

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Jeremy Bell Investments Ltd
RM Reference:	RM181596
Location:	Mount Barker Road, Wanaka
Proposal:	To undertake a 7 lot subdivision and the establishment of 5 residential building platforms, with associated earthworks, access, landscaping and servicing
Legal Description:	Section 8, Block II Lower Wanaka Survey District, held in Record of Title OT9C/5
Operative Zoning:	Rural General
Proposed Zoning:	Rural
Activity Status:	Discretionary
Notification:	7 February 2019
Commission:	Robert Nixon and Jane Sinclair
Date of Decision:	24 May 2019
Decision:	Granted subject to conditions

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an Application to **QUEENSTOWN LAKES DISTRICT
COUNCIL by the JEREMY BELL INVESTMENTS LTD**
(RM181596)

**DECISION OF COMMISSIONERS ROBERT NIXON AND JANE SINCLAIR APPOINTED BY QUEENSTOWN
LAKES DISTRICT COUNCIL**

The Hearing and Appearances

Hearing Date:	Tuesday, 30 April 2019 at the Edgewater Resort, Wanaka
Appearances for the Applicant:	Ms Maree Baker-Galloway, Legal Counsel Mr Jeffrey Brown, Planning Consultant Mr Patrick Baxter, Consultant Landscape Architect
Appearances for the Queenstown Lakes District Council	Ms Sarah Gathercole, Senior Planner Ms Lyn Overton, Senior Land Development Engineer Ms Kris MacPherson, Consultant Landscape Architect

Abbreviations

The following abbreviations are used in this decision:

Jeremy Bell Investments	“the Applicant”
Queenstown Lakes District Council	“the Council”
The Operative Queenstown Lakes District Plan	“the ODP”
The Proposed Queenstown Lakes District Plan	“the PDP”
The Resource Management Act 1991	“the RMA”
The Proposed Otago Regional Policy Statement	“the PORPS”
The land subject to this application is referred to as “the site”.	

INTRODUCTION AND BACKGROUND

1. The applicant seeks consent to undertake a seven lot subdivision and the establishment of residential building platforms on proposed Lots 1 – 5 at 387 Mount Barker Road Wanaka. The application site is described in the s42A report as having a legal description of Section 8 Block II Lower Wanaka Survey District, held in Record of Title OT9C/5. The application site comprises pastoral farmland south of Mount Barker Road and below the northern slopes of Mount Criffel.

2. The site is located in the rural area to the south east of Wanaka, and east of the Cardrona River.

THE PROPOSAL

3. The proposed development (described as 'The Rocks') seeks to undertake a seven lot subdivision, with the establishment of residential building platforms on Lots 1 – 5, with associated earthworks, access, landscaping and servicing. Lots 6 and 7 would remain in the ownership of the applicant and continue to be used for farming purposes.
4. The lot sizes are proposed to be as follows:
 - Lot 1 – 5500m²
 - Lot 2 – 6465m²
 - Lot 3 – 7710m²
 - Lot 4 – 6425m²
 - Lot 5 – 5370m²
 - Lot 6 – 68.79 ha (balance lot)
 - Lot 7 – 41.62 ha (balance lot)
5. The application is described in detail under the applicants AEE¹. It is perhaps best summarised in the evidence of Mr Baxter for the applicant, as follows:

The site of 'The Rocks' (approximately 3.15 ha) is located within a minor depression east of Smith Road, on Criffel Station. The proposed lots are setback from Mount Barker Road, ranging at a distance of approximately 260 m (lot 1) to 420 m (lot 5). 'The Rocks' site and surrounding landscape is characterised by a pattern of open pasture, fencing, gravel accessways, farm buildings, clusters of native and exotic trees and shrubs and large glacially deposited rocks ranging in size².

6. Mount Barker Road is approximately parallel to the application site and connected to the site by Smith Road, which is a private road. Smith Road is lined with a mature belt of various tree species including pines, and an existing pine tree shelter belt also extends for 300m to the east of the Smith Road/Mount Barker Road intersection.
7. Lots 1 – 5 would take the form of a row of five building sites serviced by an access way extending east of Smith Road and roughly parallel to Mount Barker Road. The building platforms are proposed to be 30m×25m (750 m²) with a maximum site coverage of 60%. Building height is to be restricted to a maximum of 4.5 m from the slab to the top of the roof.
8. Included in the architectural and landscape proposals (to be reinforced through volunteered conditions) are a requirement for principal gable roof forms varying from 27.5% to 35% pitch, with flat roof connections between the pavilions having a maximum height of 3m. Roof colours are to be restricted to an LRV of less than 27% with restrictions on the type of

¹ Jeremy Bell Investments Ltd, Land use and Subdivision Application and Assessment of Effects on the Environment for a 5 lot subdivision and associated residential building platforms, dated 15 January 2019.

² Evidence of P. One right Baxter, paragraph 13

materials used for both roof and wall claddings. Fencing and gates are subject to design control. A detailed planting programme is also proposed for each of the five sites, with the planting of indigenous species in the foreground of the five residential building platforms (facing Mount Barker Road) and a mixture of exotic and native species between and behind the building platforms³.

9. There is an existing pond in the foreground of proposed Lot 1, and this is to be retained as a feature, with a shared walking access proposed to the west of that lot. Another notable physical feature are the presence of numerous large rocks on the surface of the land between the application site and Mount Barker Road. There is also a smaller area south of proposed Lots 1 and 2 which is to be protected by a covenant and retained in the applicant's ownership⁴.
10. The application site forms part of the much larger Criffel Station which has a total area of approximately 1887ha.
11. Another relevant factor is the presence of a nearby Rural Lifestyle Zone to the south of the application site, incorporated into the PDP through the review of the District Plan⁵, and which we understand is not subject to appeal. This roughly linear 20.33 ha zone is located on what is described as a lower terrace at the foot of Mount Criffel, and which is sited such as to be generally not visible from Mount Barker Road. This zone is located generally beyond the southern boundary of Lots 6 and 7 and is capable of accommodating 10 dwellings.
12. We also record an appeal by the applicant for the rezoning of land further to the south of the Rural Lifestyle Zone described above, which is proposed to be set back on the upper terrace at the foot of Mount Criffel. At the time of this hearing, this matter remains to be resolved and we do not place any weight on it. This rather complicated context to the application reflects the presence of an alternating series of ridges and 'shallow depressions' south of Mount Barker Road and running in a generally east-west direction. From questioning Mr Baxter, it was confirmed that the applicant is pursuing an approach intended to ensure that the five residential building platforms are sited in one of these shallow depressions in order to minimise the extent to which the development would have a visual impact as seen from the north.
13. As a final point with respect to the description of the application site and its surrounds, the application as notified proposed to volunteer a consent notice to apply to the land surrounding the newly created Lots 1 – 5. The land affected by the consent notice would include a large part of proposed Lot 6, a smaller part of proposed Lot 7, and an area of land beyond the application site and west of Smith Road forming part of Lot 1 DP 300397. We go on to address matters relating to the application of consent notices and covenants later in this decision. This land has an area of approximately 90 ha and would continue to be farmed as part of Mount Criffel Station.

³ *ibid*, pp 2 – 7

⁴ AEE, paragraph 1.3.1

⁵ Planning Maps 18 and 18a

NOTIFICATION AND SUBMISSIONS

14. The application was publicly notified on 7 February 2019, with submissions closing on 7 March 2019. No submissions were received.
15. The applicants obtained the written consents of George and Johanna Wallis and Stephen Grant of 448 Mount Barker Road; G. Cameron and G. Beange (Cameron Family Trust and GB Beange Trust) of 262 Mount Barker Road; Nathaniel and Christine Craig of 370 Mount Barker Road; and David Allan of 602 Ballantyne Road. All of these properties are located on the northern side of Mount Barker Road. In addition, the written consents of A.R. Morris of 247 Mount Barker Road, and Margaret and Jeffrey Feint of 185 Mount Barker Road were also obtained⁶. These two parties own properties to the east of the application site. We also note for the record that an affected party approval was obtained from Jeremy Bell Investments Ltd as owner of the land surrounding the application site. From inquiry at the hearing, we understand that written consent has been obtained from all parties identified by the Council as potentially affected by the application.
16. We are required to disregard any adverse effects on those parties who have given affected party approval to the proposal.
17. Physical copies of affected party's approvals were provided for us on the day following the hearing. The hearing closed on 7 May, following Ms Baker-Galloway's reply on behalf of the applicant.

STATUTORY MATTERS

(1) OPERATIVE DISTRICT PLAN (ODP)

18. The subject site is zoned Rural General under the ODP. Ms Gathercole's report for the Council concluded that the application required resource consent with respect to the non-compliances identified below. This accords with Mr Brown's assessment for the applicant with one significant exception as discussed shortly.
 - (i) A **discretionary** activity consent pursuant to Rule 15.2.3.3 (vi) for the proposed subdivision and the establishment of a residential building platform within the zone.
 - (ii) A **controlled** activity consent pursuant to Rule 15.2.21.1 for earthworks associated with any subdivision of land.
 - (iii) A **non-complying** activity consent pursuant to Rule 15.2.3.4 (i) as the proposed subdivision does not comply with subdivision zone standard 15.2.6.3 iii (b) which requires that each lot created by subdivision within the zone includes a residential building platform. No building platforms are identified for Lots 6 and 7.

The application site is classified as a 'Visual Amenity Landscape' (VAL) under the ODP.

⁶ Evidence J Brown, paragraph 3.10

(2) PROPOSED DISTRICT PLAN - STAGE 1 APPEALS VERSION

19. The Council notified its decisions on Stage 1 of the Proposed District Plan Review on 5 May 2018, and Stage 1 is now subject to appeal. The subject site is zoned 'Rural' under Stage 1 of the PDP. The application requires resource consent under the PDP with respect to the following:
- (i) A **discretionary** subdivision consent pursuant to Rule 27.5.11 which provides that all subdivisions, unless specifically provided for, are a discretionary activity within the Rural Zone.
 - (ii) A **discretionary activity** consent pursuant to Rule 21.4.10 for the identification of building platform on each of proposed Lots 1 – 5.
 - (iii) A **discretionary activity** consent pursuant to Rule 21.5.1 which requires a 15 m setback from an internal boundary. The proposed dwelling on Lot 5 does not comply with the standard.

The application site is classified as a 'Rural Character Landscape' (RLC) under the PDP.

