



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL DETERMINATION
UNDER s104 RESOURCE MANAGEMENT ACT 1991**

Applicant:	R & E M Heywood
RM reference:	RM130298
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a subdivision consent to create two new residential allotments from Lot 2 DP 23848 (8.1472 hectares) and to identify a Residential Building Platform on proposed Lot 2.
Location:	222 Lower Shotover Road, Wakatipu Basin
Legal Description:	Lot 2 Deposited Plan 23848 (Computer Freehold Register: OT16A/76)
Zoning:	Rural General
Activity Status:	Discretionary
Notification Decision:	Publicly Notified
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	23 September 2013

SUMMARY OF DECISIONS

1. Consent is **granted** to subdivide Lot 2 Deposited Plan 23848 to create two new residential allotments and to identify a Residential Building Platform on proposed Lot 2 pursuant to Section 104 of the Act, subject to the conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the Act. The consent only applies if the conditions outlined are met.
2. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Jane Sinclair, Independent Commissioner, as delegate for the Council. This decision was made and its issue authorised under this delegated authority pursuant to Section 34 of the RMA on 20 September 2013.

1.0 **PROPOSAL AND SITE DESCRIPTION**

The section 42A report prepared for Council (attached as appendix 2) provides a full description of the proposal and the site and surrounds.

2.0 **ACTIVITY STATUS**

2.1 **THE DISTRICT PLAN**

The subject site is zoned Rural General and the proposed activity requires resource consent for the following reasons:

- A **discretionary** subdivision activity consent pursuant to Rule 15.2.3.3(vi) for all subdivision and the identification of building platforms within the Rural General zone.

2.2 **NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH**

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

3.0 **NOTIFICATION**

The application was publically notified on 29 May 2013. Three submissions were received.

A decision under section 100 of the Act to not hold a hearing was decided by Mr Blair Devlin (Resource Consents Manager) on 20 September 2013, attached as Appendix 3.

4.0 **ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

The section 42A report prepared for Council (attached as appendix 2) provides a full description of the proposal, site and surrounds, and assessment of the application. A summary of the assessment and subsequent conclusions of that report are outlined below:

Summary: 42A Assessment

R & E M Heywood has applied for resource consent to subdivide to create two residential development lots to contain an existing dwelling, and to identify an additional Residential Building Platform.

Having regard to the matters set out in section 104 and foregoing assessment, it is my conclusion that the proposal is appropriate in this location. The reasons for this conclusion are as follows:

- *The proposal will not result in adverse effects on the character of the Visual Amenity Landscape.*
- *Subject to appropriate mitigation of effects associated with natural hazards, and maintaining the character of the Visual Amenity Landscape, the proposal will not have more than minor effects on the environment; and*
- *The proposal is consistent with the objectives and policies for the zone or subdivision and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.*

Therefore, in accordance with Section 104B of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.

In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan and can meet the purpose of the Act.

5.0 S104 ASSESSMENT

5.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

5.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The proposal is consistent with the objectives and policies for the zone or subdivision and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

5.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be consistent with section 5, the overall Purpose and Principles of the RMA. With regard to the matters raised in section 7 of the Act, it is considered that the proposal constitutes an efficient use of natural resources and will not have adverse effects on amenity values or the quality of the environment.

5.4 DECISION ON SUBDIVISION CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to subdivide Lot 2 DP 23848 to create two new residential allotments and to identify a Residential Building Platform on proposed Lot 2 pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the Act.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal will generate a demand for network infrastructure, transportation and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant to Section 208 of the Local Government Act 2002 the Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the Commission's decision an appeal may be lodged with the Environment Court, Justice Department, PO Box 2069, Christchurch, telephone 03 9624170 and all parties, not later than 15 working days from the date this notice is received.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Aaron Burt on phone (03) 450 0322 or email aaron.burt@qldc.govt.nz.

Prepared by



Aaron Burt
PLANNER

Reviewed by



Adonica Giborees
SENIOR PLANNER

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Section 42A Report

APPENDIX 3 – Section 100 Determination

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04.
 - Clark Fortune McDonald & Associates plan titled 'Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 23848' Job No. 10473 Drawing No. 03.

(stamped as approved on 18 September 2013) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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

Engineering Conditions

General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building 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).
 - b) Where the water supply detailed in Condition 5(a) above includes new reticulation located within Lower Shotover Road, the consent holder shall provide evidence to the Principal Engineer at Council that the Licence to Occupy agreement for the water supply road crossing within Lower Shotover Road has been implemented and all legal documentation associated with the Licence to Occupy has been signed by the relevant parties.
 - c) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lot 2, and no increase in run-off onto land beyond the site from the pre-development situation.
 - d) Upslope bunding shall be provided to mitigate the flood hazard risk to future development within the building platform on Lot 2 in accordance with the recommendations of the Royden Thompson report ("*Proposed Heywood Subdivision: Geotechnical Hazards at the Designated Building Platform on Lot 2*", dated 8/08/2013). The final location and extents of the bund shall be determined by a suitably qualified engineer. This engineer shall provide certification to the Principal Engineer at Council for design and construction confirming the bund is adequate to mitigate the hazard risk.

- 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 Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

To be completed before Council approval of the Survey Plan

- 6. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

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

- 7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all water supply reticulation (including private laterals and toby positions).
 - b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The completion and implementation of all certified works detailed in Condition (5) above.
 - d) The consent holder shall submit to the Principal Engineer at Council chemical and bacterial tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).
 - e) In the event that the test results required in Condition 7(d) 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 Engineer at 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 consent notice shall be registered on the relevant Computer Freehold Registers for the lots, subject to the approval of Council. The 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 for the RM130298 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
 - f) The consent holder shall provide evidence to the satisfaction of the Principal Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
 - g) 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 boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- h) 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 boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- j) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Consent Notices

8. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Title of Lot 2 by way of Consent Notice pursuant to s.221 of the Act.
 - a) All future buildings on Lot 2 shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
 - b) All curtilage activities including but not limited to domestic gardens; vehicle parking; clotheslines; large children's play equipment (trampolines etc) shall be restricted to within the identified Lot 2 curtilage area referenced on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04.
 - c) The defined Lot 2 Pastoral Management area, as specified on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04, shall be maintained for pastoral use, and shall be so maintained by the grazing of animals or the production of crops including but not limited to hay.
 - d) Lot 2 Building height is restricted to 7.0m above original ground level.
 - e) Fencing of boundaries is restricted to post and wire and post and rail fencing.
 - f) The consent holder shall retain and suitably maintain the existing poplar trees that run along both sides of the existing driveway between the road boundary and the point of the new driveway to the proposed building platform. The poplars are specifically referenced on referenced on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04. These trees may be periodically pruned to ensure good health. If any tree dies or becomes diseased it shall be replaced in the next available planting season. Once these trees reach advanced maturity successional planting shall be installed so as to continue the screening effect of the existing trees into the future.
 - g) The consent holder shall retain and suitably maintain the existing hawthorn hedge that follows the road boundary to the north of the existing driveway. This hedge is referenced on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04. These trees may be periodically pruned to ensure good health but shall not be limbed up to allow views beneath the canopy and shall be maintained at a minimum height of 4 metres. If any tree dies or becomes diseased it shall be replaced with a similar species in the next available planting season. Once these trees reach advanced maturity successional planting shall be installed so as to continue the screening effect of the existing trees into the future.
 - h) At the time a dwelling is erected on the lot, 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 wastewater disposal system in compliance with AS/NZS 1547:2012. The proposed wastewater system shall be subject to the review of the Principal Engineer at

Council prior to implementation and shall be installed prior to occupation of the dwelling (Note: Additional discharge consents may be required from the Otago Regional Council if the system is to be located within 50m of a water body or water supply bore and/or if any other Regional Water Plan rules are breached).

- i) The drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the lot owner, and the results forwarded to the Principal: Environmental Health at 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.
- j) At the time a dwelling is erected on Lot 2, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

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

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 building platform is situated in a rural location, approximately 8km 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.

9. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Title of Lot 1 by way of Consent Notice pursuant to s.221 of the Act.
 - a) The defined Lot 1 Pastoral Management area, as specified on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04, shall be maintained for pastoral use, and shall be so maintained by the grazing of animals or the production of crops including but not limited to hay.
 - b) Fencing of boundaries is restricted to post and wire and post and rail fencing.
 - c) The consent holder shall retain and suitably maintain the existing hawthorn hedge that follows the road boundary to the south of the existing driveway. This hedge is referenced on the Clark Fortune McDonald & Associates plan titled 'Proposed Landscaping Plan' Job No. 10473 Drawing No. 04. These trees are currently juvenile and shall be allowed to grow to a height of at least 4 metres before being topped. These trees may be periodically pruned to ensure good health but shall not be limbed up to allow views beneath the canopy and shall be maintained at a minimum height of 4 metres. If any tree dies or becomes diseased it shall be replaced with a similar species in the next available planting season. Once these trees reach advanced maturity successional planting shall be installed so as to continue the screening effect of the existing trees into the future.
 - d) The consent holder shall retain and suitably maintain the existing line of poplars that run inside the currently juvenile hawthorn hedge that follows the road boundary to the south of the existing driveway until such time as the hawthorn trees reach a minimum height of 4 metres.

