



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	ALPINE ESTATE LTD
RM reference:	RM160453
Location:	Cardrona Valley Road, Wanaka.
Proposal:	Consent is sought to under Section 88 of the Resource Management Act 1991 (RMA) for subdivision of Lot 2 DP 498936 (being Lot 2 of RM160026, as varied by RM160335) being a rural site to create 14 residential style allotments with areas between 901m ² and 4402m ² , a balance lot and an access lot. No building platforms are proposed. In addition, land use consent is sought for a future residential unit (dwelling and garage) to be constructed within Lots 1 to 14, subject to bulk, location and design controls. Earthworks associated with the subdivision include a volume of 7000m ³ , being 3500m ³ of cut and 3500m ³ of fill, over an area of 8000m ² .
Legal Description:	Lot 2 DP 498936 contained in Computer Freehold Register 741010
Zoning:	Rural General
Activity Status:	Discretionary Activity.
Notification:	11 August 2016
Closing Date of Submissions	8 October 2016
Commissioners:	Commissioners A Henderson and L Overton
Date:	24 January 2017
Decision:	Consent is granted subject to conditions
Decision Re-Issue:	15 February 2017

Pursuant to section 133A of the RMA this consent is being re-issued due to condition 3 incorrectly referring to Condition 13(a) instead of the correct reference of Condition 14(a). This is considered a minor mistake or defect and therefore the consent can be re-issued pursuant to section 133A of the RMA. The decision was made and the re-issue authorised by Andrew Henderson, as delegate for Council on 14 February 2017. This re-issue is made (14) days after the grant of the consent.

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Alpine Estate Ltd to the Queenstown Lakes District Council to subdivide a rural site to create 14 residential style allotments with areas between 901m² and 4402m², associated earthworks, and land use for consent future residential units (dwelling and garage) on each Lot.

Council File: RM160453

**DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS
PANEL COMPRISED OF A. HENDERSON AND L. OVERTON,
HEARINGS COMMISSIONERS APPOINTED PURSUANT TO
SECTION 34A OF THE ACT**

The Proposal

- 1 We 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 (RM1604563) has been made by Alpine Estate Ltd (the Applicant).
- 3 Consent is sought to subdivide Lot 2 DP 498936 (being Lot 2 of RM160026, as varied by RM160335) to create 14 residential style allotments with areas between 901m² and 4402m², a balance lot and an access lot. No building platforms are proposed. Land use consent is also sought for a future residential unit (dwelling and garage) to be constructed within each of Lots 1 to 14, subject to bulk, location and design controls. Earthworks associated with the subdivision include a volume of 7000m³, being 3500m³ of cut and 3500m³ of fill, over an area of 8000m².

Site Description

- 4 A full description of the environment within which the application sits can be found in section 2 of the Assessment of Environmental Effects (AEE) prepared for the Applicant by The Property Group Ltd. None of the descriptions of the site were disputed by any party and we are therefore content to rely upon them, noting that the descriptions accord with our impressions from our site visit.
- 5 The property is legally described as Lot 2 DP 498936, being a subdivision of Lot 2 DP 302568 (approved under RM160335).

Notification and Submissions

6 Public notification of the application on 11 August 2016 attracted 28 submissions within the statutory submission period. Of these, 23 opposed the application and 5 supported it. In addition, one late submission in support of the application was received five working days after the close of the submission period. The submissions were summarised in the section 42A report as follows.

Submissions in Opposition (23 submissions)

- Capacity and effects associated with additional users on Spring Blossom Drive (private ROW) including; speed of traffic, effect on park like setting of the Grandview Development, potential for future roading connections that would have further effects, safety with no footpaths meaning the ROW is frequented by pedestrians, ability of the current formation to support additional traffic (no kerbs)
- No provision in the application for letterboxes and rubbish. Rubbish collection at the entrance has potential to cause visual impact and traffic hazard
- Ad hoc arrangement in terms of access that pre-empt's strategic future routes within the wider area
- Residential development should not occur prior to the Proposed District Plan (PDP) re-zoning.

Submissions in Support (6 submissions)

- Ideal location for residential development being close to town and facilities.

7 We have considered these matters and the specific points raised where they are relevant to the assessment of the proposal as set out later in this decision.

8 The submission of S Mathias was received 5 working days late. The submission supported the application whilst raising issues in terms of speed and pedestrian safety, as well as raising concerns around effects arising from the construction of the adjacent Grandview development. We are not able to address the latter concerns. However, the main points raised in the submission are in keeping with the other submissions received. We do not consider any party to be directly affected by an extension of time, and noting that the Applicant had no objection to the late submission being received, we accept the late submission pursuant to section 37 of the Act.

9. At the hearing, we were advised that a number of submissions had been withdrawn, as follows:

Submission Number	Name	Support/Oppose
#3	P & M McKenzie	Oppose
#6	R & J MacDonald	Oppose
#8	Z & L Gemmell	Oppose
#15	Duke Family Trust	Oppose
#20	J Herbert	Oppose
#24	R & N Cowie	Support
#25	J Walker	Oppose
#28	Grandview Developments Ltd	Oppose

#29	L & N Lindsay	Oppose
#30	R Deaton	Support

10. The submissions were withdrawn based on the Applicant's undertaking to terminate the Right of Way over Spring Blossom Drive. While the reasons for the withdrawal are not a matter that we can take into account, we note that the Applicant has amended the application such that there will be no access over Spring Blossom Drive.

The Hearing

11. A hearing to consider the application was convened on 16 November 2016 in Wanaka. In attendance were:
- (a) The Applicant, Alpine Estate Ltd, represented by Ms Vicki Toan (Glaister Ennor);
 - (b) Council Officers, being Ms Sarah Picard (Reporting Planner), Ms Lyn Overton (Council Engineer), and Mr Richard Denney (Consultant Landscape Architect);
 - (c) Submitters, being Mr J Ledgerwood, Mr M McKenzie and Mr S Edgar (for DPB Partnership).
12. Ms Toan called evidence from the following parties and expert witnesses in support of the Applicant's case:
- (a) Dr Marion Read (Landscape Architect);
 - (b) Mr Jason Barlett (Transportation Engineer); and
 - (c) Mr Matthew Paetz (Planner).