(3) PROPOSED DISTRICT PLAN - STAGE 2 DECISIONS VERSION

20. The Council notified its decisions on Stage 2 of the Proposed District Plan (Stage 2 Notified Version 2017) on 21 March 2019. The proposed activity requires resource consent for the following reasons:
- (i) A **restricted discretionary** activity consent pursuant to Rule 25.4.2 for earthworks that exceed the earthworks volume standards in Table 25.2 of the PDP. It is proposed to undertake earthworks of 17,388m³ where the permitted threshold is 1000m³. Discretion is restricted to:
 - a. Soil erosion, generation and run-off of sediment.
 - b. Landscape and visual amenity.
 - c. Effects on infrastructure, adjacent sites and public roads.
 - d. Land stability.
 - e. Effects on water bodies, ecosystem services and indigenous biodiversity.
 - f. Cultural and archaeological sites.
 - g. Nuisance effects.
 - h. Natural Hazards.
 - i. Functional aspects and positive effects.
 - (ii) A **restricted discretionary** activity consent pursuant to Rule 25.5.11 as the proposed earthworks extend over an area of 2.6160 ha which exceeds the permitted 10,000 m² where the slope is less than 10°.
21. The difference of opinion with respect to consent status concerns ODP Rule 15.2.3.4 (i) in the ODP. Ms Gathercole contended on behalf of the Council that under that Lots 6 and 7 (which are to be held in one Certificate of Title) do not have an identified residential building

platform, in contravention of Rule 15.2.6.3 (iii) (b), thus rendering the proposed activity non-complying under the ODP. Mr Brown countered that this rule has been superseded by a new rule under Stage 1 of the PDP, which is not subject to legal challenge, and can be deemed operative under section 86F of the RMA. This rule provides that in the Rural Zone “..... *every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70 m² in area and not greater than 1000 m² in area*”⁷. (our emphasis) Lots 6 and 7 are not intended to contain dwellings.

22. Upon questioning from the Commission, Ms Gathercole accepted Mr Brown’s interpretation, and agreed that as the rule in the PDP now had effect, accordingly the application was discretionary in status. However the situation is somewhat more complex than perhaps identified in both the application and in the officer’s report. A recent decision of the Environment Court nearby in the same zone⁸ reveals that the Court concluded that ODP Rules 15.2.3.3 (vi) and 15.2.3.4 (i) have now both been superseded by their equivalent rules in the PDP⁹ which are not subject to appeal, and are deemed operative under section 86F of the RMA. In practical terms however, consents for both the subdivision and identification of building platforms remain discretionary in status.
23. Perhaps unusually, while the relevant rules in the PDP are effectively operative, the *assessment matters* accompanying these rules in the PDP are subject to appeal, such that the assessment matters in the ODP still have legal effect. In addition to this, the objectives and policies in the PDP are also subject to comprehensive appeals. The consequence of this, and the approach we have subsequently taken in this decision, is that greater weight has to be applied to the applicable assessment matters and objectives and policies in the ODP.
24. We have assumed that the applicant or eventual owners of each of the five residential allotments will seek consent (if required) for dwellings on the proposed building platforms. Consent for the future dwellings has not been sought through the application as notified. Controlled Activity consent would be required under the ODP¹⁰, but not under the PDP¹¹ which provides for dwellings to be a permitted activity on an approved building platform.
25. A Preliminary Site Investigation prepared by the applicant has identified that the site is not a HAIL site, and consent is not required in terms of the National Environmental Standard. This conclusion has been accepted by the Council, and adopted by us.

SUBMISSIONS AND EVIDENCE

For the Applicant

26. Ms Baker-Galloway submitted that as the proposed subdivision was located within VAL and RCL classifications under the ODP and the PDP respectively, we were required to assess the application in the context of a section 7, not a section 6 landscape, and went on to say “..... it

⁷ PDP, Rule 27.7.10

⁸ Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C. 181, para 42.

⁹ PDP, Rules 27.5.1 and 21.4.10

¹⁰ ODP, Rule 5.3.3.2(i)(b)

¹¹ PDP, Rule 21.4.5

is the amenity values appreciated by people that are central to the management of the site"¹². She drew attention to the very low visibility of the proposed development, and that any adverse effects could not reasonably be considered to reach the threshold of being 'significant'.

27. She drew attention to the land to the south zoned 'Rural Lifestyle', and stated that no regard could be had to views from that (undeveloped) land as this was owned by Criffel Station who had given their affected party approval. She also drew attention to the status of Smith Road as a private road, and that views from it could not be taken into account. She also questioned whether the land had any productive values that would be lost as a consequence of the development proceeding.
28. She noted concerns in Ms MacPherson's report relating to adverse visual effects of proposed amenity planting, but submitted that as planting was generally a permitted activity in the Rural Zone, it formed part of the permitted baseline. She then drew attention to excerpts from a recent Environment Court decision *Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C.181*¹³ which she submitted supported the applicant's case that amenity planting is a benefit not a negative, and that caution need to be exercised in terms of protecting the 'openness' of landscapes.
29. Mr Baxter described the wider context of the site and its surrounds. He described the proposed 'Rocks' development as being located within a minor depression east of Smith Road with the proposed lots being set back from 260m to 420m from Mount Barker Road. He observed that the outlook to the north from Mount Barker Road was open and expansive, contrasting with the intermittent views to the south (towards the application site)¹⁴. He said that views from the road were largely screened by an existing pine tree shelter belt extending 300m south of the Smith Road/Mount Barker Road intersection, and that the intervening land was open pasture characterised by the presence of numerous scattered rocks from an early glaciation period. He said that the land beyond the application site to the south was pastoral in character for approximately 600m before dropping to the base of the terrace escarpment which contained open pastoral land, fencing, clusters of native and exotic trees, rural dwellings and sheds. Beyond that was a secondary terrace with the Criffel Range rising high above to form the dominant visual backdrop.
30. Each site would have a building platform of 750m². He described the proposed earthworks within each lot as "minimalistic" and complementary to the existing landform¹⁵. He stated that the owner would establish a continuous area of ecological planting along the northern side of the lots, with clusters of exotic trees proposed between and on the southern side of the proposed lots only, so as not to disrupt views to the north. Architectural and landscape controls would include site coverage (60%) building form, building height (4.5m maximum) restrictions on the nature and reflectivity of glazing and cladding, planting within the curtilage areas, controls over the design of fencing and gates, lighting and external services.

¹² Submissions of M Baker – Galloway, paragraph 7

¹³ Paragraphs 143 and 144

¹⁴ Evidence P Baxter, paragraph 12

¹⁵ Ibid, paragraph 22

31. Access would be by way of a 3.5- 4.5m gravel right-of-way which would not be visible from outside the application site.
32. In terms of visibility he stated that the roof lines of three of the five dwellings will be visible at any time, being approximately 1.8m of roof line and only intermittently visible through a line of mature pine trees along Mount Barker Road. In his opinion, users of Mount Barker Road would only perceive the roof lines if actively seeking to locate them. He maintained that even if the pine shelterbelt along Mount Barker Road were removed, his assessment was that the development would be of low visibility¹⁶. He said the proposed development would not be visible from Smith Road or from Mount Barker Road to the west of Smith Road.
33. While agreeing with Ms MacPherson that the proposed development is in the 'foreground' of the ONL to the south, he asserted that:
*"..... the wider landscape setting below the terrace line and south of the subject site is a truly Arcadian landscape (not an open visible landscape), characterised by dwellings, sheds, large groups of mature exotic trees, shelterbelts, fenced paddocks, extending east to Wanaka Airport. This development has been carefully considered and will not change the public perception of that overwhelming Arcadian character. Change will occur, however the scale of change will be barely perceptible and the Arcadian pastoral character of the development will remain intact"*¹⁷.
34. In response to the concerns of Ms MacPherson, he contended that the proposed exotic tree planting to the south of the dwelling and around the dwellings was designed for local visual containment and shelter, and tying the development visually with existing exotics beyond to the south of the site. He added that the proposed planting of indigenous vegetation on the northern side of the building platforms were not for mitigation purposes, but rather than to add positive ecological benefit to the local landform and ecology, describing this as *"..... a private visual benefit with wider ecological purpose"*¹⁸. He saw no benefit in the officer's recommendation to connect the proposed tree form south of the proposed dwellings with the Smith Road shelterbelt to the west, or even that the shelter belt itself needed to be retained.
35. He did not consider the proposed development would be visual from any other public viewpoint to the north, notably Mount Iron. He considered it was appropriate to concentrate the development at higher densities in a cluster form within a part of the site that was better able to absorb development. He did not agree that the proposed development constituted 'sprawl'.
36. Mr Brown began his planning evidence for the applicant by addressing the issue of the status of the application, which we have addressed earlier. He noted that this meant the application had to be assessed as being discretionary, not non-complying, in status.
37. Relying largely on the evidence of Mr Baxter, he concluded that any potential adverse effects on the environment, in particular landscape and visual amenity, were mitigated by the careful

¹⁶ Ibid, paragraph 29 (g)

¹⁷ Evidence P Baxter, paragraph 33

¹⁸ Ibid, paragraph 37

siting of the proposed lots and their associated building platforms, and the extensive design and landscape controls proposed through volunteered conditions.

38. He said that as Smith Road was not a public road, views from this road could not be considered public views. He noted that affected party written approvals had been obtained from all affected neighbours including the Applicant as an adjoining landowner. He reiterated the conclusions of Mr Baxter that even allowing for existing and potential zoned development in the area, the landscape would remain overwhelmingly rural in character. In his opinion the proposal was not contrary to the objectives and policies of the ODP or the PDP, adding that many provisions of the latter were subject to appeal.
39. With respect to the potential for precedent raised as an issue in Ms Gathercole's S42A report, he maintained that it would be very difficult for any other proposal to emulate the attributes of the current application, having regard to the location and design of the proposed lots, the design and landscaping controls, the use of a proposed consent notice to protect surrounding productive land from further subdivision and development, the acceptable level of effects, the lack of submissions and the written approvals obtained¹⁹.
40. He generally concurred with the draft conditions suggested in Ms Gathercole's S42A report, but also proposed the inclusion of an extensive suite of design controls related to the proposed dwellings, accompanied by a similarly extensive set of landscape design controls.

For the Council

41. As is so often the case, this is an application which primarily raises issues of effects on landscape, and for that reason the evidence on behalf of the Council similarly emphasised this point as did that of the applicant. Understandably, Ms Gathercole's conclusions were strongly derived from the landscape evidence prepared by Ms MacPherson.
42. Ms MacPherson concluded that the impacts of the proposed development on the landscape will be adverse and more than minor. Firstly, she considered that the existing character of the site was more complex²⁰ than suggested in the evidence for the applicant. Secondly, she considered that the area adjacent to the Smith Road shelter belt has a higher capacity to absorb change than areas further to the east, with particular implications for the building platforms and planting on proposed Lots 4 and 5.
43. Thirdly, she was concerned that the dwellings and intensive vegetation proposed in association with the five lots would change the character of the proposed development to one of 'Rural Living' which we take to be that of the (as yet undeveloped) Rural Lifestyle Zone, located further to the south of the application site.
44. Fourthly, she considered that the landscaping regime proposed was not consistent with the quality and character of the surrounding RCL, noting there is little existing indigenous vegetation and the scale of native planting proposed would promote more of a garden

¹⁹ Evidence J Brown, paragraph 5.1

²⁰ Evidence K MacPherson, paragraphs 24 and 25

environment, inconsistent with current patterns within the generally flat landscape. She does however consider that the proposed development on Lots 1 – 3 would not degrade the receiving landscape to the same extent, because the siting of the proposed building platforms within the shallow depression took advantage of the topography of the area²¹.

