



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	JM CLEAR & PA GOWING
RM reference:	RM150347
Location:	81 MORVEN FERRY ROAD, QUEENSTOWN.
Proposal:	Consent is sought to undertake a two lot subdivision with a building platform to be created on each lot.
Legal Description:	Part Lot 1 DP 23630, held in Computer Freehold Register OT 19A/675
Zoning:	Rural General
Activity Status:	Discretionary
Notification:	1 July 2015
Closing Date of Submissions	29 July 2015
Commissioner:	Commissioner A. Henderson
Date:	23 October 2015
Decision:	Consent is granted subject to conditions

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by JM Clear and PA Gowing to undertake a two lot subdivision with a building platform to be created on each lot.

Council File: RM150347

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

The Proposal

1. I have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. The application (RM150347) has been made by JM Clear and PA Gowing to undertake a two lot subdivision with a building platform to be created on each lot.
3. In response to the matters raised in the pre-circulated section 42A report, the Applicant has made some amendments to the proposal. These were explained by Mr Steven for the Applicant and are as follows:
 - The curtilage area on proposed Lot 1 has been reduced to 2,174m² and a more regular shape;
 - The building platform on Lot 1 has been reduced to 875m².
 - The curtilage area for Lot 2 has been reduced to 2,038m².
 - The entry to the curtilage area of Lot 1 has been identified close to the curtilage area of that lot.
 - The Applicant has volunteered a condition restricting a dwelling on Lot 1 to a single storey and maximum of 6m in height.
 - The Applicant has volunteered to covenant the land outside of the curtilage area on Lot 1, which would preserve the balance of Lot 1 as open space/pastoral area.
4. These changes were discussed at the hearing, and I am satisfied that they fall within the scope of the original application. I also note that both Mr Denney and Mr Bryce indicated that the changes sufficiently addressed the matters of concern in their assessments such that the development would not breach the landscape's threshold to accommodate the development, albeit marginally. The application avoids the landscape's threshold being tipped largely through the open space covenant volunteered over the balance of Lot 1 that sits outside of the curtilage area which will ensure the area remains free of built form.

Site Description

5. A full description of the environment within which the application sits can be found in section A.1.1 of the Assessment of Environmental Effects (AEE) prepared for the Applicant by Aurum Survey Consultants and sections 4 – 8 of Mr Denney's landscape assessment. The description of the site was not disputed by any party and I am therefore content to rely upon them, noting that the descriptions accord with my impressions from my site visit.

6. The property is legally described as Part Lot 1 DP 23630, held in Computer Freehold Register OT19A/675.

Notification and Submissions

7. Notification of the application on 1 July 2015 drew one submission in opposition to the application. The submission was summarised in the section 42A report as follows.

Name	Location	Summary of Submission Points	Relief Sought
G & K Doran	101 Morven Ferry Road (adjacent to the site to the east)	<p>The submission relates to the provision of water supply, which is from an existing bore located on the subject site, and shared with the submitters' property. The submitter asks that a formal arrangement be required to manage the water supply for domestic use and firefighting requirements.</p> <p>The submission is also related to electricity supply to the submitters' site which is obtained over the subject site. The submitter seeks a condition to register and easement as identified on the site plan to secure that.</p>	Opposed – Conditions proposed

8. The matters raised in the submissions are addressed where relevant later in this decision.

The Hearing

9. A hearing to consider the application was convened on 29 September 2015. In attendance were:
- The Applicants, JM Clear and PM Gowing, represented by Mr Chris Steven (Counsel), Dr Marion Read (Landscape Architect) and Mr Bruce McLeod (Aurum Sruvey Consultants); and
 - Council Officers, being Mr Nigel Bryce (Consultant Planner) and Mr Richard Denney (Landscape Architect).
10. A letter was tabled on behalf of Mr and Mrs Doran (submitters), indicating that they stood by their original submission and relief sought, and no longer wished to be heard in support of their submission.
11. Evidence from the following parties and expert witnesses in support of the Applicant's case was taken as read:
- Mr G L Clear (on behalf of JM Clear and PA Gowing);
 - Dr Marion Read, Landscape Architect, for JM Clear and PA Gowing.

