



QUEENSTOWN LAKES DISTRICT COUNCIL

DECISION ON AN APPLICATION FOR RESOURCE CONSENT

APPLICANT:	ORCHARD ROAD HOLDINGS LTD
RM REFERENCE:	RM130165
LOCATION:	Triangular property bordered by Orchard Road, Cardrona Valley Road, and Riverbank Road, south of Wanaka Township.
PROPOSAL:	Subdivision and land use resource consent to create 19 residential allotments with identified building platforms and a private road allotment. The application proposes the creation of 18 residential building platforms and the retention of an existing residential building platform within proposed Lot 4. The proposal involves earthworks associated with the construction of a private road, a pond and to rework the existing border dyke irrigation.
LEGAL DESCRIPTION:	Lot 2 DP 362505 held in Computer Freehold Register 255015. Site area: 84.5961 hectares.
ZONING:	Rural General
ACTIVITY STATUS:	Land Use: Restricted Discretionary Subdivision: Discretionary
NOTIFICATION:	Publicly Notified: 1 August 2013
COMMISSIONERS:	David W. Collins and Gillian Macleod
DATE:	19 November 2013 25 November 2013 re-issue
DECISION:	GRANTED WITH CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application to the Queenstown-Lakes District Council by Orchard Road Holdings Ltd to subdivide a 84.5961 ha property immediately to the south of Wanaka Township to create 19 residential allotments with identified building platforms and a private road allotment. Consent is also sought for associated earthworks.

Council File: RM130165

The decision was re-issued on 25 November 2013 pursuant to section 133A of the Resource Management Act 1991 to amend the approved scheme plan (plan 3 of 3 referenced *Lots 1 – 19 being a proposed subdivision of Lot 2 DP 362505 Orchard Road Holdings Ltd, Job No: 5191, Plan No. W718, dated October 2013 prepared by C. Hughes & Associates Ltd*). The plan was missing the building platform for Lot 19. The issue of this decision is authorised by David Collins, independent commissioner as delegate for the Council. The matter is considered a minor mistake and can be altered under section 133A of the Act.

DECISION OF DAVID W COLLINS AND GILLIAN MACLEOD, HEARINGS COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT

INTRODUCTION

1. This is another proposal to subdivide Rural General zoned land to create country living sites. As is invariably the case in the Queenstown Lakes District, the central issue is the effect on landscape. As illustrated in the plan appended to this decision, the proposal is for four clusters of relatively small lots set within a large balance lot that is to be maintained (by covenant) as open grazing landscape. In our assessment this carefully designed arrangement, and various mainly volunteered controls on development, will allow 19 future dwellings to fit into the landscape in a way that meets the complex assessment matters in the District Plan.
2. We have had the benefit of comprehensive Council officers' reports provided under section 42A of the Act and prepared by Mr Craig Barr – Senior Planner, Mr Richard Denney – Landscape Architect, and Ms Lyn Overton – engineering officer. Mr Barr's description of the proposal, his summary of the submissions, and much of his assessment are uncontested and it will be convenient and efficient to adopt much of those in this decision.

3. Since public notification of the application on the 1st of August the applicant company has responded to concerns raised by the reporting officers and in the eight submissions by producing revised plans which were tabled at the hearing. Counsel for the applicant, Mr Graeme Todd, indicated that the revised proposal is an alternative that the applicant would be happy with, but the original proposal remains on the table. The important changes in the revised plans are that the southern cluster (lots 15-18) is moved north so as to be further away from the site boundaries and existing residential properties across Riverbank Road, and the point where the private access road connects to Riverbank Road is moved further north, away from those properties. We are in no doubt that this is a significant improvement so this is the proposal we have assessed. There is no issue of scope to amend the application because although some building platforms would be moved closer to 137 Cardrona Valley Road and other rural-residential properties in the vicinity, the outlook from those properties would still be affected primarily by the closer cluster.
4. It should be recorded that one of the submissions, by Mr Neville Sanders and Ms Robyn Hunt, was lodged out of time and there was no request to validate it under section 37 of the Act.
5. Prior to the hearing on the 21st and 22nd of October we visited the site and surrounding area. In particular we viewed the building platforms (revised locations) marked out, from within the site and from near adjoining submitters' properties.
6. As already mentioned, the applicant company was represented at the hearing by Mr Graeme Todd. After commenting on various aspects of the proposal that are in contention Mr Todd led evidence from Mr Allan Dippie – a director of Orchard Road Holdings Ltd and an experienced developer in the District, Mr Paddy Baxter – landscape architect, and Ms Alison Devlin – in-house planner with a company associated with the applicant company. Key points of their evidence will be discussed under various headings below.
7. The Wanaka Residents' Association was represented by Mr Graham Dickson, who is a retired engineer and town planner, and Mr Trevor Williams, also a retired engineer.
8. Ms Nan Ottrey spoke to her submission, noting that her concern about the location of the access road junction would be dealt with if the revised plan was adopted.
9. Ms Cruickshank-Maguire explained her submission, which relates largely to effects on her parents' rural-residential property at 137 Cardrona Valley Road, adjoining the application site.
10. An email was tabled from the Otago Regional Council (Ms Sarah Valk) to the Council dated 8th October indicating that "*ORC considers that its concerns have been adequately addressed.*" The ORC submission raised concern about control of rabbits following rural-residential subdivision.

11. The three reporting officers attended the hearing and provided further comment following the presentations by the applicant and the submitters, and the hearing was completed with Mr Todd exercising the traditional right of reply.

THE PROPOSAL

12. This is a proposal to subdivide an 84.5 hectare property known as “The Triangle” immediately to the south of Wanaka Township to create 19 rural-residential allotments with identified building platforms and an allotment for a private road to serve them. One building platform already exists. The revised proposal is shown on the plan appended to this decision.
13. Associated earthworks are proposed to construct the private road, enlarge an irrigation pond at the north end of the site, and to re-work existing border dyke irrigation ridges. Consent is sought to move up to 29,400m³ over an area of 12,300m².
14. Potable water and garden irrigation supply is proposed from a private bore within the property. Effluent is to be treated and discharged within each lot, and stormwater is to be discharged via soak pits on each lot.
15. The site is bounded by Orchard Road, Cardrona Valley Road, and Riverbank Road and is generally flat apart from an old alluvial terrace at the north-west corner. It has been used for grazing and cropping (currently leased to adjoining Hillend Station) and is characterized by open paddocks with subdivisional fencing and some trimmed poplar shelterbelts. There is a wide shelter belt of mixed age and species conifers along the Cardrona Valley Road frontage. Some of these trees may be within the legal road.
16. The 19 lots would be configured as follows:
 - Lots 1, 2, 3 and 4 would be located in the northwest corner of the site amidst existing small sized lots with dwellings on both sides of Cardrona Valley Road and Orchard Road. The lots would range in size from 1.1ha to 2.44ha.
 - Lots 5,6,7,8 and 9 range in size from 6000m² to 8800m² and would be located in a cluster to the south of Orchard Road.
 - Lots 10, 11, 12, 13 and 14 would range in size from 6800m² to 9000m² and would be located in a cluster centrally within the site.
 - Lots 15, 16, 17 and 18 would range in size from 2900m² to 1.13ha and would be located in a cluster to the north of Riverbank Road.
 - Lot 19 would be 66.99ha and has an already consented building platform located near the northern boundary adjacent to Orchard Road.
17. The following design/mitigation aspects are proposed, and are illustrated on the application scheme plan, the revised Site Management Plan, and the revised Landscape Masterplan:
 - Areas A, B and C and the entirety of Lots 2 and 3 will be covenanted against further subdivision;