Summary of Evidence Heard

13. The following is a brief outline of the submissions and evidence presented on behalf of the Applicant and submitters. This summary does not detail all of the material that was advanced at the hearing, but captures the key elements of what we were told. Where relevant, we address specific issues in our assessment.
14. **Ms Toan** introduced the application. She noted that access to the proposed lots was initially to be over an existing Right of Way easement from Orchard Road. The Right of Way is known as Spring Blossom Drive or Mountain View Drive. The Applicant's longer term plan was to surrender the Right of Way once access from a new road of Cardrona Valley Road was created. The temporary nature of this access was indicated on the plans provided with the application.
15. Ms Toan confirmed that the Applicant had since decided to amend the Application given the concerns regarding the access raised in the submissions. She outlined the changes to the application as follows:
- Access to Lots 1 – 15 shall not be over Spring Blossom Drive;
 - Access shall be provided from a new public road off Cardrona Valley Road. This road will serve the Applicant's subdivision as well as development on undeveloped land to the north of the site.

- The new road does not form part of this application. The Applicant accordingly proposes a condition that requires the new road to be constructed prior to the issue of Titles for Lots 1 – 15. Such a condition is known as an *Augier* condition, which enables an applicant to offer something which could not be imposed by a consent authority.
16. Ms Toan submitted that the amendment to the application did not give rise to any issues of scope. The access proposal did not increase the scale or intensity of the development, and would require a separate resource consent process. The risk is entirely that of the Applicant.
17. **Dr Read** confirmed in her pre circulated evidence that she stood by the recommendations in her assessment that formed part of the application. These were:
- The proposed subdivision will extend an area of domesticated landscape character into an area of pastoral character. The degree to which this could be considered an adverse effect is limited by the extension of the Low Density residential development in the vicinity by Plan Change 46 and by the proposed District Plan.
 - The effects on visual amenity would be small from most perspectives.
 - The proposed subdivision is not consistent with the assessment matters for residential development within the Rural General zone, but given the existing and future context of the site this divergence is acceptable.
18. Dr Read concluded that in her view, Mr Denney's landscape assessment did not give adequate weight to the effects of Plan Change 46, and did not give weight to the absence of any submissions on the proposed Low Density residential zoning of the subject site and its northern environs. She considered that together these would eliminate the rural context of the development and incorporate it into the urban fabric of Wanaka.
19. Mr Bartlett's pre-circulated evidence addressed the original access proposal for the subdivision, which was over Spring Blossom Drive. Given that has been removed from the application, Mr Barlett spoke at a high level about the proposed new access arrangement. He indicated that construction access for the subdivision will be from Gordon Road, and that the new access to Cardrona Valley Road will be in the form of a T intersection between Stone Street and West meadows. The new road will comply with the appropriate AustRoads standards. Mr Bartlett confirmed that the risks associated with the access is entirely with the Applicant.
20. **Mr Paetz** provided planning evidence for the Applicant. Overall he considered that the adverse effects of the proposal would be minor, and that it was not contrary to the provisions of the Operative or proposed District Plans. In reaching this view Mr Paetz considered that significant weight should be attributed to the proposed District Plan given that the rezoning of the site from Rural General to Low Density Residential was not opposed. He also considered that inadequate consideration had been given to the receiving environment, which included the residential zone created as part of Plan Change 46 to the north east of the subject site.

Submitters

21. **Mr Edgar** provided evidence on behalf of the DBP Partnership. Their concerns related to effects on character and amenity, and the bulk and location controls proposed for the future dwellings. He confirmed that the conditions proposed by Applicant addressed these matters, with the exception of a 5.5 metre height restriction on Lot 1, which adjoined the submitters' site. Subject to the changes provided for in the conditions, Mr Edgar considered that the proposal satisfied both threshold tests in section 104D. He noted that should we consider the conditions to be inappropriate, or the changes out of scope, then his view as expressed in his pre-circulated evidence would stand.

22. **Mr McKenzie** is a permanent resident of Heritage Village, and spoke on behalf of the Heritage Village Body Corporate, whose members include a number of absentee owners within Heritage Village. He noted that the withdrawal of the Right of Way addressed the concerns in the submission and confirmed that there is now no opposition to the proposal subject to the amendments proposed by the Applicant.
23. **Mr J Ledgerwood** spoke in support of the proposal, and noted that the current proposal and future stages will be the best use of the land.

Officers

24. Following the Applicant's case and the submitters' evidence, we received comments from the Council officers. Firstly, **Ms Overton** noted that she would prefer any roads created to be vested in Council as it made maintenance and access for services easier. Use of low level bollards for lighting was supported. She also supported the use of Spring Blossom Drive for pedestrian and cycle access only.
25. **Mr Denney** requested that birches be removed from the landscape plan as use of this species is contrary to Council policy. He noted that the interface between the site and the Plan Change 46 land was a 'soft' boundary, so the hedge proposed on the plan was appropriate.
26. **Ms Picard** noted that she appreciated the approach proposed by the Applicant in terms of access, but considered that there were challenges around timing and the reliance upon access over another site. She questioned whether there would be a scope issue in relation to relying on land not subject to the present application. Under section 106, the Council has to be satisfied that there is appropriate access to a site.
27. Ms Picard also noted that the proposed District Plan is still in an uncertain state given that hearings have yet to be completed. She noted that there were no submissions on the proposed zoning of the site, but there were submissions in relation to rules that may have an impact on future development. Overall, Ms Picard did not resile from her view that consent should be refused.

Applicant's Right of Reply

28. Ms Toan responded to the matters raised throughout the hearing as follows.
- The proposal is a non-complying activity so all matters can be considered.
 - Less weight can be given to a proposed Plan when it is likely to change. In this case, there are no submissions opposing the zoning of the site. While there are submissions on the details of the rules, these are immaterial. The rules have no legal effect and compliance with them is not relevant given the non-complying activity status.
 - Any concerns over piecemeal development of this and subsequent stages will be overcome by the future new road. This application may appear 'out of order' but that is not a reason to decline consent. It is not unusual for the development world to be ahead of Council policy and plan processes.
 - The Applicant has a solid agreement for acquiring and constructing the new road over the adjacent land. The risks associated with this road are entirely with the applicant. If a future consent is declined, the *Augier* conditions is such that this subdivision cannot be given effect to.

