



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	BAYSWATER TRUST
RM Reference:	RM 160421
Location:	Glenorchy-Paradise Road, north of Glenorchy
Proposal:	Land use consent to identify a residential building platform.
Type of Consent:	Land use consent.
Legal Description:	Lot 2 DP 306479 held in CFR 25360
Valuation Number:	2911126400
Zoning:	Rural General
Activity Status:	Discretionary activity
Notification:	15 June 2016
Commissioner:	W D Whitney
Date of Decision:	28 September 2016
Reissued pursuant to section 133A of the Act:	17 October 2016 to delete original Condition 11 s) x)
Decision:	Consent is granted subject to conditions.

A. INTRODUCTION

A.1 Background

1. The Bayswater Trust has applied to the Queenstown Lakes District Council for land use consent to identify a residential building platform on a property that has frontage to the Glenorchy-Paradise Road north of Glenorchy. The subject site has an area of 53.9900 hectares more or less and is described as Lot 2 DP 306479 as held in Computer Freehold Register Identifier 25360 in the Otago Land Registration District.
2. The site is irregular in shape and has frontage to the Glenorchy-Paradise Road on the north-eastern and south-eastern boundaries. An unnamed legal road adjacent to the southern boundary is partly formed; and an unformed legal road is located adjacent to the (generally) western boundary, with the Rees River being located immediately to the west of that road.
3. Precipice Creek is located generally to the south of the site and the Creek encroaches onto the south-western corner of the site. The site is bisected by a watercourse known as McConachy's Creek. The applicant has advised that a number of surface drains cross the property; and that at times of high flood these drains shed surface water into the Rees River.
4. The site was created by subdivision consent RM 010560 which was granted to RJ Reid on 18 September 2001. The site is subject to an existing land use consent RM 130073 which was granted to Glenorchy Gravel Limited on 20 March 2013.
5. On 31 August 2005 Baywaters Trust applied for subdivision consent to subdivide the subject site into two allotments and to identify a residential building platform on each allotment. This application was publicly notified and attracted several submissions. RM 050811 was placed on hold at the request of the applicant in 2005 and has never proceeded to a hearing or decision. The application RM 050811 was formally withdrawn at the hearing of the current application RM 160421.
6. The site consists of open pastoral farmland with a row of poplars adjacent to the southern boundary. These poplars are located on the partly formed legal road to the south of the site and (further to the west) on the site itself. The only improvements are

external and internal fencing and old stockyards which are located adjacent to the southern boundary of the site.

7. The applicant has advised that the site was, until recently, farmed by a Glenorchy local on behalf of the applicant and used primarily for cattle grazing.
8. Land generally to the west of the Glenorchy-Paradise Road and Rees Valley Road in this locality is located in the Rural General Zone. Land generally to the east of the Glenorchy-Paradise Road and Rees Valley Road is located in the Rural Lifestyle Zone and some of this land has been subdivided as provided for in that Zone, including land to the east of the Glenorchy-Paradise Road opposite the site where access off the Glenorchy-Paradise Road is achieved to rear allotments via Amphion Way and Birley Rise.

A.2 The Proposal

9. Land use consent is sought to identify a residential building platform on Lot 2 DP 306479. The proposed residential building platform is 53 metres off the southern boundary that is shared with the unnamed legal road and (at the closest) 100 metres from the boundary with the Glenorchy-Paradise Road.
10. The proposed residential building platform has an area of 1000m² (25m x 40m). The applicant has noted that the proposed residential building platform coincides with the position of the easternmost platform proposed in the context of RM 050811.
11. The applicant has promoted various design controls that are to be registered as a covenant in favour of the consent authority pursuant to section 108(2)(d) of the Resource Management Act 1991 (the Act). Of particular note is that structural landscaping is to be undertaken in accordance with a Structural Landscape Plan which provides for the retention of open pasture adjacent to the Glenorchy-Paradise Road; and that the ground level under a future building will be raised by a minimum of 0.5 metres to protect such development from potential shallow surface water flooding.

12. In the application documentation and prior to and at the hearing the applicant has volunteered a range of conditions [design controls] to mitigate effects. These include the following (or to like effect):

- i. The residential dwelling and any accessory buildings associated with the dwelling shall be located within the approved building platform.
- ii. All domestic activities associated with a dwelling on the site such as car-parking areas, paved areas, decks, domestic gardens, outdoor living areas and furniture, garden sheds, clotheslines, swimming pools, tennis courts and pergolas shall be contained within the approved building platform area.
- iii. The total footprint of buildings within the platform shall not exceed 550m².
- iv. The finished floor level of the dwelling shall be raised at least 0.5m above existing ground level, to protect the dwelling from potential flooding (shallow sheet flow) caused by any breakout from Precipice Creek. If fill is imported for this purpose it shall be compacted and certified in accordance with the appropriate standard.
- v. The height of any future buildings within the building platform shall be restricted to 6.5m above existing ground level.
- vi. All built elements upon the roof or upper portion of a future building including but not limited to chimneys, satellite dishes and solar panels shall not extend beyond the building platform height control and shall be of a colour to match the roof.
- vii. Any future dwelling shall be designed to have the bulk and form of a traditional farm building, i.e. a homestead, woolshed or barn, and shall be constructed from cladding materials typically associated with that type of building.
- viii. The main roof of any future dwelling shall have a pitched form, with a slope of at least 25 degrees.

- ix. Roof and wall claddings are to be coloured in a natural range of greys, cool browns or greens that have a light reflectivity value of between 7% and 20%.
- x. Roof colours are to have a matt finish. Transparent or translucent panels are not permitted.
- xi. Wall cladding materials shall be limited to stacked stone, timber weatherboards, traditional corrugated iron, coloursteel or solid plaster, or a combination thereof.
- xii. All exterior lighting shall be restricted to the building platform and shall be down lighting only. Lighting shall not exceed 1m in height, except where attached to a building where it shall not exceed 3m in height.
- xiii. The land outside the building platform area shall continue to be managed by agricultural or horticultural means.
- xiv. The structural planting shall be planted and maintained in accordance with the approved Structural Landscape Plan and the conifer shelter hedges shall be maintained at a minimum height of 6 metres. The area on the Structural Landscape Plan that is marked as “open pasture space” shall be kept free of trees other than those trees shown on the Structural Landscape Plan.
- xv. The future driveway shall be constructed from gravel to a maximum width of 3.5m with grass swales.
- xvi. Any fencing of the building platform area and driveway shall be in the form of a post and wire or post and rail type fence only.
- xvii. Monumental gates or any other road frontage treatments other than simple post-and-rail or stone fences are prohibited.
- xviii. The engineering conditions as detailed at Appendix G to Ms Ellis’s section 42A report subject to an amendment to Condition 11d as promoted by Ms Robertson at the hearing.

xix. The potential was also noted during the hearing to relocate the driveway as shown on the Structural Landscape Plan such that it is located to the west of the proposed conifer shelter hedge which has a north-south axis.