- Areas B and C on lot 19 are maintained in agricultural use with no structures or tree planting permitted.
- Residential units on lots 5, 10, 11, 17 and 18 will be greater than 116m from the legal boundary of Cardrona Valley Road;
- Residential units on lots 16 and 17 will be greater than 135m from the legal edge of Riverbank Road;
- Residential units 1-3 and 5-18 will have a maximum building height of 5.5m with gable ends and pitched roofs;
- A residential unit on lot 4 shall have a maximum height of 5m from existing ground level as per the existing conditions of RM050503, which authorized that building platform;
- All structures, including residential units, water tanks, garages and accessory buildings are to conform to a range of building design controls associated with materials, colour, glazing reflectance and, restricting exterior lighting to no more than 3.0m above ground level;
- Restricting car parking, small accessory buildings and other domestic structures to defined curtilage areas;
- Restricting fencing to post and wire only (including rabbit proof fencing around each cluster);
- Prohibiting exterior lighting outside the curtilage area;
- No kerb and channel on the access road and for it to be finished in chip seal with swales either side;
- The existing trees along Cardrona Valley Road are to be retained and not removed unless deemed to be dead or dangerous;
- Any trees in the “tree protection corridor” to be defined along Cardrona Valley Road that are removed are to be replaced with the same species at a minimum height of 1.5m at the time of planting. Corridor fencing is to be maintained in farm type post and wire.

SUBMISSIONS

18. The following summary of the submissions is taken from Mr Barr’s report, (excluding the submission lodged out of time).

Name	Location of Submitter’s Property	Summary of Submission	Relief Sought
Sarah and Rick McNeilly Opposes and wishes to be heard.	46 Orchard Road	Proximity of the access road to their property at 46 Orchard Road. Houses 2, 3 should be moved to give more room for the trees and the road.	Locate the access road a minimum of 35m from the house at 46 Orchard Road.
Wanaka Residents Association.	N/A	The density of lots is not consistent with the Wanaka Structure Plan. Contamination of groundwater from the use of septic tanks.	Decline the application. Submit a revised proposal which does not compromise future

Opposes and wishes to be heard.		The water supply is liable to contamination from the septic tank discharge.	development and which makes provision for public roads and for reticulated water sewerage.
Toni Maguire. Opposes and wishes to be heard.	132 Kings Drive (Family own and live at 137 Cardrona valley Road).	The application site is outside of the Inner Town Boundary identified in the Wanaka Structure Plan. Potential groundwater contamination of groundwater from septic tanks. Water should be sourced from the Council's reticulated supply. The road design is inappropriate and the development would be better suited to two cul-de-sacs. This would remove the requirement for earthworks through the terrace. Concern of the use of the road and safety / nuisance issues. Visual effects from the 19 dwellings. Lack of consultation from the applicant. Object to potential future development in the eastern area of the site.	Refuse the application in its current form. Water and wastewater should be provided by the Council's reticulated services. The road design be altered to provide two cul-de-sacs, one accessed via Orchard Road to serve lots 1-4 and the other accessed off Riverbank Road to service lots 5-18.
John Har Opposes and wishes to be heard.	459 Riverbank Road	The intersection of the proposed road with Riverbank Road is inappropriate. Inconsistencies in the application information. Proposed building height of 5.5m on lots 1-3 and 5-19 is inappropriate. Absence of a height control for vegetation on lots 15 -18 and the private road. Lack of definition of the curtilage area. The matters outlined in Tony Maguire's submission (submission document replicated).	Remove the intersection of the private road with Riverbank Road, or locate the intersection 250m to the north of the currently proposed location. Impose conditions. Buildings limited to a height of 5m above ground level and single storey. Impose conditions to ensure Lots 20 and 21 remain clear, open and maintained. Define the curtilage areas.
Boyd and Nan Ottrey Opposes and wishes to be heard.	431 Riverbank Road	The application site is outside of the Inner Town Boundary identified in the Wanaka Structure Plan. The consultation undertaken is not appropriate and written approvals have not been obtained. The location of the intersection of the private road and Riverbank Road is inappropriate. Inconsistencies in the application information. Proposed building height of 5.5m on lots 1-3 and 5-19 is inappropriate. Lack of certainty with regards to the	Refusing the application. Delete the intersection of the private road with Riverbank Road. Or, relocate the intersection 250m to the north and provide a gravel footpath along the frontage of the subject property on both Riverbank and Orchard Roads. Limit building heights on all lots to 5.0m above existing ground level and to a single

		<p>ownership and management of the balance land area.</p> <p>Absence of a height control for vegetation on lots 15 -18 and the private road.</p> <p>Lack of definition of the curtilage area.</p>	<p>storey.</p> <p>Limit the heights of trees on lots 15-18 and the private road to 3.0m above existing ground level.</p> <p>Impose conditions to ensure the balance land is kept clear and managed.</p> <p>Define the curtilage areas.</p>
<p>The Otago Regional Council</p> <p>Opposes and wishes to be heard.</p>	N/A	<p>Management of rabbits prior to the completion of the subdivision and on-going rabbit management.</p>	<p>Consent is declined unless the applicant has an effective pest management plan to reduce rabbit numbers and, that a suitable rabbit proof structure is installed prior to S224 approval of the subdivision.</p>
<p>Charles and Vivienne Grant</p> <p>Opposes and wishes to be heard.</p>	447 Riverbank Road	<p>The intersection of the proposed road with Riverbank Road is inappropriate.</p> <p>Inconsistencies in the application information.</p> <p>Proposed building height of 5.5m on lots 1-3 and 5-19 is inappropriate.</p> <p>Absence of a height control for vegetation on lots 15 -18 and the private road.</p> <p>Lack of certainty of the future management of the balance land.</p> <p>Lack of definition of the curtilage area.</p>	<p>Remove the intersection of the private road with Riverbank Road, or locate the intersection 250m to the north of the currently proposed location.</p> <p>Impose conditions to ensure the balance land is kept clear and managed.</p> <p>Buildings limited to a height of 5m above ground level and single storey.</p> <p>Limit the heights of trees on lots 15-18 and the private road to 3.0m.</p> <p>Impose conditions to ensure Lots 20 and 21 remain clear, open and maintained.</p> <p>Define the curtilage areas.</p>

