



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Satomi Holdings Limited
<b>RM reference:</b>	RM140525
<b>Location:</b>	28c Cardrona Valley Road
<b>Proposal:</b>	Subdivision consent to create 21 residential allotments and one access lot to vest as road; Land use consent for residential use of each residential lot, including buildings; Cancellation of Consent Notices.
<b>Type of Consent:</b>	Subdivision and land use
<b>Legal Description:</b>	Lot 1 DP 35941 held in CFR 232008
<b>Zoning:</b>	Rural Lifestyle
<b>Activity Status:</b>	Non-complying
<b>Notification:</b>	Publicly notified on 7 August 2014
<b>Commissioners:</b>	Commissioner Nugent & Commissioner Overton
<b>Date Issued:</b>	17 April 2015
<b>Decision:</b>	Granted subject to conditions

IN THE MATTER of the Resource  
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes  
District Plan

AND

IN THE MATTER of an Application by  
Satomi Holdings for Land  
Use and Subdivision  
Consent at 28C Cardrona  
Valley Road by Satomi  
Holdings Limited –  
RM140525

## **DECISION OF COMMISSIONERS NUGENT AND OVERTON**

### **Introduction**

1. We have been appointed by the Queenstown Lakes District Council to hear and decide this matter under section 34A of the Act.

### **Hearing and Site Visit**

2. We undertook a site visit in the company of Ms Picard on Tuesday 10 March 2015.
3. The hearing was held in Wanaka on Wednesday 11 March 2015.

### **Appearances**

#### For the Applicant

Ms V Robb – Counsel

Mr S Pinfold, Director of applicant

Mr T Williams – Planning and Urban Design Consultant

Mr D Curley – Planner

Mr A Carr – Traffic Engineer (tabled and available by telephone)

#### For Base Camp Properties Limited (submitter)

Ms A Devlin – General Manager for Planning and Development

Mr A Dippie – Director

### Council Officers

Ms S Picard – Planner

Ms A Giborees – Senior Planner

Ms R Beer – Secretary

### **Application**

4. Satomi Holdings Ltd (“the applicant”) sought consent to subdivide 28C Cardrona Valley Road (Lot 1 DP 35941 held in CFR 232008) to create 21 residential allotments and an access lot to vest or dedicate as road. The site has an area of 2.5 ha and is subject to three consent notices and a right of way across part of the frontage of the site in favour of the site immediately to the south (referred to as ROW Z). The applicant sought the removal of the three consent notices as part of this application.
5. The applicant also sought land use consent to breach various site and zone standards so as to enable practicable residential use of the 21 allotments proposed.

### **Reasons Consent Required**

6. Ms Picard set out the relevant rules from the District Plan under which consent is required in Section 5.1 of her s.42A Report. We note it was agreed at the hearing to delete from that list the consent required for residential flats under Rule 8.2.2.2(iii) as consent was not sought for residential flats. Subject to that amendment, we adopt that listing as setting out the reasons consent is required and it was common ground that consent was required as a non-complying activity.

### **Procedural Matters**

7. Following the hearing (but before it had closed) we were provided with copies of the resource consents granted to Base Camp Properties Ltd and its predecessors. As a result of examination of these we determined that we required a legal opinion concerning the conditions on those consents relating to noise to enable us to consider the matter of reverse sensitivity that was raised by Base Camp Properties Ltd in its submission and at the hearing.
8. After we had circulated the legal opinion to the parties for their comment, we were advised that Base Camp Properties Limited had withdrawn its submission

and provided a written approval to the application in accordance with s.104(3)(a)(ii).

9. Given that change in stance, we have not included any further reference to Base Camp Properties Limited's submission in this decision, and we have not considered any of the effects of this proposal on that company.

### **Statutory Provisions**

10. The relevant provisions of section 104 are:

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

(a) *any actual and potential effects on the environment of allowing the activity; and*

(b) *any relevant provisions of—*

(i) *a national environmental standard:*

(ii) *other regulations:*

(iii) *a national policy statement:*

...

(v) *a regional policy statement or proposed regional policy statement:*

(vi) *a plan or proposed plan; and*

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

...

(3) *A consent authority must not,—*

(a) *when considering an application, have regard to—*

...

- (ii) *any effect on a person who has given written approval to the application:*

...

- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*
- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.*

11. Section 106 provides that we may refuse a subdivision consent or grant a subdivision consent with conditions in certain situations relating to natural hazards and adequacy of access.

12. As noted above, this application is for a non-complying activity. Under s.104D we may grant consent to a non-complying activity only if we are satisfied that –

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

13. If we are so satisfied, then under s.104B we may grant or refuse consent. If we grant consent we may impose conditions under s.108, and in respect of the subdivision component, additionally under s.220.

14. Consent is also sought to cancel the three Consents Notices applying to this site under s.221(3).

### **National Environmental Standard – Land Contamination**

15. Ms Picard's report noted that, based on the applicant's review of Council records, the NES did not apply to this land.

