In this instance the Commission has found that any adverse effects of the proposal are limited and can be satisfactorily mitigated through adherence to appropriate conditions of consent. The Commission has also found that the proposal is consistent with those objectives and policies that are relevant to the application.

138. The Commission also acknowledges that the proposal will have positive effects in terms of ensuring protection of the hawthorn hedge adjacent to Slope Hill Road; the retention of open paddocks on the site; the avoidance of future access onto Lower Shotover Road; and the prohibition of future subdivision or the establishment of residential dwellings on Lot 1 or Lot 2. A benefit of the proposal is that a building having some heritage character value will be relocated to the site, consistent with the location of several other villas onto rural land in the Wakatipu Basin. It is also noted that no opposing submissions were lodged by neighbouring property owners in response to the application. The Commission is satisfied that this combination of elements will serve to distinguish the current proposal from future applications.
139. Furthermore the Commission acknowledges the comment made by the Court in the context of the Hawthorn decision to the effect that the ORL includes the lower slopes east of Lower Shotover Road. The Commission is satisfied that the site is at the lower end of the continuum of landscape quality to qualify as a VAL.
140. In all the circumstances the Commission finds that the proposal will not establish a significant precedent.

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

141. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 1 January 2012. The applicants have provided a Preliminary Site Investigation (PSI) undertaken by Davis Consulting Group Limited in the context of the above NES as the site has historically been utilised for farming purposes. The PSI identified a woolshed, farm shed and sheep dip present on the property, and noted that farm chemicals and fuel have historically been stored at the site.
142. The PSI discloses that soil testing has been undertaken in the vicinity of Lot 2. The PSI concludes that it is highly unlikely that there is a risk to occupants of the new dwelling which is associated with the subdivision application.
143. Accordingly no consent under the NES is required; and no effects are therefore anticipated with respect to contaminated soils as a result of the proposal.

E. PART 2 OF THE ACT

144. Part 2 of the Act contains sections 5 to 8. We refer to them in reverse order.
145. Section 8 requires us, in exercising our functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8.

146. Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources. The Commission is satisfied, having regard to the matters addressed in Parts B and C of this decision that the proposal is consistent with the relevant matters stated in section 7 of the Act. There are no other matters stated in section 7 which are of any particular relevance to the current application.
147. Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. No issues were raised with us in reports or evidence in relation to section 6. The Commission is satisfied that there are no matters stated in section 6 which are of any particular relevance to the application.
148. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission has reached the view that the application before us will achieve the purpose of the Act.
149. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of this site will be developed in such a way that the social and economic wellbeing of the applicants are provided for, while the potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. Any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

F. OUTCOME

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

151. The Commission also considers it appropriate to vary conditions specified in Consent Notice CONO 936464.2 as these relate to the subject site; and to change Condition 12 of RM 010807 to enable access to be achieved through the hawthorn hedge to serve Lot 2. The varied/changed conditions are also specified in the Schedule to this decision and listed under Decision Part C and Decision Part D.

This decision on RM120827 is dated 2nd September 2013.

A handwritten signature in dark ink, appearing to read 'W D Whitney', is positioned above the printed name.