ASSESSMENT FRAMEWORK

Resource Management Act 1991

19. The application (strictly two applications, for subdivision and for earthworks) has to be assessed under sections 104 and 104B of the Act. Section 104 requires consideration of the *“actual and potential effects on the environment of allowing the activity”* and consideration of relevant statutory documents, in this case just the District Plan. Section 104B provides that consent may be granted or refused and that if granted, conditions may be imposed under section 108. Section 220 provides additional power to impose conditions on subdivision and section 106 enables a consent authority to refuse consent to subdivision in certain circumstances, none of which apply in this case.
20. Consideration under section 104 is *“subject to”* the purpose and principles of the Act set out in Part 2. The primary Part 2 consideration is the *“sustainable management of natural and physical resources”* purpose defined in section 5 of the Act, which is broadly enabling but subject to provisos requiring that the potential of resources to provide for future needs is sustained, and that adverse effects on the environment are avoided, remedied or mitigated.
21. We are satisfied that no section 6 “matters of national importance” are relevant in this case – specifically that the proposal would not have any significant adverse effect on the outstanding natural features and landscapes of the surrounding area.
22. Relevant *“other matters”* listed in section 7 (also within Part 2 of the Act) are *“the efficient use and development of natural and physical resources,” “the maintenance and enhancement of amenity values”,* and *“any finite characteristics of natural and physical resources.”*

District Plan

23. The site is zoned Rural General under the District Plan.
24. Section 5.3.1.1 of the District Plan states that the purpose of the zone is:

*“...to manage activities so they can be carried out in a way that:
protects and enhances nature conservation and landscape values;
sustains the 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.”*

25. The activity requires the following resource consents:

Part 15 – Subdivision, Development & Financial Contributions

26. A **discretionary** activity consent pursuant to Rule 15.2.3.3(vi) which requires that in the Rural General zone all subdivision and location of residential building platforms shall be a discretionary activity. It is proposed to subdivide the site into nineteen allotments with residential building platforms.
27. A **restricted discretionary** activity consent pursuant to Rule 15.2.3.2 because the proposal does not comply with Site Standard 5.3.5.1.viii (Earthworks), which, among other things, restricts the area of earthworks to 2,500m², volume of earthworks to 1000m³ in any consecutive 12 month period and restricts earthworks to 20m³ where it is within 7m of a water body.
- a. The activity comprises earthworks to create the building platforms, modify the irrigation pond, irrigation channel, road and re-work the existing border dyke irrigation pattern which would involve in the order of 29,400m³ volume and area 12,600m².
28. The applicant has also applied for resource consent for a discretionary activity consent pursuant to Rule 5.3.3.3(b) for the identification of a building platform not less than 70m² in area and not greater than 1000m² in area. Consent is sought to create 18 building platforms, all of which are 1,000m² in area. In our view the proposal does not breach this rule because the building platforms will not be greater than 1,000m² in area.
29. Overall, the proposal is assessed as a **discretionary** activity.

Permitted Baseline, Existing Environment, and Receiving Environment

30. There is no permitted baseline because subdivision involving residential building platforms, and the creation of building platforms in the Rural General Zone require resource consent as a discretionary activity.
31. Unimplemented consents on the application site can be deemed to be part of the existing environment, and the development that is considered likely to occur under existing unimplemented consents on neighbouring properties can also be considered part of the “receiving environment” for the proposed development.
32. The construction of a dwelling and accessory buildings within the registered building platform located on proposed lot 4 is considered to be an activity which could reasonably be expected to occur on the application site and has been taken into consideration as part of the following assessment.
33. Mr Barr’s report provided a detailed analysis of the potential for additional dwellings in the area surrounding the application site. We consider that in this area consented building platforms are likely to be built on and should be taken into account when

assessing the effect on the landscape of the proposal under consideration. In particular we have considered the likely effect of dwellings on the 22 building platforms (in addition to one existing) consented for Hillend Station under RM 120131. Mr Barr provided copies of the plans showing the location of these platforms at the hearing. Although these building platforms are set well back from Cardrona Valley Road, we envisage that the dwellings will change the landscape character of the area that is seen immediately before the dwellings proposed for the application site would become visible, when approaching from the south. We have also allowed for three additional dwellings on the Great Estates Ltd site directly opposite the application site across Cardrona Valley Road.

EFFECTS ON THE LANDSCAPE

Overview

34. As already noted, the effect on landscape is invariably the major issue when assessing proposals for rural subdivision in the Queenstown Lakes District. This is because the landscape is a very significant resource in the District, underpinning the attractiveness of the area for both visitors and residents. The District Plan provides a complex set of rules and assessment matters addressing potential effects on landscape.
35. We have had the benefit of assessments by two professional landscape architects, well experienced in assessing development proposals in the District. They agree that the site is part of a Visual Amenity Landscape as defined in the District Plan. Mr Denney's opinion of the proposal as notified was that it would be acceptable only if the southern cluster (Lots 15-18) was deleted because he perceives the southern end of the site as more vulnerable and the southern cluster in particular would be too prominent from adjacent roads. He acknowledged at the hearing that the revised plan is an improvement but still indicated concern about the effect of dwellings on proposed Lots 17 and 18.
36. Mr Baxter's evidence however was that the total development, including the southern cluster, would meet the intentions of the District Plan. He emphasized the landscape benefits of clustering, compared to traditional rural subdivision. We note that the District Plan specifically encourages clustering. Having considered the effects of some examples of both we agree that clustering is a much better solution for this site. We consider that the proposed density of one dwelling per 4.44 hectares over the whole site could be satisfactorily achieved only in this way.