13. The Commission confirms that it has assessed the proposal on the basis of the application as lodged and as amended in terms of the conditions offered by the applicant prior to and at the hearing.

A.3 Zoning

14. The site is zoned Rural General as shown on Map 9 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).

15. Rule 5.3.3.3i(b) provides for the identification of a building platform of not less than 70m² in area and not greater than 1000m² in area as a discretionary activity in the Rural General Zone.

16. The Commission has considered the proposal as an application for land use consent to a discretionary activity.

A.4 Submissions

17. Three submissions were received within the statutory submission period which closed on 13 July 2016. The submissions by Steve Hewland & Katherine Cahill and by the Otago Regional Council opposed the application; whereas the submission by The Scott Family neither supported nor opposed the application.

18. The Commission has given consideration to the submissions received in response to the application.

19. It is also noted for completeness that a submission from Te Ao Marama Inc was received on 14 July 2016; and that the submitter has withdrawn that submission.

A.5 Reports and Hearing

20. The Commission has had the benefit of a planning report dated 25 August 2016 prepared by Ms Katrina Ellis, a Senior Planner with the Queenstown Lakes District Council; a Landscape Assessment dated 5 July 2016 prepared by Mr Richard Denney, Consultant Landscape Architect for the Queenstown Lakes District Council and an Addendum dated 22 August 2016 that was also prepared by Mr Denney; and an engineering report dated 17 January 2016 prepared by Mr Alan Hopkins a Consulting Engineer. At the hearing on Friday 16 September 2016 the Commission was assisted by Ms Ellis and Mr Denney and Ms Paula Costello, a Senior Planner with the Queenstown Lakes District Council, was also in attendance. Ms Charlotte Evans, Planning Support with the Queenstown Lakes District Council, provided administrative support at the hearing.

21. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A report; and the pre-circulated written evidence prepared by Ms Robertson and Mr Espie for the applicant. The Commission made a site inspection on the afternoon of 15 September 2016.

22. At the hearing the applicant was represented by Mr Graeme Todd, Lawyer, of GTodd Law; Mr Ben Espie Landscape Architect and Director of Vivian + Espie Limited; and Ms Annemarie Robertson a Resource Management Consultant with John Edmonds & Associates Limited. Mr Rene Kampman of the Bayswater Trust was also in attendance.

23. The submitters were not in attendance at the hearing. A written statement from Steve Hewland and Katherine Cahill dated 8 September 2016 was tabled in support of their submission.

24. The planning, landscape and engineering reports were taken as read and Mr Denney and Ms Ellis were invited to comment following the presentation of the evidence. Following Mr Todd's reply the hearing was adjourned.

A.6 Principal Issues in Contention

25. The principal issues in contention are the effects on the environment of allowing the identification of a residential building platform as proposed on the subject site.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted & Consented Baseline

26. Farming activities (except factory farming), tree planting (with specific exclusions), fencing less than 2 metres high and earthworks which do not breach the site standards contained within Site Standards 22.3.3i-viii are permitted activities in the Rural General Zone.

27. Existing consents are of no particular relevance. As noted above the application RM 050811 was formally withdrawn at the hearing.

B.2 Affected Persons Approvals

28. No affected persons approvals from other parties have been received.

B.3 Assessment Matters

29. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Part 5 that are relevant to development in the Rural General Zone.

30. The Assessment of Effects on the Environment (AEE) that accompanied the application, the officer's reports and the evidence have assessed the effects of the activity in terms of the relevant assessment matters. This approach is appropriate in this instance, and the Commission has assessed the actual and potential effects of the proposed activity having regard to the relevant assessment matters presented in Part 5 of the Operative District Plan.

B.4 Part 5

31. Clause 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.

32. Mr Espie and Mr Denney have conducted an analysis of the site and surrounding landscape and both landscape architects have determined that the site is part of an Outstanding Natural Landscape (District Wide) – (ONL(DW)). The Commission

acknowledges in this context that rural land in the vicinity of and to the north of Glenorchy is in the ONL(DW).

33. Clause 5.4.2.2(2) contains assessment matters specific to the ONL(DW). Each assessment matter stated in Clause 5.4.2.2(2) is presented in italics below, followed by the Commission's assessment of the proposal in terms of that matter, including the Commission's discussion of effects.

34. The opening paragraphs of Clause 5.4.2.2(2) state as follows:

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

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

35. The Commission simply acknowledges that the assessment matters in Clause 5.4.2.2(2) are to be read in light of the above guiding principle.

"(a) Potential of the landscape to absorb development

In considering the potential of the landscape to absorb development both visually and ecologically, the following matters shall be taken into account consistent with retaining openness and natural character:

- (i) whether, and to what extent, the proposed development is visible from public places;*
- (ii) whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from views otherwise characterised by natural landscapes;*
- (iii) whether any mitigation or earthworks and/or planting associated with the proposed development will detract from existing natural patterns*

and processes within the site and surrounding landscape or otherwise adversely effect the natural landscape character;

- (iv) whether, with respect to subdivision, any new boundaries are likely to give rise to planting, fencing or other land use patterns which appear unrelated to the natural line and form of the landscape; wherever possible with allowance for practical considerations, boundaries should reflect underlying natural patterns such as topographical boundaries;*
- (v) whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphologic features or is otherwise an integral part of the same;*
- (vi) whether and to what extent the proposed activity will have an adverse effect on any of the ecosystems or features identified in (v);*
- (vii) whether the proposed activity introduces exotic species with the potential to spread and naturalise.”*

36. Profile poles have been erected at the corners of the proposed residential building platform which have assisted the Commission in assessing the visibility of future development. It is important to note that the Structural Landscape Plan being Appendix 1 as attached to Mr Espie's evidence provides for plantings which would serve to screen built development on the proposed residential building platform.