**Relevant Plan Provisions**

16. We were not referred to any provision in the Otago Regional Policy Statement, or to any relevant regional plan provisions.
17. In terms of the Operative District Plan, we were referred to the provisions in Part 4 District Wide Issues, Part 8 Rural Living Areas and Part 15 Subdivision, Development and Financial Contributions.

**The Existing Environment**The Site and Locality

18. We adopt Ms Picard's description in Sections 2.2 and 8.1.1.3 of her s.42A Report.

Consented Environment

19. Resource Consent RM070917, which expires on 29 November 2015, provides for the construction of 36 visitor accommodation units and associated earthworks on the site. The consented units are single storey with pitch roofs and exterior finishing similar to the adjoining Oakridge Resort. It was proposed that the units would operate as part of that Resort.

**Summary of the Evidence**

20. Ms Robb outlined the applicant's case. She raised the following points:
  - a) The applicant sought a 10-year lapse date for the land use consent. This was not in the application but she considered that it was within jurisdiction to seek it at this point.
  - b) The applicant wanted the consent framed so it had the option whether to vest or dedicate to proposed road due to it crossing an existing easement. She highlighted possible difficulties in obtaining agreement from the dominant tenement to surrender that easement as a reason for having such an option.
  - c) The proposal did not seek to remove or inhibit the visitor accommodation subzone so was therefore not attacking the Plan integrity.

21. Mr Pinfold is a director of the applicant company. He outlined the applicant's reasons for seeking residential use of the land as opposed to visitor accommodation.
22. Mr Williams is an urban designer. He designed the subdivision layout and prepared an urban design statement in support of the design.
23. Mr Williams considered the site was within the entry experience for people travelling to Wanaka along Cardrona Valley Road. In his view the Oakridge Resort and the adjacent Heritage Park development send a strong signal that the urban environment has been entered. He listed the further activities on the Wanaka side of the applicant's site that reinforced that urban entry location. In that context, he considered the site appears as an undeveloped piece of urban land quite distinct for the Rural Lifestyle zoning applied to the site.
24. Mr Williams explained his design rationale, utilising the existing entry into the site and taking account of its irregular shape. He considered the design solution would ensure future development has a positive relationship to Cardrona Valley Road and therefore the overall entry experience into Wanaka. He noted that the use of rights of way ("ROW") would enable future subdivision of some lots by providing dual access points. After describing the details of the intersections of the street and ROWs he presented a landscape plan detailing proposed street tree species and details for threshold treatments prepared by Michelle Snodgrass Landscape Architecture.
25. It was his opinion that the subdivision would represent a good urban design outcome for Wanaka and that it would provide for a variety of lot sizes that would positively contribute to housing choice in Wanaka.
26. Mr Carr's written traffic engineering evidence was tabled. We had no questions of Mr Carr, but did discuss with Mr Williams the appropriate maximum diameter of street trees in relation to points raised in Mr Carr's evidence.
27. Mr Curley had been retained by the applicant to prepare and lodge the application. He outlined the details of the proposal, including proposed conditions limiting the number of dwellings on sites and restricting the establishment of residential flats. He noted that the application also sought the cancellation of three Consent Notices applying to the site as they were no longer relevant to the site.

28. Mr Curley covered in some detail the history of the application of the Visitor Accommodation Subzone to the site. As that was essentially in response to the submission of Base Camp Properties Ltd we need not consider that further. He discussed the effects of the proposal and generally agreed with Ms Picard's assessment.
29. After discussing the objectives and policies of the District Plan, Mr Curley concluded the proposal was not obviously contrary to them. Although Mr Curley relied to some extent on the urban growth boundaries set out in the Wanaka Structure Plan, he was not able to assist us with the weight we should give the Structure Plan, nor was he able to assist with how we should relate those urban growth boundaries to the urban growth objectives and policies in the District Plan.
30. Mr Curley provided a set of conditions he considered would be appropriate to apply to the consents.
31. Ms Picard provided a comprehensive s.42A Report which we took as read. She recommended approval subject to conditions and attached a draft set of conditions. Her report incorporated a consultant engineering assessment of the proposal. Her only addition was that if the proposal were to be developed in stages, those should be identified.
32. In her reply, Ms Robb submitted that this proposal did not clash with the District Plan and therefore would not undermine public confidence in the Plan.

### **Effects of the Activity on the Environment**

#### Preliminaries

33. Written approvals provided in accordance with s.104(3)(a)(ii) mean that we cannot consider the effects of the proposal on the properties adjoining the applicant's site to the north and west. We also cannot consider the effects on the properties on the opposite side of Cardrona Valley Road.
34. In addition, the owner of the property which adjoins the southwest corner of the applicant's property (26 Studholme Road) provided written approval without signing the plans, as did a number of unit owners in Oakridge Resort. While the Council may consider it administratively more reliable to have affected persons who are providing written approval to give evidence that they have sighted the application by having them sign the plans, that is not a requirement of the Act.



We are not convinced we should disregard any written approvals on that basis. We will therefore not consider any effects on 26 Studholme Road.

35. The approvals from unit holders in Oakridge are only from some of the unit owners, and there is no written approval from the body corporate or the business operation itself. The consequence of this is that if there are effects on adjoining properties, it is only those effects on Oakridge Resort we can consider.
36. We consider the effects to be considered are:
  - a) Effects on the character of the area;
  - b) Effects on urban form;
  - c) Traffic effects;
  - d) Construction effects;
  - e) Effects on infrastructure.