Effects on the values, character and amenity of the visual amenity landscape

37. The landscape assessment forming part of the application concluded:
"The proposed development fits within an existing development pattern established by the surrounding established rural lifestyle blocks, which have also established the existing Arcadian pastoral character of houses, trees, and pastoral areas. The visual and landscape effects of the proposed nineteen lot subdivision, under the

VAL assessment matters in the QLDC District Plan, will be a minor alteration to the landscape and will introduce elements that are consistent with and complementary to the surrounding landscape. The proposed development will retain the natural and Arcadian nature of the south western end of the Wanaka plain."

38. We have difficulty with the notion that 18 additional dwellings would create only a *"minor alteration to the landscape"* but we accept that, with the controls volunteered, the alteration would be in keeping with the landscape character of the receiving environment – as it will be, as discussed above.

Effects on Natural and Pastoral Character

39. Assessment matters 5.4.2.2(3) - Visual Amenity Landscape:

"(i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;"

40. Both landscape architects are satisfied that the application site is adequately separated from the nearest ONL, identified as the Cardrona Range, 500m to the west.

"(ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;"

"(iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;"

41. Assessment matter (ii) raises the question of what the landscape character of the surrounding VAL is. As noted above, we consider that it is only realistic to take into account the likely effect of dwellings on consented building platforms in the vicinity, even though they are subject to design assessment so are not strictly part of the permitted baseline. We accept that the proposed development of the application site, with significant setbacks from the boundaries will not compromise the landscape character of the wider VAL context.

Visibility

"(i) the proposed development is highly visible when viewed from any public places, or is visible from any public road 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"

42. There are no unformed roads or walkways within the application site. The nearest public places are the three roads which border the application site.

43. Both landscape architect reports find that any future dwelling will be partially visible as viewed from Cardrona Valley Road, under the canopy of the existing shelterbelt which is located parallel to Cardrona Valley Road. In addition, the site and future dwellings would be visible from Riverbank Road.
44. Mr Denney adds that Lots 1, 2 and 3 would also be highly visible from a short distance from Orchard Road. The two southern clusters comprising lots 10 – 18 would be highly visible from Riverbank Road, but at a distance of between 100 and 200 metres.
45. The amount of screening provided by the shelterbelt along Cardrona Valley Road is variable. In some places there is almost complete screening, but in other places the trees are smaller or wider spaced or branches do not extend to near the ground so there is more visibility into the site.
46. The site is a large one and development is to be clustered so it is not possible to see all of the development from any public place. With the proposed setbacks and structure planting we do not consider the overall proposed development would be “highly visible” from public places, but some elements would be highly visible from some viewpoints – particularly the dwellings on lots 13,14,16 and 17 viewed from Riverbank Road.

“(ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;

47. The application asserts that the development is unlikely to be visually prominent as ‘*it does not sit on an elevated or prominent landform. Topographically it is flat and at the same level as the surrounding landscape*’. Mr Denney had reservations about this, particularly in relation to the southern cluster. We note that this assessment matter specifically includes private views. Having viewed the poles marking out the building platforms from various points around the boundaries we believe buildings on some of the lots would be visually prominent viewed from the Cruikshank property at 137 Cardrona Valley Road and from other properties within the triangle. This weighs against consent. However, we also accept Mr Baxter’s point that from experience elsewhere with cluster development the proposed structure planting (which would be protected by covenant) would, within a few years, significantly reduce this prominence.
48. Arguably some future dwellings would also be visually prominent from the perimeter roads and from one or two properties on the other side of Riverbank Road. This is because of the flat topography and the viewing context of pasture foreground (to be required under covenant). We interpret “*visually prominent*” as meaning more than just being visible however, and as dwellings are built on the Hillend Station approved building platforms the prominence of dwellings built on the application site (if they were built first) would appear less prominent within the overall landscape.

“(iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;”

49. Screening is proposed and is illustrated on the application's master scheme plan, prepared by Baxter Design Group. In addition to the areas of vegetation identified on the scheme plan, Mr Denney considers that the existing conifer shelter belts located nearby to lots 1-4 could be retained to provide visual screening and retain the existing rural context evident in the northern part of the site.
50. Mr Denney notes in paragraph 22 of his report that *'the planting has limited relevance to the landform but more informed by the rural living land use providing amenity to future dwellings and lots'*.
51. While the structural plantings would be more akin to rural lifestyle amenity plantings and mitigation screening, rather than traditional linear shelter plantings located on the boundaries of properties and fence lines, the planting would be beneficial in providing partial screening of the future buildings and would provide substantial mitigation of the development as a whole when viewed from outside the site.
52. Submissions from J Hare, B & N Ottrey, C & N Grant have requested that the plantings on lots 15-18 and the private road are kept to a height of not more than 3.0 metres. It is considered that the vegetation screening would provide the appropriate degree of mitigation only if it is allowed to attain a height of at least five metres.

"(iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;"
53. The application notes that the subject site is partially enclosed by an existing conifer shelterbelt along Cardrona Valley Road and the intermittent poplar shelterbelt along Orchard Road. Mr Denney considers in paragraph 23 of his report that the low terrace located near the northern edge of the site could be better used to provide mitigation for dwellings, as would other areas of mature trees on the application site.
54. Our impression is that the northern part of the site offers some variation in topography and some vegetation which would reduce the prominence of future dwellings. As viewed from the south and south east, views of lots 1-3 are likely to be confined by the existing topography and vegetation, which would assist with visual mitigation of future structures..
55. The southern part of the site comprising the three clusters (Lots 5 – 9 , Lots 10 -14 and Lot 15 – 18) are relatively well contained by the shelter belt located along Cardrona Valley Road, however, the site as viewed from Riverbank Road would not be contained by topography or vegetation.

" (v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;"
56. Mr Denney considers that a future building on proposed lot 3 could breach the skyline as viewed from Orchard Road, however he notes that the breach would be small and fleeting in the context of travelling along this road.

57. Mr Denney also notes that Lots 16 and 17 would also enable future dwellings to potentially break prominent views of distant peaks from Riverbank Road. That was in relation to the notified layout and seems unlikely now that these building platforms would be set back at least 135 metres from Riverbank Road, and structures on them would not be higher than 5.5m.

“(vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography”;

58. The site is more or less flat and the proposed access road would not be visually prominent, except for where the private access road would be located on the terrace face near the south east boundary of proposed lot 1.

59. Submitter Ms Toni Maguire suggested that the road design is *‘inappropriate and the development would be better suited to two cul de sacs, removing the requirement for earthworks through the terrace’*.

We can appreciate the point, but the terrace is such that the maximum cut of only 2.2m is required and the proposal is that the road would follow the contours in a naturalistic way. In our assessment the road and earthworks would not be visually prominent from beyond the application site. The real issue about the road is that it would introduce traffic into the view from the Cruikshanks’ property. That is a negative effect to be weighed, but the alternative suggested would require future residents on lots 5 to 18 to travel considerably further when going to and from Wanaka township.