37. When travelling north on the Glenorchy-Paradise Road to the north of the Precipice Creek Bridge the proposed residential building platform is visible through the poplar trees that are located on the unnamed legal road. It is noted that a 65 kph bend exists on the Glenorchy-Paradise Road immediately adjacent to the south-eastern corner of the site (where the residential building platform is proposed). From this bend motorists are travelling in a north-easterly direction and the orientation of view is towards the mountains in that direction; rather than being directly to the west (towards the proposed residential building platform).

38. When travelling on the Glenorchy-Paradise Road in a south-easterly direction from the Rees River Bridge the proposed residential building platform is visible across the open paddocks within the site. The Commission notes that this vista includes built development, including elevated dwellings, in the Rural Lifestyle Zone. The proposed residential building platform is not visible from the Glenorchy-Paradise Road south of the Precipice Creek Bridge or north of the Rees River Bridge.

39. From the unnamed legal road carriageway to the south of the site the proposed residential building platform is visible between the existing mature poplars. This carriageway is used to achieve access to the gravel pit authorised by RM 130073.
40. Mr Denney informed the Commission that from the unformed legal road alongside the Rees River (adjacent to the western boundary of the site) there are varying views across open paddocks and filtered and intermittent views through riverside vegetation at a range from 500m to in excess of 1 kilometres. From Precipice Creek (being Crown land managed by the Department of Conservation) filtered and intermittent views are available from a range of 100m and greater.
41. Mr Denney also advised us that there may be views from public walking tracks on the surrounding mountains; and that such views would generally be in excess of a 2 kilometre distance and be over a broader landscape context that includes other rural dwellings (including development in the Rural Lifestyle Zone).
42. The Commission finds that the proposed development is visible from public places in terms of Clause 5.4.2.2(2)(i). Future development on the proposed residential building platform will be viewed in the context of that part of the ONL(DW) that is located on the valley floor and that has been developed for farming, being adjacent to the existing Rural Lifestyle Zone.
43. The Commission considers that a dwelling built in accordance with the volunteered design controls would not be visually prominent to the extent that it will dominate or detract from views of the landscape in terms of Clause 5.4.2.2(2)(a)(ii). It is noted in this context that the valley floor provides a contrast to the vast, steep mountain slopes of the area and, having regard to the extent of visibility discussed above, the Commission is satisfied that future development on the proposed residential building platform would not be visually prominent in this context.
44. In terms of Clause 5.4.2.2(2)(a)(iii) it is appropriate to acknowledge that the Structural Landscape Plan provides for Lombardy poplars to be planted at the southern boundary to complement the existing poplars which exist within the unnamed legal road adjacent to that part of the site that is to accommodate the proposed residential building platform; and that conifer shelter hedges are also proposed. The

Commission is satisfied that these plantings will not adversely affect the natural landscape character given that poplar and conifer shelter belts are a feature of the valley floor component of the ONL(DW) as viewed from the Glenorchy-Paradise Road. The Commission notes in this context that when viewed from Valpy's Hill (towards Glenorchy) a grid pattern of conifer shelter belt planting is clearly visible on the valley floor in the ONL(DW).

45. The Commission's conclusion is that the planting associated with the proposed development will not detract from existing natural patterns and processes within the site and surrounding landscape.
46. The Commission also notes in this context that substantial tree planting exists on the Scott property to the south of Precipice Creek and that future tree planting can be anticipated in the immediate locality to complement existing tree planting that exists within the Rural Lifestyle Zone.
47. Clause 5.4.2.2(2)(iv) is of no particular relevance as subdivision is not proposed in this instance.
48. The proposed development will not have an adverse effect on any indigenous ecosystems as the building platform is to be located on land that does not contain such ecosystems. In terms of Rule 5.4.2.2(2)(v)-(vii) the proposed activity will not have an adverse effect on any ecosystems or features; and will not introduce exotic species with the potential to spread and naturalise. Mr Espie confirmed that the proposed conifer shelter hedges will comprise plants which do not have a propensity for wilding spread.
49. Having regard to the above matters the Commission considers that the landscape has the potential to absorb a future dwelling on the proposed residential building platform subject to the Structural Landscape Plan and appropriate design controls being adhered to.

“(b) Effects on openness of landscape.

In considering the adverse effects of the proposed development on the openness of the landscape, the following matters shall be taken into account:

- (i) *whether and the extent to which the proposed development will be within a broadly visible expanse of open landscape when viewed from any public road or public place and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and*
- (ii) *whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;*
- (iii) *whether the proposed development is defined by natural elements such as topography and/or vegetation which may contain any adverse effects associated with the development.”*

50. Mr Espie advised that the proposal will enclose a relatively small part of the property (within the proposed conifer shelter hedges) being approximately 1.4 hectares; while leaving the remainder of the property (approximately 52.6 hectares) in its open state.

51. Land to the south of the proposed residential building platform is relatively broken up by shelterbelt tree planting and other tree planting which exists at or adjacent to the southern boundary of the site, on the banks of Precipice Creek, on the Scott property and further to the south towards Glenorchy. Land to the north of the proposed residential building platform within the site and beyond is much more uniformly open, with fewer trees. Mr Espie noted that the line of poplar trees at the southern boundary of the site is something of a transition point between a somewhat broken pattern of openness to the south, and a more expansive and uniform pattern of openness to the north. He considered that locating the proposed development in the south-eastern corner of the site (adjacent to the existing poplars) and bolstering tree planting in this area, as proposed, is an appropriate design response in relation to landscape openness. The Commission concurs.

52. From the Glenorchy-Paradise Road (heading north) the proposed residential building platform will have no particular effect on the openness of the landscape as viewers will look across the balance of the subject site and/or directly to the north-east. When travelling south on the Glenorchy-Paradise Road viewers will also have the benefit of the openness of the balance of the site and future development will be largely screened by the conifer shelter hedges or viewed against the existing and future poplar plantings at or adjacent to the southern boundary of the subject site.

53. The Commission is satisfied that intermittent views through the poplars from the unnamed legal road immediately to the south of the site will have no particular effect on openness; and that openness will not be compromised as viewed from any other public roads or public places.

54. The Commission notes in the context of the unnamed legal road to the south of the site that Ms Ellis understands that that road is used almost exclusively by the occupiers and visitors to the Scott Family property (being to the part of the Scott property to the south of Precipice Creek) and to service the gravel extraction operation authorised by RM 130073.

55. Potential effects in terms of openness are most relevant in the context of views from the Glenorchy-Paradise Road. The Commission is satisfied that the proposed development is unlikely to adversely affect open space values enjoyed by those who pass along that road. For those travelling from the north the existing poplars to the south of the residential building platform will contain any adverse effects associated with development. Additional plantings as proposed in the Structural Landscape Plan will also serve to contain any adverse effects associated with the development (noting that domestic activities are to be confined to the residential building platform itself).