W D Whitney

COMMISSIONER

For the Commission being W D Whitney and L Overton

SCHEDULE : CONDITIONS OF CONSENT FOR RM120827 : PHILIP SMITH & LEANNE MALCOLM

DECISION PART A : SUBDIVISION

General Conditions

1. Prior to any development commencing onsite, the consent holder shall provide to the Council for certification the following plans:
 - a. Town Planning Group plan entitled Location Plan drawing no. 2 of 6 Rev C dated 12 August 2013 modified to show the correct area for Lot 1 [4.09 ha]
 - b. Town Planning Group Site Sections Showing Proposed Earthworks drawings no 5 of 6 and 6 of 6 both Rev C dated 8 August 2013
 - c. Blakely Wallace Associates Landscape Structure Plan drawing L01 of 3 dated 13 August 2013 modified to:
 - i. Delete the hedgerow at the boundary between Lot 1 and Lot 2 that extends from the northern curtilage boundary on Lot 2 to the existing hedgerow adjacent to the Slope Hill Road boundary.
 - ii. Provide for a small cluster of trees at the north-west corner of Lot 1 to screen the dwelling on Lot 1 from the new access point (gap in hedgerow) within Lot 2.
 - iii. Identify the north-western quadrant of Lot 1 that is defined by existing fencelines and the northern portion of Lot 2 (being to the north of the Existing Easement (to convey water and electricity)) as an area to be maintained in open pasture and kept devoid of tree planting except for the small cluster of trees provided for in ii.
 - iv. Correct the area specified for Lot 1, consistent with 1a. above.
 - v. Provide additional plantings closer to the building platform to further help reduce visibility during the winter months, particularly when viewed from Lower Shotover Road.
 - vi. Provide final details of any bunding on the site.
 - vii. Retention of the trees to be restricted to 5 and 7 metres in height as shown on the Landscape Structure Plan dated 13 August 2013.
 - viii Provide for reinstatement of the hedgerow plantings that need to be removed to facilitate the relocation of the dwelling onto Lot 2 except for the gap in the hedgerow that will be required to accommodate the

vehicle access that serves Lot 2; such gap to not exceed a maximum width of 4 metres.

- ix Incorporate the recommendations from the hazard report by Royden Thomson dated 1 July 2013
 - x. Maintain an open pastoral setting outside of the defined curtilage area.
- d. Brian Weedon Surveying Limited plan of subdivision 937 dated 29 May 2012 modified to show the common boundary between Lot 1 and Lot 2 and the areas of allotments consistent with the modified plan referred to in 1a. above.
2. The development shall be carried out in accordance with those plans certified in terms of Condition 1 above and the application as submitted, with the exception of the amendments required by the following conditions of consent.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at the Queenstown Lakes District 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".
5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at the Queenstown Lakes District Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 4, to detail the following engineering works required:
- a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 2 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008). This shall include test pumping results to confirm the current bore can sustainably supply 6,100 litres per day.
 - b) The provision of a sealed vehicle crossing to Lot 2 from Slope Hill Road to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2

tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.

- c) The formation of an access way from the vehicle crossing to Slope Hill Road to the building platform on Lot 2 in accordance with Council's standards. This access shall include a suitably sized culvert to convey the existing ephemeral water course that bisects the site.
 - d) An earthworks plan detailing the location and depth of all cuts/fills and confirming total earthwork volumes. This shall include a series of bunds as recommended in the report by Royden Thomson dated 1 July 2013 on the potential flooding hazards on the fan at 26 Slope Hill Road. This shall also include the formalisation through channelisation of the existing ephemeral water course to a depth of approximately 0.5m from the existing pond on Lot 1 to the vehicle access culvert on Lot 2.
 - e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all access and water reticulation. The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
6. Prior to commencing any work on the site the consent holder shall install a temporary construction vehicle crossing in the location of the future vehicle crossing to Slope Hill Road, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and "*A Guide to Earthworks in the Queenstown Lakes District*" brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

To be monitored throughout earthworks

8. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
9. A suitably qualified engineer shall evaluate the near surface material along the access road corridor and confirm that sufficient bearing capacity is provided.
10. No earthworks, temporary or permanent, are to breach the boundaries of the site.

On completion of earthworks

11. On completion of earthworks a suitably qualified engineer experienced in soils investigations shall provide certification to the Principal Resource Management Engineer at the Queenstown Lakes District Council, in accordance with NZS 4431:1989, for all areas of fill within the building platform on Lot 2 (if any). Note this will require supervision of the fill compaction by a chartered professional engineer.
12. All exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.

To be completed before Council approval of the Survey Plan

13. Prior to certification of 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 providing any new easements to convey water and electricity.
 - b) The residential building platform on Lot 2 as shown on the plan referred to in Condition 1a shall be identified on the survey plan.