45. She concurred with the proposed clustered form of built development, the colour palette chosen, and the proposed restrictions on the height of buildings, and was satisfied that the management of the curtilage areas would result in limited adverse effects associated with domestic activity. While supportive of the location of the development in principle, it was apparent that her primary concern was the extension of the proposed development into a more visible pastoral area to the east, particularly on proposed Lots 4 and 5. In considering the cumulative effects associated with the proposed development, (and that of the Rural Lifestyle Zone to the west), she states:

It is into this context that the proposal needs to be evaluated. The proposal will foreground the RLZa development from all views to the north of the site. It will reduce the existing open rural values of the landscape by introducing a very large stand of trees into the currently open landscape thereby further changing the balance of the colour and texture palette of the rural VAL landscape. I consider that the proposal introduces controls and lighting and domestic activities such that the amenity of the landscape will not be reduced – but it will be changed²².

46. She goes on to say that taken as a whole, this and other development in the area will erode the foreground of the ONL. She opined that the character of the rural environment is distinctly different north of Mount Barker Road than it is to the south, as by way of contrast there is a higher degree of development in the former area.
47. As noted previously, Ms Gathercole adopted the findings of Ms MacPherson with respect to landscape matters, but also raised some additional concerns.
48. She too was concerned about the small lot sizes proposed, noting that while there was no minimum lot size within either the Rural General Zone (ODP) or the Rural Zone (PDP), the lot sizes were predominantly rural residential in scale and would undermine the rural character of the area. She was also concerned that proposed Lots 6 and 7 were not proposed to contain residential building platforms, which if subsequently developed would have the potential to add to the extent of residential scale development in the vicinity.
49. Both she and Ms MacPherson considered that the proposed development would constitute sprawl of built development, in the sense that taken in association with ‘mitigation’ planting, would have the outcome of reducing the open pastoral character to the south of Mount Barker Road where there was currently little development, and would extend intensive development into a location where it was currently not present.
50. Her conclusions were that the proposal would be contrary to a number of objectives and policies. Starting with the PDP, she considered that the proposal would particularly conflict with Policy 6.3.21 (cumulative effects), Policy 6.3.22 (sprawl along roads), and Policy 6.3.26

²¹ Ibid, paragraphs 30 and 43

²² Evidence K MacPherson, paragraph 46

(development in the foreground of an ONL or ONF). With respect to the ODP, she concluded that the proposed development was contrary to Part 4, Objective 4.2.5 and Policy 1 (exceeding capacity of the environment to absorb development), Policy 4 (sprawl of built development across and along Mount Barker Road), Policy 6 (density of development proposed), and Policy 8 (cumulative effects). She also considered it contrary to Part 5 of the ODP with respect to loss of rural productive land, detracting from landscape values, and the introduction of a rural living character. She came to similar conclusions with respect to policies relating to subdivision in Part 15.

51. With respect to the scale of earthworks proposed on the application site, and having regard to the report from Ms Overton, she was satisfied that any adverse visual or other effects would be less than minor, a conclusion also accepted by Ms MacPherson²³.
52. Ms Gathercole's report also addressed the following matters:
 - (a) Access and traffic;
 - (b) Natural Hazards;
 - (c) Services;
 - (d) Reverse sensitivity.
53. With respect to these matters, she considered that any adverse effects would be less than minor, and given that these were not issues in dispute and were not the subject to contrary evidence, we accept her evidence and conclusions.
54. Ms Gathercole's report helpfully contained a set of possible conditions should consent be granted, but we acknowledge that her conclusion was that consent should be declined.

The Applicant's right of reply.

55. In her reply for the applicant, Ms Baker-Galloway emphasised that the officers had accepted that the visibility of the *dwelling*s was not a significant issue. Allowing for planting, she considered that while there would be a 'change' to the landscape, there would not be any 'significant' adverse effect.
56. During the course of the hearing itself, Ms Overton expressed some concern that the subdivision could not be approved as there was no mechanism for legal access over Smith Road. Ms Baker-Galloway responded that provision for a right of way over Smith Road ('Easement A') had been made in the application as originally notified²⁴.
57. An additional point arising during the hearing was that an internal boundary setback non-compliance for the future dwelling on Lot 5 had not been identified in either the application or the s42A reports. Ms Baker-Galloway drew attention to a legal authority²⁵ which she said identified that a resource consent authorises an activity, not the breach of a particular rule. We accept her advice, and have included this as a non-compliance under the heading of 'Statutory Matters' above.

²³ Ibid, paragraph 53

²⁴ Scheme Plan, Patterson Pitts Group, W5596 dated 2 May 2019

²⁵ *Arapata Trust v. Auckland CC* [2016] NZEnvC 236

58. During the course of the hearing there were a number of matters on which we sought clarification on from the applicant, as we were having some difficulty in isolating the basis for the different conclusions arrived at by Mr Baxter and Ms MacPherson. As part of Ms Baker-Galloway's reply, Mr Baxter was able to confirm that:

- the most visible portion of any dwelling would be 1.8 m of roofline in total for a dwelling on Lot 1, at a distance of between 300 and 500 m from Mount Barker Road;
- only 1 m of roof lines on future dwellings on Lots 1 and 2 would be visible;
- no roof lines of any future dwellings on Lots 4 or 5 will be visible from any points on Mount Barker Road;
- there would be minor portions of roof lines of dwellings which would be potentially visible (1 – 1.5 m) from beyond the eastern end of the row of pines on Mount Barker Road, but as they would be set back approximately 920 m, they would not be discernible.

ASSESSMENT OF EFFECTS

The nature and character of the site and the application

59. As is often the case with applications in the rural area of the District, this application is to a very large extent a 'landscape' issue. With the release of the Council's decisions on Stage 1 of the PDP, a statutory environment for considering resource consents in the Rural zone has become quite complex. We are in a transition phase between the ODP and the PDP, with the consequence that there are a plethora of assessment matters, objectives and policies having potential relevance to applications of this nature.

60. During the course of the hearing, Ms Baker-Galloway drew our attention to a recent Environment Court decision²⁶ relating to a proposal for subdivision and dwellings which is also located within the Rural/Rural General Zone south east of Wanaka. We are well aware that considerable caution has to be exercised in drawing conclusions from other applications where the factual circumstances are different. However we consider there are some common factors between these two applications, and we have had regard to the findings of the Court in that decision. This is particularly the case with respect to the application of the relevant provisions of the ODP and the PDP, the matters relating to the assessment of effects on landscape, and the matter of the relative weight to be given to the ODP and the PDP. We go on to address the applicability and weight to be given to the objectives and policies in the ODP and the PDP later in this decision.

61. Section 86F provides that a rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired. Under the PDP, the site is zoned Rural where subdivision is a discretionary activity²⁷, and the identification of building platforms is also a discretionary activity²⁸. These rules are not subject to appeal, and can therefore be treated as operative. Accordingly, we consider that Rule 15.2.3.3 (v) in the ODP does not apply in this case, albeit that discretionary

²⁶ Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C. 181

²⁷ PDP Rules 27.5.11 and 21.4.10

²⁸ PDP Rule 21.4.10

activity consent is still required under the PDP. However, we understand that the assessment matters contained in the ODP still have application, as those in the PDP are subject to appeal. These are very similar to, but not identical, to those contained in the PDP²⁹. We consider that this reflects the statutory position identified by the Court in *Ballantyne Baker Holdings*.

62. There are a significant number of assessment matters in Part 5 of the ODP, with a range of similar assessment matters under Chapter 21 of the PDP. Bearing in mind that the application also has to be assessed under the complementary objective and policy framework of both plans, we have adopted (subject to any differences relevant to this application) the approach taken by the Environment Court in *Ballantyne Baker Holdings*³⁰. This is to assess the proposal in terms of the assessment matters in the ODP, with cross-references to the comparable and relevant assessment matters in the PDP, which are subject to appeal. We consider this to be appropriate and efficient, and avoids unnecessary duplication. In doing so, we add that the matters for consideration under the Visual Amenity Landscape (VAL) classification in the ODP are virtually identical to those under the Rural Character Landscape classification (RCL) in the PDP.
63. We also note that the assessment matters in the PDP are subject to legal challenge, and for this reason we consider more weight needs to be given to the ODP assessment matters than those contained in the PDP.
64. As a fully discretionary activity, our consideration of any relevant matters before us is unfettered, but we think it is useful to begin by clarifying the points of difference between the Council and the applicant.
65. In response to question, we established that Ms MacPherson for the Council did not have any significant reservations about the visual impact of dwellings as seen from 'public places'— i.e., Mount Barker Road. Our understanding of her concerns related to the proposed planting extending to the east across the foreground of proposed Lots 4 and 5.
66. We also understand that there were no specific concerns with the proposed development on Lots 1 – 3. There were however concerns that the development as a whole was at an inappropriate scale in a rural area (that is, a characteristic of an urban or at least rural lifestyle density) and would contribute to sprawl.

Assessment matters – ODP

67. Rule 5.4.2.2(3) is specific to Visual Amenity Landscapes. It begins with the qualification that existing vegetation established after a specified date which obstructs or substantially interferes of views of the landscape shall not be considered as beneficial under the assessment matters, or as part of the permitted baseline or that its removal be considered as a positive effect. The PDP has a similar rule under 21.21.2.1. This is not relevant to this application.

²⁹ *Ballantyne Baker Holdings Ltd versus QLDC* – Interim decision [2018]NZ Env C. 181, paragraphs 42 and 69

³⁰ *Ibid* paragraph 70

68. We note that the numbering system in the ODP is somewhat cumbersome and confusing. However we have followed the subheadings under the applicable assessment matters.

(a) Effects on natural and pastoral character³¹

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;*
- (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;*
- (iv) whether any adverse effects identified in (i) – (iii) above are all can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;*

69. The application site is not ‘adjacent’ to the ONL to the south. We will go on shortly to consider the proposal in terms of whether it intrudes into the *foreground* to the ONL with respect to the provisions of the PDP. We agree with Ms MacPherson that the site does not have an ‘arcadian’ character in the manner of the Wakatipu Basin, although the area south east of Wanaka appears to be transitioning towards this character as a result of subdivision and rural living development in what was once an open pastoral landscape of large holdings. Mr Baxter described the character of the application site and its surrounds as follows:

Below the terrace edge and running continuously along the edge, and on the flats, is a mix of established and semi-mature exotic tree planting, fencing, shelterbelts and glimpses of dwellings and farm buildings all reasonably setback from Mount Barker Road³².