Summary of Evidence Heard

12. The following is a brief outline of the submissions and evidence presented on behalf of the Applicant. This summary does not detail all of the material that was advanced at the hearing, but captures the key elements of what I was told. The evidence presented generally reinforced the matters included in the application and submissions. Where relevant, I address specific issues in my assessment.
13. **Mr Steven** introduced the Application and identified the changes made to the proposal since the receipt of the section 42A report, as detailed in paragraph 3 above. In addition to those changes, he confirmed that the Applicant agreed to the following conditions that could either be secured by way of consent notice condition or covenant:

- Land outside the curtilage area on Lot 1 will be subject to an open space covenant to accommodate the landscape treatment provided in the landscape plan, but otherwise preserve the balance of Lot 1 as an open space/pastoral area.
- Access to the curtilage of Lot 1 is to be from the existing driveway to the west. The existing access to the east, adjacent to the Doran property, will not be used for access to the subdivision, and it is appropriate that this be secured by a consent notice condition. It was agreed that this is appropriate provided that appropriate protection is provided for the ongoing use of the access by the existing horse trekking operation.
- The Applicants agree with the restrictions in the landscape assessment of Mr Denney, including a restriction that any dwelling on Lot 1 be a maximum of 6m high, and single storey only.

14. With regard to the Doran submission, Mr Steven indicated that the Applicant agreed it was appropriate that there be a formal structure in place regarding the ongoing management of domestic and fire fighting water. He considered that the requests in the submission for additional water and the creation of an easement over the existing supply were not relevant to the consideration of this application, and I accept his position. Mr Steven concluded that the Applicants did not consider the recommendations in the section 42A report unreasonable, hence the application being amended to address those points.
15. **Mr Clear** explained the history of the activities on the property, which includes a conference venue managed by Mr Clear, and a horse trekking business managed by Mrs Clear. He discussed in some detail the history of the water use and supply issues on the site, and agreed that if consent were granted it would be appropriate to establish a more formal arrangement to govern the distribution of water and cost sharing. His evidence concluded by noting the Applicant does not agree to the conditions proposed in the submission.
16. The evidence of **Dr Marion Read** was pre circulated, and addressed the matters raised in Mr Denney's landscape assessment. Dr Read's evidence included an amended landscape plan , and overall her conclusion was that the proposed subdivision and development was in keeping with the character of the landscape in the vicinity. While some adverse effects on members of the public travelling on Morven Ferry Road were identified, these were minor, given particularly that most people using the road are residents. With respect to the District Plan, Dr Read considered overall the proposal will result in a small increase in the domestication of the landscape, and that this would be limited and controlled by the curtilage and other conditions of consent. She considered that there is a cumulative effect that brings this part of Morven Ferry Road to the limit of its capacity to absorb change.

Officers

17. Following the Applicant's case, **Mr Denney** spoke to his assessment, noting that that the site was challenging. As a result of the changes made by the Applicant, Mr Denney stated that he was happy tha the application did not cross the threshold beyond which adverse effects could not be absorbed into the landscape, albeit marginally. Mr Denney considered that an amended landscape plan should be submitted showing all of the landscaping for Lots 1 and 2, and the Applicant agreed to provide an amended plan subsequent to hearing.
18. **Mr Bryce** spoke to his section 42A report, noting that he considered the application to be a borderline one. He agreed with Mr Denney, noting that mitigation is critical to tip the balance in the applicant's favour. Mr Bryce concluded that he was comfortable to amend his recommendation such that consent could be granted, as the applicant had sought to address the matters of concern to a satisfactory degree.

Applicant's Right of Reply

19. **Mr Steven** noted that he had no further comments to make given that the experts were all agreed. The Applicant undertook to prepare an amended landscaping and mitigation plan, and

Mr Bryce was to complete an amended set of conditions based upon the matters traversed at the hearing. These were subsequently provided to me on 13 October 2015.

District Plan Provisions

20. The subject site is zoned Rural General.
21. As identified in the section 42A report, the purpose of the Rural General Zone is to manage activities so that they can be carried out in a way that
- *protects and enhances natural conservation and landscape values ;*
 - *Sustains the life supporting capacity of the soil and vegetation;*
 - *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
 - *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*
22. The provisions of the Plan that are relevant to this application are found in Parts 4 (District-Wide Issues), 5 (Rural Areas) and 15 (Subdivision, Development and Financial Contributions).
23. I agree with Mr Bryce that the the proposal requires the following resource consents:
- A **discretionary** activity resource consent pursuant to Rule 5.3.5.1(iv) as the proposed residential building platform on proposed lot 1 infringes the internal side yard setback off the adjoining internal boundary.
 - A **discretionary** subdivision consent pursuant to Rule 15.2.3.3(vi) for subdivision in the Rural General Zone and the identification of residential building platforms.
24. Overall, I agree that the application is to be assessed as a **discretionary** activity.