“(vii) any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character.”

60. The boundaries of the lots have been designed to be irregular, but for practical reasons are still linear. The application volunteers’ controls on any future fencing, also noting that deer fencing would be excluded. With the proposed structure planting and other planting that can be expected, we do not believe the boundaries will stand out and appear arbitrary.

“(viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;”

61. As already noted, most of the site is flat so there is little opportunity to use natural lines of the landscape as boundaries. Mr Denney notes that *‘boundaries for the cluster lots would be arbitrary with no real relevance to the landscape. The southern boundaries for lots 1 to 4 would conform to the natural topography of the land’*.

“(ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.”

62. This is another area of difference of opinion between Mr Baxter and Mr Denney. The application asserts that the proposed development would not constitute sprawl as there is established rural lifestyle development on all sides of the site, so the activity is infill development. Mr Denney states at paragraph 28 of his report (discussing the proposal as notified), *‘whilst the VAL landscape of this area could potentially absorb increased built form and retain a pastoral character I do not consider there is sufficient proportion of open pastoral landscape retained between the surrounding roads and the clusters of this development to achieve this’*.
63. There appear to be two aspects to this assessment matter. Firstly there is the traditional town planning issue of ribbon development along roads, such as has occurred sporadically along all three of the roads bordering the triangle. The proposal certainly does not propose more of that. Secondly, there is the wider matter of whether proposed development would constitute “sprawl” viewed in the context of existing development. This is a matter of perception. We do not believe anyone looking at this development, when completed, would see it as “sprawl”. It would clearly be a planned development with large areas of open pasture remaining. Whether it would be perceived as having any genuine association with the farmed surrounding land is another matter.

Form and Density of Development

64. *“In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:*
(i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;”
65. The southern part of the site where lots 5-18 are proposed is generally flat. There is not any opportunity to use existing natural topography to reduce visibility.
“(ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);”
66. Built form would be aggregated to share a central access road and open space would be held in one property (lot 19) amidst the clusters. This aspect of the application has merit. Eighteen lots would use one road with only two access points to the perimeter roads. This design reduces the potential for visual effects associated with multiple accesses onto the adjoining roads.
67. *“(iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;”*
68. Mr Barr’s report suggested *“...there is opportunity to concentrate development in areas with a higher potential to absorb development. This area being the northeastern area of the application site.”* The problem with that is that the lots proposed for that area (lots 1-4) are already so small that they risk over-domestication of that part of the site. We

would not favour any higher density there, even if it meant a compensating lower density over the rest of the site.

“(iv) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.”

69. Both landscape architects' reports consider that the proposed development would not introduce densities which reflect those characteristics of urban areas. This is accepted.

“(v) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:

- (a) within a 500 metre radius of the centre of the building platform, whether or not:*
 - (i) subdivision and/or development is contemplated on those sites;*
 - (ii) the relevant land is within the applicant's ownership; and*
- (b) within a 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council - must be taken into account”.*

70. With regard to matter (a), the application site includes a relatively large area of pastoral land in the order of 15 hectares, located in the north east, which can be considered an alternative site. There was discussion about the future of this area at the hearing. We would rather assess a proposal for the whole property but it is the applicant's prerogative to have this application covering only the bulk of the site considered on its merits. In our assessment there would be no great public advantage in developing the north-east area first. That would simply mean that a later proposal for development of the western side of the property would be assessed in the context of a developed eastern corner, just as any future proposal to develop the eastern corner will be affected by what is consented under the current proposal.

71. With regard to matter (b), no one has requested that a building platform is moved. The issue of the location of the access to Riverbank Road raised in submissions has been resolved.

“(vi) recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large.”

72. The application recognizes that the high density proposed within the clusters means that development outside the clusters (except potentially in the eastern part of the property) should be precluded by covenant. Development of the application site as proposed could well reduce the potential for appropriate development within the eastern part of the property and on other properties nearby.

Cumulative effects of development on the landscape

73. *"In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:*
- (i) the assessment matters detailed in (a) to (d) above;*
 - (ii) the nature and extent of existing development within the vicinity or locality;"*
74. The application asserts:
- "The proposed development will retain and reinforce the established character of this landscape because it fits into the established pattern by repeating the elements that make up that pattern and their particular arrangement – the location and design of the RBP's and the maintenance and enhancement of the pastoral areas."*
75. We accept this statement with regard to the location and allotment design for proposed lots 1-4 and 19. However, the three cluster allotments do not repeat elements that make up the pattern and arrangement of the existing landscape character in the vicinity. That is not a bad thing however: as noted earlier we consider the clustered design with large areas of pasture along the frontages and between the clusters allows this overall density of housing to be achieved while maintaining arcadian pastoral character. It also minimizes the appearance of domestication because it allows the dwellings to be sited well away from the boundaries of the site.
76. There was some discussion at the hearing about entrance structures. In our assessment there is a need to control these, and it is particularly important if pastoral character is to be maintained that the intersections of the private road with the public roads are not emphasized with entrance structures. If they must be gated, they are to be gated with normal farm gates.
77. The application site has particularly high pastoral character because of the lack of buildings unrelated to farming so inevitably the addition of dwellings will undermine this, but we accept the advice of both landscape architects that the site, in its landscape context, can absorb some development. A factor here is the separate between the clusters of development proposed and the separation from existing and likely development on surrounding sites, particularly Hillend Station.
- "(iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;"*
78. As just noted, we accept that the application site, in its landscape context, has not reached that threshold. We do however consider that with this development the western and southern parts of the property will be at or close to that threshold. Conditions to restrict built development outside the building platforms have been imposed. Each lot is

permitted to have a single accessory building up to 3.5m high and up to 21m² in area (single garage size); larger structures are to be confined to the building platforms.

“(iv) whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;”

79. We are not aware of any existing and potential adverse effects here.

“(v) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;”

80. The application site is contained by roads, so does not have any significant natural elements to contain development.

“(vi) whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;”

81. The evidence was that the proposed development would not require urban infrastructure. The accesses of the private road onto Orchard and Riverbank Roads would be formed to the New Zealand Transport Agency's Diagram D standard, but this is less urban looking than typical intersections in urban areas. All other services would be underground.

“(vii) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant)”.

82. The applicant has proposed covenants restricting future subdivision and buildings on areas A, B and C as identified on the scheme plan, the retention of the existing vegetation and a range of performance standards for future buildings.