“(c) Cumulative Effects on Landscape Values

In considering whether there are likely to be any adverse cumulative effects as a result of the proposed development, the following matters shall be taken into account:

- (i) whether, and to what extent, the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;*
- (ii) whether the elements identified in (i) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;*
- (iii) whether existing development and/or land use represents a threshold with respect to the site’s ability to absorb further change;*
- (iv) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or inappropriate domestication of the landscape or feature.”*

56. The proposal is to identify a residential building platform at the south-east corner of a site which has an area of approximately 54 hectares. Mr Denney considers that the introduction of one rural dwelling on a productive agricultural lot of 54 hectares on the valley flats would be anticipated; and the Commission is satisfied in this instance that future development which adheres to design controls and the Structural Landscape Plan will not result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape.
57. Given the absence of residential development between the Glenorchy-Paradise Road and the Rees River to the north of Precipice Creek the Commission is satisfied that the proposal will not further compromise the existing natural character of the landscape in terms of Clause 5.4.2.2(2)(c)(ii).
58. Mr Denney considered that the site is near its threshold to absorb development; and Mr Espie considered that the existing level of domestication in this vicinity does not represent a threshold beyond which no further domestication is tolerable. In all the circumstances the Commission is satisfied that existing development and/or land use does not represent a threshold with respect to the site's ability to absorb further change as will be provided for on the proposed residential building platform.
59. The Commission also considers in terms of Clause 5.4.2.2(2)(c)(iv) that, while the Rural Lifestyle Zone exists to the east of the Glenorchy-Paradise Road, that further development, as proposed in this application, will not lead to further degradation of natural values or inappropriate domestication of the landscape.
60. In all the circumstances the Commission is satisfied that the proposal will not give rise to significant adverse cumulative effects on landscape values.

“(d) Positive Effects

In considering whether there are any positive effects associated with the proposed development the following matters shall be taken into account:

- (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (a)(v) above;*
- (ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management;*

- (iii) *whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape;*
- (iv) *whether the proposed development provides an opportunity to remedy or mitigate existing and potential (ie. structures or development anticipated by existing resource consents) adverse effects by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;*
- (v) *the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;*
- (vi) *the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (i)-(v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.”*

61. The proposed development does not offer any positive effects in terms of protecting, maintaining or enhancing ecosystems; or in terms of retention and/or re-establishment of native vegetation and their appropriate management.

62. The Structural Landscape Plan provides for the land to the east of the north-south axis conifer shelter hedge to be kept as open pasture space. Confining the proposed development to the south-east corner of the site results in most of the site being maintained in its current open pastoral state. The Commission therefore finds that the proposal has positive effects in terms of Clause 5.4.2.2(2)(d)(iii).

63. The proposal does not offer any positive effects in terms of Clause 5.4.2.2(2)(d)(iv) and (v) given that no built development (apart from the stockyards) exists on the site and as the proposal is not for subdivision (when esplanade reserves or strips are a consideration).

64. The Commission again acknowledges in the context of Clause 5.4.2.2(2)(d)(vi) that design controls are to be provided for in a covenant that is to be registered pursuant to section 108(2)(d) of the Act.

65. The Commission acknowledges that limited positive effects are associated with the proposed development, as discussed above.

B.5 Other Effects

66. Mr Hopkins's report discusses the provision of services. In essence a future dwelling on the proposed building platform can be adequately serviced.
67. Access is to be achieved via the unnamed legal road to the south of the site and Mr Todd confirmed that the applicant is agreeable to a condition to the effect that the on-going maintenance of the initial section of gravel track carriageway located within the unnamed legal road to the driveway is to be the responsibility of the property owner.
68. The AEE described two potential sources of domestic water supply to the platform; being either from the Paradise Park subdivision's communal water supply system or by constructing a new bore within the site. Ms Robertson confirmed that the Trust has recently obtained verbal approval from the Paradise Park residents to connect to their water supply; and she took this as confirmation that this is a feasible option. The AEE also confirmed that the proposed platform is to be connected to power and phone reticulation and that wastewater is to be disposed of via an on-site system.
69. The Commission is satisfied that any adverse effects associated with services can be avoided, remedied or mitigated.
70. Mr Hopkins's report identified that the site is subject to a flood hazard associated with the Rees River and Precipice Creek; an alluvial fan hazard associated with Precipice Creek; and that the site is susceptible to liquefaction.
71. The applicant has provided a report from Hadley Consultants Limited dated 13 May 2016 with respect to the flood and alluvial fan hazards. That report recommends that the proposed building platform be raised a minimum of 0.5 metres above the surrounding ground. Mr Hopkins supports this recommendation.
72. The applicant has also provided a Liquefaction Assessment Report dated June 2016 which has been prepared by GeoSolve Limited. That report identifies two options for foundations based on the susceptibility of the site to liquefaction. Again Mr Hopkins supports the findings of the GeoSolve report.

73. In all the circumstances the Commission is satisfied that any potential adverse effects in terms of natural hazards will be no greater than minor.

B.6 Summary : Effects and Assessment Matters

74. The Commission finds that the proposal will not have significant adverse effect in terms of the potential of the landscape to absorb development, in terms of the openness of landscape or in terms of cumulative effects on landscape values. The proposal will have limited positive effects in terms of retaining open space between the north-south axis conifer shelter hedge and the Glenorchy-Paradise Road. The ultimate question to be addressed is whether granting consent will better serve to achieve the purpose of the Act (as discussed below).

C. THE QLDC DISTRICT PLAN : OBJECTIVES & POLICIES

75. Parts 4 and 5 of the Operative District Plan contain objectives and policies for the whole district and for rural areas, respectively. The objectives and policies from Parts 4 and 5 have been presented in the AEE and in Ms Robertson's evidence and have been discussed in Ms Ellis's report. To a large degree the objectives and policies relate to matters discussed in the context of the assessment matters. It is neither desirable or necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

C.1 Part 4

76. Section 4.2 relates to Landscape and Visual Amenity and Section 4.2.4(2) confirms that the outstanding natural landscapes are the romantic landscapes – the mountains and the lakes – landscapes to which section 6 of the Act applies. The key resource management issues within outstanding natural landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscapes openness and naturalness.