#### Effects on Character of the Area

37. As Mr Williams pointed out, this site lies within the cluster of activities that delineate the entry to Wanaka from the Cardrona Valley. Indeed, there is an entry sculpture adjacent to Oakridge Resort which would be seen by arriving travellers before they saw the applicant's site.
38. Oakridge Resort, as a densely developed low-rise visitor accommodation complex, sets the character of the immediate area as urban. This is reinforced by the development on the Base Camp Properties site and the urban residential development that now adjoins that site. Thus, the character of the west side of the road is urban.
39. On the east side of Cardrona Valley Road, while there is a hint of urban development on the corner of Orchard Road, the general character is that of large lot development at the interface between urban and rural areas.
40. The Rural Lifestyle Zone provisions provide for one residential building platform on the property while the Visitor Accommodation Subzone sets no limits on the intensity of visitor accommodation development, subject to compliance with

boundary setbacks and height rules. Thus the Plan anticipates urban development on the site if it is visitor accommodation, but very low density rural-residential development if it is not.

41. We consider that, as the character derived from the existing development is urban, and the Plan anticipates more urban development, albeit as visitor accommodation, this proposal will have no adverse effects on the character of the area. Rather, we agree with Mr Williams that development of this land for residential purposes would enhance the character of the area and provide positive effects.

#### Effects on Urban Form

42. While the nearest urban zoning is north of the Basecamp Properties land, it is clear that the urban edge in this vicinity is Studholme Road and Cardrona Valley Road. Development of this site for either visitor accommodation or residential purposes would reinforce that urban form.
43. Given that there is an existing consent for visitor accommodation on the site, we conclude the residential proposal is neutral in terms of effects on urban form.

#### Traffic Effects

44. We received Mr Carr's evidence and an updated report from Council's consultant traffic engineer Mr Flitton. Having considered those, we are satisfied that, with appropriate conditions of the type outlined in Mr Carr's evidence, any traffic effects will be minor.

#### Construction Effects

45. The only likely effects arising from construction will be noise and dust. Provided normal construction hours and noise limits are complied with we consider the noise effects on Oakridge Resort would be minor. We are also satisfied that dust effects can be controlled by conditions as recommended by Ms Picard and Mr Curley.

#### Effects on Infrastructure

46. The Council's consultant engineer has confirmed that there is capacity for adequate servicing of the proposal for water supply and wastewater disposal.

He also confirmed that on-site disposal of stormwater is feasible. Power and telecommunication services are available to the proposed subdivision.

47. We are satisfied that any adverse effects on infrastructure would be negligible.

#### Overall Consideration of Effects of the Proposal on the Environment

48. We are satisfied that the adverse effects of the proposal would be no more than minor. The proposal therefore passes the threshold test of s.104D.
49. When the effects on the environment are considered in the round, we consider the beneficial effects of the proposal outweigh the adverse effects.

#### **Objectives and Policies of the District Plan**

50. Ms Picard and Mr Curley largely agreed on the relevant District Plan objectives and policies and how they applied to this proposal. Mr Curley additionally considered objectives and policies from Section 4.9 Urban Growth, although he did not consider Objective 4.9.3.7 and the policies to implement that objective.
51. We are satisfied that the proposal is not contrary to the objectives and policies of the Plan. While the site is zoned Rural Lifestyle, it clearly forms part of the Wanaka urban area. While the urban growth boundaries proposed under Policy 4.9.3.7.3 have not been defined for Wanaka in the District Plan, the urban nature of the area means this site is more than likely to be within such a boundary. The site does lie within the Inner Growth Boundary of the Wanaka Structure Plan. While that is a non-statutory document, it does provide a basis for development of a plan change or reviewed plan incorporating urban growth boundaries.
52. When looked at in the context of potentially being within urban growth boundaries, then the proposal is generally consistent with the policies implementing Objective 4.9.3.7.

#### **Other Matters**

##### Wanaka Structure Plan

53. Although this is a non-statutory document, it has been used to provide guidance to where development occurs in Wanaka. This is probably a result of the failure of the District Plan to deal with the reality of residential growth in the town.

54. We do not rely on this Plan but note that the proposed subdivision is consistent with it.

#### District Plan Review

55. While both Ms Picard and Mr Curley discussed this, until a reviewed district plan is publicly notified there is no certainty as to what it will contain. We do not consider it other than to note that if we grant consent we would expect this land to be zoned for residential purposes by the reviewed plan, whether as notified or as a result of submissions by the land owners. We note also that the reviewed plan is due to be notified this year.

#### Integrity of District Plan and Precedent Effects

56. We are of the view that the zoning of land on the urban edges of Wanaka ceased to reflect the reality of residential growth some time ago, and that the Council has failed to provide appropriate zoning through the District Plan. In this instance, the combination of Rural Lifestyle zoning with Visitor Accommodation overlay provides for either rural-residential large lot development or intense urban development of visitor accommodation. Given that inherent inconsistency, we are satisfied that this proposal does not challenge the integrity of the District Plan.
57. We note also the residential development of the land immediately to the north, notwithstanding its Rural-Residential zoning. In those circumstances, there can be no precedent effects arising from this subdivision.