Advice Note:

- This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Queenstown Lakes District Council.

APPENDIX 2 – SECTION 42A REPORT

FILE REF: RM130298

TO Commissioner Sinclair
FROM Aaron Burt
SUBJECT Report on a publicly notified subdivision consent application.

SUMMARY

Applicant: R & E M Heywood
Location: 222 Lower Shotover Road, Wakatipu Basin
Proposal: Subdivision consent is sought to create two new residential allotments from Lot 2 DP 23848 (8.1472 hectares) and to identify a Residential Building Platform on proposed Lot 2.
Legal Description: Lot 2 Deposited Plan 23848 (Computer Freehold Register: OT16A/76)
Zoning: Rural General
Public Notification Date: 29 May 2013
Closing Date for Submissions: 27 June 2013

Submissions:

The following submission has been received in support of the application:

1. D & L Palmer: 188 Domain Road RD1 Queenstown.

The following submission has been received in conditional support of the application:

2. P Smith & L Malcolm: 26 Slope Hill Road, Wakatipu Basin.

The following submission has been received in opposition to the application:

3. Otago Regional Council

No submitters wish to speak at a hearing

Implications For:

- | | | |
|------|----------------|----|
| i) | Policy | No |
| ii) | Annual Plan | No |
| iii) | Strategic Plan | No |

RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. The adverse effects of the activity can be adequately mitigated so that effects on the wider environment are less than minor.
2. The application is consistent with the Objectives and Policies of the District Plan.
3. The proposal is consistent with Part 2 of the Resource Management Act 1991 (the Act).

REPORT

1.0 INTRODUCTION

My name is Aaron Burt and I hold a Bachelor of Resource Studies from Lincoln University. I have approximately fifteen years' experience as a planner in roles within the Department of Conservation and various Councils in New Zealand and the United Kingdom. I have worked for Lakes Environmental/Queenstown Lakes District Council as a Resource Consents Planner since September 2007.

In my role I have processed a large number of resource consents, including notified rural subdivisions.

This report has been prepared to assist the Commissioner. It contains a recommendation that is in no way binding. It should not be assumed that the Commissioner will reach the same conclusion.

2.0 SITE & ENVIRONMENT

2.1 SITE DESCRIPTION

I refer to paragraphs 4 - 6 of Dr Marion Read's report, which provides a description of the site and surrounding environment. I accept this description as accurate and adopt that description for the purposes of this report.

Figure 1 below identifies the location of the subject site within the context of its surrounds:



Figure 1: Application Site

2.2 SITE HISTORY

The recent resource consent history of the subject property includes the following:

RM020597: Construct a specific residential dwelling and to identify and establish a residential building platform in the location of the proposed dwelling, or alternatively a consent to erect a dwelling of an unspecific design with volunteered design controls on a proposed residential building platform. Granted 13 January 2003

RM021025: Construct a barn. Granted 7 March 2003

RM080614: Variation to Condition 1 of RM020597 pertaining to external appearance of a consented dwelling design. Granted 18 June 2008

3.0 PROPOSAL

Subdivision consent is sought to create two new residential allotments from Lot 2 DP 23848 (8.1472 hectares) and to identify a Residential Building Platform on proposed Lot 2. Proposed Lot 1 will contain an existing dwelling and have an area of 3.926 hectares. Proposed Lot 2 will have an area of 4.22 hectares, and a 1000m² Residential Building Platform (RBP) will be created to the east of an existing knoll.

The application proposes controls to dictate the scale of any subsequent residential development. Conditions to ensure the retention and maintenance of a Hawthorne hedge and poplars are volunteered.

Access to both proposed lots will be via an existing crossing onto Lower Shotover Road.

The proposed lots will be serviced by power and telecommunications. The applicant intends to connect Lot 2 to the 'Hawthorne Scheme' water supply. Lot 1 has an established water supply. Wastewater will be treated and disposed via an onsite system.

4.0 SUBMISSIONS

4.1 SUBMISSIONS

A copy of submissions received can be found in the "Submission" section of the Agenda. These are summarised below for the Commission's benefit.

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
D & L Palmer	188 Domain Road	The submitters note that there will be no new vehicle crossing onto Lower Shotover Road and that the proposed design controls will result in a sympathetic development.	Ask that the Consent Authority grants approval.
P Smith & L Malcolm	26 Slope Hill Road	<p>The submitters support the application on the proviso that the following stated matters are addressed:</p> <ul style="list-style-type: none">- There is no mitigation planting proposed between the two properties. The submitter is of the view that some form of planting or mitigation needs to be incorporated along the shared boundary.- The submitter requests that any tree planting that takes place along the shared boundary shall not be in excess of 5 metres in height.- The submitter requests that the height limit for any building be single storey in height and requests that	Supports the application provided that the matters identified are addressed.

		<p>the design controls be amended to reflect this. This is to ensure the amenities and privacies of the properties are maintained.</p> <ul style="list-style-type: none"> - A no further subdivision clause be placed on proposed Lot 2. 	
Otago Regional Council		<p>The Regional Council requests that the application be declined unless the Queenstown Lakes District Council is satisfied that:</p> <ul style="list-style-type: none"> - The proposed development is adequately secure from the impacts of alluvial fan hazards, and that site development will not exacerbate or increase the level of alluvial fan hazard to the site and adjacent sites; and - There is appropriate provision for stormwater management. 	<p>Requests that the QLDC be satisfied that hazards and stormwater considerations are addressed.</p>

P Smith & L Malcolm subsequently advised in a letter dated 12 August 2013, that on the basis of a revised landscape plan provided to them by the applicant, that the matters in their submission are fully resolved. The advice of P Smith & L Malcolm is accepted, and conditions of consent can ensure that the development is undertaken in accordance with the agreed Landscape Plan.

The matters raised by the Otago Regional Council's submission are addressed in this report. It is the position of this report that these matters are resolved to the satisfaction of the Queenstown Lakes District Council.

The figure below illustrates the location of the respective submitters' properties (aside from the Otago Regional Council), in relation to the application site.



Figure 2: Location of Submitters

5.0 CONSULTATION AND WRITTEN APPROVALS

The following written approvals have been provided in support of the application:

- G R & N J Pannell, as owners of Lot 2 DP 26173 (214 Lower Shotover Road).
- P A Smith, L G Malcolm and J Armstrong, as owners of Lot 2 DP 26535 and Part Lot 1 DP 26173 (26 Slopehill Road)

It is noted that P A Smith & L G Malcolm subsequently made a submission on the proposal. The image below identifies the location of those persons who provided written approval.



Figure 3: Location of Approvals

6.0 DISTRICT PLAN PROVISIONS

6.1 THE DISTRICT PLAN

The subject site is situated in the Rural General Zone and requires resource consent for the following reasons:

- A **discretionary** subdivision activity consent pursuant to Rule 15.2.3.3(vi) for all subdivision and the identification of building platforms within the Rural General zone.

7.0 INTERNAL REPORTS

7.1 LANDSCAPE ARCHITECT'S REPORT

This report, prepared by Dr Marion Read, is attached as **Appendix 1** and concludes;

An application has been received to subdivide a lot of 8.1472ha into two roughly equally sized lots and to establish a building platform on the new lot. The site is zoned Rural General and is located within a Visual Amenity Landscape.

The proposed development could have an adverse effect on the natural and pastoral character of the vicinity through the domestication of the site. Conditions requiring a curtilage area to be defined and for the balance of the site to be maintained as open pasture would adequately mitigate this adverse effect.

A dwelling on the proposed platform would not, provided it was built with recessive finishes, be highly visible or have a significant adverse visual effect on the vicinity.

The topography and other existing features of the site have been utilised effectively to ensure that the landscape and visual effects of the proposal are minimised.

The proposal would have an adverse cumulative effect on the landscape of the vicinity, including another dwelling in the landscape, but the extent of this effect is small.

The proposal would not have a significant adverse effect on the rural amenity of the vicinity.

The proposed subdivision would result in lots of sufficient size to fulfil the purposes of the Rural General zone, provided the balance of the site is maintained in some type of rural use. The layout of the

proposed lot would ensure that a future dwelling would have good solar gain and not create either shading or visual issues for neighbours.

I rely on Dr Read's expert assessment and refer to it within this report.