70. We consider this is a reasonable description. The land to the south of Mount Barker Road has a degree of open character, but we do not agree that it has ‘openness’ to the extent that Ms MacPherson considered it to have. Accordingly we have concluded that the development of the site for the residential dwellings and activities in the curtilage of those dwellings would not have a significant adverse effect on the agricultural and pastoral character of the land containing the application site. We also consider that there would not be any significant visual impact associated with a grant of consent that would detract from the surrounding environment and from the ONL beyond.
71. From the evidence it appeared to us that the landscape witnesses were generally in agreement that the proposed dwellings and activities within the curtilage of the proposed dwellings would be visible to persons travelling on Mount Barker Road, but only to those who are making a conscious effort to look for them. There was also no evidence that development

³¹ ODP Rule 5.4.2.2(3) (a) (i) to (iv); PDP Rule 21.21.2.2

³² Evidence of P Baxter, paragraph 11, and Attachment E

on the site would be visible (certainly not highly visible) from more distant viewpoints such as Mount Iron or Ballantyne Road.

72. Turning to the matter of planting, our understanding of the position of the Council was that the planting of trees in proximity to the proposed dwellings would act as a 'signal' that residential development was present. We do not agree that the proposed planting would signal an obvious presence of dwellings, given the distance (setback) from Mount Barker Road and bearing in mind that the amenity planting of trees and shrubs in the zone is a permitted activity, unless this comprises any species proscribed by the PDP³³.
73. Mr Baxter advised that the proposed planting was not for mitigation purposes, but as an environmental enhancement. The site is part of a VAL under the ODP, and amenity planting is not contrary to the policies of the plan³⁴.

(b) Visibility of Development³⁵

Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:

- (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 practicalities and the likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access and*
- (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;*
- (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 the views of the existing natural topography or cultural plantings such as hedgerows and avenues;*
- (iv) the subject site and the wider Visual Amenity Landscape of which it is forms part is enclosed by any confining elements of topography and/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;*
- (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;*
- (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;*
- (viii) boundaries follow, wherever reasonably possible and practicable the natural lines of the landscape and/or landscape units;*
- (ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.*

74. We are entirely satisfied that the development would not be 'highly visible' from any public places or public road. As we found earlier, some parts of roof lines and amenity planting

³³ PDP, Chapter 34

³⁴ ODP, Policy 4.25(4)(b).

³⁵ ODP Rule 5.4.2.2 (3)(b) (i) to (ix); PDP Rules 21.21.2.3 and 21.21.2.4

would be visible, but only to a minor extent. The second criteria does make mention of private as well as public places, but except within the development itself, we did not hear any evidence that established that it would detract to any significant extent from the landscape character of the area, and all affected persons had given their written approval to the application. The use of recessive colours for roof and wall surfaces would help to mitigate the already limited visual impact of the development. We note that it was accepted by all parties to the hearing that the physical access to the house sites would not be visually prominent.

75. Similarly, we consider that the earthworks, although reasonably significant by volume, would not have an adverse visual impact, and were proposed in order to establish suitable building sites rather than to provide screening, which might otherwise have an incongruous and artificial appearance.
76. Ms Baker-Galloway was critical of the Council's evidence with respect to the effect of planting reducing the 'openness' of the pastoral landscape. Obviously the context of each particular application has to be considered, but it was significant that in *Ballantyne Barker Holdings* the Court rejected the notion that amenity or mitigation planting will necessarily lead to over domestication of the landscape³⁶.
77. The development containing the house lots takes advantage of the shallow linear depression or gully extending in a general east – west direction, which significantly reduces the impact of the proposed development as seen from Mount Barker Road. None of the proposed single storey dwellings are located in a visually prominent position, and would not break any skyline, ridgeline, or intrude into an open exposed slope. There are conditions which are proposed to be imposed on the placement of fencing, such that there will not be any visually incongruous 'lines' within the landscape, which might contradict the underlying topographical patterns of the land.
78. A specific concern raised by the s42A report is that the development would contribute to a pattern of sprawl in the area. While there are other dwellings in the general vicinity, and the Rural Lifestyle zone to the south of balance Lots 6 and 7, the cluster of dwellings proposed are not an extension of an existing group of dwellings, nor do they contribute to, or take a linear form of development along Mount Barker Road.

(c) Form and Density of Development³⁷

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;*
- (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);*
- (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;*

³⁶ *Ballantyne Baker Holdings Ltd versus QLDC* – Interim decision [2018]NZ Env C. 181, paragraphs 114 – 117

³⁷ ODP Rule 5.4.2.2 (3)(c) (i) to (vi); PDP Rule 21.21.2.4

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

(v) if a proposed residential building platform is not located inside existing development then on any application for resource consent and subject to all the other criteria, the existence of alternative location or methods:

.....

(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 of the adverse cumulative effects would be unacceptably large.

79. As noted above, we consider that the clustering of development within the shallow east – west depression successfully ensures that future dwellings and associated planting while not invisible, would not be ‘highly visible’. Our site visit established that if dwellings were to be sited closer to Mount Barker Road, or even further to the south, they would certainly be more elevated and hence more visible. This would inevitably require substantial planting for screening purposes and would raise justifiable concerns.
80. We also consider that the proposed clustering approach is appropriate in these circumstances. Confining the building platforms within the shallow depression will ensure that the development is located within that part of the site best able to absorb the visual impact of the development. The potential adverse visual impacts associated with the necessary access arrangements are also mitigated in this case by providing all access through Smith Road, and the provision of a shared access serving all of the proposed dwellings. We heard no evidence from the Council or Applicant’s witnesses as to the applicability of the ‘circle criteria’ under subclause (v) above, which we understand was intended to enable an assessment of the effects of a proposal having regard to other preferable locations for building platforms. However, we understand that this matter is not longer relevant to our considerations.
81. The average density of development within the five unit cluster would be approximately 6300m², which is significantly smaller than the 2ha average in the nearby Rural Lifestyle Zone further to the south. The average lot size over the subdivision as a whole (that is, including balance Lots 6 and 7) is 16.22 ha. However the median lot size over the seven lots is only 6465 m². We did not hear any objective evidence with respect to the density of development over the wider area. Notwithstanding that, we were persuaded that with a restrictive covenant over Lots 6 and 7, the existing rural character of the area would only be subject to minor change. The status of the balance blocks is an important matter which we will return to shortly.
82. Under the planning framework of the ODP, and to a greater extent under the PDP, any future development of residential units in the vicinity of the application site (notably within balance Lots 6 and 7) would in our view result in a density of development which would be inappropriate. It would represent a tipping point beyond which the ability of the Arcadian rural character in this location to absorb further development would be exceeded.

(d) Cumulative effects of development on the landscape³⁸

³⁸ ODP Rule 5.4.2.2 (3)(d) (i) to (vii); PDP Rule 21.21.2.6

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 and (a) to (c) above;*
- (ii) the nature and extent of existing development within the vicinity or locality;*
- (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;*
- (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;*
- (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;*
- (vi) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, a 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).*

83. We were left with the impression that the approach taken by the applicant is that cumulative effects of development will not be exceeded, provided new development is either not visible, or is sufficiently screened. While this is an important part of any assessment as to whether the cumulative scale of development has reached a tipping point, the presence of a significant number of dwellings and associated roading, fencing, and tree planting may result in that development significantly changing the character of an area.
84. We noted that in the wider vicinity of the application site, there has been further development to the north of Mount Barker Road and further west along the road, as well as the approved Rural Lifestyle Zone to the south. We consider that the cumulative effects of the five additional residential units are acceptable, particularly with a covenant proposed over surrounding balance Lots 6 and 7. We consider it would be difficult to justify further subdivision on Lots 6 and 7 without resulting in inappropriate domestication of the rural environment in this area, because such development could not be screened by topography, and would require substantial screen planting which in itself would appear incongruous in this environment.
85. We are satisfied that the manner in which the development has been designed takes advantage of the topography by clustering the building platforms within the natural depression extending east – west across the site. It is definitely a preferable design approach to creating lots of larger size scattered over the wider area.
86. We are not of the opinion that the extent of planting proposed in association with the five residential building platforms would exceed a threshold which would compromise the pastoral

character of the area. In arriving at this conclusion, we note that even the Council accepts that development on Lots 1 – 3 would be acceptable³⁹.

87. The initial proposal of the applicant was to restrict future subdivision and development by way of a consent notice over Lots 6 and 7. There was some discussion about this at the hearing, and it was agreed that a consent notice can be removed relatively easily, a similar observation that has been made by the Environment Court⁴⁰. On behalf of the Applicant, it was volunteered that a covenant be registered, but limited to a period of 25 years from the time of registration, whereas Council practice is that these be in perpetuity. We are uneasy about the Applicant's intentions in this respect, given an ongoing past and present pattern of seeking further subdivision and rezonings within the overall property. We think it is important that the reasonable expectations of future owners be taken into account.
88. For this reason, we consider a 60 year covenant period would provide a greater degree of certainty that the land within Lots 6 and 7 will remain undeveloped, bearing in mind that a significant justification for the Applicant's case was that the development currently proposed was on a part of the site that could absorb development, whereas this was not the case for the balance of the land concerned. There was some discussion in *Ballantyne Barker Holdings*⁴¹ with respect to the appropriate term of covenants, where the Court indicated it had some reservations about covenants in perpetuity, but that they needed to be long enough to be of practical benefit to future lot owners and immediate neighbours. While any period would be arbitrary, we think 60 years is appropriate taking into account unforeseen possible changes to land use that may need to occur over a long term timeframe.

*(e) Rural Amenities*⁴²

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;*
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;*
- (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;*
- (iv) landscaping, including fencing and entranceways are consistent with traditional rural elements, particularly where they front public roads.*
- (v) buildings and building platforms are setback from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.*

89. We consider that development as proposed, and subject to conditions, will maintain visual access to open space and views. While parts of some roof lines and amenity planting will be

³⁹ Evidence K. MacPherson, paragraph 30

⁴⁰ *Ballantyne Baker Holdings Ltd versus QLDC* – Interim decision [2018]NZ Env C. 181, paragraphs 177 – 181

⁴¹ *Ibid*, paragraphs 177-187

⁴² ODP Rule 5.4.2.2 (3)(e) (i) to (v); PDP Rule 21.21.2.6

visible from Mount Barker Road, the visual scale of this is not in our view likely to be such as to make a readily discernible difference to the current environment. With respect to neighbouring properties, all potentially affected parties have given their written consent to the application, and there have been no submissions.