#### **Overall Consideration**

58. As the application passes both threshold test under s.104D we can consider it under s.104 and 104B.
59. The only matters under sections 6, 7 and 8 of the Act relevant are the three clauses from s.7 listed by Ms Picard:

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

60. We agree with Mr Williams that this will improve the amenity values and quality of the environment of the immediate area. We also are satisfied that it represents and efficient use of the land resource, subject to our comments below.
61. The applicant has volunteered a number of conditions:
- a) Design controls to be imposed by way of consent notice to ensure that built form was recessive and in keeping with exterior finishes in the rural area;
  - b) Development be limited to one residential unit and no residential flats on Lots 1-7 and 14-17 inclusive;
  - c) No future subdivision of Lots 1-7 and 14-17 be allowed;
  - d) No residential flats allowed on Lots 8-13 and 18-21 inclusive.
62. In addition, in the suggested conditions proposed by the applicant on 16 March 2015, the following restrictions were proposed:
- a) Provide a 2m wide landscape strip along the northern boundary of Lots 8 and 11;
  - b) Impose a building setback of 10m from the northern boundary of Lots 8 and 11.
63. Given the urban nature of the proposal, the probability that the land will fall within the urban growth boundary for Wanaka, and the District Plan policies seeking efficient use of urban land, we do not consider there is any good resource management reason to apply the long term prohibitions implied by those volunteered conditions. We are also concerned that if they were imposed by consent notices and the zoning was changed in the District Plan to reflect reality, future landowners would have an impediment to developing their land in accordance with that zoning. That is also inefficient. If the applicant wishes to apply those prohibitions for its own reasons it is able to do so through the mechanism of private restrictive covenants.
64. Notwithstanding that conclusion, we are unable to grant consent for more than was sought so in terms of the land use consent, we can only grant consent for residential dwellings on the proposed lots.

65. The landscaping strip and 10m setback along the northern boundary of proposed Lots 8 and 11 were offered at the hearing to address purported reverse sensitivity effects on Base Camp Properties Limited's site. However, as Base Camp Properties Limited have now provided written approval for the application we are no longer able to consider any effects on that company. As the suggested conditions only relate to potential effects on that company, there is no resource management reason to impose them. Again, the applicant is able to use private means to impose those provisions if it considers they are necessary.
66. Finally, we have considered the consent notices applying to the site. The requirements they impose have been overtaken by subsequent development and are no longer necessary. We agree they should be removed.
67. We have concluded that granting consent to the subdivision represents sustainable management of natural and physical resources. We also conclude that it is appropriate to grant land use consent for each proposed residential lot which provides for the construction and use of one or more dwellings which need not comply with any of the Site or Zone Standards of the Rural Lifestyle Zone subject to the following conditions:
  - a) Residential units may be established at a density of 1 residential unit per 450 m<sup>2</sup> net area;
  - b) Any non-residential use of the site shall comply with Rule 7.5.5.2ii of the Operative District Plan as at 17 April 2015;
  - c) Building setbacks shall comply with Rules 7.5.5.2iii(a) and 7.5.5.2iv of the Operative District Plan as at 17 April 2015;
  - d) Use of each lot shall comply with Rules 7.5.5.2v, 7.5.5.2vi, 7.5.5.2viii, 7.5.5.2ix, 7.5.5.2xiii, 7.5.5.2xvi, 7.5.5.3v, 7.5.5.3vii, 7.5.5.3ix and 7.5.5.3x of the Operative District Plan as at 17 April 2015;
  - e) The maximum building coverage for all activities on site shall be 40%.
68. The applicant sought that the duration of consent for the land use consents be 10 years to allow adequate time for the subdivision to proceed in stages. We agree that is appropriate.

**Decision**

69. Accordingly, for the reasons set out above, pursuant to s.104B of the Resource Management Act 1991, consent is granted to Satomi Holdings Limited as follows:

- a) Subdivision consent to subdivide Lot 1 DP 356941 (CFR 232008) into 21 residential lots and one lot to vest or dedicate as road as shown on Paterson Pitts Group Plan W4363 Rev F dated 20/01/2014 titled *Scheme Plan Lots 1-21 being Subdivision of Lot 1 DP 356941* subject to the conditions set out in Appendix 1 Schedule A.
- b) Land use consent in respect of each of Lots 1 to 21 of the subdivision of Lot 1 DP 356941 for the construction on each allotment of one or more residential units and the use of each allotment for residential purposes in a manner that does not comply with any of the provisions of the Rural Lifestyle Zone subject to the conditions set out in in Appendix 1 Schedule B.
- c) Consent under s.221(3)(a) to cancel all the conditions in the following consent notices to the extent that they apply to Lot 1 DP 356941 subject to the conditions in Appendix 1 Schedule C:
  - (i) Consent Notice 973919.2 dated 29 July 1999;
  - (ii) Consent Notice 5054986.3 dated 18 May 2001;
  - (iii) Consent Notice 5489907.6 dated 13 September 2002.