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

14. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at the Queenstown Lakes District Council. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include all water private laterals and toby positions.
 - b) A digital plan showing the location of the building platform as shown on the survey plan shall be submitted to the Principal Resource Management Engineer at the Queenstown Lakes District Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The consent holder shall provide a water supply to service the building platform on Lot 2 in accordance with Council’s standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005.
 - d) The completion and implementation of all certified works detailed in Condition 5 above.
 - e) The consent holder shall submit to the Principal Resource Management Engineer at the Queenstown Lakes District Council Chemical and bacterial

tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).

- f) In the event that the test results required in Condition 14(e) above show the water supply does not conform with the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Principal Resource Management Engineer at the Queenstown Lakes District Council for review and certification. The water treatment report shall contain full details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:
- i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.
- OR
- ii) A condition subject to a consent notice shall be registered on the relevant Computer Freehold Registers for the lots, subject to the approval of Council. The condition subject to a consent notice shall require that, prior to occupation of the dwelling, an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted with the RM120827 application for subdivision consent. The final wording of the conditions subject to a consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- g) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Queenstown Lakes District Council as to how the water supply will be monitored and maintained on an ongoing basis.
- h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
- i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the building platform on Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
- j) The submission of Completion Certificates from the Contractor and the Engineer advised of in terms of Condition 4. for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all access and water reticulation). The

certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

- k) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- l) The Landscape Structure Plan certified in terms of condition 1 shall be implemented in accordance with that plan.

On-going Conditions/Consent Notices

15. In accordance with section 221 and section 224 of the Resource Management Act 1991, a consent notice shall be issued and registered on the relevant Computer Freehold Register for Lot 2 (and where appropriate Lot 1) that requires the performance of the following conditions on a continuing basis:

- a) Any dwelling and any building accessory to a dwelling on Lot 2 shall be contained within the residential building platform shown on the survey plan.
- b) Any dwelling contained within the residential building platform on Lot 2 shall have a minimum floor level of 385.8 masl in accordance with the Royden Thomson report dated 1 July 2013 entitled '*Proposed Building Platform, 26 Slope Hill Road: Appraisal of Potential Flooding Hazards on the Fan at the Site*'.
- c) At the time a dwelling is erected on Lot 2, 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. The design shall take into account the site and soils investigation report and recommendations by Southern Monitoring Services Ltd, dated 22 June 2012. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at the Queenstown Lakes District Council prior to implementation and shall be installed prior to occupation of the dwelling.
- d) The drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the owner of Lot 2, and the results forwarded to the Principal Environmental Health Officer at the Queenstown Lakes District Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the lot owner shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
- e) At the time a dwelling is erected on Lot 2, domestic water and fire fighting storage is to be provided on the slope to the east of the dwelling. 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 the dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on Lot 2. 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 dwelling provides for more than single family occupation then the consent holder should consult with the New Zealand Fire Service as larger capacities and flow rates may be required.

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

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a New Zealand 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 the Queenstown Lakes District Council's standards for rural roads (as per NZS 4404:2004 with amendments adopted by the Queenstown Lakes District Council 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 New Zealand Fire Service appliance to park on it and access to the hardstand area must be provided as above.

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

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service 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.

Advice Note: The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 9km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand **Volunteer** Fire Service

in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.