7.2 ENGINEER'S REPORT

This report was prepared by Ms Keri Garrett, Council's Engineer, and is attached as **Appendix 2**. Ms Garrett recommends conditions with regard to servicing and natural hazards.

I rely on Ms Garrett's assessment and refer to it within this report.

8.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- a) Actual and potential effects on the environment of allowing the activity;*
- b) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and*
- c) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

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

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

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

Section 106 of the Act is also relevant to the subdivision proposal and states:

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that –*
 - (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (2) Condition under subsection (1) must be –*
 - (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
 - (b) of a type that could be imposed under section 108.*

The application must also be assessed with respect to the purpose of the Act which is to promote the sustainable management of natural and physical resources. Section 9.4 of this report outlines Part 2 of the Act in more detail.

9.0 ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Landscape Classification
- (ii) Effects on the Environment
- (iii) Objectives and Policies
- (iv) Other Matters
- (v) Part 2 of the Act

9.1 LANDSCAPE CLASSIFICATION

An analysis of the site and surrounding environment has been undertaken by Dr Marion Read.

Paragraphs 9 – 16 outline her finding that the site is part of a Visual Amenity Landscape (VAL). This assessment is adopted and relied upon.

9.2 EFFECTS ON THE ENVIRONMENT

9.2.1 The Permitted Baseline

Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the District Plan permits an activity with that effect (the permitted baseline).

The permitted baseline for this application is set out below:

Permitted Activities

In the Rural General zone, all buildings and associated physical activities, such as such as roading and landscaping, require resource consent under the District Plan. Hence, the District Plan does not provide a permitted activity status for any building or associated activity. Likewise, all subdivision requires resource consent.

Farming activities, earthworks up to a volume of 300m³ moved over an area of less than 1000m², and planting (specifically excluding planting which results in a continuous line of vegetation of 10m in length or more within 50m of a road) are permitted.

Therefore, any adverse effects from the proposed activity have been taken into account when assessing actual and potential effects.

Receiving Environment

The applicant has provided a comprehensive description of the receiving environment within the Assessment of Environmental Effects submitted with the application. The assessment is as follows:

The land is zoned Rural General... This area of the Wakatipu Basin has been subject to numerous subdivision applications and has developed a rural-living character. The land is generally flat or gently sloping with the most notable landscape element being the extensive shelterbelt plantings which align the road boundaries and which demarcate internal boundaries. The majority of the roadside planting (Hawthorn) are protected in the District Plan (Features 208, page A3 – 15 and planning map 29).

In addition to the above, a residential building platform has recently been established on Pt Lot 1 Deposited Plan 26173 and Lot 2 Deposited Plan 26535, and consent granted to relocate a dwelling onto that platform. The consent that approved that development was RM120827.

9.2.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

- Effects on Natural and Pastoral Character
- Visibility of Development

- Form and Density of Development
- Cumulative Effects of Development on the Landscape
- Rural Amenity
- Infrastructure
- Natural Hazards
- Traffic Generation and Vehicle Movements

I note that this assessment has been guided by the relevant assessment matters of the District Plan.

9.2.3 Effects on Natural and Pastoral Character

Dr Read has conducted an assessment on the potential effects on the natural and pastoral character of the landscape in paragraphs 18-21 of her attached report. She identifies that the site is not adjacent to any Outstanding Natural Landscape or Outstanding Natural Feature.

Dr Read finds that the spreading of domestic activities across the site, including amenity tree planting, could have a significantly domesticating effect on the landscape of the vicinity. She considers that a curtilage area should be defined around the building platform and that the balance of both lots should be maintained by traditional rural practices such as grazing or cropping (the site is currently mown for stock feed). In order to fit in with the topography of the site, the curtilage should be located mainly to the east and north of the proposed platform so as to be contained on the elevated terrace.

Dr Read advises that the adverse effects on the natural and pastoral character of the landscape can be mitigated by the identification of a curtilage area and the requirement that the balance of the site be managed by grazing or cropping.

The applicant has responded to Dr Read's assessment and provided a revised plan that identifies a curtilage area to the north, south and east of the RBP. Consent requirements can also ensure that the balance area of Lot 2 is maintained for pastoral use, and maintained by the grazing of animals or the production of crops (including but not limited to hay).

It is therefore determined that any adverse effects on natural and pastoral character can be appropriately mitigated.

9.2.4 Visibility of Development

Dr Read has assessed the potential visibility of the proposal from a number of vantage points to ascertain the degree and extent of potential effects. This assessment is contained in paragraphs 22-29 of her report.

She finds that the location of the proposed building platform would give rise to a dwelling closer to Lower Shotover Road than any existing dwellings to the north of the intersection with Domain Road. She notes that to a small degree this proximity could give rise to an impression of sprawl, but considers that the extent of this effect would be small.

She concludes that a dwelling on the proposed platform would not, provided it was built with recessive finishes, be highly visible or have a significant adverse visual effect on the amenity of the vicinity.

Having regard to Dr Read's advice, I am satisfied that at the time a dwelling is proposed on Lot 2, that the matters for control will be adequate to ensure that such a dwelling is constructed with recessive finishes.

Effects in regard to visibility of development are able to be appropriately mitigated.

9.2.5 Form and Density of Development

Dr Read has assessed the effects of the proposed activity in relation to the form and density of development in paragraphs 30-34 of her report.

She determines that the topography and other existing features of the site have been utilised effectively to ensure that the landscape and visual effects of the proposal are minimised.

The proposal will not result in significant adverse effects associated with form and density.

9.2.6 Cumulative Effects of Development on the Landscape

Dr Read provides an analysis of the cumulative effects of the development in paragraphs 35-39 of her report.

She concludes that the proposal would have an adverse cumulative effect on the landscape of the vicinity, including another dwelling in the landscape, but the extent of this effect is small.

I rely on Dr Read's assessment and consider that any cumulative effects of the proposed development on the landscape will be less than minor.

9.2.7 Rural Amenities

Dr Read provides an analysis on Rural Amenity in paragraphs 40-43 of her report.

She finds that the development would not have a significant adverse effect on the rural amenity of the vicinity.

I rely on Dr Read's assessment and consider that the proposed development will not result in adverse effects in terms of rural amenity.

9.2.8 Infrastructure

Water Supply, Effluent Disposal, Stormwater and Fire Fighting Provision

Ms Garrett advises that the existing dwelling on Lot 1 is fully serviced with reticulated power and telecommunications connections, an on-site bore for water supply, and on-site disposal systems for stormwater and wastewater. No servicing conditions are required with respect to Lot 1.

Ms Garrett provides the following assessment and recommendations with regard to Lot 2:

A letter has been provided from Hawthorne Water Limited confirming that a 2,100 litres/day water supply can be made available to Lot 2 from the Hawthorne water supply scheme. The connection is subject to a Licence to Occupy (LTO) being obtained from Council for the proposed water reticulation to be extended across Lower Shotover Road to the site. Council's Property Sub-Committee have considered an application from Hawthorn Water Limited to construct new reticulation across Lower Shotover Road to service the subdivision and have agreed to grant approval for this, subject to a number of terms and conditions to be documented within the legal LTO agreement. Whilst I am satisfied that this water supply will be feasible, the legal documentation outlining the terms and conditions of the LTO have yet to be finalised. A condition is recommended requiring the LTO agreement for the water supply road crossing within Lower Shotover Road to be implemented and all legal documentation associated with the Licence to Occupy has been signed by the relevant parties prior to construction commencing. Further conditions are recommended to ensure that the water supply is installed to Council's standards and is treated to comply with the requirements of the Drinking Water Standards for New Zealand 2005 (revised 2008).

There is no existing fire fighting water supply available to serve the building platform on Lot 2. A consent notice condition is recommended requiring a 30,000 litre tank with 20,000 litres static fire fighting reserve to be installed in accordance Council and NZ Fire Service standards at the time a dwelling is constructed on-site.

No specific site and soils assessment has been carried out for Lot 2 to confirm feasibility of on-site wastewater disposal for this lot. However, the applicant has provided copies of site and soils assessments completed for the existing dwelling on proposed Lot 1 and neighbouring Lot 2 DP 23848 which indicate that soils conditions are likely to be favourable for on-site disposal. Whilst there may be some variations in soils conditions across the 4 hectare allotment and/or some site constraints to be taken into account during the system design phase, I am satisfied that there is sufficient land area available to adequately treat and dispose of effluent in accordance with AS/NZS 1547:2012. A consent notice is recommended requiring a full site and soils assessment and design to be provided to Council for review and certification at the time a dwelling is proposed on Lot 2.

Stormwater run-off from future impervious areas within Lot 2 will need to be collected and disposed of to-ground via soak pits or other suitable on-site disposal system. I am satisfied that this method of

disposal is feasible and that the design of an appropriate stormwater disposal system will be dealt with as part of any future building consent for Lot 2. No conditions are considered necessary.