- The Applicant is happy with a condition such that section 223 and 224 certification cannot be issued until such time as the new road is consented, constructed and vested in Council.
- The Applicant's position is that a 5.8 metre height restriction and the 4.5 metre setback is sufficient to ensure there will be no adverse effects on the DBP Partnership site.
- Right of Way B – D will be vested in the Council and will connect to the new road. Sufficient turning heads will be provided and details provided at engineering approval stage.
- There are no scope issues. The Application noted that the access would be temporary. There are no other parties that would have submitted.

District Plan Provisions

29. The site is located within the Rural General Zone in the Operative District Plan, the purpose of which is stated as being to

manage activities so 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.*

30. The section 42A report identified that the relevant Objectives and Policies are located in Parts 4 (District Wide Issues), 5 (Rural Areas), 14 (Transportation) and 15 (Subdivision and Development).

31. The resource consents required for the proposal are addressed in evidence of both planning experts. We note that they were agreed on all of the consent requirements, and confirm that it is our view that the proposal requires the following consents:

Subdivision

- A **controlled** activity resource consent pursuant Rule 15.2.3.2(b) for subdivision that meets site and zone standards relating to
 - 15.2.7.1 Subdivision design
 - 15.2.10.1 Natural and other Hazards
 - 15.2.11.1 Water Supply
 - 15.2.21.1 earthworks
- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3(vi) for a rural subdivision.
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4(i) as the proposal breaches Zone Standard 15.2.6.3(iii)(b) as a building platform is not being created within each lot.

Land Use

- A **restricted discretionary** resource consent pursuant to Rule 5.7.3.3 as the proposal breaches:
 - Site standard 5.7.5.1(iii) where setbacks of 4.5 and 2 metres are proposed where a minimum of 6 metres setback from internal boundaries is required. Council's discretion is restricted to this matter.
- A **restricted discretionary** resource consent pursuant to Rule 14.2.2.3 as the proposal breaches:
 - Site standard 14.2.4.1(vi) where the proposed ROW access would serve 14 lots where no more than 12 lots are to be serviced by a private right of way. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity in terms of Rule 22.3.2.3 as the proposal breaches:
 - Site Standard 22.3.3(i) for volume of earthworks as 70,000m³ are proposed where a total of 1000m³ (Tier 7) is provided for within the Rural General zone.
 - Site Standard 22.3.3(ii)(a)(iii) for height of fill to be a maximum of 2.7 metres where a maximum of 2 metres is provided for.
 Council's discretion is in regards to these matters
- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3(i) for a proposed dwelling and garage to be established within each of the lots.

32. Overall, we agree that the application requires consideration as a **non-complying** activity.

Relevant Statutory Provisions

33. The provisions of the Act that are relevant to the consideration of this application as a non-complying activity are sections 104, 104B, 108 and Part 2.

34. Subject to Part 2 of the Act, section 104(1) sets out those matters to be considered when considering a resource consent application. 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) *A 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.*

35. In relation to non-complying activities, Section 104D (Particular Restrictions on non-complying activity) states that:

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of-

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

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

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

a) may grant or refuse the application; and

b) if it grants the application, may impose conditions under section 108.

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

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that -

(a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(2) Condition under subsection (1) must be –

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108.

38. The application must overall be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Sections 108 and 220 empower us to impose conditions on land use and subdivision consents respectively.

39. 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.*
40. Section 6(b) of the Act considers the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development to be a Matter of National Importance. We note that all parties are agreed that the site is located within a visual amenity landscape and accordingly agree that section 6(b) is not relevant to this application.
41. Section 7 is also relevant, requiring us to have particular regard to the following:
- (b) The efficient use and development of natural and physical resources*
 - (ba) the efficiency of end use of energy*
 - (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.*
42. There are no Treaty of Waitangi issues or other section 8 matters that are relevant to this application. We note that Te Runanga o Ngai Tahu has not made a submission in this respect.
43. Section 104(3)(b) requires that we have no regard to effects on people who have given written approval to the application. No written approvals were provided as part of the application.
44. In reaching our decision we note that we 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. We have also considered the provisions of the relevant plans, and Part 2 of the Act.

Permitted baseline, existing environment and receiving environment

45. Ms Picard identified that the permitted baseline includes a range of activities that can be undertaken as of right in the Rural General zone. We accept that this includes farming activities, landscaping, horticultural plantings (such as orchards), and productive uses. We agree that all subdivision and buildings in the Rural General Zone (as well as any physical activity associated with any building such as roading or landscaping) require resource consent under the District Plan, and accordingly do not consider the permitted baseline to be of any real assistance in this application.

46. There was some disagreement between the experts as to how much weight should be given the proposed District Plan in considering the receiving environment. We acknowledge the Low Density Residential zone created adjacent to the site by Plan Change 46, and we also note the Low Density Zone created by the proposed District Plan. We further note that the site is within the 'Inner Growth Boundary' in the Wanaka Structure Plan (2007). It is clear to us that the site is within an area in transition, as despite being zoned Rural General it is surrounded by residential development or land that has been approved for residential development which belies the present rural appearance of the land. We also note that the Low Density has not been challenged in the submissions to the proposed District Plan, although the relevant standards have. In that respect, we consider that some weight can be given to the proposed Plan. In any event, as we discuss later in this decision, our view is that the proposal does not give rise to landscape or visual effects that are more than minor, and given the application passes at least one of the threshold tests, we do not consider that the weighting to be attributed to the proposed plan is a matter upon which this application turns.