T Denis Nugent  
for the Panel  
17 April 2015

## **APPENDIX 1 – CONSENT CONDITIONS**

### **Schedule A - Subdivision Consent**

1. That the development must be undertaken/carried out in accordance with the plans:
  - a) Satomi Holdings, Cardrona Valley Road, Scheme Plan Lots 1-21 being subdivision of Lot 1 DP 356941 W4363 Rev F dated 20-01-2014 prepared by Patterson Pitts Group
  - b) Satomi Holdings, Cardrona Valley Road, Staging Plan, Lots 1-21 being subdivision of Lot 1 DP 356941 W4363 Rev F, dated 20-01-14 prepared by Patterson Pitts Groupstamped as approved on 14 April 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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

#### ***General***

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
4. This subdivision consent may be progressed in the following stages.
  - Stage 1 – Lots 8,9,10,11,12,13, 18, 19, 20 and 21
  - Stage 2 – Lots 1, 2, 3, 4, 5, 6, 7, 14, 15, 16 and 17.

Each stage shall provide legal and physical access and services in accordance with Council's standards. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each stage proposed. Stage 1 must be completed prior to Stage 2.

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

5. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
6. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 4-7 below shall be demonstrated.
7. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and "A Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council



and recommendations contained in the report by Paterson Pitts Partners “Earthworks Site Management Plan”. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

9. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the RJ Hall & Associates Ltd geotechnical report and who shall supervise the filling procedure.
10. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a water supply to Lots 1-21 in terms of Council’s standards and connection policy. Lots that are unit capable shall be supplied with sufficient capacity to enable future subdivision. This shall include an Acuflo GM900 as the toby valve. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from Lots 1-21 to Council’s reticulated sewerage system in accordance with Council’s standards and connection policy, which shall be able to drain the buildable area within each lot. The reticulation design shall allow for any future subdivision. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within Lots 1-21, in accordance with Council’s standards and connection policy. This shall include:
    - i) A reticulated primary system to collect and dispose of stormwater from all potential impervious areas within the roads and rights of ways to ground disposal; and
    - ii) A secondary protection system consisting of secondary flow paths to cater for the 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots, and no increase in run-off onto land beyond the site from the pre-development situation.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW3 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e) The provision of a sealed vehicle crossing to lots 2, 3, 6, 7, 9, 10,15, 16 and 18 in terms of Councils standards
  - f) The formation of all Roads and ROW’s A-E & Z, in accordance with Table 3.2 Figure E10 and Figure 3.4 of NZS 4404:2010. The design plans shall clearly indicate the sight distance triangle is free from landscaping, or if landscaping is proposed within the sight distance triangles, it shall comply with all of the following:
    - The bottom of the canopies of any trees must be at least 1.5m above ground level;
    - The trunks of any trees must be no more than 200mm diameter at a distance of 400mm from the ground when the tree is mature;
    - Any shrubs should be restricted to species that do not exceed 1.0m in height when mature.

- g) The formation of the intersection with Cardrona Valley Road, in accordance with the latest Austroads intersection design guides. This shall include right turn provision, median and road marking and seal widening as proposed by Carriageway Consulting Ltd. These designs shall be subject to review and approval by Council with any associated costs met by the consent holder.
- h) Provision of a Road Safety Audit that is compliant with the NZTA Road safety audit procedures this shall include assessment of the Safe Intersection Sight Distance for all intersections proposed as part of this development.
- i) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- j) 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 monitored throughout earthworks***

- 11. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
- 12. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 13. No earthworks, temporary or permanent, are to breach the boundaries of the site.

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

- 14. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
  - b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.  
*[Note: the road naming application should be submitted to the Technical Officer: Infrastructure and Assets and should be lodged prior to the application for the section 223 certificate]*
  - c) The consent holder shall submit a landscape and landscape management plan that includes full detail of the landscape plantings to be carried out including:
    - compliance of species within sight triangles meeting those requirements detailed in condition 10(f)
    - Irrigation plan
    - location of services to confirm that the landscaping will not interfere with these services.
  - d) That part of ROW Z which extends within parts of the new Road to Vest may be shown as Road to Dedicate on the survey plan so that the following interests may remain:

– EI 7674900.2

The acceptance of EI7674900.2 will be subject to Council's assessment to determine whether it is acceptable to Council. Whether Council will accept this interest will depend on whether the Consent holder can demonstrate to the Council's satisfaction that there is no prejudicial effect to the Council by accepting the interest, as determined by the Council in its absolute discretion.

The interest and information from the consent holder referred to above shall be submitted to the Council Subdivision Planner for Council's assessment prior to the consent commencing.

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

15. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a. The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b. The completion and implementation of all works detailed in Condition (10) above.
  - c. 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - d. 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - e. 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.
  - f. The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
  - g. All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
  - h. Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
  - i. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - j. All earthworked and/or exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
  - k. The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.11.1 of NZS 4404:2004 that has been prepared by suitably qualified geotechnical engineer as defined in Section 1.2.3 and demonstrates to Council

that the proposed building platforms/lots are suitable for building development. In the event that the site conditions within the building platforms/lots are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and approval full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction.