Letters have been provided from Aurora and Chorus confirming their power supply and telecommunications networks can be extended to service this subdivision. A condition is recommended requiring underground connections to be provided to the boundary of Lot 2 prior to issue of 224c certification for this subdivision.

Having regard to Ms Garrett's assessment above, Lot 2 can be adequately serviced and conditions of consent can ensure that the design of infrastructure is undertaken in accordance with Council's standards.

Overall, any effects in terms of infrastructure are able to be appropriately mitigated through conditions of consent.

9.2.9 Natural Hazards

The site is identified as being subject to known Natural Hazards in the Queenstown Lakes District Council's Hazard Register Maps. These hazards relate to a potential alluvial fan hazard and liquefaction.

A site specific assessment has been provided by Royden Thompson and considered by Ms Garrett. She advises that she accepts Mr Thompson's findings that the proposed building platform is unlikely to be susceptible to liquefaction in a seismic event.

Ms Garrett accepts Mr Thompson's finding that the building platform may be at risk from flood flows and recommendation that upslope bunding is provided to mitigate this risk. A condition is recommended requiring bunding to be implemented prior to 224c being issued in accordance with the recommendations of the Royden Thompson report.

Overall, although potential natural hazards are identified, it is determined that any potential effects can be appropriately mitigated by conditions of consent.

9.2.10 Traffic Generation and Vehicle Movements

Lot 2 will be accessed from Lower Shotover Road via a new Right of Way easement to be created over the existing driveway serving the dwelling on Lot 1. Each residential lot can provide for sufficient parking and manoeuvring.

Ms Garrett is satisfied that the proposal can comply with Council's requirements and advises that access and manoeuvring areas can be constructed in accordance with the appropriate standards. No conditions are deemed necessary and these matters can instead be addressed when a dwelling is proposed on Lot 2.

9.2.11 Conclusion to Actual and Potential Effects on the Environment

Having considered the findings of the Landscape and Engineering Assessments, it is my opinion that the adverse effects of the proposed activity can be appropriately mitigated so that they are not significant.

9.3 OBJECTIVES AND POLICIES

The relevant objectives and policies of the District Plan discussed below relate to:

Part 4 District Wide Issues

Part 5 Rural Areas

Part 15 Subdivision, Development and Financial Contributions

Part 4 – District Wide Issues

4.2.5

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.

Policies:

1. Future Development

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

The adverse effects of the activity can be mitigated by containing residential activities within the defined curtilage area, proposed landscaping, and maintaining pastoral activities on the balance of Lot 2. The development will not degrade the visual amenity values of the landscape, and the area has the potential to absorb change without detracting from the landscape and visual amenity values of the area.

The proposed activity is consistent with the above objective and policies.

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; 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.*

The RBP will have a visual impact that is less than minor and will not detract from the surrounding landscape.

No linear plantings or inappropriate landscaping are proposed, therefore the proposal will not result in a loss of natural character.

On this basis I consider the application is consistent with the above policies.

8. Avoiding Cumulative Degradation

In applying the policies above the Council's policy is:

- (b) *to encourage comprehensive and sympathetic development of rural areas.*

The proposal will not exceed the ability of the landscape to absorb development, and taken cumulatively with regard to nearby residential development, it will not diminish the values of the VAL.

I do not consider that the development will be unsympathetic to the rural area.

The proposal is consistent with the above policies.

9. Structures

To preserve the visual coherence of:

- (a) *outstanding natural landscapes and features and visual amenity landscapes by:*

- *encouraging structures which are in harmony with the line and form of the landscape;*
- *avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
- *encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
- *encouraging placement of structures in locations where they are in harmony with the landscape;*
- *promoting the use of local, natural materials in construction.*

The siting of the Residential Building Platform, defined curtilage area and landscaping proposed will ensure that the development will not be inharmonious to the line and form of the landscape. The visual coherence of the landscape will not be undermined, and future development within the platform will not break any ridgelines.

I consider the proposal to be consistent with the above policy.

17. Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

The proposed development will not result in significant adverse effects on the open character and visual coherence of the landscape, and any adverse effects in this regard can be appropriately mitigated by landscaping, containing residential activities to the defined curtilage area, and maintaining a balance of pastoral land.

I consider the proposal to be consistent with the above policy.

Part 5 – Rural Areas

Character and Landscape Value

Objective 1

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.*
- 1.6 *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.*

The District Wide landscape objectives and policies have been discussed previously.

As discussed, subject to conditions to mitigate the effects on natural and pastoral character, the proposed development will not result in adverse effects to the character or landscape value of the area.

The proposal is consistent with the above objective and related policies.

Objective 3 – Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.

3.5 Ensure residential dwellings are setback from boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.

The nature and scale of residential activity proposed is such that rural amenity will be maintained and not significantly diminished. Adverse effects on neighbouring properties are able to be appropriately mitigated.

I consider that the proposal is consistent with the above objective and associated policies.

Part 15 – Subdivision, Development and Financial Contributions

The objectives and policies relating to subdivision are found in Part 15 of the Partially Operative District Plan and generally relate to the provision of services and costs being met by subdividers, ensuring each proposed lot will fulfil its intended use, and maintaining or enhancing the amenity and character of the surrounds.

Lakes Environmental's Engineer, Ms Keri Garrett, advises that subject to conditions of consent, the sites can be adequately serviced.

The subdivision will maintain the rural amenity values of the site and surrounds. Conditions of consent required that curtilage activities are contained, and that the balance of the sites are maintained for pastoral uses will ensure that the development will not result in an over domestication of the landscape, or loss of natural and pastoral character in a visual amenity landscape.

Subject to recommended conditions of consent, the subdivision is consistent with the objectives and policies relating to the servicing and use of allotments. Consent conditions will ensure is it consistent with policies intended to maintain or enhance amenity and landscape values.

9.3.1 Summary of Objectives and Policies

Overall, where adverse effects are identified, the proposal can avoid, remedy or mitigate those effects, and the proposed development is overall consistent with the relevant objectives and policies of the District Plan.

9.4 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The proposal sufficiently avoids, remedies or mitigates potential adverse effects on the environment and will not compromise the life-supporting capacity of air, water, soil or ecosystems.

The hazard mitigation provides for the safety of future occupiers of the dwellings.

The proposed subdivision and Residential Building Platform will provide for the future use of the land, thereby enabling the applicants and/or future purchasers of the lot to provide for their social and economic well-being.

I therefore consider the proposal promotes the sustainable management of natural and physical resources and as such is consistent with the purpose and principles of the Act.

Under Part 2 of the Act, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*

It is my opinion that the proposal constitutes an efficient use of natural resources as the location of the RBP and proposed landscaping and design controls will not materially lessen those resources. In addition the curtilage, and domestication of the site will not materially degrade amenity values, nor will it diminish the quality of the environment.

Overall I consider the application meets the purpose and principles of sustainable management set out in Part 2 of the Act.

10.0 CONCLUSION

R & E M Heywood has applied for resource consent to subdivide to create two residential development lots to contain an existing dwelling, and to identify an additional Residential Building Platform.

Having regard to the matters set out in section 104 and foregoing assessment, it is my conclusion that the proposal is appropriate in this location. The reasons for this conclusion are as follows:

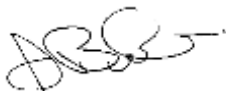
- The proposal will not result in adverse effects on the character of the Visual Amenity Landscape.
- Subject to appropriate mitigation of effects associated with natural hazards, and maintaining the character of the Visual Amenity Landscape, the proposal will not have more than minor effects on the environment; and
- The proposal is consistent with the objectives and policies for the zone or subdivision and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

Therefore, in accordance with Section 104B of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.

In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan and can meet the purpose of the Act.

Prepared by

Reviewed by



Aaron Burt
PLANNER



Adonica Giborees
SENIOR PLANNER

Attachments: Appendix 1 Landscape Architect's Report
 Appendix 2 Engineering Report

Report Dated: 10 September 2013

APPENDIX 1 – LANDSCAPE ARCHITECTS REPORT



REPORT TO: Aaron Burt, Planner

FROM: Marion Read, Landscape Architect

REFERENCE: RM130298 – Heyward

SUBJECT: Landscape Assessment

DATE: 28th June, 2013

INTRODUCTION

1. An application has been received for resource consent to undertake a two lot subdivision and create a building platform at 222 Lower Shotover Road, Wakatipu Basin. The site is legally described as Lot 2 DP 23848 and comprises an area of 8.1472ha. In the terms of the Queenstown Lakes District Plan (the District Plan) is zoned Rural General. Following advice from Lakes Environmental's planner I understand that the application is a discretionary activity.