Assessment of Effects

47. We agree with the section 42A report that the relevant assessment matters in terms of 5.4.2.2(3) Visual Amenity Landscape direct that regard to be given to any effects on natural and pastoral character, the visibility, form and density of development, any cumulative effects on the natural or arcadian pastoral character of the surrounding landscape, and rural amenities.
48. We also agree that in terms of Assessment Matter 5.4.2.3(iv) buildings, we are required to give regard to the location of buildings and associated earthworks, access and landscaping and whether these breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes and whether the external appearance of buildings is appropriate within the rural context.
49. We agree with the planning experts that the following matters require assessment, including the visual amenity landscape Assessment Matters, and address them in turn in the following sections in the order in which they appeared in the section 42A report:
- Traffic and roading
 - Landscape and visual amenity
 - Built form
 - Cumulative effects
 - Reverse sensitivity
 - Subdivision design
 - Earthworks
 - Services
 - Hazards
 - Culture

Traffic and Roothing

50. No physical access to the proposed subdivision is now proposed as part of this application, with the Applicant promoting the provision of access to the subdivision by way of a future road that is as yet unconsented and not constructed. The Applicant has an agreement with the adjoining landowner, Mr Gordon, to provide access over the adjoining land (which is in his ownership).
51. The Applicant has volunteered an *Augier* condition such that the Alpine Estate Ltd subdivision cannot proceed until such time as this future access is consented, constructed and vested in the Council. In the Applicant's view, such an approach transfers any risk to the Applicant, as if access cannot be provided for any reason (such as the future consent not being granted) then the subdivision cannot be effected.

52. Having considered Ms Toan's legal submissions on this matter and having sought our own advice from Council's legal advisors, we are satisfied that in this case, although somewhat unusual, the condition as proposed by the Applicant is an acceptable solution to the roading access needs of the development. We agree that the risk is held by the Applicant and that there is no risk to the Council. Should a future consent for the new road be declined, then the subdivision cannot be given effect to. In order to provide the appropriate degree of specificity to this, we consider it appropriate to include a condition of consent to the effect that the section 223 and 224 approvals for the subdivision cannot be approved until such time as permanent physical and legal access to the subdivision is consented, constructed and vested in the Council. We are satisfied that this provides the appropriate degree of protection to the Council.
53. Based on Ms Overton's assessment, we are satisfied that the internal Rights of Way can be formed in accordance with the Council's standards, and as discussed at the hearing these are to be vested in the Council as road. Accordingly, they will be appropriately designed through the engineering approval stage. We also note that construction traffic is to be taken from Gordon Road until such time as access from Cardrona Valley Road is enabled.

Landscape and visual amenity

54. We consider that the area does not exhibit a purely pastoral character and that the nature and scale of surrounding development to the west and south (also within the Rural General zone) is more typical of much higher density living. We also note the approval of Plan Change 46, which has enabled the Low Density Residential zoning to the east of the site.
55. We note that Ms Picard relied on Mr Denney's assessment of the effects of the development on this site. In his Landscape Report, appended to the section 42A report, Mr Denney concluded that the site is *'on the fringe but within an open expanse of a pastoral landscape that is relatively devoid of built form, and forms part of a pleasant rural landscape'*. He also considered that
- '...the proposed development would go further in terms of density that is urban and within a landscape setting that has very limited ability to absorb such development. The large setback from public roads provides the only contribution towards avoidance of adverse effects on the rural landscape as viewed from these roads but is not absolute.'*
56. Mr Denney also considered that adjacent neighbours with a rural outlook would experience significant adverse effects from the density and proximity of built form and resulting domestication of the rural landscape. Ultimately, Mr Denney's assessment concluded that the existing pastoral landscape does not have the ability to absorb and urban development of this nature.
57. Dr Read's assessment, on the other hand, was that Mr Denney's assessment did not adequately consider the effects of plan Change 46, noting that the north western corner of PC 46 is contiguous with the Alpine Estate subdivision. To the south, the site adjoins the Grandview subdivision and Heritage Park. She considered that much of the rural character from the surrounding area will be lost with the development of Plan Change 46 and the rezoning proposed by the proposed District Plan.

58. Having considered the evidence of both landscape architects, we prefer that of Dr Read in this instance. Taking into account the change that Plan Change 46 will introduce in to the landscape, and noting that the proposed District Plan's zoning of the area to Low density residential is unchallenged, we consider that the site is able to absorb the level of development proposed given that it will be similar in character to approved development in the area. We also note that the rezoning of the area for residential purposes has been included within the Wanaka Structure plan for some time, so the proposal is not inconsistent with this this policy direction.
59. In summary, we note that the proposed development is similar in character and scale as the existing Heritage Park and consented Grandview development. Although the site has some pastoral characteristics, we do not consider the development will give rise to any visual effect or effects on the landscape that are more than minor. We consider that the site is visually contained and separated from the broader open pastoral landscape to the east and north, noting that the land to the east has been rezoned as part of Plan Change 46.

Built Form

60. We agree with Ms Picard's overall assessment that the adverse effects of built form within the subdivision will be minor. To the extent that built form will be visible from public places, including Cardrona valley Road and Orchard Road, it will be in the context of the consented Grandview subdivision, and the Low Density residential development approved as part of Plan Change 46. For completeness we note that the building platforms are be located away from public roads, and the topography of the area is flat and built form will not break the skyline. We are satisfied that with respect to the existing character of the area, the landscaping will not introduce arbitrary lines and patterns but rather will be consistent with the park like setting of the existing developments to the south.
61. The Applicant has provided an amended set of bulk and location controls that will be applied to future buildings on the site. We note that with the exception of those imposed over Lot 1, the proposed controls were not opposed by any party. Having viewed the site and considered the proximity of adjoining developments in the Grandview subdivision, we do not consider that reducing the height on Lot 1 from 5.8 to 5.5 metres will achieve anything in a resource management sense. We are satisfied that the setback and the separation between developments on both lots is sufficient to ensure that there will be no more than minor adverse effects.

Cumulative Effects

62. The section 42A report defers to Mr Denney's view that while the development will result in cumulative effects. We consider that the site is visually contained due to the existing built form and approved development in the vicinity, including the Grandview subdivision, Plan Change 46 land and Heritage Park. While the proposal will increase population and traffic within the immediate are, we do not consider this is significant within the context of approved development in the area. We do not consider that the cumulative effects of the proposed development on the landscape will be more than minor.