77. Objective 4.2.5 is:

“Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”

78. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 2 that relates to Outstanding Natural Landscapes (District-Wide/Greater Wakatipu); Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; Policy 16 that relates to Wilding Trees; and Policy 17 that relates to Land Use.

79. Policy 1 – Future Development – is to avoid, remedy or mitigate the effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation; to encourage development and/or subdivision to occur in areas of the District that have a greater potential to absorb change without detracting from landscape and visual amenity values; and to ensure that subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

80. The Commission is satisfied that this policy is satisfied in this instance. The development is to occur in an area that has potential to absorb change without detracting from landscape and amenity values.

81. Policy 2 – Outstanding Natural Landscapes (District-Wide/Greater Wakatipu) states as follows:

“2 Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)

- (a) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) *To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) *To allow limited subdivision and development in those areas with higher potential to absorb change.*
- (d) *To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.”*

82. In terms of Policy 2(a) a future dwelling on the proposed building platform will maintain the openness of the ONL(DW); is located in a part of the ONL(DW) with capacity to absorb change; and will minimise adverse effects in terms of amenity values of views from public roads. Ms Ellis considered that overall the development would affect landscape values but that these effects can be suitably mitigated and that therefore

the proposal will be consistent with the relevant ONL(DW) objectives and policies. Ms Robertson agreed with this assessment.

83. The Commission's conclusion is that the proposed development is acceptable in terms of Policy 2(a)-(d).

84. In terms of Policy 8 – Avoiding Cumulative Degradation – the Commission is satisfied that the proposed density of development will not increase to the point where the benefits of further planting and building are outweighed by adverse effects on landscape values of over domestication of the landscape. The Commission is satisfied that the proposal is consistent with Policy 8(a); and having regard to the design controls offered, the Commission considers that the proposal will be sympathetic to the rural area in terms of Policy 8(b).

85. Policy 9 – Structures refers specifically to preserving the visual coherence of outstanding natural landscapes as follows:

“9. Structures

To preserve the visual coherence of:

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

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

....”

86. The proposal will result in an opportunity for a future dwelling to be located on the residential building platform. While a structure is not proposed *per se* a structure is clearly anticipated in future being a dwelling (as evidenced by the design controls).

87. The proposed residential building platform is located in the south-eastern corner of the site close to the unnamed legal road and the line of existing poplars. The AEE notes that this is a location where one might expect a traditional farmhouse to be located and the Commission concurs with this statement. Future development on the residential building platform will not affect any skylines, ridges, prominent slopes or hilltops.
88. Having regard to the design controls which are to be subject to a covenant the Commission is satisfied that the proposal is consistent with Policy 9.
89. In terms of Policy 16 – Wilding Trees – Mr Espie confirmed that the conifer shelter hedges as provided for on the Structural Landscape Plan will not have wilding propensity. The proposal is therefore consistent with Policy 16.
90. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. It is again acknowledged in this context that the residential building platform is located in the south-east corner of the site and that the area between the north-south axis conifer shelter hedge and the Glenorchy-Paradise Road will be kept as open pasture space. The proposal is therefore consistent with Policy 17.
91. Objective 4.8.3.1 and its supporting policies which relates to hazards state as follows:

“4.8.3 Objective and Policies

Objective 1

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

Policies:

- 1.1 To increase community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.***
- 1.2 To continually develop and refine a hazards register in conjunction with the Otago Regional Council, as a basis for Council decisions regarding subdivision and building development.***
- 1.3 In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.***

- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*
- 1.5 *To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard.*
- 1.6 *To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.*
- 1.7 *To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.”*

92. As previously noted Mr Hopkins has addressed the potential flood, alluvial fan and liquefaction hazards relating to the subject site. Mr Hopkins has agreed with the recommendations contained in the Hadley Consultants Limited and GeoSolve Limited reports; and the applicant is agreeable to conditions consistent with those recommendations. Accordingly the Commission finds that the proposal is not contrary to Objective 4.8.3.1 and its supporting policies.

C.2 Part 5

93. Part 5 of the District Plan contains objectives and policies that specifically relate to rural areas. These objectives and policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area.

“Objective 1 – Character and Landscape Value

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

Policies:

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

- 1.5 *Provide for a range of buildings allied to rural productive activity and worker accommodation.*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.”*

94. In terms of Policy 1.1 the district wide landscape objectives and policies have been considered fully above. In terms of Policy 1.2 the proposed activity will enable a future dwelling on the south-eastern corner of the property, with most of the property being available for rural productive activities which will not be compromised. The Commission concurs with Mr Ellis that the proposed development will not change or compromise the productive rural potential of the land. In terms of Policy 1.6 the proposal will adequately avoid, remedy and mitigate adverse effects of development on the landscape values of the District. In terms of Policy 1.7 the proposal provides for a future structure (being a future dwelling on the residential building platform) that is located in an area with the potential to absorb change. In terms of Policy 1.8 future built development will not be on skylines, ridges, hills and prominent slopes as viewed from the Glenorchy-Paradise Road albeit that some skyline breach may be experienced from the unnamed legal road (which is little used) to the south of the site.

95. Objective 3 and its associated policies relate to avoiding, remedying or mitigating adverse effects on rural amenity. The Commission is satisfied that the proposal will avoid, remedy and mitigate adverse effects of activities on rural amenity. The Commission finds that overall the proposal is not contrary to Objective 3 and its associated policies.

96. The Commission concurs with Ms Ellis that the proposal gives effect to the relevant Part 5 objectives and policies.

C.3 Summary : Objectives and Policies

97. Following the above analysis, the Commission finds that the proposal is generally consistent with those objectives and policies that are relevant to the application; and

that this is a location in the ONL(DW) where the proposed activity is appropriate in terms of Clause 1.5.3iii(3) of the District Plan.

D. PROPOSED DISTRICT PLAN

98. The Proposed District Plan was publicly notified on 26 August 2015 being a date prior to the date that the application was lodged being on or about 13 May 2016.
99. The AEE presented objectives and policies from Part Two – Chapter 6 – Landscapes and Part Four – Chapter 21 – Rural Zone of the Proposed District Plan. Ms Robertson noted that the proposed provisions are generally similar to the existing objectives, policies and assessment matters in the Operative District Plan albeit that the Commission notes that Policy 6.3.1.3 states that subdivision and development is inappropriate in almost all locations in the ONL, and that successful applications will be exceptional cases. Mr Todd noted that this policy had attracted a substantial response through submissions on the Proposed District Plan.
100. Ms Ellis and Ms Robertson concluded that the proposed development will be consistent with the relevant objectives and policies of the Proposed District Plan; and the Commission accepts this assessment. The Commission also notes that given the inchoate status of the provisions of the Proposed District Plan that minimal weight can be given to those provisions at this early stage.
101. The Commission has concluded that the proposal will not be contrary to the objectives and policies of the Proposed District Plan.