PROPOSAL

2. It is proposed to subdivide the site into two similarly sized lots of 3.92ha (proposed Lot 1) and 4.22ha (proposed Lot 2). A dwelling and barn are located on the site, and these would be located within proposed Lot 1. It is proposed to locate a 1000m² building platform on Proposed Lot 2.
3. Design controls are volunteered to apply to the building platform on proposed Lot as follows (paraphrased):
 - maximum height to be 7m above existing ground level;
 - hawthorn hedges along Lower Shotover Road and along the internal driveway are to be maintained at a minimum of 4m;
 - the poplar avenue along the driveway is to be maintained.

SITE DESCRIPTION

4. The site is located in Lower Shotover Road. A hawthorn hedge runs along part of the road boundary with a poplar shelterbelt running along the balance of the frontage. The gateway to the existing dwelling is located approximately in the centre of the site and the existing driveway approximately bisects the site.
5. The existing dwelling is located in an elevated position toward the eastern boundary of the site, approximately in its south eastern corner. The north eastern corner of the site is the location of a poplar plantation. Exotic trees are scattered around this eastern part of the site, and around the dwelling.
6. The topography of the site is gently rolling moraine, with only a small part of the western area of the site being located on the flat outwash fan of the Shotover River.

BACKGROUND

7. The subject lot was first created by subdivision in 1994 (RM940451) and then underwent a boundary adjustment in 1996 (RM960615). Consent was granted to construct a dwelling in 2002 (RM020597) and a barn was consented on the site in the same year (RM021025). The existing dwelling was granted consent as a variation in 2008 (RM080614). A code of compliance was issued for this dwelling in February of 2002.
8. It is to be noted that an application has been made to subdivide the adjacent lot to the north, and to establish a building platform on that site (RM120827). At the time of writing this report that application was on hold waiting for engineering information.

LANDSCAPE CLASSIFICATION

9. In the landscape assessment included with the application Mr Espie concludes, on the basis of extensive quotations from the Environment Court in the Hawthorn case, that the subject site is within an area determined to be an Other Rural Landscape. I do not agree with this determination.
10. Section 4 of the District Plan defines the categories into which the landscapes of the District are to be divided. It defines them as follows:
 - Outstanding natural landscapes: 'the romantic landscapes - the mountains and the lakes' (Para 4.2.4(2), P4-9.
 - Visual amenity landscapes: 'landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are:
 - adjacent to outstanding natural features or landscapes; or
 - landscapes which include ridges, hills, downlands or terraces; or
 - a combination of the above' (Para 4.2.4(3), P4-9
 - Other rural landscapes: 'those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as outstanding natural landscapes or visual amenity landscapes' (Para 4.2.4(4), P4-9.
11. The definition of 'Visual Amenity Landscape' is most interesting. It appears to allow for the inclusion of both pastoral and arcadian characters as exemplars of the landscape type (note that it states pastoral or arcadian). Nowhere does the Plan define these terms and as a consequence they are a constant source of debate and disagreement.
12. The Oxford Compact Dictionary defines 'pastoral' as 'relating to or associated with shepherds or flocks and herds; used for pasture'. This definition implies some sort of agricultural use and it is clear that it applies to much of the landscape of the downlands of the District. It is modified in the definition by the requirement that it be poetic and picturesque rather than functional, however, which implies that it may, or perhaps should be more developed, incorporating more exotic trees and more dwellings than a functionally pastoral landscape.
13. The Oxford Compact Dictionary defines 'arcadian' as 'ideally rustic', and 'arcady' as an 'ideal rustic paradise'. This concept of arcady underlies the picturesque aesthetic and found its basis in the works of the early picturesque painters.



Jean-Victor Bertin (1767-1842) 'Arcadian Landscape'



Thomas Cole (1801-1848) 'Dream of Arcadia'

These two examples are typical of the genre and were painted at the time the picturesque aesthetic was becoming naturalised in the western European psyche. The characteristics which can be identified in these paintings are as follows:

- the landscape of the fore and midground is fine-grained and broken into small, reasonably discrete areas by vegetation and topography;
- there are areas of rugged topography (cliffs, waterfalls);
- the fore and midground landscape contains many large trees;
- the mountainous context of the site is distant and its detail indistinct;
- buildings are always visible and these are often temples;
- there are animals present, usually sheep or goats;
- there is water, either a river, lake, pond or the sea;
- there are always people present, usually resting if they are a worker (shepherd or goatherd) or recreating as is the case in both of these paintings.

These painting provide an idealised view of rural life, rather than being a representation of its harsh realities. They are filled with sun and pleasure, with the temples emphasising the paradisiacal aspect. In my opinion it is possible to extract from this list of characteristics those which might be used to determine the arcadian character (or otherwise) of a contemporary landscape.

14. Arcadian landscapes are finely grained, and expansive views across them are generally obstructed by topography, trees or both. They are closely associated with rugged topography which would, in the context of the District, generally mean associated with Outstanding Natural Landscapes or Features. They are reasonably heavily treed landscapes. Buildings are present and visible. There is some pastoral use made of the land, or the potential for a pastoral use but this is not driven by economic necessity. These landscapes are idealised rural landscapes, ones in which people aim to gain what we usually refer to as 'rural amenity' but who do not necessarily want to participate in productive rural activity. In conclusion, it is my opinion that it is the areas of the Wakatipu Basin which have been developed for lifestyle purposes (the creation of the idealised rural) rather than less developed, that exhibit the arcadian character most clearly.
15. The landscape in which the subject site is located is finely grained. The site and its surrounding context is located on hummocky moraine material which has been deposited against the roche moutonnée of Slope Hill. There are a large numbers of exotic trees planted as shelterbelts, amenity and as woodlots. Together, these trees and the hummocky topography restrict visibility to relatively small areas. Slope Hill provides the area of rugged topography, and is considered to be an ONF. The Remarkables, Crown Range and Coronet Peak provide the mountainous backdrops to the vicinity. There are visible dwellings, although their visibility varies depending on the time of year. There are animals present, mostly horses and sheep, and there is the potential on most sites for small scale pastoral activity. The intensity of residential development is such that while pastoral activities may be undertaken on a small scale, the rural character is clearly idealised rather than productive. Consequently it is my opinion that the site is located within a Visual Amenity Landscape.
16. It is arguable that the Hawthorn Triangle also retains some of these qualities. Considering consented as well as existing development in that area the landscape is fine grained but visibility through it is inhibited largely by vegetation only, its topography being largely flat. There are no areas of rugged topography adjacent that are visible in most views of the area. There are (or will be) many large exotic trees. The mountainous context is present in the form of Slope Hill, Coronet Peak, Ferry Hill and Queenstown Hill. Buildings are visible. There are neither animals present, nor the potential for pastoral use as most of the sites are too small and in some cases the keeping of animals is forbidden. There is little rural and no pastoral character remaining within the area, its residents relying on the external pastoral areas to provide rural amenity. It is in these ways that the Other Rural Landscape may be distinguished from that of the Visual Amenity Landscape.

ASSESSMENT

17. The appropriate assessment matters are located at S 5.4.2.2 and S 15 of the District Plan.

S5.4.2.2(3)

(a) Effects on natural and pastoral character

18. The site is not adjacent to any Outstanding Natural Landscape or Outstanding Natural Feature.
19. The scale of the proposed subdivision is relatively small, dividing a block of 8.1472ha into blocks of 3.92ha and 4.22ha. The subject site is one of the larger lots arrayed along and to the east of Lower Shotover Road range. The lot to the immediate north of the subject site is 1.7ha in area and is subject to an application for resource consent to be subdivided into two lots of 4.21 and 1.5ha in area. The lot to the immediate north of that lot encompasses an area of 7.95ha. The average size of lots abutting the eastern side of Lower Shotover Road between the intersection with Domain Road and the intersection with Speargrass Flat Road is 5.2478ha and the range is from 8.5373ha to 0.8ha (held in common with the adjacent lot of 1.6030ha. While there is no minimum lot size in the Rural General zone, the size of lots creates a pattern which contributes to the character of the landscape. The sizes of the lots it is proposed to create through this subdivision would be below the average for this vicinity, but would retain the existing pattern of lots in the vicinity.
20. The current proposal is for subdivision and the location of a building platform. It is my opinion that the spreading of domestic activities across the site, including amenity tree planting, could have a

significantly domesticating effect on the landscape of the vicinity. I consider that a curtilage area should be defined around the building platform and that the balance of both lots should be maintained by traditional rural practices such as grazing or cropping (the site is currently mown for stock feed). In order to fit in with the topography of the site the curtilage should be located mainly to the east and north of the proposed platform so as to be contained on the elevated terrace.

21. I consider that the adverse effects on the natural and pastoral character of the landscape can be mitigated by the identification of a curtilage area and the requirement that the balance of the site be managed by grazing or cropping.