Reverse Sensitivity

63. We agree with Ms Picard's assessment that the surrounding land has limited rural uses given its proximity to the existing urban development of Wanaka. We also consider that the approved developments around the site further limit any potential rural uses of the area. We accept the views of both Dr Read and Mr Denney who identify that the extent that the proposal could result in reverse sensitivity would be limited due to the location of the surrounding rural activities adjacent to existing urban development. We are satisfied that any adverse effects associated with reverse sensitivity will be less than minor.

Subdivision Design

64. Ms Picard noted that were the subdivision located within an urban context, she would consider that the proposed subdivision design would have minor effects. Given the rural nature of the area, however, she concluded that the adverse effects of the subdivision design would be more than minor on the basis that the lot sizes were not appropriate within the rural setting.
65. Although the site and surrounding area have rural character, we do not consider that this character reflects the nature of approved developments in the area. We note in particular that Plan change 46 has been approved, and the development of the industrial and residential properties in that zone will alter the rural character of the adjoining area. The subdivision design is similar to that in the Grandview and Heritage Park developments, and on the basis that we do not consider the rural character of the site and much of the surrounding area to be a true reflection of anticipated development in the area, we are satisfied that the design of the proposed subdivision will not give rise to any more than minor effects.

Earthworks

66. The site is generally flat, and we consider that the earthworks generally will be limited to the formation of internal roads and provision of services. The proposed earthworks will have limited effects on the landform of the site, particularly given the limited visibility of the site from public places. Ms Overton is satisfied that the proposed earthworks will not result in instability beyond the boundary of the site and any typical effects can be mitigated through specific consent conditions. We agree.

Services

67. Ms Overton's advice was that the development can be provided with sufficient infrastructure, and we accept this advice. We agree that subject to the imposition of the conditions she proposed, any adverse effects associated with the provision of water, waste water, storm water, power and telecommunication services will be less than minor.

Hazards

68. As identified by Ms Picard, Ms Overton's assessment has confirmed that there are no known hazards affecting the site. We agree that there are no adverse effects in terms of hazards that would be anticipated as a result of the proposal.

Culture

69. Ms Picard's section 42A report records that correspondence has been received from Te Rūnanga o Ngāi Tahu (TRoNT) suggesting that an accidental discovery protocol be applied. We consider that such a condition is considered appropriate and is good practice. We agree with Ms Picard that this condition would be suitably avoid any potential adverse effects in terms of culture.

Summary of Effects

70. Overall we are satisfied that the adverse effects of the proposed activity will not be significant, and that conditions of consent can ensure that any effects are appropriately managed. Having also considered the proposal in light of the Assessment Matters relating to developments in visual amenity landscapes, we are satisfied that the landscape can absorb the development proposed, particularly given our earlier view that the site is within an area in transition. Despite the pastoral appearance of the site and adjoining land, the nature of approved developments in the vicinity is such that the receiving environment is characterised by an increasing residential nature. We are satisfied that the conditions attached to this decision are sufficient to avoid, remedy or mitigate any adverse effects of the proposal.

Objectives and Policies of the Operative and Proposed District Plans

71. We 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.
72. The plan provisions in Parts 4 (District Wide) and Rural (Part 5) are primarily concerned with the protection of amenity and landscape values of the rural area and the visual amenity landscape within which the site is located. Part 14 (Transportation) are concerned that appropriate access and parking is provided. Section 15 is concerned generally with the design and layout of the subdivision and associated matters.
73. We have earlier found that the adverse effects of the proposal are not more than minor and can appropriately be managed through conditions of consent. All necessary services can be provided.
74. Ms Picard's assessment of the relevant Objectives and Policies relied to some extent on Mr Denney's landscape assessment that determined the landscape effects would be more than minor. We have earlier expressed the view that we prefer the landscape evidence of Dr Read, and it follows that we prefer Mr Paetz's planning opinion on the provisions of the Operative and proposed District Plans given his reliance on her assessment. We agree that the assessment should be cognisant of the changing character of the area, due in part to consented development and the change wrought by Plan Change 46, and we also note in this regard, as does Mr Paetz, that the rezoning of this area has been signalled in the Wanaka Structure Plan for over a decade.
75. We agree with Mr Paetz's opinion in relation to the Operative District Plan, and without setting it out in full, we highlight key matters below:
- Part 4.9 addresses Urban Growth from a District Wide perspective. Objective 3 addresses residential growth, and while the site is not residentially zoned, we agree with Mr Paetz that it represents consolidated growth in a broad sense, being contiguous with existing and future residential development, and is within the Wanaka Structure Plan's inner growth boundary.
 - Objective 7 addresses Sustainable Management, and promotes urban growth boundaries. We acknowledge there is no urban growth boundary in the Operative District Plan, but note that the proposed development is within the Urban Growth Boundary of the proposed District Plan, and that this reflects the Inner Growth Boundary of the Wanaka Structure Plan.
 - Part 4.2.5 addresses landscape matters. We agree that the site is not highly visible from public places or particularly visible from public roads, and agree with Mr Paetz that the proposal is not contrary overall to the provisions of part 4 of the Plan.

- The proposal is not contrary to the objectives and policies of the Rural Zone. We agree with Mr Paetz that the site is within an area that is 'in the middle of an evolution to an urban area'.

76. Mr Paetz also addressed the provisions of the Proposed District Plan, and considered it should be given at least equal weighting as the Operative District Plan. We have addressed this matter earlier. Overall we agree with Mr Paetz's view. We agree that Chapters 3 and 4 of the Proposed District Plan are relevant. They set out Urban Growth Boundaries, and show the subject site as being within this. We agree that this supports the view that the site is no longer within a rural environment, and that the evolution of the site to a residential area is largely unchallenged, given that there are no submissions to the proposed Plan opposing the change in zoning.
77. Overall, we are satisfied that the proposal is not contrary to the provisions of the Proposed District Plan.