A consent notice condition/covenant shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice/covenant condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

- i. The landscaping approved by condition 14(c) shall be implemented and include the following:
  - All landscape plantings shall be irrigated
  - All trees shall be staked out until established
  - All trees shall be planted into good quality, screened topsoil.
  - Mulch shall be used to a minimum depth of 150mm (mulch shall be kept clear of the tree trunks)

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

16. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a. At the time that a dwelling is erected on Lots 1-21 then the owner for the time being is to ensure that all construction is contained within the boundaries of the lot and that the only access to the lot for all construction vehicles and delivery of goods is to be from the vehicle crossing constructed at the time of subdivision. The owner for the time being is responsible for repairing and making good any damage to any road infrastructure along the frontage of the lot being developed, or to the frontage of any other lot caused by development activities on the owner's lot.
  - b. At the time that a dwelling is constructed on any lot that does not have a vehicle crossing, the owner for the time being shall construct a crossing in accordance with the requirements of Council applicable at that time.
  - c. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for the relevant lots providing for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition 10(c)(ii) above. The final wording of the consent notice instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.
  - d. That Lots 7, 10, 13, 16, 18 and 20 shall only have access via the formed Rights of Way constructed at the time of subdivision.
  - e. That Lots 1 and 14 shall only gain access from the formed tee shaped turning head constructed at the time of subdivision
  - f. That Lots 2 and 15 shall only gain access via the formed vehicle crossing constructed at the time of subdivision.
  - g. The consent holder shall be responsible for the maintenance of all landscaping carried for a period of no less than 2 years from the time of planting. Any plants that become diseased or die shall be replaced as soon as practicable.

**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 QLDC.*
2. *This subdivision consent will lapse 5 years after its commencement unless given effect to.*

## Schedule B - Land Use Consents

1. Development on Lots 1 to 21 shall be in accordance with the following provisions:
  - a. Residential units can be established at a density of 1 residential unit per 450m<sup>2</sup> net area.
  - b. The maximum building coverage for all activities on each allotment shall be 40%.
  - c. The minimum setback from road boundaries of any buildings shall be 4.5m;
  - d. Building setbacks from internal boundaries shall comply with Rule 7.5.5.2iv of the Operative District Plan as at 17 April 2015;
  - e. Use of each allotment shall comply with Rules 7.5.5.2v (access), 7.5.5.2vi (continuous building length), 7.5.5.2viii (Outdoor living space), 7.5.5.2ix (No reflective buildings), 7.5.5.2xiii (boundary planting), 7.5.5.2xvi (earthworks), 7.5.5.3v (building height), 7.5.5.3vii (landscape coverage), 7.5.5.3ix (heavy vehicle storage) and 7.5.5.3x (keeping of animals) of the Operative District Plan as at 17 April 2015.
  
2. This consent shall lapse in 10 years from the date of this decision.

### **Advice Notes**

1. *As each of Lots 1 to 21 has its own land use consent, if the consent for a particular lot is not give effect to within 10 years, the consent for that lot will lapse.*
2. *The rules referred to in Condition 1 are attached in the form they were on 17 April 2015.*

## Schedule C - Cancellation of Consent Notices

1. At the time consent is given effect to, the consent holder and Council shall vary the consent notices and shall execute all documentation and attend to the registration of a new or varied consent notices. All costs shall be borne by the consent holder.

### Rule 7.5.5.2iv - **Setback from Internal Boundaries/Neighbours**

- (a) **Except** as provided for below, the minimum setback from internal boundaries/neighbours for any building shall be:

**Front Site**

One setback of 4.5m and all other setbacks 2m.

**Rear Sites**

Two setbacks of 4.5m and all remaining setbacks to be 2m.

- (b) Exceptions to (a) minimum setbacks:

(i) Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.

(ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:

- a. eaves up to 0.6m into the setback; and
- b. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
- c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
- d. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
- e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

- (c) In the Low Density Residential Zone no setback is required from an internal boundary where buildings share a common wall on that internal boundary.

### Rules 7.5.5.2v - **Access**

Each residential and/or visitor accommodation unit shall have legal access to a formed road.

### Rule 7.5.5.2vi - **Continuous Building Length in the Low Density Residential Zone**

Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- (a) The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary;  
or



- (b) That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

#### Rule 7.5.5.2viii - **Outdoor Living Space**

- (a) The minimum provision of outdoor living space for each residential unit and residential flat contained within the net area of the site within the Low Density Residential Zone shall be:

36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m<sup>2</sup> contained in one area with a minimum dimension of 2m at any above ground floor level.

- (b) N/a

- (c) The outdoor living space shall be readily accessible from a living area.

- (d) No outdoor living space shall be occupied by any building, other than an outdoor swimming pool, or accessory building of less than 8m<sup>2</sup> gross floor area, driveway or parking space.

#### Rule 7.5.5.2ix - **Non-Reflective Buildings**

All metal cladding, roofing or fences shall be painted or otherwise coated with a non-reflective finish.