(b) Visibility of development

22. The subdivision would not, in itself, alter the landscape of the vicinity. Three of the boundaries of the proposed new lot are currently treed. The planting along Lower Shotover Road is to be protected by conditions of consent, as is the first 60m or so of the poplar avenue extending along the existing driveway. A dwelling on the proposed platform would be partially visible through the hedge during winter, and visible in a glimpse through the gateway to the site. There are trees along the eastern boundary, including a poplar plantation in the north eastern corner of the site. There is another poplar plantation on the adjacent site to the north, and while this cannot be relied on for mitigation, it is unlikely that its removal would increase the potential visibility of a dwelling on the proposed platform from any public location, owing to the intervening topography.
23. A dwelling on the proposed platform provided it was constructed using recessive colours and materials, would not be prominent in any of the views in which it was visible.
24. The existing vegetation which it is proposed to maintain is adequate to provide baseline screening for a dwelling on the proposed platform. Further screening may be necessary once a specific dwelling design is proposed.
25. The site of the proposed subdivision is located on the lower portion of the hummocky moraine material associated with the northern and western sides of Slope Hill. It is not contained by topography but, as noted above, it is well contained by vegetation.
26. The proposed building platform would not give rise to any structures being located where they would break the line and form of any skylines, ridges, hills or prominent slopes.
27. No roads, earthworks or landscaping are proposed at this stage.
28. All proposed boundaries follow existing fence lines or vegetation and would not give rise to any arbitrary lines or patterns in the landscape.
29. The location of the proposed building platform would give rise to a dwelling closer to Lower Shotover Road than any existing dwellings to the north of the intersection with Domain Road. To a small degree this proximity could give rise to an impression of sprawl, but I consider that the extent of this effect would be small.

(c) Form and density of development

30. The topography of the site has been utilised to effectively situate the building platform within the site. It does not contain any visual effects but these are very small anyway.
31. A common entrance and shared driveway is proposed which would assist in reducing the domesticating effects of the subdivision on Lower Shotover Road.
32. This area has the ability to absorb some development provided by the hummocky terrain and established vegetation.
33. The proposed development would not introduce densities characteristic of urban areas.
34. There is an application lodged for subdivision and landuse consent on the site immediately to the north.

(d) Cumulative effects

35. The existing development in the locality, defined as the land to the east of Lower Shotover Road from approximately the intersection with Domain Road to that with Speargrass Flat Road, is reasonably intensive and of a rural lifestyle character with lots averaging around 4ha in area. Smaller residential lots are located within the hummocky topography so that they do not detract from the wider landscape character. This subdivision would divide a lot which is approximately twice the area of the average and create one more residential lot. While this would have an adverse cumulative effect on the vicinity the extent of that effect would be small.
36. The proposed development would not compromise the arcadian character of the vicinity.
37. The existing vegetation on the site provides some ability to contain development.
38. The proposed development would not require any urban type infrastructure.
39. Allowing domestic development including amenity tree planting to spread across the site would have a cumulative adverse effect on the landscape reducing the pastoral aspect of its character. This could be avoided by the delineation of a curtilage area into which domestic gardens, including amenity tree planting, and other domestic activities should be restricted.

(e) Rural amenities

40. A dwelling on the proposed platform could be glimpsed through the gateway to the site, and would be partially visible through the hedge in the winter. This level of visibility would not reduce the visual access to open space from any public location. It is the case that a dwelling on the proposed platform would be readily visible from the adjacent site to the north, but not from the existing dwelling on that site. Dwellings on Slope Hill to the east of the site would probably have glimpses of a dwelling, but any adverse effect on their views is likely to be small.
41. The presence of a dwelling on the proposed platform would not compromise the ability to undertake agricultural activities on the surrounding land.
42. It is proposed to allow post and wire or post and rail fences only. As none would be readily visible from any public place I consider that either option would be appropriate. No other modification to the entrance way is proposed at this stage.
43. The proposed building platform is located so as to be well set back from both the road and the neighbouring properties.

S15.2.6.4

(i) Lot Size and Dimension

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone:**

44. 5.3.1.1 Rural General Zone

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:

- *protects and enhances nature conservation and landscape values;*
- *sustains the supporting capacity of the soil and vegetation;*
- *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
- *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*

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

The proposed development would not have any effect on nature conservation values, and would have only a small adverse effect on landscape values. It would have a small adverse effect on

sustaining the life supporting capacity of the soil removing a small area (around the building platform) from potential productive use. This is not guaranteed, however, and a condition restricting the use and management of the balance of the lot to pastoral activities (grazing and / or cropping) is necessary to secure this.

(d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and landuse activities, and access.

45. The proposed lots are compatible with the established pattern of subdivision in the vicinity of the site.

S15.2.7.3

(i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.

46. The proposed lot and building platform are located so that a future dwelling would gain good solar advantage and would not cause any shading problems on adjacent lots.

(v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lots(s).

47. The proposed development of the proposed lot would have a small adverse effect on views from the east but would not result in the domination of these views by any buildings.

15.2.17.2

(i) Whether any landscape features or vegetation, including mature forest, on the site are of sufficient amenity value that they should be retained and the proposed means of protection;

48. The existing hawthorn hedge along the Lower Shotover Road frontage of the site is a protected feature. The proposal does not threaten this in any way.

(iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetation cover;

49. The proposed subdivision design would represent the further domestication of the landscape of the District but the extent of this effect would be small. There is no native vegetation cover on the site.

CONCLUSION

50. An application has been received to subdivide a lot of 8.1472ha into two roughly equally sized lots and to establish a building platform on the new lot. The site is zoned Rural General and is located within a Visual Amenity Landscape.

51. The proposed development could have an adverse effect on the natural and pastoral character of the vicinity through the domestication of the site. Conditions requiring a curtilage area to be defined and for the balance of the site to be maintained as open pasture would adequately mitigate this adverse effect.

52. A dwelling on the proposed platform would not, provided it was built with recessive finishes, be highly visible or have a significant adverse visual effect on the vicinity.

53. The topography and other existing features of the site have been utilised effectively to ensure that the landscape and visual effects of the proposal are minimised.

54. The proposal would have an adverse cumulative effect on the landscape of the vicinity, including another dwelling in the landscape, but the extent of this effect is small.

55. The proposal would not have a significant adverse effect on the rural amenity of the vicinity.

56. The proposed subdivision would result in lots of sufficient size to fulfil the purposes of the Rural General zone, provided the balance of the site is maintained in some type of rural use. The layout of the proposed lot would ensure that a future dwelling would have good solar gain and not create either shading or visual issues for neighbours.

SUGGESTED CONDITIONS

Should consent be granted I consider the following conditions be included:

1. Prior to certification under S224C the following shall occur:
 - i. The subdivision plan and landscape protection plan (Clark Fortune McDonald plan Job 10473 Drawing 03 and Drawing 04) submitted with the application shall be amended and resubmitted for approval by Council's landscape architect. These plans shall identify a curtilage area around the building platform on Lot 2. This curtilage area is not to exceed 4000m² in area including the building platform and shall be so arrayed as to be predominantly located to the east and north of the platform. It shall not extend down the escarpment to the west of the building platform. Further, these plans shall identify the balance area of both Lots 1 and 2 which shall be maintained for pastoral use which may include the grazing of stock or the production of crops.
 - ii. A consent notice condition shall be established to ensure that:
 - i. All curtilage activities including but not limited to domestic gardens; vehicle parking; clotheslines; large children's play equipment (trampolines etc) shall be restricted to within the identified curtilage area on Lot 2.
 - ii. The balance area maintained for pastoral use shall be so maintained by the grazing of animals or the production of crops including but not limited to hay.

Report prepared by

Report reviewed by



Marion Read
PRINCIPAL : LANDSCAPE ARCHITECTURE

Steve Skellton
LANDSCAPE ARCHITECT

APPENDIX 2 – ENGINEERING REPORT



TO: Aaron Burt
FROM: Keri Garrett
DATE: 22/08/2013
CONSENT REF: RM130298
APPLICANT NAME: R & EM Heywood

Application details	
Description	Subdivision consent is sought to subdivide Lot 2 DP 23848 into 2 new lots and identify a residential building platform on proposed Lot 2.
Type of Consent	
Physical Address	222 Lower Shotover Road, Queenstown.
Zoning	Rural General.
Reference Documents	<ul style="list-style-type: none">• Consent application, formally received on 21/05/2013.• Otago Regional Council submission, dated 26/06/2013.• Royden Thompson hazard assessment (<i>"Proposed Heywood Subdivision: Geotechnical Hazards at the Designated Building Platform on Lot 2"</i>, dated 8/08/2013)
Date of site visit	27/05/2013.
Previous consents relevant to this report	<ul style="list-style-type: none">• RM020597 – Land use consent for the dwelling on proposed Lot 1.