Part 2 Matters

78. 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.*
79. Section 7 requires that we have particular regard to a range of matters. We are satisfied that the evidence presented on behalf of the Applicant has demonstrated that these matters are appropriately addressed.
80. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
81. For the reasons set out in this decision, we consider the application to be consistent with relevant matters in Part 2 of the Act.

Determination

82. Consent is sought to subdivide Lot 2 DP 498936 (being Lot 2 of RM160026, as varied by RM160335) to create 14 residential style allotments with areas between 901m² and 4402m², a balance lot and an access lot. No building platforms are proposed. Land use consent is also sought for a future residential unit (dwelling and garage) to be constructed within each of Lots 1 to 14, subject to bulk, location and design controls. Earthworks associated with the subdivision include a volume of 7000m³, being 3500m³ of cut and 3500m³ of fill, over an area of 8000m².
83. Overall, the activity was assessed as a non-complying activity under sections 104, 104D and 104B of the Act.
84. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. We consider that the adverse effects of this application are no more than minor and can be appropriately avoided, remedied or mitigated. We are satisfied that the proposal passes the first gateway of section 104D.

85. We further find that the proposal is not contrary to the relevant objectives and policies of the Operative and proposed District Plans, thereby satisfying the second gateway test in section 104D.
- 86 On the basis that the proposal passes the gateway test in section 104D of the Act, we have the ability to grant or refuse consent under section 104B. Having reached the view that the adverse effects are no more than minor, and that the proposal is not contrary to the provisions of the relevant Plans, we determine that consent be **GRANTED** pursuant to section 104B of the Act subject to the attached conditions which are imposed under sections 108 and 220 of the Act.

Dated at Queenstown this 24th day of January 2017



Andrew Henderson

Hearings Commissioner (on behalf of the Commission).

Re-Issue decision prepared by

Decision made by



Sarah Picard
SENIOR PLANNER



Andrew Henderson
HEARINGS COMMISSIONER (ON BEHALF OF THE COMMISSION)

APPENDIX 1 – RM160453: ALPINE ESTATE LTD

Schedule A: Subdivision Consent (including associated earthworks) - General Conditions

1. That the development must be undertaken/carried out in accordance with the following plans:
 - Heritage Estate, Orchard Road, Wanaka, W4680-003, Engineering drawings – Earthworks Plans, Sheet 201 Rev 1 prepared by Patterson Pitts Group, dated 08-09-2016

stamped as approved on 24 January 2017 and the application as submitted, with the exception of the amendments required by the following conditions of consent; provided that the updated Master Plan required by Condition 3(a) below will become the Approved Scheme Plan for the subdivision once certified by the Council.

Prior to commencement of the consent

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until:
 - a) All charges fixed in accordance with section 36(1) of the Resource Management Act 1991 (“Act”) and any finalised, additional charges under section 36(3) of the Act are paid in full; and
 - b) All resource consent(s) required under the Resource Management Act and approvals required under section 348 of the Act that are required to satisfy condition 13(a) and (b) below in relation to providing access to the site off Cardrona Valley Road have been granted.

Advice Note: Condition 2(b) has been proposed and imposed at the consent holder’s request on the basis that no works shall commence until provision for permanent physical and legal access to Lots 1-15 from Cardrona Valley Road has been consented, such that works required under this consent can be carried out at the same time as any works required to create the new public road required by condition 13(a).

3. Prior to the commencement of any activities or associated works authorised by this consent, the consent holder shall, to the Council’s satisfaction:
 - a) Provide an updated Scheme Plan for certification. The updated plan shall be in general accordance with Scheme Plan ‘Lots 1-14 (sic) being a subdivision of Lot 2 RM160335, Stage 1 Alpine Estate Wanaka, prepared by Paterson Pitts Group Job W4980 Sheet 01 Rev A dated 03-10-2016’ with amendments as follows:
 - i) Correctly titled as ‘Lots 1-15’
 - ii) ROW A is shown as the limited ROW for pedestrian/cycle access in favour of Council,
 - iii) Access and roading connections to the roading as required by Condition 14(a)
 - iv) Vesting of all internal roads (i.e. removal of ROW B-D)

Advice Note: The updated Scheme Plan will only be accepted if all additional and necessary consents have been approved and no new breaches with the District Plan or inconsistency with Council’s CoP would result from the updated plan.

General

4. 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 resource 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/>

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

Streetscape Landscaping

5. Prior to the commencement of any works on the site, the consent holder shall first provide detailed landscape plans and design specifications by a suitably qualified Landscape Architect to be certified (if appropriate), by the Queenstown Lakes District Council's Parks Planning Manager, to demonstrate the following:
- a) Detail of the landscape trees and plants that includes the species, size and location.
 - b) Ensure that any land to be vested in Council is at a gradient not exceeding 1:5 when measured across any points. This will require that plans clearly demonstrate that this gradient will not be exceeded.
 - c) Ensure that no Common Ash (*Fraxinus excelsior*) are proposed on any land that might be vested in Council. Appropriate replacement species include: *Liriodendron tulipifera* 'Fastigiatum', *Quercus robur* 'Fastigiata', *Tilia tomentosa* 'Orbicularis', *Quercus*.
 - d) Detail of any street tree location in relation to infrastructure
 - e) Irrigation plan showing how trees are to be irrigated
 - f) Tree pit details showing root ball treatment and staking
 - g) Path width, material and construction details.
 - h) Details and locations for any other proposed assets, such as park seats, irrigation and fencing.
 - i) Maintenance requirements

No works may be undertaken upon the site until the plan has been certified.

Advice Note: The Consent Holder is welcome to seek guidance from the Parks Planning Manager when preparing the landscape plan. This may facilitate certification if any matters of concern are addressed. Street Tree Planting Guidelines are available on request from the QLDC Arborist.

Engineering

6. 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 these representatives 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.