90. The removal of approximately 3.15 ha of land from the farmed area of the property would in our view, have only have a negligible direct effect on the productive agricultural potential of this large 1800 ha rural holding. The nature of the land containing the application site, and particularly the presence of significant rock outcrops, limits its productive potential. In terms of reverse sensitivity, we noted during our site visit that deer are farmed in the area containing the application site, and we were well aware that these animals can be easily disturbed by human presence. However it was apparent that it was the applicant's intention to remove some existing sheds on the site, and reconfigure their operations to take account of the proposed development, a course of action which we expect will be entirely feasible given the very large area of Criffel Station.
91. Access arrangements to the development are proposed to be consistent with those typical of a rural environment, with a metalled access drive. No curbing and channelling is proposed so that development will not assume an urban character. The site does not have frontage access to Mount Barker Road. The landscaping and fencing is also proposed to be restricted by conditions to ensure it is typical of a rural, rather than an urban, environment. This is proposed to comprise of post and wire fencing with rabbit proof mesh where required, with gates utilising natural timber, stained timber or mild steel left to weather. The proposed cluster of dwellings is not located in close proximity to other rural dwellings, again noting that all affected parties have given their written consent.
92. There are also a number of general assessment matters under Rule 5.4.2.3. The first of these concerns nature conservation values, but this has not arisen as an issue with respect to the application site. Similarly, we heard no evidence that natural hazards were an issue in this the development of this particular site. We do not consider that the other assessment matters under this rule are relevant in this case, or that they are already covered under the matters set out above.

Assessment Matters – PDP

93. We understand that the assessment matters in the PDP are subject to appeal, and consequently we can attach only limited weight to them. They are also very similar to those currently contained within the ODP. To avoid excessive duplication, we have followed the "ODP led assessment" approach adopted recently by the Environment Court for development in the zone, except where the PDP contains new provisions.⁴³ The PDP does contain a list of assessment matters applicable to all rural land⁴⁴, whether within an ONL, an ONF, or the RCL (the latter applies to all land which is not ONL or ONF). Rule 21.21.3.3 provides that:

⁴³ Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C. 181, paragraph 70

⁴⁴ PDP Rules 21.21.3.1 – 21.21.3.3

In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- (a) whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;*
- (b) whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, all land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;*
- (c) any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes and rivers and conservation areas;*
- (d) any opportunities to retire marginal farming land and revert it to indigenous vegetation;*
- (e) where adverse effects cannot be avoided, are mitigated or remedied, the merits of any compensation;*
- (f) whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains a valued landscape character.*

94. As discussed previously, a covenant is proposed by the applicant over Lots 6 and 7 which surround the cluster of proposed dwellings. We consider that the timeframe proposed for the covenant is insufficient and consider it should be increased to 60 years.
95. The applicant proposes to undertake the planting of indigenous species in the foreground of the proposed residential units which would contribute (albeit in a modest way) to biodiversity values. There are no other specified environmental benefits that would flow from approving this development.

Other effects

96. Ms Overton was present at the hearing to answer any questions relating to servicing requirements. The report confirmed that the intersection with Smith Road was satisfactory but recommended the provision of passing bays every 50m and improved roadside drainage, to be protected through a condition.
97. Resource consent is required for earthworks under both the ODP and the PDP, although the latter may still be subject to appeal. Altogether 17,388 m³ of earthworks are anticipated, with a maximum cut of 1.5 m and a maximum fill of 2m. We note that these earthworks are not intended to act to provide additional screening, but to establish improved building platforms and access. No natural hazards have been identified on the site, but improved provision of overland flow paths would need to be made. These matters were subject to recommended conditions.
98. The proposed sites can all be supplied with water, power and telecoms.
99. Accordingly, we concluded that there were no other effects which were not addressed, or could not be addressed through appropriate conditions.

100. We have not gone on to address some other issues covered in assessment matters (and objectives and policies) where these do not arise as an issue through this application, such as matters of relevance to Tangata Whenua and potential for natural hazards.

Positive Effects

101. Approval of the application would make a modest contribution to the supply of rural housing, and would presumably have the potential provide some additional income for the development of Criffel Station.

OBJECTIVES AND POLICIES

102. In *Ballantyne Baker Holdings*, the Environment Court held that⁴⁵:

However, while we accept the parties position that the objectives and policies under the ODP should be given more weight, that does not mean no weight should be attributed to the PDP.

103. The Court went on to add that the objectives and policies had now progressed to the decision stage, where they remain at the time we have to decide this application. However they noted that while they were subject to comprehensive appeals, they did not mark a radical change in direction mandated by a superior planning document such as a regional or national policy statement. Relevantly, the Court also noted that the PDP does not appear to implement the policy of the Proposed Otago Regional Policy Statement as to the benefit of introduced trees in the region's landscapes⁴⁶.
104. Having regard to the foregoing, we have given more weight to the ODP in this case, but have had regard to the applicable objectives and policies of the PDP.

Objectives and policies – ODP

105. Chapter 4 of the ODP contains District Wide Issues, Objectives and Policies. Objective 4.2.5 and its associated policies specifically address matters concerning landscape and visual amenity.

106. Objective 4.2.5 states as follows:

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

107. The proposed development is consistent with this policy, and with the imposition of the proposed conditions, any adverse effects on the environment are expected to be minor.

⁴⁵ *Ballantyne Baker Holdings Ltd versus QLDC* – Interim decision [2018]NZ Env C. 181, paragraph 209

⁴⁶ PORPs Policy 3.2.6 (c)

108. This objective is accompanied by a range of policies under the subheadings of Future Development, Outstanding Natural Landscapes, Visual Amenity Landscapes, and Outstanding Natural Features.

109. The suite of policies relating to 'Future Development'⁴⁷ state as follows:

(a) to avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.

(b) to encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.

(c) to ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

110. We agree with Ms MacPherson that the area containing the subject site is visually sensitive⁴⁸, a finding which is justified by the relatively open and visually exposed nature of most of the land as seen from the southern side of Mount Barker Road. However the proposed clustering and siting of the five dwelling units within the shallow depression, will ensure that visual amenity values are not 'degraded'. The location of the proposed cluster of five dwellings takes advantage of this topographical feature and is one of the few areas in the vicinity which can absorb further development.

111. Specifically for 'Visual Amenity Landscapes'⁴⁹, the policies state as follows:

(a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:

*highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this plan); and
visible from public roads.*

(b) to mitigate loss of or enhance natural character by appropriate planting and landscaping.

(c) to discourage linear tree planting along roads as a method of achieving (a) or (b) above.

112. Much of the visual amenity landscape south of Mount Barker Road is visible or highly visible. However we consider the location of the proposed cluster of dwellings is such that they will not be an obtrusive feature in the landscape, whether or not the ragged line of trees in the shelter belt along the southern side of the road is retained or not. We note that the proposed planting is primarily for amenity and not mitigation purposes, given the partial concealment provided by the rising ground between Mount Barker Road and proposed Lots 1 to 5.

113. We also consider that the amenity planting proposed around the cluster of dwellings (including on proposed Lots 4 and 5) would not appear as an incongruous (linear) feature, and would be well set back from Mount Barker Road.

⁴⁷ PDP Objective 4.2.5, Policies 1 (a) – (c)

⁴⁸ Evidence K MacPherson, paragraph 24

⁴⁹ PDP Objective 4.2.5, Policies 4 (a) – (c)

114. With respect to 'Avoiding Cumulative Degradation'⁵⁰, the policies state:

In applying the policies above the Council's policy is:

(a) to ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.

(b) to encourage comprehensive and sympathetic development of rural areas.

115. The approach taken through this application involves clustering of dwellings onto smaller lots, rather than having the dwellings interspersed evenly across the site as a whole (that is, including proposed Lots 6 and 7). This results in proposed Lots 1 – 5 being of a size which is typically rural residential in scale, but we consider this is a preferable design solution as it takes advantage of the depression as a topographical feature and obviates the need for much more extensive mitigation planting that we believe would be necessary if these dwellings were dispersed over the more visible rising terrain. We are of the view that this is a comprehensive and sympathetic development in this part of the rural area.

116. Finally, the policies on 'Structures' state as follows:

To preserve the visual coherence of:

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

encouraging structures which are in harmony with the line and form of the landscape;

avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;

encouraging the colour of buildings and structures to complement the dominant colours in the landscape;

encouraging placement of structures in locations where they are in harmony with the landscape;

promoting the use of local natural materials in construction.

117. We are of the opinion that the approach taken to clustering the proposed residential dwellings within the small depression is consistent with ensuring that the development is in harmony with the landscape. The development is not on a skyline, ridge, prominent slope or hilltop, and has been designed to 'avoid' such features. Although *de rigueur* in applications for rural dwellings in this district, the proposal is accompanied by a range of architectural and landscape design controls. The former seek to ensure that buildings have recessive colours, with restrictions on reflectivity of glazing surfaces and the colours and materials used for wall and roof cladding. The latter is designed to avoid an unduly 'domestic' appearance of the landscaping with specified species and the location of indigenous and exotic plantings. We are satisfied that the proposal is consistent with the policies relating to structures.

118. Chapter 5 of the PDP contains provisions relevant to Rural Areas. Objective 1 'Character and Landscape Value' is a relatively general provision calling for the protection of the character and landscape value of the rural area and controlling adverse effects of inappropriate activities. Accompanying Policy 1.1 makes cross reference to the district wide landscape objectives and policies addressed above.

⁵⁰ PDP Objective 4.2.5, Policies 8 (a) – (b)

119. Policies 1.3 and 1.4 respectively provide that:

1.3. Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.

1.4. Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.

120. We consider the limited extent of land occupied by the proposed residential cluster, and the productive potential of the land lost to pastoral use would not be significant (3.15 ha), and will not have a significant adverse impact on the character of the rural area. We have concluded that the proposal is consistent with Policies 1.1, 1.3, and 1.4.

121. Policy 1.6 is very general and simply calls for the adverse effects of development on the landscape values of the District to be avoided, remedied or mitigated. Policy 1.7 reinforces the provisions in Chapter 4 by calling for structures to be located in areas with the potential to absorb change, while Policy 1.8 calls for the visual impact of structures located on skylines, ridges, hills and prominent slopes to be avoided remedied or mitigated.

122. As discussed previously, we consider this proposal takes advantage of topography to utilise a limited area within this part of the landscape which has the potential to absorb change. The proposed development is not located on a skyline, ridge, hill or prominent slope.

Objectives and policies – PDP

123. Chapter 3 sets out the ‘Strategic Directions’ sought by the PDP. At a general level Strategic Objective 3.2.5 seeks to retain the District’s distinctive landscapes, while Strategic Objective 3.2.1.8 allows for diversification of land use in rural areas provided that the character of rural landscapes is maintained. More specifically, strategic objective 3.2.5.2 states:

The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.

124. We consider that the approach taken to siting of the proposed cluster of five dwellings is consistent with these objectives, albeit on a relatively small scale.

125. Strategic policy 3.3.22 seeks to provide for rural living opportunities in areas identified on the District plan maps as appropriate for rural living. In passing, we note that this term is not used in the rules of the PDP which instead refers to “rural lifestyle” – we assume it was the intention of this policy to apply to rural lifestyle zones is provided for under the PDP. We note that there are two enclaves of the Rural Lifestyle Zone south of Mount Barker Road, one of which is due south of the application site. However as we discuss below, we do not think that the PDP seeks to confine development of residential units in rural areas to only land zoned for that purpose.