- f) The following building design controls shall apply to any building on the residential building platform on Lot 2:
 - i) The minimum height of any building shall be no more than 6.5 metres above original ground level as shown on the topographic survey plan prepared by Brian Weedon Surveying Limited being plan 2-451-12-SP-D3 dated 12 August 2013 that is consistent with the Town Planning Group plan referred to in condition 1a. Any building shall be single storey only.
 - ii) Roof claddings shall be in steel (corrugated or tray), slate (natural or imitation), natural grass and/or membrane.
 - iii) Roof colours shall be recessive colours in greys, greens or browns with a light reflectance less than 20%. For the avoidance of doubt, black is not an acceptable colour.
 - iv) Exterior wall claddings shall be in timber, smooth plaster, stone (local schist), or corrugated iron.
 - v) Exterior wall colours shall be recessive with a light reflectivity of less than 36% within the tones of greys, greens and browns, or in natural timber left to weather.
 - vi) All exterior lighting associated with any dwelling shall be fixed no higher than 2.0 metres above finished ground level and shall be capped, filtered or pointed downwards so as to reduce or avoid visibility from any point off-site of light sources and to minimise visibility of its areas.
- g) All elements of domestic curtilage (such as car parking areas, lawns, domestic landscape planting, outdoor storage areas, and clotheslines) on Lot 2 shall be contained within the curtilage area identified on the certified Landscape Structure Plan.
- h) No driveway lighting or other lighting beyond the curtilage area identified on the certified Landscape Structure Plan is permitted on Lot 2.
- i) No fencing shall be permitted (including boundary fencing on Lot 2) other than fences of a traditional farming type being post and wire (including deer fencing).
- j) Any entrance gates shall be designed to fit in with the rural setting.
- k) All electricity and telecommunication lines to serve any building on the residential building platform on Lot 2 shall be underground.
- l) The driveway to serve any building on the residential building platform on Lot 2 shall not have kerb and channel and shall be constructed of gravel (except where engineering constraints require alternative treatment).
- m) The owner of Lot 2 shall maintain (and irrigate as required) in perpetuity all plantings shown on the certified Landscape Structure Plan. Should any tree or shrub planted in accordance with the certified Landscape Structure Plan die or become diseased it shall be replaced within the next available planting season.
- n) The owners of Lot 1 and Lot 2 shall not remove or significantly alter any part of the hawthorn hedge that exists along the northern boundary of Lot 1 and

Lot 2 other than that part of the hawthorn hedge that is to be removed to facilitate relocation of the dwelling onto Lot 2 and to accommodate the vehicle access that serves Lot 2. For the avoidance of doubt maintenance of the hedge is not precluded.

- o) The open paddocks identified in Condition 1c iii shall be maintained in open pasture and not mown and shall be kept devoid of tree planting.
- p) Lot 1 and Lot 2 shall not be further subdivided except for any boundary adjustment that is consented under Rule 15.2.3.2(i) of the Queenstown Lakes District Plan and such prohibition shall apply until such time as Lot 1 and/or Lot 2 are no longer subject to the provisions of the Rural General Zone or to corresponding provisions that relate to a general rural zone in a future district plan.
- q) Lot 1 and Lot 2 shall not accommodate a further dwelling until such time as Lot 1 and/or Lot 2 are no longer subject to the provisions of the Rural General Zone or to corresponding provisions that relate to a general rural zone in a future district plan.

Advice Note:

1. This consent triggers a requirement for Development Contributions. For further information please contact the DCN Officer at the Queenstown Lakes District Council.

DECISION PART B : LAND USE

General

1. Prior to any development commencing onsite, the applicant shall provide to Council for certification the following plans
 - a. Town Planning Group plan entitled Location Plan drawing no. 2 of 6 Rev C dated 12 August 2013 modified to show the correct area for Lot 1 [4.09 ha] and to relocate the Fire Fighting Water Supply tank to the east of the new dwelling Lot 2
 - b. Town Planning Group Proposed Dwelling Elevations drawing no 3 of 6 Rev B dated 8 August 2013 modified to reduce the height of the chimney to have a maximum height of +5.5m as shown on the North, South, East and West Elevations.
 - c. Town Planning Group Proposed Garage Elevations drawing no 4 of 6 Rev A dated 18 July 2013.
 - d. Town Planning Group Site Sections Showing Proposed Earthworks drawings no 5 of 6 and 6 of 6 both Rev C dated 8 August 2013 modified to reduce the height of the chimney consistent with 1b. above.
2. The development shall be undertaken in accordance with the plans certified in terms of Condition 1c. of Decision Part A and Condition 1 of Decision Part B.
- 3a. 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.
- 3b. 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.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
5. The floor level of the dwelling shall be a minimum of 385.8 masl. This minimum floor level can either be achieved through piling of the dwelling or placement of fill to create a level platform. If the consent holder proposes to raise the building platform through placement of fill these works shall be supervised by a suitably qualified engineer and certification provided to the Principal Resource Management Engineer at Queenstown Lakes District Council in accordance with NZS 4431:1989.