Relevant Statutory Provisions

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

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

27. Following assessment under section 104, the application must be considered under section 104B of the Act, which 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.*

28. The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources.
29. Sections 108 and 220 empower me to impose conditions on a resource consent, if granted.
30. The purpose of the Act is to promote the sustainable management of the natural and physical resources. The definition of sustainable management, as expressed in section 5, is:
- “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.*
31. Section 6 addresses matters of national importance. None are relevant to this application.
32. Section 7 is also relevant, requiring me to have particular regard to the following:
- (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*
- (g) any finite characteristics of natural or physical resources.*
33. Section 104(3)(b) requires that I have no regard to effects on people who have given written approvals of the application. This is particularly relevant in this application as written approval has been obtained from the following parties:

Person (owner/occupier)	Address (location in respect of subject site)
WK and FL Allen	55 Morven Ferry Road
W and D Hamilton	74 Morven Ferry Road
A Graham	86 Morven Ferry Road
W and D Hamilton	122 Morven Ferry Road

34. Pursuant to section 104(3)(b) of the Act, any effects on these properties have not been considered.
35. I note the Planner's report indicated that while approval had been obtained from Monaghan Holdings (53 Morven Ferry Road), the property had subsequently been sold to S Green and K Dunlop, and that written approval had not been provided from this party. Effects on this property have therefore been considered.
36. In reaching my decision I note that I have taken into account all of the information provided with the application, the section 42A report and appended assessments, and the evidence presented at the hearing. I undertook a site visit on September 29. I have also considered the provisions of the relevant plans, and Part 2 of the Act.

Permitted baseline, existing environment and receiving environment

37. Mr Bryce identified that the permitted baseline in this instance is limited to any planting associated with the proposal (excluding wilding species). There is no permitted subdivision Activity in the District Plan. I accept Mr Bryce's view. My assessment of this application, therefore, has been undertaken within the context of the receiving environment, as discussed by Mr Bryce, cognisant of the fact that I am unable to consider any effects on parties that have provided written approval.

Assessment

38. Planning evidence was provided by Mr Bryce for the Council via the section 42A report. No other party provided expert planning evidence, and Mr Bryce's views were not disputed by the Applicant. Mr Bryce's opinion was informed by Mr Denney's expert landscape assessment, and following the revisions to the proposal I note that both Mr Denney and Dr Read were in agreement that while the proposal would bring the Morven Ferry Road area close to the threshold beyond which further development could not be absorbed into the landscape, the threshold was not breached by the amended proposal.
39. There was no evidence provided at the hearing from any party that disputed any elements of the proposal, and I therefore accept the evidence of Mr Bryce, and that of the landscape architects.
40. Given the level of agreement on the effects of the proposal among the experts, I address the relevant effects briefly in the following paragraphs in the order in which they were addressed in the section 42A report.

Effects on Natural and Pastoral Character

41. Dr Read's evidence identified that the amendments made to the proposal, including a reduction in the size of the building platform on Lot 1 and the curtilage area on Lot 2, coupled with the amendments made to the landscape plan, would not result in significant effects on the natural and pastoral character of the landscape. Mr Denney and Dr Read were in agreement on the landscape effects, and I accept their view.

Visibility of Development

42. The visual effects of the proposal were originally of concern to Mr Bryce. However, as he noted at the hearing, the Applicant had made changes to the application that ameliorated his concerns. Dr Read's view was that the proposed planting was in keeping with the landscape in the vicinity, and would not obstruct any views. Dr Read's view that there are no issues with respect to the visibility of a future dwelling on Lot 2, and that any effect on passers-by of a dwelling on Lot 1 would be small, was not challenged by Mr Denney or Mr Bryce, and I rely on the assessment of the landscape architects.

Form and Density of Development

43. Dr Read's evidence identifies that the moderately high potential of Lot 2 to absorb development has been utilised effectively in designing the subdivision. I agree, and note that only a small portion of the existing building was visible from the public viewpoints on the Crown Range Road, and that this visibility would largely be removed by the infill planting to be undertaken in the existing vegetation on site, as shown on the landscape plan. I also agree with Dr Read's evidence that while Lot 1 has a lesser ability to absorb development, locating the proposed building platform to the rear of the site and adjacent to a small ridge and conifer shelterbelt is the most appropriate part of the site. Again, I also note that that Dr Read and Mr Denney were in agreement on the landscape effects, and I accept their views.