126. Policies 3.3.24 and 3.3.32 appear to be complementary, and respectively seek to:

3.3.24 Ensure that the cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.

3.3.32 Only allow further land use change in areas of the Rural Character Landscape able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.

127. There appears to be an element of tension in the PDP between restricting rural living to zoned areas, or allowing them by resource consent application in rural areas. Both of the above policies appear to relate to cumulative effects, but in our view anticipate some accommodation of rural living in the Rural Zone through resource consent applications, but only in circumstances where it can be demonstrated that there are no more than minor adverse visual effects, and where there are only minor impacts on the local rural character.
128. Chapter 6 of the PDP is specific to Landscapes, with Policy 6.3.19 – 6.3.29 specific to ‘Managing Activities in Rural Character Landscapes’.
129. Policy 6.3.4 seeks to avoid urban development and subdivision to urban densities in the rural zones, a matter which arose during the course of this hearing.
130. We acknowledge that there is a distinct potential for subdivision in rural areas to be a gradual stepping stone towards de facto urbanisation over time. The proposed lot sizes are smaller than those anticipated in the Rural Lifestyle Zone, but are larger than would be typically understood to be urban allotments. While the approach taken with this application involves clustering with small lots, we consider this an appropriate response given the topographical features of the land concerned.
131. Policies 6.3.19, 6.3.20 and 6.3.23 are in our opinion related, and respectively state:

6.3.19 Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.

6.3.20 Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments and preference to ad hoc subdivision and development and ensure the zones are located in areas where the landscape can accommodate the change.

6.3.23 Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of visual effects of proposed development such as screen planting, mounding and earthworks.

132. It appears to us that the objective and policy framework for rural subdivision and dwellings in the PDP is subtly, but nevertheless apparently more restrictive, than that contained in the ODP. This group of policies again raises the issue of site-specific versus zoned provision for rural living, with the addition of the extent to which any proposed ‘mitigation’ is effective. In considering this application, we acknowledge that for much of the rural area in the vicinity, subdivision and dwellings would be inappropriate. This is emphasised by the need to restrict further development on Lots 6 and 7 which occupy well over 10 times the area of the land set aside for the proposed five dwelling cluster. From our site visit, we consider it would be difficult to

undertake any significant residential development on these lots without such development (dwellings, ancillary activities and planting) being more visually obtrusive, and crossing a 'tipping point' beyond which effects would be more than minor.

133. In this case Ms MacPherson was concerned that amenity planting in conjunction with two of the five dwelling units would be perceived as an obviously artificial feature in the landscape. We disagree with this view, given the viewing distance from Mount Barker Road, the limited area occupied by the amenity planting, and recognising that amenity planting is a permitted activity. We do not consider that the proposed development is inconsistent with these policies.

134. Policy 6.3.21 states:

Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.

135. We have taken into account the Rural Lifestyle Zone located to the south of the application site. This is a zoned development which also takes advantage of topographical features on the property, specifically broadly east – west orientated ridges and depressions. As noted above, we are satisfied that any 'infilling' of balance Lots 6 and 7 would result in adverse cumulative effects, and certainly represent a tipping point. However we consider the current proposal for a cluster of five dwellings is not inconsistent with this policy, as there was no evidence to suggest it would be perceived as being linked visually to the Rural Lifestyle Zone to the south.

136. Nevertheless, we think it is important to emphasise that having considered this policy, we do not accept that an ongoing programme of subdivision development in this area is appropriate, and for this reason we consider that a restriction in the form of a covenant on further subdivision of balance Lots 6 and 7 is necessary.

137. Policy 6.3.22 states:

Have particular regard to potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.

138. It was apparent that Ms Gathercole entertained concerns that the proposed development would constitute sprawl. In terms of the configuration of existing and proposed rural lifestyle development, and the visual impact of such development, we came to the view that it would be difficult to conclude that this constituted sprawl. If the configuration of rural lifestyle development was such that it directly adjoined similar development along the road, or took the form of ribbon development along the road, such a conclusion might be justified. However we are satisfied in this case that the proposed development is not contrary to Policy 6.3.22.

139. Policies 6.3.24 and 6.3.25 relate to regionally significant infrastructure and are not relevant to this application.

140. Policy 6.3.26 states as follows:

Avoid adverse effects on visual amenity from subdivision, use and development that:

- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this plan); or*
- b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.*

141. We have already concluded that the proposed development would not be ‘highly visible’ as viewed from the public place of Mount Barker Road. The site containing the proposed dwelling cluster does form the foreground of a view towards Mount Criffel (part of the ONL) beyond to the south. Having considered this carefully however, we do not believe that the siting of the five proposed dwellings and the associated amenity planting be perceived as a residential development in the foreground of the ONL. Furthermore, recognising the extent of land within the District classified as ONL, we consider that if the mere physical presence of a development between a road and an ONL were inconsistent with this policy, it would be difficult to see how development could occur virtually anywhere. Given the specific siting and design solution proposed in this case, we consider the application is not contrary to this policy.

142. Policy 6.3.27 relates to the Wakatipu Basin and is not relevant in this case. Policy 6.3.28 is significant as it relates to that part of the District containing the application site. It states:

In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

143. This is a specific policy which differentiates the Upper Clutha Basin from other areas and particularly the Wakatipu Basin, which in parts has a more developed and less ‘open’ character. We consider this location has a degree of open character, and is a sensitive environment, but are satisfied that the confinement of the proposed cluster of housing within a topographical feature, means it is not *contrary* to this policy.

144. Finally, Policy 6.3.29 states as follows:

Encourage development to utilise shared accesses and infrastructure, and to locate within parts of the site where it will minimise disruption to natural landforms and rural character.

145. The proposed development utilises shared access and is located on a part of the site which to a large degree minimises any effects on natural landforms and rural character. The evidence before us was that the access arrangements would not be visible from any public place. For this reason we consider the proposal is consistent with this policy.

146. Chapter 21 relates to the Rural Zone. The stated ‘purpose’ of the zone includes the following statement:

The purpose of the Rural Zone is to enable farming activities and to provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

147. The zone purpose is rather general, but is framed (as would be expected) to provide for farming activities. The zone does not 'provide for' residential lifestyle development as a permitted activity, but doesn't exclude it either, subject to the maintenance and enhancement of landscape values and the other matters cited above.
148. Objective 21.2.1 calls for a range of land uses including farming and established activities while protecting, maintaining and enhancing landscape values, ecosystem services, amenity values and rural nature conservation. This chapter does not appear to specifically address the visual impacts of residential development in rural zones, with the policy framework instead contained within Chapter 6.
149. It would appear that the general scheme of the PDP is to promote rural activities in the Rural Zone, and to express a preference for allowing for rural living through zoned areas, but anticipating limited scope for standalone (ad hoc) residential subdivision through what could perhaps be described as a stringent 'filtering system' of assessment matters and policies. It is this filtering system of objectives and policies that we have discussed above.

Objectives and policies – Operative and Proposed Otago Regional Policy Statements (PORPS)

150. The Operative Regional Policy Statement contains a very generalised objective and policy framework with respect to subdivision in rural locations, and any relevant provisions have now been overtaken by the PORPS which has been made partially operative. The ORPS appears to have left the implementation of measures to protect rural landscapes to the district plan level.
151. Turning to the PORPS, Policy 3.2.6 is most relevant to this application, and states:

Policy 3.2.6 – Managing highly valued natural features, landscapes and seascapes

Protect or enhance highly valued natural features, landscapes and seascapes, by all of the following:

- (a) avoiding significant adverse effects on those values which contribute to the high-value of the natural feature, landscape, or seascape;*
- (b) Avoiding, remedying or mitigating other adverse effects;*
- (c) Recognising and providing for positive contributions of existing introduced species to those values;*
- (d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- (e) Encouraging enhancement of those values which contribute to the high-value of the natural feature, landscape or seascape.*

152. Although providing more direction than the ORPS, this policy is expanded upon in a far more detailed manner in the ODP and the PDP.
153. We consider it is appropriate to recognise that Visual Amenity Landscapes (ODP) and Rural Character Landscapes (RCL) would be affected by this regional policy and the use of the words 'highly valued landscapes'. Having also assessed the proposal through the much more fine grained objective and policy framework at the district level, we have concluded that any adverse effects on the values of the landscape have been avoided or mitigated. For this reason we consider the application is not contrary to the PORPS.

154. In addition, there are provisions in the PORPS which seek to protect high-class soils, but there was no suggestion in the evidence before us that the land subject to this application could be considered to fall within that category of soils.

PART 2 AND SECTION 104 RMA

155. The application has an overall status of a discretionary activity under both the ODP and the PDP.
156. The relevant provisions of section 104 are as follows:

104 Consideration of applications

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

- (a) any actual or potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate any adverse effects on the environment that will all may result from allowing the activity; and*

(b) any relevant provisions of –

- (i) a national environmental standard*
- (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 matter the consent authority considers relevant and reasonably necessary to determine the application.

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

.....

(3) a consent authority must not, –

(a) when considering an application, have regard to –

- (i) trade competition or the effects of trade competition; or*
- (ii) any effect on a person who has given written approval to the application.*

.....

157. By reference to Part 2, we do not consider the scope and scale of the application raises any matters of national importance under section 6 of the RMA. The site is not within an ONL, and no other provisions of that section appear to have relevance in this case.
158. We note the zoning and rules framework under which this application was assessed is very similar if not the same to that heard by the Environment Court in *Ballantyne Barker Holdings*. In that case the Court drew attention to the findings of the Court of Appeal in *RJ Davidson Family Trust versus Marlborough District Council*⁵¹. The Environment Court went on to say that they considered that the ODP and the PDP had been sufficiently competently prepared that there was no need to refer to Part 2, but that if there were not matters of national importance

⁵¹ *RJ Davidson Family Trust versus Marlborough District Council* [2018] NZCA 316

involved there was still a requirement to have regard to the efficient use of natural and physical resources under section 7 (b) of the RMA⁵².