E. OTHER MATTERS

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

E.1 Precedent

103. Precedent is a relevant consideration albeit that the activity has status as a discretionary activity (see J Scurr v Queenstown Lakes District Council Dec C060/2005 para 44). In the current instance the Commission is satisfied that this is a location in the ONL(DW) where the proposed activity is appropriate in terms of Clause

1.5.3(iii)(3) of the District Plan and accordingly the Commission is satisfied that the proposal, having regard to the suite of design controls proposed, will not establish a significant precedent.

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

104. The National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into effect on 1 January 2012. The applicant has advised that the site is not identified as contaminated or potentially contaminated; and that there is no historical evidence of land use which would trigger the NES. The applicant has reviewed the information held about the site by the Queenstown Lakes District Council and the Otago Regional Council. Following such review in terms of Regulation 6(2) of the NES the applicant has found no record of activities with the potential to contaminate the site. Accordingly the Commission is satisfied that no Hazardous Activities and Industries List (HAIL) activities are being, have been, or are more likely than not to have been, undertaken on the subject site. The proposal can therefore be considered as a permitted activity under the NES.

E.3 Matters Raised by Submitters

105. The statement from Steve Hewland and Catherine Cahill dated 8 September 2016 raised several matters for consideration.

106. The Commission records that Mr Espie advised that there would be no great advantage in planting the conifer shelter hedges at a height of 1.5 metres as proposed. He emphasised that in, say, 5 years time there would be no difference in terms of the height of the hedges. Both Mr Espie and Mr Denney opposed the suggestion that the conifer shelter hedges be maintained at a minimum height of 8 metres and not 6 metres; as such greater height would block solar access for future residents of the residential building platform.

107. Mr Todd advised that the applicant is unwilling to offer a condition to the effect that further subdivision of the site is prevented. Mr Todd emphasised that the applicant wishes to keep its options open in the event that the Council changes its thinking with respect to future subdivision. Mr Todd emphasised that under the current regime any further subdivision would be subject to a notified application.

108. In all the circumstances the Commission has chosen not to apply conditions with respect to the minimum height of trees when planted, the maintenance of such trees at a height of 8 metres or the covenant which prevents further subdivision, as suggested by the submitters.
109. The submission by The Scott Family raised the issue of reverse sensitivity with respect to farming operations.
110. The Commission concurs with Ms Ellis that given the level of rural activity and noise found in this locality; specific mitigation conditions are not required with respect to reverse sensitivity in this instance.
111. No other matters appear to have any particular relevance in this instance in terms of section 104(1)(c).

F. PART 2 OF THE ACT

112. Part 2 of the Resource Management Act contains sections 5 to 8. These are referred in reverse order.
113. Section 8 requires the Commission, in exercising its functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised in reports or evidence in relation to section 8.
114. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and the maintenance and enhancement of the quality of the environment. The identification of the residential building platform that will be subject to the design controls offered by the applicant will serve to achieve efficient use and development of natural and physical resources; and will maintain and enhance amenity values, and of the quality of the environment. There are no other matters stated in section 7 which are of any particular relevance to the current application.

115. Section 6 sets out a number of matters which are declared to be of national importance and directs the Commission to recognise and provide for them. Section 6(b) confirms that the following is a matter of national importance:

“(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.”

116. The Commission is satisfied that in this instance the proposal does not represent inappropriate use and development in terms of section 6(b). The Commission concurs with Ms Ellis that the proposed development is appropriate within the ONL(DW) and sufficiently protects the values of that landscape on the basis that the proposed mitigation measures are implemented.

117. There are no other matters stated in section 6 which are of any particular relevance to the application.

118. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission is satisfied that the application will achieve the purpose of the Act.

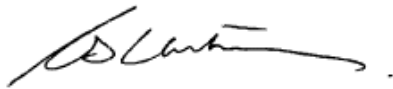
119. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of this site will be developed in such a way that the social and economic wellbeing of the applicant is provided for, while the potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of ecosystems will not be compromised and any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

G. OUTCOME

120. Section 104 directs that when considering an application for resource consent and any submission received in response to it, the Commission must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the

activity together with the relevant provisions of the Operative District Plan and of the Proposed District Plan. In the course of considering the application and submission and in reaching this decision the Commission has followed this process. Under section 104B the Commission has discretion to grant consent to the application and the Commission hereby does so subject to the imposition of conditions as attached in a Schedule to this decision.

This decision on RM 160421 is dated 28 September 2016.

A handwritten signature in black ink, appearing to read 'W D Whitney', with a long horizontal flourish extending to the right.

W D Whitney
COMMISSIONER

SCHEDULE : CONDITIONS OF LAND USE CONSENT FOR RM 160241 : BAYSWATER TRUST

General Conditions

1. The development shall be undertaken/carried out in accordance with the plans:
 - “Proposed Building Platform Plan Lot 2 DP 306479, Glenorchy-Paradise Road for Bayswater Trust” Drawing No. 2260.3R.1A, Revision A, dated 16/11/2006 prepared by Aurum Survey Consultants Limited.
 - “Structural Landscape Plan Kampman-Glenorchy Paradise Road, Glenorchy”, Drawing No. 0078-SLP4 dated 30/8/2016 prepared by Vivian + Espie Limited.

stamped as approved on 28 September 2016, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$145. This initial fee has been set under section 36(1) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any subdivision consent.

Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

4. All works on site within the building platform and driveway to the building platform shall be undertaken in accordance with the Ngāi Tahu ki Murihiku Accidental Discovery Protocol.

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

5. The owner of the land being developed 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 development and shall confirm that this representative will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to any work commencing 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) The provision of a water supply to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100

litres per day of potable water that complies, or can be treated to comply with, the requirements of the Drinking Water Standard for New Zealand 2005.