Cumulative Effects of Development on the Landscape

44. I agree with Dr Read's evidence that the proposed development will have a cumulative effect on the landscape in the vicinity, but given the existing character of the area, the extent of the effect is small. I consider that the development is similar to other developments in the area, with a number of discretely located dwellings visible from various viewpoints on Morven Ferry Road. I share Mr Bryce's view, however, that the development only marginally avoids breaching the threshold beyond which the landscape could not absorb the development, and this is largely due to the landscaping proposed, combined with the volunteered covenant which seeks to retain the balance of Lot 1 in an open and pastoral state.

Rural Amenities

45. Dr Read's considered that the degree of development on proposed Lot 1 does not give rise to a significant loss in appropriate visual access to open space. Views across arcadian pastoral landscapes are already obscured to some extent by existing shelter planting, and I accept Dr Read's view that the proposal will not reduce this any further. Overall I agree that the proposal will not adversely affect the rural amenities of the surrounding area.

Infrastructure

46. Mr Bryce relied upon the engineering assessment of Mr Dennis for the Council, which was appended to the section 42A report. No engineering issues were raised that could not be addressed by conditions of consent, and I have earlier noted that I accepted Mr Steven's submissions in relation to the Doran submission regarding the water supply and electricity easement. Based up on Mr Bryce's section 42A report, I am satisfied that there are no outstanding infrastructure matters, and that conditions of consent can ensure that all services are appropriately provided in accordance with the Council's standards.

Access

47. At the hearing the Applicant tabled an amended plan identifying that the access to proposed lot 1 would be relocated to come off the existing driveway accessing the developments on proposed Lot 2. The applicant also indicated that the existing farm access from Morven Ferry Road to Lot 2 would be retained, but that it would only be used for the horse trekking operation. I note that no party raised concern with the location of the access, and accordingly consider it to be appropriate. I also agree that retaining the use of the access for the horse trekking operation is appropriate and will maintain the rural nature of that access.

Subdivision Assessment Matters

48. Mr Denney's landscape assessment set out the subdivision assessment matters from Chapter 15 of the Plan. I consider that the amended proposal is appropriate when assessed against these provisions. At the close of the hearing, Mr Bryce and the landscape architects were in agreement on the extent of the effects of the proposal. The subdivision is designed to be sympathetic to the locality in which it is located, there are adequate services available, and overall there will be no significant adverse effects on the rural environment.

Summary of Effects

49. Overall, having considered the evidence presented at the hearing, the application and supporting reports, the submissions and the amended plan provided subsequent to the hearing, I am satisfied that the adverse effects of the proposed activity will not be significant and that the conditions of consent will ensure that any effects are appropriately managed. I accept that the conditions proposed are sufficient to avoid, remedy or mitigate any adverse effects of the proposal.

Objectives and Policies of the District Plan

50. I have considered the detailed assessments of the objectives and policies of the Plan as set out in the Application, the section 42A report and the evidence of the planning experts. I note that Mr Bryce's view was that as notified, the proposal did not align with the majority of the plan's provisions.
51. Subsequent to the circulation of the section 42A report, the applicant made changes to the application that ultimately satisfied the concerns held by Mr Bryce. I accept Mr Bryce's amended conclusion, and agree that the changes to the proposal, including the amended landscape plan, are sufficient to address the actual and potential effects and ensure that the proposal does not exceed the landscape's ability to absorb the change, albeit marginally.
52. The objectives and policies of concern to Mr Bryce were those related to landscape and rural character/amenity issues. Having reviewed these provisions in light of the amendments to the application, and Mr Bryce's revised recommendation, I am satisfied that the proposal is consistent with the objectives and policies of the Plan.
53. I have earlier found that the adverse effects of the proposal are not significant and can appropriately be managed through conditions of consent.

Part 2 Matters

54. Section 5 states that the purpose of the Resource Management Act is "to promote the sustainable management of natural and physical resources". "Sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
55. Section 7 requires that I have particular regard to a range of matters. I am satisfied that the evidence presented on behalf of the Applicant, and that of the Council reporting officers, has demonstrated that these matters are appropriately addressed.
56. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
57. For the reasons set out in this decision, I consider the application to be consistent with relevant matters in Part 2 of the Act.

Determination

58. Consent is sought to undertake a two lot subdivision with a building platform to be created on each lot.
59. Overall, the activity was assessed as a discretionary activity under sections 104 and 104B of the Act.
60. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. I consider that the adverse effects of this application can be appropriately avoided, remedied or mitigated such that the threshold beyond which the landscape's ability to absorb the development is not breached.