LOCATION DIAGRAM



TRANSPORT

Access

Lot 2 will be accessed from Lower Shotover Road via new Right of Way easement to be created over the existing driveway serving the dwelling on Lot 1. The existing vehicle crossing and driveway are formed to an acceptable standard and no upgrades are required as part of this development. A new driveway will need to be extended to the building platform at the time a dwelling is constructed and the location of associated parking and manoeuvring areas is known. I am satisfied that this can be dealt with at the time of land use consent for a future dwelling on Lot 2 and no conditions are required in this regard.

SERVICES

Existing

The existing dwelling on Lot 1 is fully serviced with reticulated power and telecommunications connections, an on-site bore water supply and on-site disposal systems for stormwater and wastewater. No servicing conditions are required with respect to Lot 1.

Water

A letter has been provided from Hawthorne Water Limited confirming that a 2,100 litres/day water supply can be made available to Lot 2 from the Hawthorne water supply scheme. The connection is subject to a Licence to Occupy (LTO) being obtained from Council for the proposed water reticulation to be extended across Lower Shotover Road to the site. Council's Property Sub-Committee have considered an application from Hawthorn Water Limited to construct new reticulation across Lower Shotover Road to service the subdivision and have agreed to grant approval for this, subject to a number of terms and conditions to be documented within the legal LTO agreement. Whilst I am satisfied that this water supply will be feasible, the legal documentation outlining the terms and conditions of the LTO have yet to be finalised. A condition is recommended requiring the LTO agreement for the water supply road crossing within Lower Shotover Road to be implemented and all legal documentation associated with the Licence to Occupy has been signed by the relevant parties prior to construction commencing. Further conditions are recommended to ensure that the water supply is installed to Council's standards and is treated to comply with the requirements of the Drinking Water Standards for New Zealand 2005 (revised 2008).

Fire-Fighting

There is no existing fire fighting water supply available to serve the building platform on Lot 2. A consent notice condition is recommended requiring a 30,000 litre tank with 20,000 litres static fire fighting reserve to be installed in accordance Council and NZ Fire Service standards at the time a dwelling is constructed on-site.

Wastewater

No specific site and soils assessment has been carried out for Lot 2 to confirm feasibility of on-site wastewater disposal for this lot. However, the applicant has provided copies of site and soils assessments completed for the existing dwelling on proposed Lot 1 and neighbouring Lot 2 DP 23848 which indicate that soils conditions are likely to be favourable for on-site disposal. Whilst there may be some variations in soils conditions across the 4 hectare allotment and/or some site constraints to be taken into account during the system design phase, I am satisfied that there is sufficient land area available to adequately treat and dispose of effluent in accordance with AS/NZS 1547:2012. A consent notice is recommended requiring a full site and soils assessment and design to be provided to Council for review and certification at the time a dwelling is proposed on Lot 2.

Stormwater

Stormwater run-off from future impervious areas within Lot 2 will need to be collected and disposed of to-ground via soak pits or other suitable on-site disposal system. I am satisfied that this method of disposal is feasible and that the design of an appropriate stormwater disposal system will be dealt with as part of any future building consent for Lot 2. No conditions are considered necessary.

Power & Telecommunication

Letters have been provided from Aurora and Chorus confirming their power supply and telecommunications networks can be extended to service this subdivision. A condition is recommended requiring underground connections to be provided to the boundary of Lot 2 prior to issue of 224c certification for this subdivision.

HAZARDS

The Queenstown Lakes District Council (QLDC) and Otago Regional Council (ORC Hazard register Maps show this site to be located within an alluvial fan hazard area and indicate that the western corner of the site may have soils conditions that may be prone to liquefaction in a seismic event.

The applicant has provided a hazard assessment prepared by Royden Thompson which confirms that the proposed building platform is unlikely to be susceptible to liquefaction in a seismic event. However, the building platform may be at risk from flood flows and recommends upslope bunding is provided to mitigate this risk. A condition is recommended requiring bunding to be implemented prior to 224c being issued in accordance with the recommendations of the Royden Thompson report.

DEVELOPMENT CONTRIBUTIONS

Development contributions are required for this development. An advice note has been included to inform the applicant of this.

CONSENT NOTICES & COVENANTS

None noted on the existing Computer Freehold Register for the site. New consent notices have been recommended in relation to servicing requirement for proposed Lot 2.

RECOMMENDED CONDITIONS

General

1. 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

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
3. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), 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 from the Hawthorne Water Limited scheme that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - b) The consent holder shall provide evidence to the Principal Engineer at Council that the Licence to Occupy agreement for the water supply road crossing within Lower Shotover Road has been implemented and all legal documentation associated with the Licence to Occupy has been signed by the relevant parties.
 - c) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lot 2, and no increase in run-off onto land beyond the site from the pre-development situation.
 - d) Upslope bunding shall be provided to mitigate the flood hazard risk to future development within the building platform on Lot 2 in accordance with the recommendations of the Royden Thompson report ("Proposed Heywood Subdivision: Geotechnical Hazards at the Designated Building Platform on Lot 2", dated 8/08/2013). The final location and extents of the bund shall be determined by a suitably qualified engineer. This engineer shall provide certification to the Principal Engineer at Council for design and construction confirming the bund is adequate to mitigate the hazard risk.
 - 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 Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

To be completed before Council approval of the Survey Plan

4. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

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

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Engineer at Council. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include all water supply reticulation (including private laterals and toby positions).
 - b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The completion and implementation of all certified works detailed in Condition (3) above.
 - d) The consent holder shall submit to the Principal Engineer at Council chemical and bacterial tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).
 - e) In the event that the test results required in Condition 5(d) 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 Engineer at 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 consent notice shall be registered on the relevant Computer Freehold Registers for the lots, subject to the approval of Council. The 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 for the RM130298 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council’s solicitors prior to registration.
- f) The consent holder shall provide evidence to the satisfaction of the Principal Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
 - g) 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 boundary of all saleable lots created and that all the network supplier’s requirements for making such means of supply available have been met.
 - h) 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 boundary of all saleable lots created and that all the network supplier’s requirements for making such means of supply available have been met.
 - i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and

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

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

Ongoing Conditions/Consent Notices

6. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Title of Lot 2 by way of Consent Notice pursuant to s.221 of the Act.
 - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
 - b) At the time a dwelling is erected on the lot, 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 wastewater disposal system in compliance with AS/NZS 1547:2012. The proposed wastewater system shall be subject to the review of the Principal Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling (Note: Additional discharge consents may be required from the Otago Regional Council if the system is to be located within 50m of a water body or water supply bore and/or if any other Regional Water Plan rules are breached).
 - c) The drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the lot owner, and the results forwarded to the Principal: Environmental Health at 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.
 - d) At the time a dwelling is erected on Lot 2, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

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

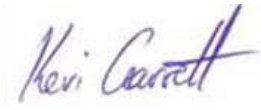
Advice Note: The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the building platform is situated in a rural location, approximately 8km 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.

Recommended Advice Notes

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Queenstown Lakes District Council.

Prepared by:

Reviewed by:



Keri Garrett
ENGINEER

Steve Hewland
PRINCIPAL: ENGINEERING

APPENDIX 3 – SECTION 100 DETERMINATION

FILE REF: R & E M Heywood (RM130298)
TO: Blair Devlin – Manager, Resource Consenting
FROM: Aaron Burt, Planner
DATE: 20 September 2013
SUBJECT: **Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991.**

R & E M Heywood have applied for consent to subdivide to create two new residential allotments from Lot 2 DP 23848 (8.1472 hectares) and to identify a Residential Building Platform on proposed Lot 2.

The application was publically notified on 29 May 2013. The submission period closed on 27 June 2013 and three submissions were received.

A section 42A report has been prepared (attached as Appendix 1 to this memo) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and Resource Management Act 1991 (RMA).

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

100. Obligation to hold a hearing

A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –

(a) The consent authority considers that a hearing is necessary; or

(b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.

The applicant has not requested to be heard, and no submitters request to be heard in respect to this application.

Given the conclusions contained in the s42A report it is considered that a formal hearing of the application is not necessary for the substantive determination of this application.