- b) The provision of a Design Certificate for engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all water reticulation). The certificate shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

New Building Platform to be registered

- 7. In order to give effect to this consent, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per Aurum plan titled "Proposed Building Platform Plan Lot 2 DP306479, Glenorchy-Paradise Road for Bayswater Trust", Dwg No. 2260.3R.1A, Revision A, dated 16/11/2006). The consent holder shall register this "Land Transfer Covenant Plan" on the Computer Freehold Register and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Computer Freehold Register

- 8. Prior to the building platform being registered on the Computer Freehold Register:
 - a) The landscape planting as detailed in the Structural Landscape Plan listed in Condition 1 shall be amended to provide for a continuous conifer shelter hedge on the north-south axis; to delete the indicative driveway alignment which is located to the east of that hedge; and the conifer shelter hedge plantings are not to have wilding propensity. A copy of the amended Structural Landscape Plan shall be provided to the Council for its records.
 - b) The consent holder shall ensure that the approved Structural Landscape Plan for the site as listed in Condition 1 and as amended in terms of Condition 8a) shall be implemented. The plants shall thereafter be maintained and irrigated during the establishment phase in accordance with that amended plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
- 9. Prior to the building platform being registered on the Computer Freehold Register, 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 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 water (including private laterals and toby positions).
 - b) A digital plan showing the location of the building platform as shown on the survey plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The completion of the work detailed in Condition 6 above.
 - d) The consent holder shall either:
 - provide laboratory confirmation that the water supply installed under Condition 6a) complies with the New Zealand Drinking Water Standard, OR
 - register a covenant on the title to ensure that at the time a dwelling is constructed, suitable water treatment is installed to ensure compliance with the New Zealand Drinking Water Standard.
 - e) The provision of a gravel vehicle crossing to the site from the gravel track carriageway located within the legal road south of the site and running parallel to Precipice Creek

from Glenorchy-Paradise Road. This crossing shall be in terms of Diagram 2, Appendix 7 of the District Plan and located a minimum 25m off-set from Glenorchy-Paradise Road and to the west of the conifer shelter hedge that has a north-south axis as shown on the approved Structural Landscape Plan. This crossing shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.

- f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform.
- g) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the building platform.
- h) The submission of Completion Certification from both the Contractor and Approved Engineer for all engineering works completed in relation to or in association with this development (for clarification this shall include water reticulation). The certificate shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

Ongoing Conditions/Covenants

- 10. At the time that the building platform is registered on the Computer Freehold Register for the site pursuant to Condition 7, the consent holder shall register the following condition as a covenant pursuant to section 108(2)(d) of the Resource Management Act 1991 if laboratory confirmation has not been provided in terms of Condition 9d):
 - a) At the time a future dwelling is constructed on the building platform the existing water supply shall be fitted with a treatment system to ensure ongoing compliance with the New Zealand Drinking Water Standard.
- 11. At the time that the building platform is registered on the Computer Freehold Register for the site pursuant to Condition 7, the consent holder shall register the following conditions as a covenant pursuant to section 108(2)(d) of the Resource Management Act 1991 to be carried out at the time a dwelling is constructed:
 - a) The ongoing maintenance of the initial section of gravel track carriageway located within the legal road reserve between Glenorchy-Paradise Road and the driveway crossing to the site is the responsibility of the site owner and not Queenstown Lakes District Council. Where this carriageway is used by others for access to gravel extraction operations to the west, it is the responsibility of the site owner to enter into private agreements for shared maintenance as required.
 - b) The provision of an access way to the building platform that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice shall be formed at the time a dwelling is constructed within the building platform. The access way shall be located to the west of the proposed conifer shelter hedge which has a north-south axis as shown on the Structural Landscape Plan and shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
 - c) At the time a dwelling is constructed within the building platform, a suitably qualified and experienced structural or geotechnical engineer shall design the foundations and/or ground preparation works for the dwelling taking into consideration the findings and recommendations of the GeoSolve Ltd – Liquefaction Assessment Report ref 160246 dated June 2016. This work shall also take into consideration the recommendations of the Hadley Consultants Limited flood hazard report ref 152825 dated 13 May 2016.

- d) At the time a dwelling is constructed within the building platform, the level of the platform shall be raised by a minimum of 0.5 m above surrounding ground in accordance with the Hadley Consultants Limited report ref 152825 dated 13 May 2016. This work shall take into consideration the recommendations of the GeoSolve Ltd – Liquefaction Assessment Report ref 160246 dated June 2016.
- e) At the time a dwelling is constructed within the building platform, the owner at the time shall engage a suitably qualified professional, as defined in Section 1.7.2 of QLDC's Land Development and Subdivision Code of Practice, to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
- f) At the time a dwelling is constructed, the owner at the time shall engage a suitably experienced person, as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012, to design an on-site effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Boulder Consultants ref 410005 dated 16 June 2005. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the dwelling.
- g) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
- h) In the event that the number of persons to be accommodated on the dwelling is to be greater than 3, then the Queenstown Lakes District Council will require commensurate increases in the water supply to that dwelling at the rate of 700 litres per extra person per day.
- i) At the time of construction of dwelling within the building platform, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the dwelling provides 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 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 QLDC's Land

Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document). 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 Operational Planning Officer for the Southern Fire Region is obtained for the proposed method.

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

Advice Note: The New Zealand Fire Service considers that due to distance to the nearest fire station the best method to achieve compliance with SNZ PAS 4509:2008 may be through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling.