159. In terms of section 7 of the RMA, we consider the activity would represent an efficient use and development of natural and physical resources. We also consider that the proposed activity is consistent with subsections (c) – the maintenance and enhancement of amenity values, and (f) the maintenance and enhancement of the quality of the environment, subject to the imposition of conditions to address the management of the proposed activities on the site.
160. Overall, we consider that the purpose of the Act under Section 5, would be better achieved by a grant of consent, and that potential adverse effects of the activity on the environment can be avoided or mitigated through the imposition of conditions.
161. Earlier we have concluded that the actual and potential effects on the environment of allowing the activity will be no more than minor. However we are not aware of any specific measures proposed by the applicant under subclause 104(1)(ab) except to a very limited extent through indigenous plantings.
162. We do not consider that subclauses (b) (i –iv) have any application to this proposal. In considering the Operative Otago Regional Policy Statement, and the Proposed Otago Regional Policy Statement (subclause 104(b)(v)), we do not consider this application is inconsistent with either policy statement.
163. Section 104(2) provides for the application of what is sometimes termed the ‘permitted baseline’. We have noted that amenity planting would be a permitted activity, but apart from that, we agree with Ms Gathercole that the permitted baseline has little application to this proposal⁵³.
164. The matter of precedent was addressed in the s42A report. Ms Gathercole stated:

“In this case, it is considered a grant of consent against the plan provisions is likely to lead to very similar applications being made within the immediate locality and within the wider District. Given the nature of the proposal, it is considered that granting the consent could result in a precedent”⁵⁴.
165. She noted that subdivisions of this nature were not unusual in the District, exacerbated by the rapid rate of development. We consider some weight can be attached to her concerns. We consider that these can be overcome in this case by the imposition of a restrictive covenant on the balance Lots 6 and 7 to prevent further subdivision, and in recognition of the effort that the applicant’s advisers have put into identifying a site that takes advantage of topographical features. In a district having rural properties with significant variations in their character, no two proposals are likely to be identical.

⁵² *Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C. 181, paragraphs 188 – 189*

⁵³ Evidence of S.Gathercole, paragraph 7.2.1

⁵⁴ *ibid*, paragraph 7.7.1

166. All of the identified affected parties have provided their written consent to the application, and we have disregarded any effects on them as required by section 104(3)(a)(ii).
167. Earlier in this decision we expressed our concerns about the need to ensure that the balance Lots 6 and 7 are not developed. At the hearing the applicant presented a plan⁵⁵ showing an area originally intended to be subject to a consent notice to 'prevent' further subdivision. This did not coincide precisely with the boundaries of the two balance lots, but it extended over an area entirely surrounding the five proposed building platforms/dwellings and would have the effect of preventing this development from coalescing with further rural lifestyle or similar development in the future.
168. During the course of the hearing, the applicant proposed that the consent notice be replaced by a covenant, but limited to a 25 year period from registration. We note that there has been an ongoing process of subdivision associated with this property, and that the site is east of the Cardrona River and well beyond any area where development would appear necessary to provide for future growth of Wanaka.
169. Accordingly, we have decided that a restrictive covenant is required over those parts of proposed Lots 6 on Lot 7 as identified on Attachment N to Mr Baxter's evidence, but that this be for a period of 60 years from the time of registration.

DECISION

170. We have resolved that pursuant to sections 104, 104B and 108 of the RMA, that the application be approved, subject to the conditions set out below.



Robert Charles Nixon

Chair, Hearings Panel

24 May, 2019

APPENDIX 1 – Consent Conditions

⁵⁵ Evidence of P Baxter, Attachment N

APPENDIX 1 – CONSENT CONDITIONS

Subdivision Conditions

General

1. That the development must be undertaken/carried out in accordance with the plans:
 - ‘Scheme Plan, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD’ Sheet 100, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - ‘Scheme Plan, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD’ Sheet 101, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - ‘Scheme Plan – Proposed Covenant Area, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD & Covenant over Lot 1 DP 300397’, Sheet 102, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - ‘Scheme Plan – Proposed Covenant Areas, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD & Covenant over Lot 1 DP300397, Sheet 103, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - ‘Engineering Natural Contours & Existing Site Features’ Sheet 200, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Earthworks Topsoil Strip Area’ Sheet 201, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Earthworks Final Contours’ Sheet 202, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Earthworks Cut Fill Areas’ Sheet 203, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Roding Layout’ Sheet 300, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Roding Long Sections’ Sheet 301, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Roding Typical Cross Sections’ Sheet 302, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Stormwater Catchment Pre-Development’ Sheet 400, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Engineering Stormwater Catchment Post-Development’ Sheet 401, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - ‘Concept Masterplan’ SK07, by Baxter Design, dated 08 April 2019.
 - ‘Landscape Management Plans’ SK08, by Baxter Design, dated 21 Nov 2018.
 - ‘Levels Plan’ SK09, by Baxter Design, dated 10 April 2019
 - ‘Planting Plan – Installed by Developer’ SK10, by Baxter Design, dated 08 April 2019.
 - ‘Planting Controls – Lot Owners’ SK23, by Baxter Design, dated 08 April 2019.

stamped as approved on 23 May 2019

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 QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 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>

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

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering 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.
5. The consent holder shall implement the following traffic management measures during the excavation phase:
 - Suitable site warning signage shall be in place on the road in both directions from the site entrance.
 - Safe sight distances and passing provisions shall be maintained at all times.
6. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1-5 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - b) The formation of all Rights of Way 'A to F', in accordance with Council's standards.
 - (i) Rights of way 'B to F' shall be formed in general accordance with the Paterson Pitts Group plans submitted with the application
 - (ii) Right of Way 'A' shall be upgraded to include passing bays and upgrade of road side drainage.
 - (iii) This shall include the provision for stormwater disposal.

- c) The provision of a vehicle crossing to Lots 1-5 from Rights of Way 'B to F' to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
- d) The provision of stormwater management and secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1-5, setting of appropriate building floor levels to ensure that freeboard is achieved in accordance with section 4.3.5.2 of the Code of Practice, and no increase in run-off onto land beyond the site from the pre-development situation.

To be completed before Council approval of the Survey Plan

- 7. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

Amalgamation Condition

- 8. The following shall be registered with Land Information New Zealand (CSN XXXXX):
 - "That Lots 6 & 7 hereon be held together and one record of title issued".

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

- 9. 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 Subdivision Planner 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 Subdivision Planner 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 reviewed and accepted works detailed in Condition (6) above.

- d) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the water supply that clearly demonstrate compliance with 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.esr.cri.nz/mohlabs/labmain.asp>).
- e) In the event that the test results required in Condition 9(d) above show the water supply does not conform to 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 Subdivision Planner 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 Register of Titles for the lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the residential unit an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM181596 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 provide evidence to the satisfaction of the Subdivision Planner at Council as to how the water supply will be monitored and maintained on an ongoing basis.

The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

- g) 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.
- h) 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.

- i) Any earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, as outlined above.
- j) All earthworks and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all residential lots within the subdivision. The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
- k) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- l) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Covenants

10. Prior to 224(c) certification, the consent holder shall register a covenant, in accordance with section 108(2)(d) of the RMA, in favour of the Council, to provide for the following:

- a) On Lots 6 and 7 and Lot 1 DP300397, the areas identified as "Hatch Area subject to a Covenant" on the Patterson Pitts plan "Scheme Plan – Covenant Area", Sheet 102, Revision D, dated 02/05/2019 shall be covenanted as follows:
 - (i) There shall be no further subdivision;
 - (ii) There shall be no residential activity;
 - (iii) There shall be no structures other than permitted farm buildings and irrigation structures associated with farming activities;
 - (iv) There shall be no tree planting other than trees required for a farming purpose.

The covenant shall be for a duration of 60 years from the date of registration.

- b) The areas within Lots 1, 2 and 6 identified as G – N on the Patterson Pitts plans "Scheme Plan", Lots 1 – 7 being Subdivision of Section 8 Blk II Lower Wanaka SD, Sheets 101 and 103, Revision D, dated 02/05/2019 shall be covenanted as follows:
 - (i) There shall be no further subdivision;
 - (ii) There shall be no residential activity;
 - (iii) There shall be no structures;

- (iv) There shall be no tree planting other than that provided for in Baxter Design Plan SK23 dated 8 April 2019;
- (v) All rocks shall be retained;

Ongoing Conditions/Consent Notices

11. In the event that the Engineering Acceptance issued under Condition (6) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a consent notice (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Register of Titles detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].

12. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
 - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
 - b) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Mt Iron Geodrill, (dated 14/01/2019). The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the residential unit.
 - c) At the time a building is constructed within Lots 1 - 5 the minimum finished floor levels shall be:
 - Lot 1 - 386.25m
 - Lots 2 & 3 - 384.75m
 - Lot 4 - 383.25m
 - Lot 5 - 382.5m

Note: levels are in terms of Dunedin vertical datum 1958 mean sea level.

- d) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition 9j) RM181596 contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).
- e) At the time that a residential unit is erected on Lots 1 to 5, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).
- f) At the time a residential unit/building is erected on Lots 1 to 5, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve within a 55,000 litre combination of tanks (or equivalent). Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ appliance to park on it and access to the hardstand area must be provided as above.

The FENZ 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. Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

Note: Fire and Emergency New Zealand 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 residential unit. Given that the proposed residential unit is approximately 8.5km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire Brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.

- g) The following design controls shall apply to Lots 1, 2, 3, 4 and 5 DP XXXXX:
- (i) All buildings, accessory buildings, vehicle courtyards and water tanks are to be located within the building platform. The water tank may be located outside the building platform (to the south of the platform) if it is fully buried
 - (ii) The dwelling shall not exceed a maximum site coverage of 60% (450m²) of the building platform.
 - (iii) The building height shall be a maximum of 4.5m from slab to top of roof (excluding chimney).
 - (iv) All dwellings shall have principle gabled roof forms (27.5 – 35% pitch) with flat roof connections between pavilions. All flat roofs shall be a maximum of 3m high, not exceeding 30% of the total floor area. Flat connections are to be level with to or below gutter levels on pavilions.
 - (v) Hip roof connections are not permitted.
 - (vi) Roof colours should have an LRV of less than 27%. Roof materials shall be restricted to one material from the materials only:
 - Steel tray cladding in Resene (or similar) 'All Black' or 'Dark Grey' with matte finish only; or
 - Timber Shingles left to weather or natural stain; or
 - Corrugated Iron, in Resene (or similar) 'All Black' or 'Dark Grey' with matter finish only.
 - (vii) No deck, porch, veranda or similar exterior-built surface, which is part of the building shall extend beyond 4m from the building.
 - (viii) Glazing on the north and south elevations shall not exceed 60% of the wall area on each elevation.
 - (ix) All glazing shall be non-reflective.
 - (x) All materials shall be resilient and durable in nature. External wall materials shall be limited to two materials on any single elevation, with an LRV of less than 27%. Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather in dark browns or greys;
 - Stained timber cladding, with Resene (or similar) 'Pitch Black', ;Dark Ebony' or 'English Walnut';
 - Steel tray cladding in Resene (or similar) 'All Black', 'Coccoa Brown', 'Charcoal' or 'Dark Grey' with matte finish;
 - Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive.