Prepared by

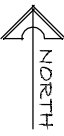


Aaron Burt
PLANNER

Approved by



Blair Devlin
MANAGER, RESOURCE CONSENTING

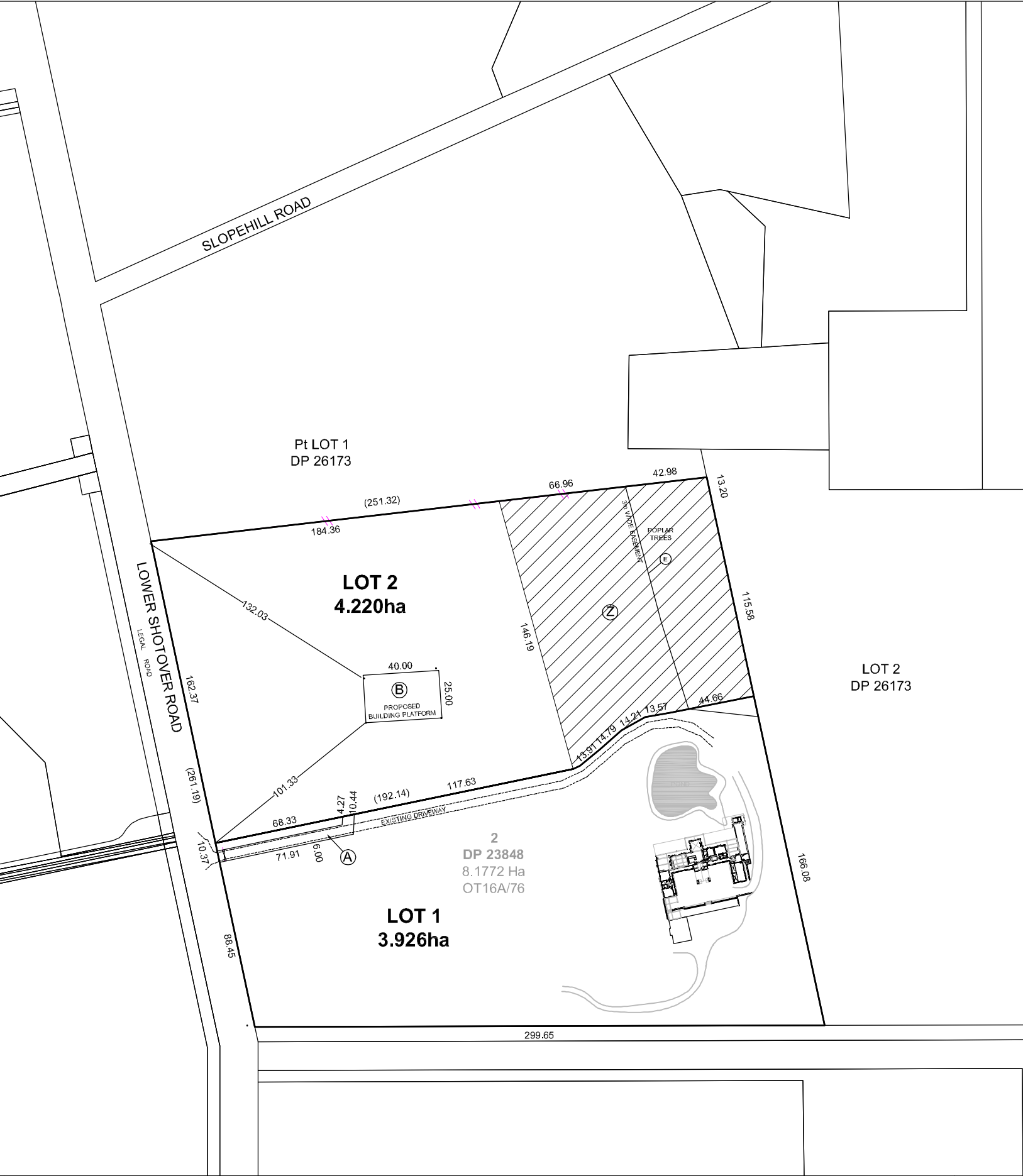


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130298

Wednesday, 18 September 2013

Existing Easements			
Purpose	Shown	Servient Tenement	Document
Right to convey water	E	Lot 2 Hereon	EI 873279.2
Proposed Land Covenant			
Purpose	Shown	Servient Tenement	
Covenant	Z	Lot 2 hereon	
Proposed Consent Notice			
Purpose	Shown	Servient Tenement	
Residential Building Platform	B	Lot 2 hereon	
Proposed Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	Lot 1 hereon	Lot 2 hereon
Right to Convey Electricity			
Right to Convey Telecommunications & Computer Media			



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

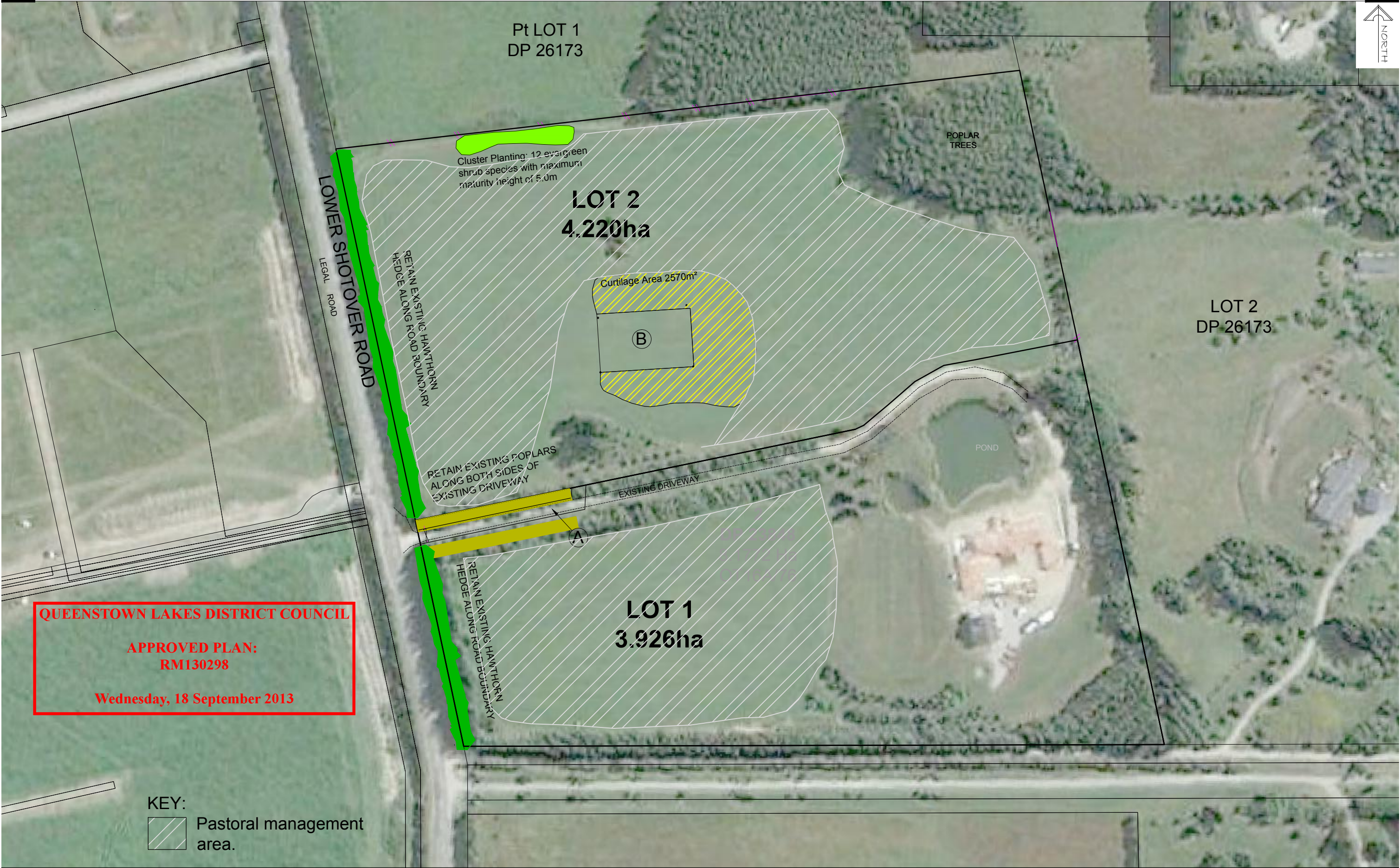
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

S:\JOBS\10400\10473\acad\10473_03a_Subdn Plan.dwg Plotted: 11.09.2013

**LOTS 1 & 2 BEING A PROPOSED SUBDIVISION OF
LOT 2 DP 23848**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
BOB HEYWOOD	LR		13.01.13	10473	03
	Drawn	Signed	Date	Scale	
	CH		6.03.13	1:1250 @ A1 1:2500 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	-

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Shop 2, Otago House, 475 Moray Place, P.O. Box 5960
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Rev.	Date	Revision Details	By

PROPOSED LANDSCAPING PLAN
LOT 2 DP 23848

Client	BOB HEYWOOD	Surveyed	LR	Signed		Date	13.01.13	Job No.	10473	Drawing No.	04
Drawn	JK	Signed				Date	18.03.13	Scale	1:750 @ A1 1:1500 @ A3		
Designed		Signed				Date		Datum & Level	Mt Nic 2000 & MSL	Rev.	

Notes:
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