Rural Amenities

83. *“In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:*

(i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;”

84. In our assessment the cluster design will allow views across significant areas of pastoral landscape from the surrounding roads. We discuss the effect of the shelter belt along Cardrona Valley Road below.

“(ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;”

85. The cluster design leaves the pastoral land in a continuous band around and between the dwelling sites making economic agricultural use of the land more practical. Inevitably however, the range of suitable agricultural activities will be restricted because of the proximity of the dwellings.

“(iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb and channelling, particularly in relation to public road frontages;”

86. No such infrastructure would be required, and it is excluded by the application.

“(iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.”

Fencing is proposed to be traditional post and wire. There was some discussion about entrance structures at the hearing and a condition has been imposed to control these.

“(v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.”

87. With the exception of lots 1, 3 and 4, the proposed building platforms are set much further back from boundaries than is normally the case.

Other applicable assessment matters

88. The general assessment criteria in part 5 (Rural Areas) of the District Plan and matters for earthworks are considered to have been addressed above.

89. Part 15 (Subdivision, development and financial contributions) of the District Plan includes a wide range matters to address subdivision design and effects on open pastoral character. The above assessment of the VAL assessment criteria have sufficiently addressed these matters and need not be repeated.

SERVICING

90. The proposal is that future dwellings on the building platforms would have a water supply fed by a private reticulation system from a well or wells on the property, and effluent would be treated and discharged to ground with individual systems on each lot. Ms Devlin reported that consent for two bores has been obtained and it is anticipated that consent to take water for domestic use will be granted. That seems a reasonable assumption. The conditions attached to this consent and the normal building consent process will ensure that no dwellings can be built before the details of these systems have been approved by the Council.
91. Ms Cruikshank-Maguire's submission and that of the Wanaka Residents' Association suggested that the development should be required to use the Council's water and sewerage systems. Ms Overton also expressed a preference for this, if it was practical. As her report noted, these services are not currently available.
92. There was discussion at the hearing about the possibility that a sewer main from the Cardrona settlement to the Project Pure treatment plant might run close to or even through the application site. Mr Dippie indicated that he would be open to connecting to such a sewer if it was available in time.
93. In certain circumstances defined in the Local Government Act the Council could require connection, but the issue now is whether connection should be required as a condition of consent, and under what future scenarios. Although there should always be caution about discharging effluent into the ground, there is no evidence that discharge of treated effluent into the deep shingles of this site is remotely likely to cause any significant adverse effect downstream. We note that the submission from the Otago Regional Council addressed rabbit control but did not express any concern about the proposed method of effluent disposal. Nevertheless, we would encourage the applicant to require as part of sale and purchase agreements chamber type effluent treatment systems so as to provide a high degree of pre-treatment.
94. As for the water supply, we can see no need to interfere in the applicant's preference. The application volunteers to meet the New Zealand Drinking Water Standards and the relative cost is a matter for the applicant. The experience after the Christchurch earthquake showed that separate water systems can be an advantage in a crisis.

WANAKA STRUCTURE PLAN

95. The submission from the Wanaka Residents' Association expressed concern that the proposal would compromise longer term use of the land for the expansion of Wanaka township. Mr Dickson and Williams explained this and provided further information.

96. Looking first at the matter of the road layout, we do not believe it would be reasonable to require the applicant to make any sort of provision now for a long term roading pattern to suit re-subdivision following possible re-zoning. We can accept that it is good planning practice to avoid foreclosing future option, but with only 19 dwellings proposed on an 84 hectare site that is almost flat, there must be numerous options for more intensive roading and subdivision without even removing any of these dwellings.
97. The more interesting issue is the proposed covenants against future subdivision and requiring agricultural use of the shaded part of the site *“in perpetuity”*. Although these are volunteered by the applicant, having regard to the possibility that the site could be required for the expansion of Wanaka, we have added provisos that the covenants *“shall be removed if this land is rezoned so that such subdivision is permitted as a Permitted or Controlled Activity.”* The applicant volunteered conditions that the covenants affecting proposed lot 19, which is to be retained by the applicant company, would be registered in favour of the owners of lots 1-18 as well as in favour of the Council. We see no need for that, and in fact it would make re-subdivision in the event of re-zoning more difficult, but the applicant is entitled to impose such covenants without reference to the Council.
98. It can be noted that the outer growth boundary defined in the Wanaka Structure Plan extends beyond the triangle so there is less reason to attempt to define long term options for the south end of the application site in isolation.

TREE PROTECTION CORRIDOR

99. There was some discussion at the hearing about the “Tree Protection Corridor” along Cardrona Valley Road volunteered by the applicant. The belt of trees is quite variable – denser and in better condition at the south end and sparse in places further north. It appears to be in need of some maintenance and appears to include some species with wilding potential. However there are some handsome mature trees in this belt and in combination with the shelter belt opposite at the south end, the shelter belt makes a memorable entrance to Wanaka.
100. Our perception is that this band of trees would provide some useful screening of the proposed development while the structural planting gets established. After 10 years or so the structural planting can be expected to provide enough partial screening for dwellings to fit into the landscape and form part of the intended “arcadian landscape”. From that time a dense shelter belt is unnecessary, and in fact would obscure the open landscape from the public viewpoint of the main entrance to Wanaka. In our assessment there is no need to require that the whole length of the treed corridor is retained indefinitely.

OBJECTIVES AND POLICIES

101. We have considered the discussion of relevant objectives and policies in Mr Barr's report and Ms Devlin's evidence. They focus on the potential effects of subdivision and development on the landscapes of the District – which has been discussed at length above.

CONCLUSIONS

102. In our assessment this carefully designed cluster development would allow 19 households to meet their needs in accordance with the enabling purpose of the Act, while retaining the essential landscape character of this area of Visual Amenity Landscape. Inevitably the views across the site presently enjoyed by the owners of adjoining properties will change, but no more than anticipated for this zone under the District Plan. The application site can be serviced. The development is at a low density that would not prevent re-subdivision at an urban density in the event that this area was some day re-zoned.

DECISION

For the reasons discussed above consent is hereby granted, pursuant to sections 104 and 104B of the Act, subject to the following conditions imposed under sections 108 and 220.



David W. Collins
Gillian Macleod
Hearings Commissioners
18th November 2013

RM130165 ORCHARD ROAD HOLDINGS LTD - CONDITIONS

General

1. The development must be undertaken/carried out in accordance with the plans referenced as follows and, stamped as approved on **19 November 2013** and entered into Council records as RM130165:
 - 'Orchard RHL Triangle – Site Management Plan, Reference: 1656 – CP8 16 Oct 2013' prepared by Baxter Design Group'
 - 'Orchard RHL Triangle – Masterplan, Reference: 1656 – CP9 16 Oct 2013' prepared by Baxter Design Group'
 - 'Lots 1 – 19 being a proposed subdivision of Lot 2 DP 362505 Orchard Road Holdings Ltd, Job No: 5191, Plan No. W718, dated October 2013 prepared by C. Hughes & Associates Ltd.