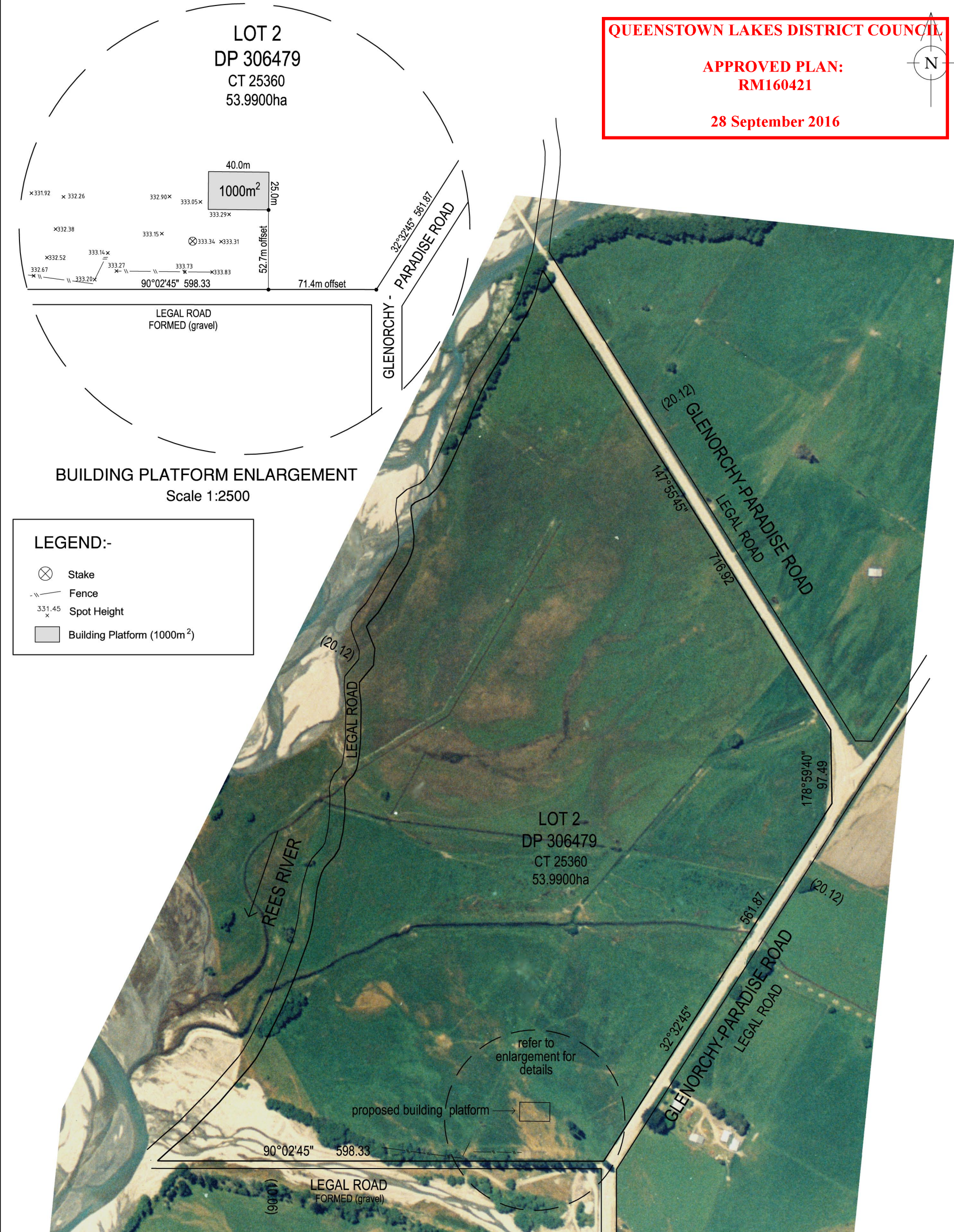
- j) There shall be no more than one residential unit within the building platform.
- k) Landscape planting detailed on the approved Structural Landscape Plan as listed in Condition 1 and as amended in terms of Condition 8a) shall be maintained in perpetuity. If any tree or plant should die or become diseased it shall be replaced in the next available planting season.
- l) The conifer shelter hedges shown on the approved Structural Landscape Plan and as amended in terms of Condition 8a) shall be maintained at a minimum height of 6m.
- m) The residential dwelling and any accessory buildings associated with the dwelling shall be located within the building platform.
- n) All domestic activities including all car-parking areas, paved areas, decks, domestic gardens, outdoor living areas and furniture, garden sheds, clotheslines, swimming pools, tennis courts and pergolas shall be contained within the building platform.
- o) The land outside the building platform shall continue to be managed by agricultural or horticultural means.
- p) The area on the approved Structural Landscape Plan as listed in Condition 1 that is marked as "Open pasture space" shall be kept free of trees other than those trees shown on the approved Structural Landscape Plan.
- q) Any fencing of the building platform and driveway shall be in the form of a post and wire or post and rail type fence only.
- r) Monumental gates or any other road frontage treatments other than simple post-and-rail or stone fences are prohibited.
- s) The following design controls shall apply to any buildings erected on the building platform:
 - i. The total footprint of buildings within the building platform shall not exceed 550m².
 - ii. The finished floor level of the future dwelling shall be raised a minimum of 0.5m above existing ground level at 28 September 2016, to protect any future dwelling from potential flooding (shallow sheet flow) caused by breakout from Precipice

Creek. If fill is imported for this purpose it shall be compacted and certified in accordance with the appropriate standard.

- iii. The height of any buildings within the building platform shall be restricted to 6.5m above existing ground level at 28 September 2016.
- iv. All built elements upon the roof or upper portion of a future building including but not limited to chimneys, satellite dishes and solar panels shall not extend beyond the maximum height specified in Condition 11s) iii above and shall be of a colour to match the roof.
- v. Any future dwelling shall be designed to have the bulk and form of a traditional farm building, i.e. a homestead, woolshed or barn, and shall be constructed from cladding materials typically associated with that type of building.
- vi. The main roof of any future dwelling shall have a pitched form, with a slope of at least 25 degrees.
- vii. Roof and wall claddings are to be coloured in a natural range of greys, cool browns or greens that have a light reflectivity value of between 7% and 20%.
- viii. Roof colours are to have a matt finish. Transparent or translucent panels are not permitted.
- ix. Wall cladding materials shall be limited to stacked stone, timber weatherboards, traditional corrugated iron, coloursteel or solid plaster, or a combination thereof.
- x. All exterior lighting shall be restricted to the building platform and shall be down lighting only. Lighting shall not exceed 1m in height, except where attached to a building where it shall not exceed 3m in height.

Advice Note:

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 Council.



NOTES:
- Areas and dimensions subject to final survey.

If this plan is used as the basis for any sale and purchase agreement, then it is done so on the basis that the areas and dimensions are preliminary, and may vary upon completion of the final survey.

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LEGEND

-  Property boundary.
-  Existing fence line.
-  Existing overhead power line.
-  Proposed 1000m² building platform.
-  Indicative driveway alignment.
-  Proposed lombardy poplars.
-  Proposed conifer shelter hedge.
 - Individual plants are to be spaced at a maximum distance of 1m apart.
 - Plants are to be irrigated by an automatic system until they reach a height of 6m.
 - The overall hedge is to maintained at a minimum height of 6m.
-  Open pasture space.
 - To be kept free of trees, excluding those outlined on this plan.

Lot 2
DP 306479
53.9900ha

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM160421

28 September 2016

APPENDIX 1:

Structural Landscape Plan

Kampman - Glenorchy Paradise Road, Glenorchy

REF: 0078 - SLP4
DATE: 30.08.2016
SCALE: 1:2000 @ A3

vivian+espie
resource management and landscape planning

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