7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following engineering works required:
- a) The provision of a water supply to Lots 1 to 14 in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection from Lots 1 to 14 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.
 - c) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
 - d) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
 - e) The provision of a sealed vehicle crossing that shall be constructed to Lots 1 to 13 to Council's standards.
 - f) The formation of all roads, in accordance with Council's standards. This shall include:
 - a. The provision for stormwater disposal.
 - b. The provision of turning areas to cater for refuge vehicles; or
 - c. The provision of areas for refuge collection.
 - g) The formation of intersections in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and acceptance by Council with any associated costs met by the consent holder.
 - h) The provision of Design Certificates for all engineering works associated with this subdivision 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
 - i) The formation of ROW A to provide pedestrian and cycle access only from Spring Blossom Drive through to the road to vest.
8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

9. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Mt Iron Geodrill report (dated 23 May 2016, Job ref: G17026), and who shall supervise the excavation procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
10. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Until such time as the road identified in Condition 13(a) is constructed, all construction access shall enter the site and exit via Gordon Road.

To be monitored throughout earthworks

11. The earthworks and batter slopes shall be undertaken in accordance with the recommendations of the report by Mt Iron Geodrill report (dated 23 May 2016, Job ref: G17026).
12. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

Accidental Discovery Protocol

13. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application

for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 and;

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

To be completed before Council approval of the Survey Plan

14. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:

- a) Provide permanent physical and legal access to Lots 1-15 from Cardrona Valley Road via new public road to be formed over Lot 1 DP 477622 and vested in the Council as road;

Advice Note: The legal and physical access requires additional resource consents and would be subject to Council approval for vesting as road. This consent in no way pre-empts the outcome of the necessary approvals that would enable the road to be formed and vested. Resource consent is also likely required for the internal roading connection (across proposed Lot 15), in particular for earthworks and any breaches that may occur in terms of transport standards.

- b) Relinquish any rights of way over Spring Blossom Drive/Mountain View Drive by surrendering the right of way in Transfer 5143982.13; and

Advice Note: The cancellation of the Right of Way easement will be subject to confirmation by the Territorial Authority under s243(e) of the RMA.

Advice Note: *This condition has been proposed and imposed at the consent holder's request on the basis that no section 223 or 224(c) certificate or titles under this consent may issue until this condition has been complied with.*

15. All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved including an easement in favour of Council for a limited right of way (pedestrian and cycle access only) over ROW A as shown in the updated scheme plan certified under condition 3(a); and
16. The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

[Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]

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

17. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (7) above.

- c) Provide certification in accordance with NZS 4431:1989, for all areas of fill within the site. Note this will require supervision of the fill compaction by a chartered professional engineer.
- d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 6 for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- g) All newly constructed foul sewer shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- h) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- i) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- j) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- k) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- l) The consent holder shall plant a *Cedrus deodara* shelterbelt with trees planted at 2.5m centres along the south-eastern boundaries Lots 4, 5 and 11 as shown on the plan prepared by Common Ground "Lot Plan", RC-3, 7 Apr 2016 to be consistent with the planted shelterbelt on the neighbouring Grandview subdivision.

Streetscape Landscaping

- m) The completion and implementation of the landscaping and requirements detailed condition 5 above.
- n) The Consent Holder shall enter into a maintenance agreement with the QLDC (Parks and Reserves), with the obligation being upon the Consent Holder to fulfil the requirements detailed in (i) to (iv) below. The maintenance period shall be 3 years from the issue of 224(c):
 - (i) All new assets, including irrigation and fencing, shall be kept in good working order and be free of defects or disrepair.
 - (ii) Trees and vegetation shall be irrigated and maintained to an acceptable standard as specified by QLDC Parks and Reserves Planning team. It shall be the responsibility of the consent holder to ensure that any new plantings, as shown on the approved landscape plans, that die or decline at any time over the 3 year maintenance period following the initial planting shall be replaced. The replacement plants shall be of the

same species, grade and size as the original specimens and planted no later than the following planting season or as instructed by QLDC.

- (iii) The road reserves shall be kept in a tidy condition and shall be free of litter and refuse.
 - (iv) Health and safety plans shall be provided for all non-QLDC approved contractors undertaking maintenance in the reserves or road reserves.
- q) If the Consent Holder does not elect to undertake the maintenance and agreement specified in condition 16(n), then a fee for undertaking the maintenance will be required prior to s224(c). The fee will be determined and based on market rates for maintaining the areas for the three year duration, and to a standard as determined by QLDC Parks and Reserves Planning Manager.
- r) At practical completion and prior to section 224(c), all new assets in the road reserves shall be provided on an asset register and as-built plans as per the approved Council templates. All information shall be accurately recorded by GPS. Information on assets shall include, but not necessarily be limited to, the following:
- Turf, revegetation and garden areas
 - Specimen trees, including species and size at time of planting
 - Trail, tracks and paths/walkways including alignment, width and construction type
 - Irrigation including pipes, connections, valves, controller boxes, and sprinklers
 - Built assets including, toilets, seats, picnic tables, barbeques, bollards, fences, barriers, gates, signs, bins, playground equipment and surfacing, car park surfacing, kerbing, drainage etc. The type, make and supplier (where relevant) of each asset shall be identified.

Ongoing Conditions/Consent Notices

14. 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) The Lawson cypress hedge required by condition 16(l) shall be maintained by the owner(s) of Lot(s) 4, 5 and 11 and shall be kept at a height greater than 5m;
 - b) There shall be no further subdivision of Lots 1-3, 6-10 or 13;
 - c) There shall be no more than one residential and one garage per lot on Lots 1-14;
 - d) The consent holder shall be responsible for the maintenance of all streetscape landscaping carried out for a period of no less than 3 years from the time of planting. Any plants that become diseased or die shall be replaced as soon as practicable.
 - e) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 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 and shall be installed prior to occupation of the dwelling.

Advice Note: For the avoidance of doubt, this consent does not limit the ability of the owners of Lots 4, 5, 11, 12 and 14 to apply for resource consent to subdivide those lots in the future or for those applications to be granted, subject to proper assessment and determination under the RMA.

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 QLDC.