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
5. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition 9 of this consent shall be demonstrated.
6. At least 5 working days prior to commencing work on site the consent holder shall provide to the Principal Resource Management Engineer at Council a construction management plan, which shall include an erosion and sediment control plan, measures to suppress dust, and the hours of operation in accordance with the requirement of the conditions of this consent.
7. Prior to works commencing within Council's road reserve, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.

8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and in accordance with the site management measures proposed in the C Hughes & Associates Ltd *'Infrastructure and Service Report, Orchard Road Holdings Limited – "The Triangle Block"'* (dated 7 March 2013) submitted with the consent application. 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. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
 - a) The provision of a water supply to the development in terms of Council's standards and connection policy. This shall include either of the following:
 - i) Provision of a minimum supply of 2,100 litres per day of potable water from the private water supply to each of the building platforms on Lots 1 to 18 that complies with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008); or
 - ii) Provision of a minimum supply of 2,100 litres per day of potable water from Council's reticulated water supply to each of the building platforms on Lots 1 to 18. This shall include the provision of an Acuflo CM2000 toby valve for each unit located at the right of way boundary.
 - b) The provision of an effluent disposal system from the development in terms of Council's standards and connection policy. This shall include either of the following:
 - i) The provision of a foul sewer connection from Lots 1-18 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; or,
 - ii) A consent notice shall be registered on the title of each lot to inform lot owners that Council's reticulation is not available and that wastewater water is to be treated and disposed of on-site (refer to consent notice conditions).
 - c) The formation of all rights of way, in accordance with Council's standards, or as agreed at the time of engineering design review.
 - d) The formation of intersections with Orchard Road and Riverbank Road, in accordance with NZTA - Transit Planning Policy Manual - version 1 - Diagram D. This shall include consideration of the provision of street lighting if deemed necessary for safety. These designs shall be subject to review and approval by Council. 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, Wastewater and Water reticulation if necessary). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

Subdivision Development Works in Progress

10. That all earthworks and construction works including the off-loading of machinery and materials onto the subject site shall be restricted to the hours between 7.30am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. No work shall occur on Sundays or

public holidays. The intent of such a condition is to ensure amenity is maintained for the surrounding neighbours.

11. The construction management plan submitted as part of condition 6 above shall be observed.
12. Existing trees including shelterbelts as identified on the certified landscape plan are to be retained until such time as new tree planting reaches 5m in height to maintain mitigation of the development as provided by existing and new trees, provided that any trees posing a safety risk may be removed and replaced.

To be completed before Council approval of the Survey Plan

13. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include rights of way and the right to convey water, electricity and telecommunications.
 - b) A landscape plan shall be submitted to the Council's landscape architect for certification. The landscape plan shall achieve the following objectives:
 - i. The plan shall generally contain plantings at a location and density not less than the areas identified on the landscape plan prepared by Baxter Design Group Ltd dated Orchard RHL Triangle – Masterplan, Reference: 1656 – CP9 16 Oct 2013' , approved by condition 1 of this consent.
 - ii. New plantings of tree species shall be of species typical to the traditional rural landscapes of the upper Clutha basin and must avoid variegated, brightly coloured and ornamental domestic species and avoid highly diverse planting except if planting is to be of indigenous species.
 - iii. The identification and retention of any existing trees and shelter belts in the vicinity of lots 1 to 19 where these provide screening or partial screening of lots as of the date of the lodgement of resource consent application RM130165.
 - iv. The plan is to include a planting schedule to identify species, quantity and grade of new planting.
 - v. Identify the location, density and species composition of proposed tree planting to maintain the rural character.
 - vi. Curtilage areas for each lot with an approved building platform to cover no more than 40% of the lot area and to be located where proposed tree planting will offer some screening of such areas from surrounding roads.
 - vii. Planting of trees between the property comprising 137 Cardrona Valley Road and the approved building platforms to provide softening of the rural outlook from this property.
 - c) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

[Note: the road naming application should be submitted to the Technical Support Officer:

Engineering and should be lodged prior to the application for the section 223 certificate]

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

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

- a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include all Roads (including right of ways and access lots) and Water reticulation (including private laterals and toby positions).
- b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
- c) The completion and implementation of all certified works detailed in Condition 9 of this consent.
- d) In the event that the water supply to the subdivision is a private water source the consent holder shall submit to the Principal Resource Management Engineer at Council Chemical and bacterial tests of the water supply in accordance with the requirements of the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).
- e) In the event that the water supply is from a private water source and the test results required by Condition 14(d) above show the water supply does not conform with the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Principal Resource Management Engineer at Council for review and certification. The water treatment report shall contain full details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:
 - i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.

OR

- ii) A consent notice shall be registered on the relevant Computer Freehold Registers for the lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the dwelling an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM130165 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council’s solicitors prior to registration.
- f) The consent holder shall establish a suitable management organisation or other mechanism that will ensure the provision of services such as water supply and maintenance of all internal roading, service infrastructure, and structural landscaping associated with the subdivision.

The legal documents that are used to establish such obligations or that are used to engage the management company are to be reviewed and approved by the Council's solicitors at the consent holder's expense to ensure that the road maintenance and management, potable water supply, structural landscaping, rabbit proof fencing, management and replacement is provided for and any of the Council's interests and liabilities are adequately protected.

- g) The consent holder shall provide to the Principal Resource Management Engineer at Council with a copy of the operation and maintenance manuals for any private water supply, or shall provide evidence that this has been made available to the management company.
- h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- j) In the event that the subdivision is connected to Council's foul sewer reticulation all newly constructed foul sewer mains 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.
- k) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 4 for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water and Wastewater reticulation (if necessary)). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- l) 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.
- m) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- n) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- o) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Pest Management

- p) Rabbit-proof fencing shall be installed around the perimeter of each cluster of dwellings in a way which ensures rabbits are excluded from domestic gardens.

Landscaping

- q) The certified landscape plan shall be implemented and the landscaping shall be verified by the Council's landscape architect.

On-going Conditions/Consent Notices

15. 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.

Management Company or other mechanism

- a) All lot owners are required to be part of the management entity as required by Condition 14(f) of RM130165. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure, landscaping associated with the development.

In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, the maintenance and provision of services and access will be enforced by covenant/easement requiring contributions to management, maintenance and upgrading of access and services.