61. I further find that the proposal is consistent with the relevant objectives and policies of the District Plan.
62. Accordingly, I determine that Consent be **GRANTED** pursuant to section 104D of the Act subject to the attached conditions which are imposed under sections 108 and 220 of the Act.

Dated at Queenstown this 23rd day of October 2015



Andrew Henderson
INDEPENDENT HEARINGS COMMISSIONER

APPENDIX 1 – CONSENT CONDITIONS

1. The development must be undertaken/carried out in accordance with the following plans:
 - 'Proposed Subdivision Morven Ferry Road Pt Lot 1DP 23630 for JM Clear referenced 3752-1R-1G (Aurum Survey Consultants Limited);
 - 'Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road', prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015;

stamped as approved on 22 October 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.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at 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 commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
6. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1 and 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) 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

7. 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

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder shall provide “as-built’ plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. 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) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The completion and implementation of all certified works detailed in Condition (4) above.
 - d) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
- The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council’s solicitors at the consent holder’s expense to ensure that all of the Council’s interests and liabilities are adequately protected.
- e) The consent holder shall implement the “Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road, prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015” to the satisfaction of the Council.
 - f) 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

9. 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) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXX.
 - b) The open space area within Lot 1 identified outside of the curtilage area identified on the certified landscape plan titled “Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road, prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015” shall be maintained as open pasture or arable land and shall be kept free of buildings. There shall be no planting of hedges or trees within 50m of the Morven Ferry Road boundary.
- Lot 1 and Lot 2
- c) All mitigation planting as identified on the certified landscape plan titled “Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road, prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015” shall be maintained as per the plan to ensure healthy growth. If any tree or plant shall die, become damaged or is no longer of healthy condition it shall be replaced within 12 months. All replacement trees shall be of the species identified on the certified landscape plan and planted at a grade no less than 1.5m in height.

- d) Any future building shall be located within the within the building platform only and shall be of dark recessive colouring of the natural tones of grey, green or brown. The roof of the building(s) shall have light reflectivity value (LRV) of between 7 and 20% or a living roof comprised of vegetation in keeping with the pastoral surrounds. The walls shall have a LRV of between 7% and 36%.
- e) External lighting shall be located within the curtilage area, be down lighting only and shall be located as not create light spill beyond the boundaries of the property. Lighting attached to buildings or structures shall not exceed 3m in height above adjacent ground.
- f) Access drives shall be gravel of a local Wakatipu stone and exclude concrete kerb and channels to be in keeping the rural surrounds.
- g) Entrance gateways off Morven Ferry Road shall be standard farm gates of timber or steel and no higher than 1.5m.
- h) Fencing, including fencing around curtilage areas shall be standard post and wire (including rabbit proof fencing), deer fencing or timber post and rail in keeping with traditional farm fencing.
- i) All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, swimming pools, tennis courts, pergolas, and amenity gardens and lawns shall be confined to the curtilage area as shown on the certified landscape plan titled "Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road, prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015".
- j) The maximum height of any dwelling contained within the residential building platform on Lot 1 shall be restricted to 6 metres.
- k) The existing shelter belt identified on the certified landscape plan titled "Mitigation Planting for Lots 1 and 2: Moonlight Country, Morven Ferry Road, prepared by Read Landscapes and referenced 15016/3 and dated 2nd October 2015" shall be maintained at 4 metres or more in height.
- l) 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 effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take include a site and soils assessment. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- m) At the time a dwelling/building 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 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