Schedule B - Land Use Consents

1. Prior to commencing works on any residential dwellings the RM160453 Subdivision Consent shall be fully exercised.
2. Development on Lots 1 to 14 shall be in accordance with the following provisions:

Maximum building height	For Lots 1, 2, 3, 6, 7, 8, 9, 10, 13 and 14: 5.8m above existing ground level
	For Lots 4, 5, 11 and 12: 7.0m above existing ground level
Site density	1 residential unit and 1 garage per lot
Maximum building coverage	40%
Minimum boundary setbacks	From roads: 4.5m
	From all other boundaries: one yard of 2m and all other yards of 4.5m except that the rear yards of Lots 1-4 (the setback along the southern boundaries of Lots 1-4) must be a minimum of 4.5m
Continuous building length	Where the aggregate length along one elevation of any building(s), measured parallel to any internal boundary exceeds 16m, either: <ul style="list-style-type: none"> • The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary; or • That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard setback (varied façades) with stepped setbacks from the boundary
Minimum outdoor living space	Accessible from a living area, contained in one area with a minimum dimension of 4.5m at ground level
Exterior building colours	All exterior materials shall be in the range of browns, greens or greys with a colour light reflectivity value (LRV) of less than 36%.

3. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

4. This consent shall lapse 5 years from the date of this decision.

Advice Notes

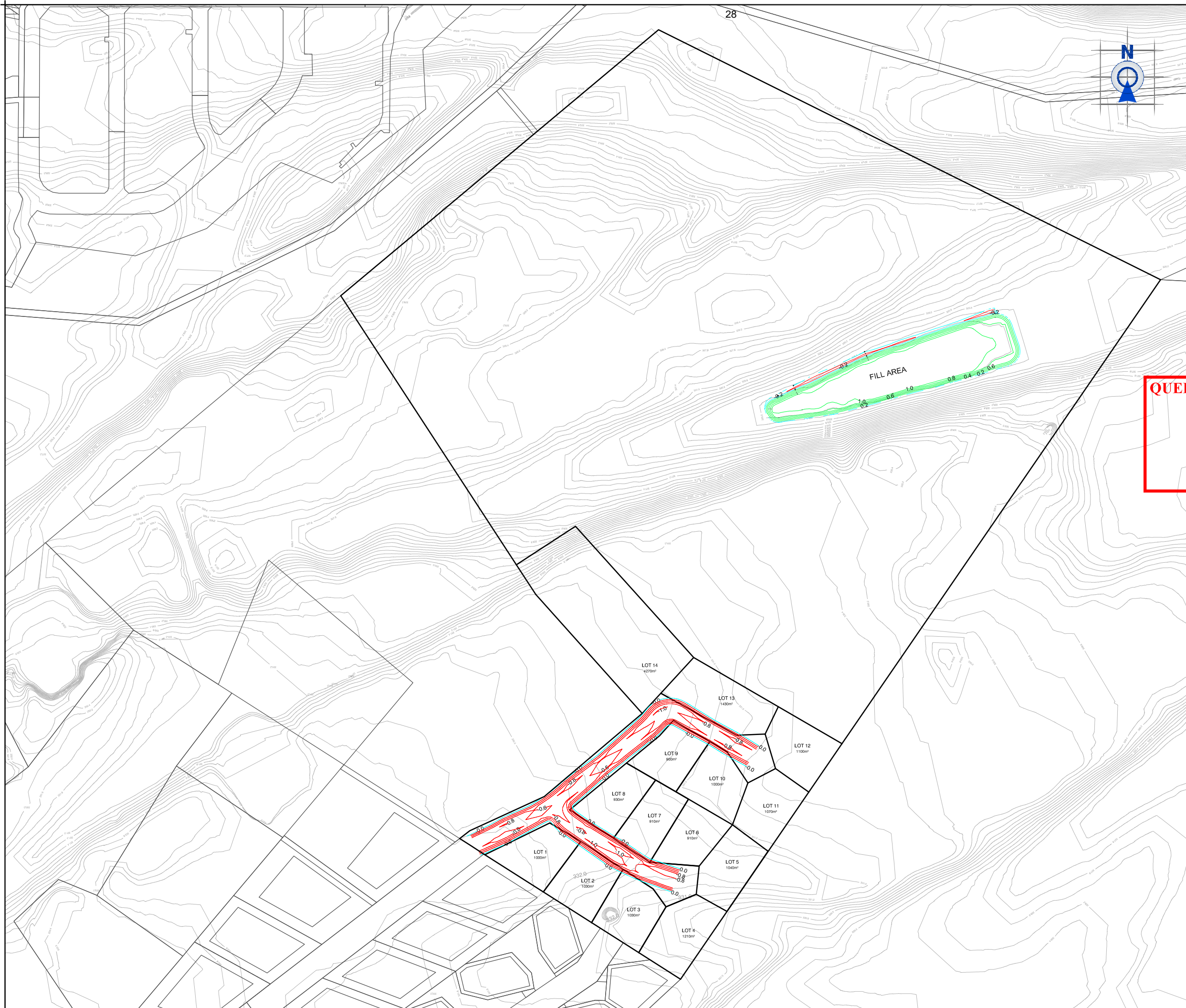
1. *As each of Lots 1 to 14 has its own land use consent, if the consent for a particular lot is not given effect to within 5 years, the consent for that lot will lapse.*

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to engineeringacceptance@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>



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- NOTES**
1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services
 2. Levels are in terms of Dunedin Vertical Datum 1958
 3. All works are to be installed as per NZS 4404:2004 and QLDC amendments to those standards. Standard drawings are available from the Engineer
 4. Contours at 0.2m interval

- LEGEND**
- Natural Surface Contours (at 0.2m intervals)
 - Lot Boundaries
 - Cut Contours (at 0.2m intervals)
 - Zero Contours
 - Fill Contours

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM160453**

Tuesday, 24 January 2017

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Client & Location:
**Heritage Estate
 Orchard Road, Wanaka**

Purpose & Drawing Title:
**Engineering Drawings
 Earthworks Plans**

Surveyed by:	LIDAR	Original Size:	Scale:
Designed by:	TMM	A1	1:2000 @ A3
Drawn by:	TMM		
Checked by:	RLP		
Approved by:	RLP		
Job No:	W4680 - 003	Sheet No:	201
		Revision No:	1
		Date Created:	08/09/2016