#### Rule 7.5.5.2xiii - **Boundary Planting (Wanaka)**

- (a) No tree or hedgerow boundary planting shall exceed 1.9 metres in height within 2 metres of the boundary, at any point of its length.

#### Rule 7.5.5.2xvi - **Earthworks**

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

- (a) Earthworks

- (i) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).
- (iii) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).
- (iv) No earthworks shall:
- expose any groundwater aquifer;
  - cause artificial drainage of any groundwater aquifer;
  - cause temporary ponding of any surface water.

- (b) Height of cut and fill and slope

- (i) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6).

Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

(ii) The maximum height of any cut shall not exceed 2.4 metres.

(iii) The maximum height of any fill shall not exceed 2 metres.

(c) Environmental Protection Measures

(i) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(ii) Any person carrying out earthworks shall:

a. Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

b. Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

c. Implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(d) Protection of archaeological sites and sites of cultural heritage

(i) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(ii) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

**Rule 7.5.5.3vii - Glare**

(a) All fixed exterior lighting shall be directed away from the adjacent sites and roads; and

(b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.

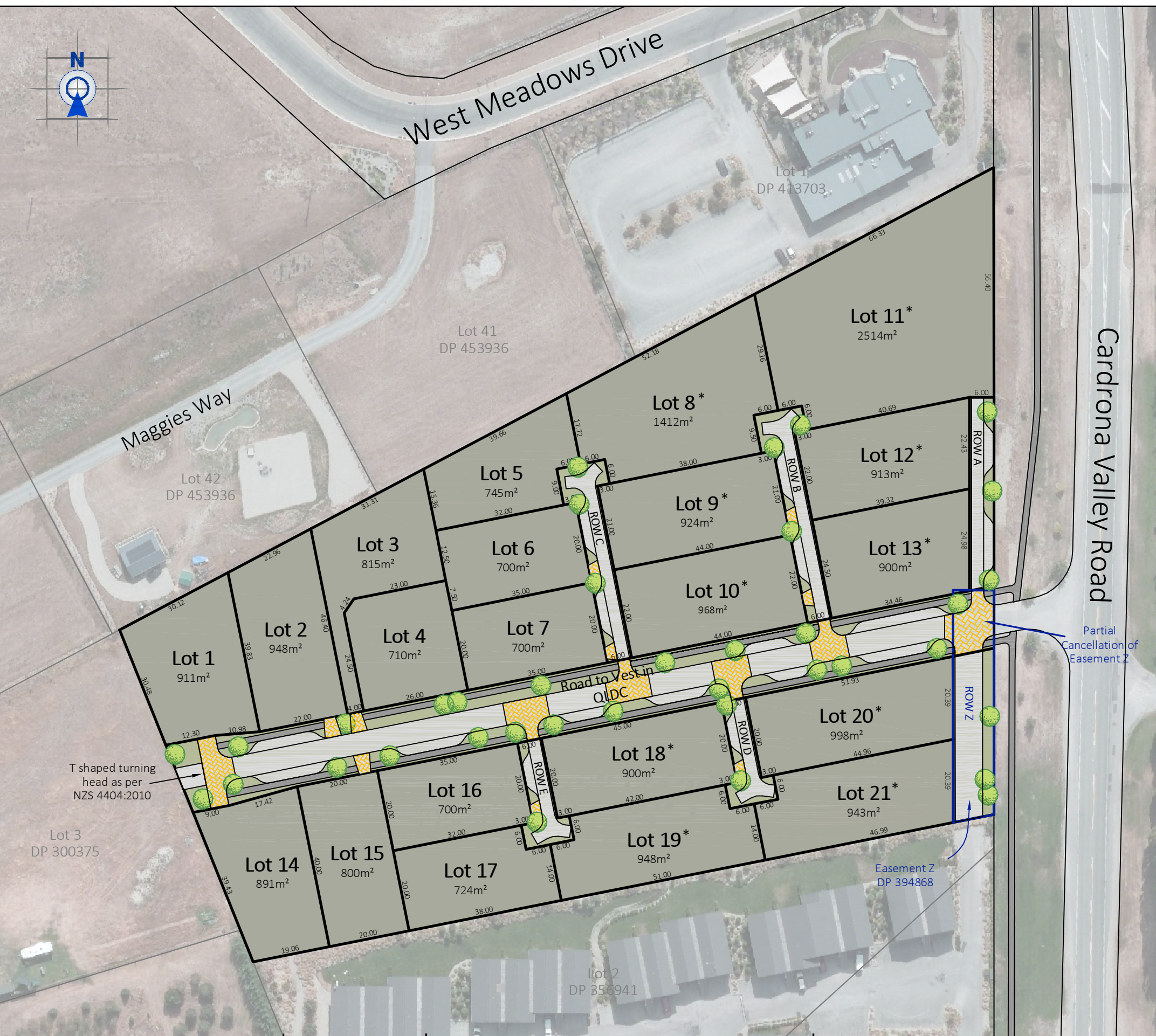
**Rule 7.5.5.3ix - Heavy Vehicle Storage**

**Except** for visitor accommodation, no more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

**Rule 7.5.5.3x - Keeping of Animals**

There shall be no keeping of pigs.





SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way, Right to Convey Water, Electricity, Telecom & Sewer	A	Lot 11	Lots 12 and 13
	B	Lot 8	Lots 9-13
	C	Lot 5	Lots 6-10
	D	Lot 21	Lots 18-20
	E	Lot 17	Lots 16, 18 and 19
	Z	Lot 21	Lot 20

\* Denotes provision for further subdivision - unit capable lots

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM140525**

**Tuesday, 14 April 2015**

Partial Cancellation of Easement Z

Easement Z DP 394868

T shaped turning head as per NZS 4404:2010

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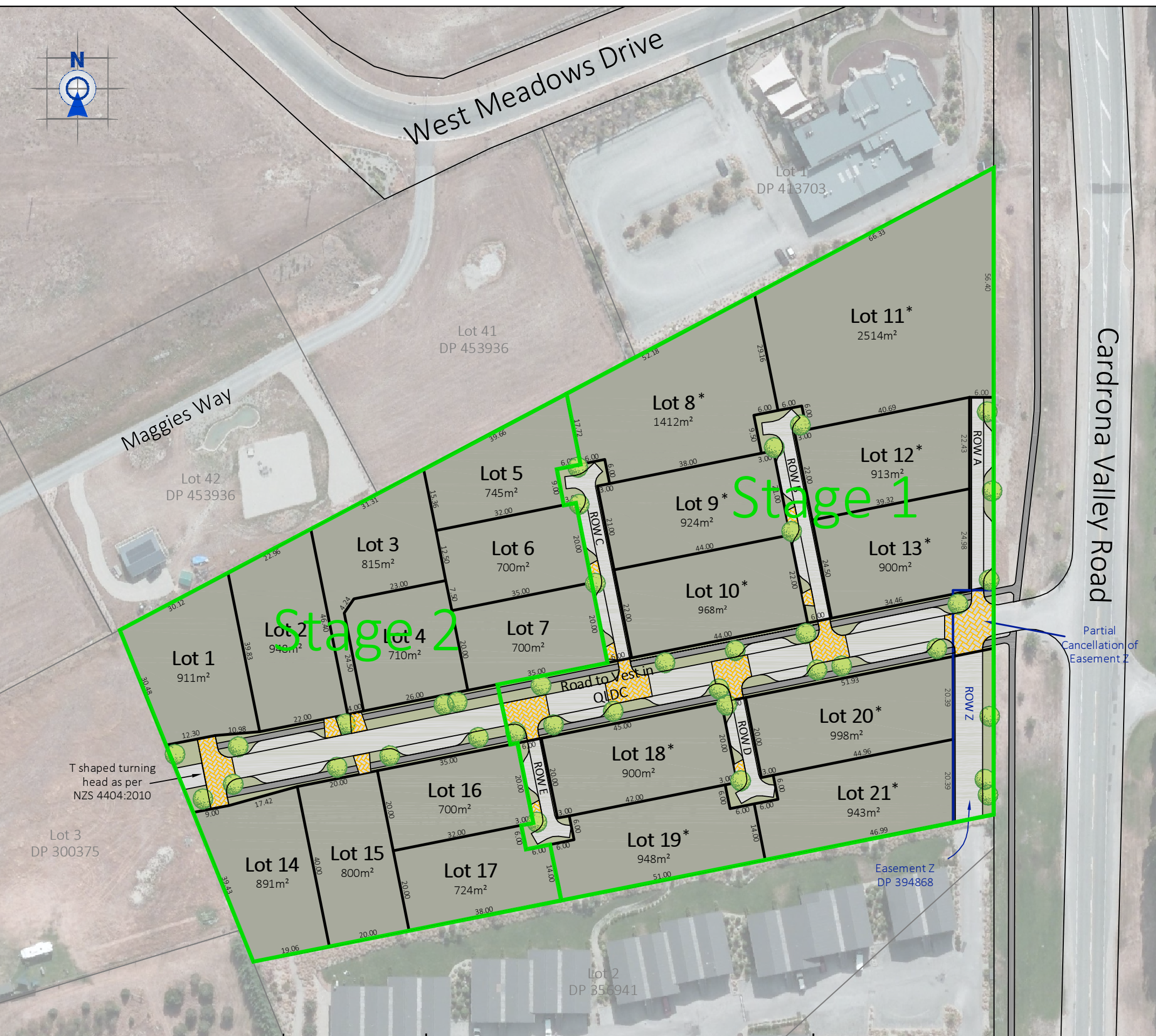
Client & Location:  
**Satomi Holdings  
Cardrona Valley Rd**

Purpose & Drawing Title:  
**Scheme Plan  
Lots 1-21 Being Subdivision  
of Lot 1 DP 356941**

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Approved by:	MJB				
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			Date Created:	20/01/2014	





SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140525**  
**Tuesday, 14 April 2015**

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Client & Location:  
**Satomi Holdings**  
**Cardrona Valley Rd**

Purpose & Drawing Title:  
**Staging Plan**  
**Lots 1-21 Being Subdivision**  
**of Lot 1 DP 356941**

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