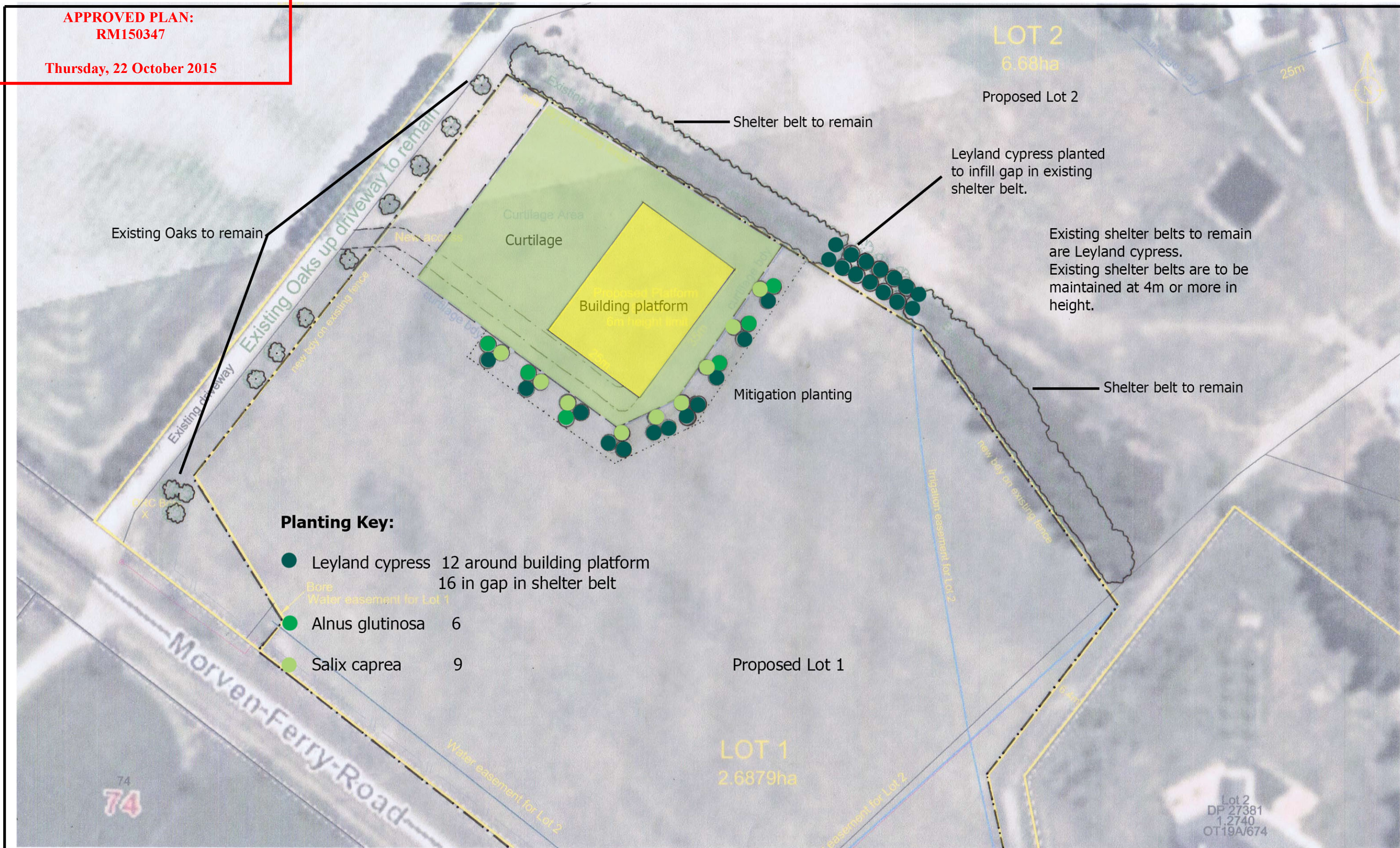
The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

Advice Note:

1. The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 5.5km 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 each new dwelling.
2. 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 Council.
3. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the water supply.
4. The drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the management group for the lots.

APPROVED PLAN:
RM150347

Thursday, 22 October 2015



Planting Key:

- Leyland cypress 12 around building platform
16 in gap in shelter belt
- Alnus glutinosa 6
- Salix caprea 9



**Mitigation planting for Lots 1 and 2:
Moonlight Country, Morven Ferry Road**

Ref: 15016/3

Date: 2nd Oct, 2015

Scale: NTS

APPROVED PLAN:
RM150347

Thursday, 22 October 2015



Note:
- All areas and dimensions subject to final survey
- Additional easements may be required for services

ISSUE DATE:	ISSUE:	PREPARED BY: B McLeod
1 July 2014	Original issue	Scale 1:1000 @ A3
8 May 2015	for consent	DRAWING & ISSUE No. 3752-1R-1G
22 May 2015	effluent field added	
15 June 2015	curtilage added	
18 June 2015	curtilage adjusted	
4 Sept 2015	platform adjusted	

PROPOSED SUBDIVISION
MORVEN FERRY ROAD
PT LOT 1 DP 23630
for J.M. Clear

AURUM
SURVEY

PO Box 2493
Wakatipu 9349
Ph 03 442 3466
Fax 03 442 3469
Email admin@ascl.co.nz

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