Building Location

- b) All buildings shall be contained within the Building Platforms except accessory buildings not exceeding 3.5 metres in height and 21m² in area. Each lot is restricted to one accessory building per lot outside the building platform.

Wastewater

- c) Prior to or at the time a dwelling is erected on the lot, if Council wastewater reticulation is not being used by the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by C Hughes & Associates Ltd, dated 7 March 2013. The proposed wastewater system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.

Note: Consent for this may also need to be obtained from the Otago Regional Council.

Potable Water

- d) Any private drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the management group for the lots, 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 management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.

Landscaping, Site and Design Control of Buildings (consent notice for lot 19)

- e) Existing trees including shelterbelts as identified on the certified landscape plan are to be retained until such time as new tree planting reaches 5m in height, so as to maintain mitigation of the development. Any trees posing a safety risk may be removed and replaced.
- f) Domestic structures, including but not limited to vehicle parking areas, pergolas, clotheslines, barbeque areas, garden sheds, barns, pools and any other domestic structures shall be located within the curtilage areas defined on the certified landscape

plan. Any structure outside the building platform but within the defined curtilage area shall be no more than 3.5m in height and 21m² in area.

- g) Entranceway structures to any lot shall be no more than 1.2m high and constructed of local stone, timber, or both. There shall be no entrance structures at the junction of the private road and Riverbank Road, except that the entrance may have farm gates.
- h) Exterior lighting attached to buildings or structures shall be no higher than 3m above ground level. All other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur. Exterior lighting shall be contained within the curtilage area as defined on the certified subdivision landscape plan.
- i) All boundary fencing shall be standard farming post and wire and rabbit proof fencing only, in keeping with the traditional rural landscape character. No deer fencing, hedges or similar plantings shall be used to define the edges of the curtilages or lot boundaries, except that hedges are permitted on the southern boundaries of lots.
- j) Planting and existing trees as shown on the certified landscape plan shall be maintained in accordance with the plan. If any tree or plant shall die it shall be replaced within 8 months.
- k) Buildings and other structures within lots 1-3 and 5-19 shall have a maximum height of 5.5m from existing ground level, with gable ends and pitched roofs. For clarification a pitched roof shall be a roof that is greater than 15°. Up to 20% of the overall roof may comprise a flat roof. Chimneys may protrude through the 5.5m height limit.
- l) Buildings and other structures within lots 1 – 3 and 5 – 19 that do not have pitched roofs (i.e. lean-to or flat) shall have a maximum height of 5.0m from existing ground level. Chimneys may protrude through the 5.0m height limit.
- m) All structures including residential units, water tanks, garages and accessory buildings, or any building used as an accessory to any activity, shall conform to the following building design controls:
 - I. Roof claddings to be in steel (corrugated or tray), slate (natural or imitation), natural grass and/or membrane.
 - II. Roof colours to be natural slate or grass, or the colours of steel, imitation slate and membrane roofs to be dark greys, browns or black only, and of light reflectance less than 25%.
 - III. Wall cladding to be in timber, smooth plaster, stone (local schist), concrete, natural earth brick, Linear or similar boards, or corrugated steel (to complement roof colours where both exist). Wall claddings are to be continuous in one cladding from ground to roof.
 - IV. All glazing in the building shall be restricted to systems with a reflected visible light of less than or equal to 8%.
 - V. All exterior lighting associated with any dwelling shall be fixed no higher than 3.0 metres above finished ground level and shall be capped, filtered or pointed downwards so as to reduce or avoid visibility from any point off-site of light sources and to minimise visibility of lit areas.

Lots 1-3

- n) Structures located within area A on Lots 1, 2 and 3 are prohibited.

Lot 19

- o) Structures located within area A and B on lot 19 are prohibited.
- p) There shall be no further subdivision of areas A and B on Lot 19.
- q) Area A and B on lot 19 shall be maintained in pasture.
- r) There shall be no tree planting within area A and B on lot 19, except for any trees existing at the time the subdivision works were completed and any vegetation planted in accordance with the structural landscaping certified by the Council.
- s) The private road and access ways shall be finished in chip seal with swales either side. Kerb and channel are prohibited.
- t) A covenant shall be registered by consent notice on the title of lot 19 prohibiting subdivision of the hatched area on plan xxxx in perpetuity, provided that this restriction shall be removed if this land is rezoned so that such subdivision is permitted as a Permitted or Controlled Activity. A covenant shall be registered by consent notice on the title of lot 19 prohibiting subdivision of the unhatched area on plan 'Orchard RHL Triangle – Site management Plan, Reference: 1656 – CP8 16 Oct 2013' prepared by Baxter Design Group' for 10 years, provided that this restriction shall be removed if this land is rezoned so that such subdivision is permitted as a Permitted or Controlled Activity.
- u) A covenant shall be registered by consent notice on the title of lot 19 requiring the land shown hatched on plan 'Orchard RHL Triangle – Site Management Plan, Reference: 1656 – CP8 16 Oct 2013' prepared by Baxter Design Group' to be used solely for agricultural purposes in perpetuity, provided that this restriction shall be removed if this land is rezoned so that subdivision is permitted as a Permitted or Controlled Activity. A covenant shall be registered by consent notice on the title of lot 19 requiring the land shown unhatched on plan 'Orchard RHL Triangle – Site Management Plan, Reference: 1656 – CP8 16 Oct 2013' prepared by Baxter Design Group' to be used solely for agricultural purposes for 10 years, provided that this restriction shall be removed if this land is rezoned so that subdivision is permitted as a Permitted or Controlled Activity.

Tree Protection Corridor – Cardrona Valley Road

- v) No trees within the existing fenced corridor containing the conifer shelterbelt adjacent to Cardrona Valley Road shall be removed unless dead or dangerous for at least 10 years after the structural planting is completed.
- w) Any trees that are removed within 10 years after the structural planting is completed are to be replaced with the similar species and at a minimum height of 1.5m at the time of planting.
- x) Corridor fencing is to be maintained in farm type post and wire and rabbit proof fencing.
- y) A management plan for the on-going maintenance of the Tree Protection Corridor shall be submitted to the Council prior to approval of the survey plan. This shall include provisions to prevent the belt of trees obscuring more of the distant mountains from Riverbank Road than at present, either through a height control or a density control, or both.

On-Site Fire Fighting

- z) If Council water reticulation is unavailable or unable to provide the necessary pressure and flow for fire hydrant provision, at the time a dwelling is erected on Lots 1 to 19, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank.

Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

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

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

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

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

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

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

Advice Note: The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 4-5km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.

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.