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

6. Prior to commencing works on site, the consent holder shall submit to the Principal Resource Management Engineer at QLDC an approved traffic management plan from the Road Corridor Engineer at Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers need to be installed. 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 any works on the site the consent holder shall provide to the Principal Resource Management Engineer at QLDC for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate to detail the following engineering works required:
 - a) The provision of a wastewater treatment and disposal system for the proposed dwelling designed in accordance with NZS1547:2012 and taking into account the site soils assessment undertaken by Southern Monitoring Services Ltd dated 22 June 2012 and the proximity of disposal to the water bore and ephemeral water course to the north-west.

To be completed when works finish and before occupation of dwelling

8. Prior to the occupation of the dwelling, the consent holder shall complete the following:
 - a) The installation of the wastewater treatment and disposal system approved under condition 7a).
 - b) Connection of the dwelling to the private water supply installed to the building platform in accordance with Council's standards.
 - c) The formation of all vehicle access and manoeuvring areas in a minimum 150mm depth of AP40 gravel.
 - d) Prior to the occupation of the dwelling, domestic water and fire fighting storage is to be provided on the slope to the east of the dwelling. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located not more 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.

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

- 9. Exterior material and colours for all buildings including external water tanks are to be dark recessive colours in the natural range of browns, greens and greys and with a light reflectivity value of less than 36% for exterior walls and 20% for the roof and the water tank. For the avoidance of doubt, black is not an acceptable colour.

10. That within six months of the relocation of the dwelling, the consent holder shall complete the following reinstatement works:
 - a. Repaint the dwelling and garage in accordance with condition 9. above;
 - b. Repair any external cladding visually damaged during relocation; and
 - c. Re-roofing if the existing roof is visually damaged during relocation
11. That a bond be entered into in a form to be determined by the Council's solicitors, to secure performance of the works required by Condition 10 above. The bond is to be for the sum of \$5,000.00. The cost of setting up the bond is to be borne by the consent holder.
12. This land use consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established. The bond shall be released upon request when the Council has inspected the required work and is satisfied that the condition is satisfactorily completed. This document is to be approved by the Council's solicitors and the cost perusal is to be borne by the consent holder.
13. The certified Landscape Structure Plan shall be implemented within the first planting season following the relocation of the dwelling and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.

DECISION PART C : CHANGE TO RM010807

Pursuant to section 127 of the Resource Management Act 1991 Condition 12 of RM 010807 is changed to read as follows (added text in bold):

12. A landscaping plan shall be submitted to and approved by the Principal : Resource Management (Civic Corporation Limited) prior to any development **authorised by RM010807**. The approved landscaping plan shall be implemented within the first planting season of approval, and shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.

In this instance the landscaping plan shall be designed to meet the following objectives:

- Detail all the existing vegetation on the site which provides a buffer between the site and adjoining properties ie hawthorn hedge, poplar plantation, mature trees in northeastern corner of the site.
- Provide a screen to the dwelling as viewed from Slope Hill Road and from adjoining properties. **Hedgerow plantings are permitted to be removed and reinstated as provided for in Condition 1c.iii specified in Decision Part A : Subdivision in RM120827.**

DECISION PART D : VARIATION TO CONO 936464.2

Pursuant to section 221 of the Resource Management Act 1991 the conditions that relate to Part Lot 1 DP 26173 as stated in CONO 936464.2 shall be varied to state as follows:

- a) A dwelling is permitted on Lot 1 of RM 120827 as authorised by RM 010807.**
- b) A dwelling is permitted on Lot 2 of RM 120827 as authorised by RM 120827.**
- c) No access to Lot 2 RM 120827 is permitted off Lower Shotover Road.**