- Locally sourced Schist stone, laid horizontally.
 - (xi) All window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding.
- h) The following Landscape Design Controls shall apply to Lots 1, 2, 3, 4 and 5 DP **XXXXXX**:
- (i) Existing rock formations are fenced and protected. Lots 1 and 2 include protected rock areas. 'Homestead' planting is permitted within the curtilage area only. Rock protection outside of curtilage to be maintained by occasional grazing
 - (ii) Each lot contains a curtilage area as noted on Concept Masterplan. Lot owners are restricted to selected plant species within zones as identified SK23 and below.
 - (iii) SK23 identifies planting restrictions within curtilage areas, this includes:
 - 1) Indigenous planting within lot;
 - 2) Exotic trees within lot;
 - 3) Indigenous planting only within curtilage area;
 - 4) 'Homestead' planting within curtilage area;
 - 5) 'Homestead' planting within restricted curtilage area;
 - 6) Rock protection area within lot;
 - 7) Lightly maintained grass within lot.
 - (iv) All indigenous and exotic planting within 1 and 2 as outlined in SK23 shall be maintained by the lot owner. Any deceased plants shall be replaced and planted by the lot owner during the planting season immediately following their loss. The same species and PB shall be replaced as identified in Planting Plan SK10.
 - (v) Individual planting within the curtilage areas are restricted by the defined zones (3, 4 or 5) as outlined in SK23. Planting is restricted to the following controls:
 - 3) Indigenous planting only within curtilage area:**
 - (i) Hebe spp.
 - (ii) Swamp sedge, *Carex secta*
 - (iii) Flax, *Phormium cookianum*
 - (iv) Red tussock, *Chionochloa rubra*
 - (v) Broadlead, *Griselinia littoralis*
 - (vi) Pittosporum, *Pittosporum tenuifolium*
 - (vii) Kowhai, *Sophora microphylla*
 - (viii) Cabbage tree, *Cordyline australis*
 - 4) 'Homestead' planting within curtilage area**
 - (i) Planting includes but is not limited to, flowering plants, shrubs, trees, herb and vegetable gardens;
 - (ii) Planting must not exceed 2.5m in height at maturity;
 - (iii) No gold or variegated planting is permitted.
 - 5) 'Homestead' planting within restricted curtilage area**
 - (i) Homestead criteria as identified above in 4) is permitted;
 - (ii) All planting must integrate with existing rock formations;
 - (iii) All rocks must be retained and protected.
 - (vi) All noxious weeds within lots shall be controlled by individual lot owners.
 - (vii) The planting programme shall include a weed management and plant replacement plan for 5 years.
 - (viii) Boundary fencing is required to protect ecological indigenous planting from grazing. Refer to SK08 for fencing locations. All boundary fencing shall be maintained by lot owners.

- (ix) Additional fencing between and within lot boundaries is allowed. Refer to SK08 for permitted fencing locations. All fencing materials are restricted to 1m high post and wire fencing only, with rabbit proofing mesh where required.
- (x) Individual lot gates are permitted within lot boundaries. Any gate shall be a maximum of 1.2m high. Gate materials are limited to the following:
 - (i) Natural timber, left to weather;
 - (ii) Stained timber, with Resene (or similar) 'Pitch Black', 'Dark Ebony' or 'English Walnut';
 - (iii) Mild steel left to weather.
- (xi) Entry feature walls are permitted within lot boundaries. Wall material is limited to locally sourced schist stone, laid horizontally only. Any stone walls shall be a maximum of 1.2m high and extend a maximum of 5m each side of the gate.
- (xii) House numbering shall be installed on a single 250 x 250 x 1000mm macrocarpa post located at the entry to each lot. All posts to be stained with Resene (or similar) 'Dark Ebony'. All numbering shall be cream lettering on a black steel plate fixed to post.
- (xiii) Any external lighting shall be restricted to down lighting only and no higher than 1.2m.
- (xiv) Lighting should not create any light spill that will result in greater than 3.0 lux spill. Light sources are to be LED, incandescent, halogen or other 'white light'. Sodium vapour or other coloured lighting is not permitted.
- (xv) Air conditioning units, meters or any other electronic units relating to the house shall be painted to match house cladding or screened with planting if deemed appropriate to the unit.
- (xvi) No air conditioning units, or other units of any kind are permitted to be mounted on the roof.
- (xvii) All exterior service areas must be places within the building platform allocated for each lot.
- (xviii) All site utilities such as gas supply, electrical supply, storm water piping, foul sewer, and telecommunications, shall be underground or contained within the building structure.
- (xix) Any sculptures or garden art shall be located in the residential building platform and be discrete and of an appropriate colour range and scale as describe in the controls.

Advice Notes

1. *This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).*
2. *This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at Council.*

Landuse Conditions

General

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Scheme Plan, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD' Sheet 100, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - 'Scheme Plan, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD' Sheet 101, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - 'Scheme Plan – Proposed Covenant Area, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD & Covenant over Lot 1 DP 300397', Sheet 102, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - 'Scheme Plan – Proposed Covenant Areas, Lots 1 – 7 Being Subdivision of Section 8 Blk II Lower Wanaka SD & Covenant over Lot 1 DP300397, Sheet 103, Revision D, by Paterson Pitts Group, dated 02/05/2019.
 - 'Engineering Natural Contours & Existing Site Features' Sheet 200, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Earthworks Topsoil Strip Area' Sheet 201, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Earthworks Final Contours' Sheet 202, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Earthworks Cut Fill Areas' Sheet 203, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Roding Layout' Sheet 300, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Roding Long Sections' Sheet 301, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Roding Typical Cross Sections' Sheet 302, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Stormwater Catchment Pre-Development' Sheet 400, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Engineering Stormwater Catchment Post-Development' Sheet 401, Revision 1, by Paterson Pitts Group, dated 15/10/2018.
 - 'Concept Masterplan' SK07, by Baxter Design, dated 08 April 2019.
 - 'Landscape Management Plans' SK08, by Baxter Design, dated 21 Nov 2018.
 - 'Levels Plan' SK09, by Baxter Design, dated 10 April 2019.
 - 'Planting Plan – Installed by Developer' SK10, by Baxter Design, dated 08 April 2019.
 - 'Planting Controls – Lot Owners' SK23, by Baxter Design, dated 08 April 2019.

stamped as approved on 23 May 2019

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. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

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 May 2018 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>*

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

5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering 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.
6. The consent holder shall implement the following traffic management measures during the excavation phase:
 - (i) Suitable site warning signage shall be in place on the road in both directions from the site entrance.
 - (ii) Safe sight distances and passing provisions shall be maintained at all times.
7. 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 and in accordance with the site management measures submitted with the consent application in the Paterson Pitts Group 'Criffel Station, The Rocks Subdivision, Infrastructure Report, Lots 1 – 7 Being a Subdivision of Section 8 Blk II Lower Wanaka Survey District' (dated 23 October 2018, PPG Ref: W5596)] to ensure that neighbouring sites remain unaffected from earthworks. 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.
8. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering 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 5 October 2018, MIG Job No. G19096) and who shall supervise the excavation procedure and retaining wall construction 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.

9. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following requirements:
- a) The provision of a water supply to service the building platforms in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of a vehicle crossing to the lots from the right of way to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
 - c) The formation of all Rights of Way 'A to F', in accordance with Council's standards.
 - (i) Rights of way 'B to F' shall be formed in general accordance with the Paterson Pitts Group plans submitted with the application
 - (ii) Right of Way 'A' shall be upgraded to include passing bays and upgrade of road side drainage.
 - (iii) This shall include the provision for stormwater disposal.
 - d) The provision of stormwater management and secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1 - 5, setting of appropriate building floor levels to ensure that freeboard is achieved in accordance with section 4.3.5.2 of the Code of Practice, and no increase in run-off onto land beyond the site from the pre-development situation.

To be monitored throughout earthworks

- 10. The earthworks and batter slopes shall be undertaken in accordance with the recommendations of the report by Mt Iron Geodrill (dated 5 October 2018, MIG Job No. G19096).
- 11. 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.
- 12. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required to upgrade Smith Road.

13. Hours of operation for earthworks, shall be:

- Monday to Saturday (inclusive): 8.00am to 6.00pm.
- Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

New Building Platform to be registered

14. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per Paterson Pitts Group plan titled 'Scheme Plan Lots 1 - 7 Being a Subdivision of Section 8 Blk II Lower Wanaka SD', Job No. W5596, Revision B, dated 15/10/2019). The consent holder shall register this "Land Transfer Covenant Plan" on Record of Title Identifier XXX and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Record of Title

15. Prior to the building platform being registered on the Record of Title, the consent holder shall complete the following:
- a) The consent holder shall provide 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development to the Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering 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 works detailed in Condition (9) above.
 - 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 development.
 - 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 development.

- f) All earthworks and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all land within the residential lots. The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against the lot, the Schedule 2A shall include a geotechnical summary table identifying requirements against the lot for reference by future lot owners. The certificate and any supporting information shall be submitted to the Manager of Resource Management Engineering at Council. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to registration of the building platform.
- g) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Covenants

- 16. At the time that the building platform is registered on the Register of Title for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:
 - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX
 - b) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition 15f) RM181596 contains limitations or remedial works required, then a s108 covenant shall be registered on the relevant Records of Title detailing requirements for the lot owner(s).
 - c) At the time a building is constructed within Lots 1 - 5 the minimum finished floor levels shall be:
 - Lot 1 – 386.25m
 - Lots 2 & 3 – 384.75m
 - Lot 4 – 383.25m
 - Lot 5 – 382.5m

Note: levels are in terms of Dunedin vertical datum 1958 mean sea level.

- d) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Mt Iron Geodrill (dated 14/01/2019). The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
- e) At the time that a residential unit is erected on Lots 1 to 5, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).
- f) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 45,000 litres shall be maintained at all times as a static fire fighting reserve within a 55,000 litre combination of tanks (or alternative). Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit 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 residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

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

The connection point/coupling shall have a hardstand area adjacent to it that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any subdivision consent). 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 FENZ 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 Fire and Emergency New Zealand Fire Risk Management Officer 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.

g) The following design controls shall apply to Lots 1, 2, 3, 4 and 5 DP XXXXX:

- (i) All buildings, accessory buildings, vehicle courtyards and water tanks are to be located within the building platform. The water tank may be located outside the building platform (to the south of the building platform) if it is fully buried.
- (ii) The dwelling shall not exceed a maximum site coverage of 60% (450m²) of the building platform.
- (iii) The building height shall be a maximum of 4.5m from slab to top of roof (excluding chimney).
- (iv) All dwellings shall have principle gabled roof forms (27.5 – 35% pitch) with flat roof connections between pavilions. All flat roofs shall be a maximum of 3m high, not exceeding 30% of the total floor area. Flat connections are to be level with to or below gutter levels on pavilions.
- (v) Hip roof connections are not permitted.
- (vi) Roof colours should have an LRV of less than 27%. Roof materials shall be restricted to one material from the materials only:
- (vii) Steel tray cladding in Resene (or similar) 'All Black' or 'Dark Grey' with matte finish only; or
- (viii) Timber Shingles left to weather or natural stain; or
- (ix) Corrugated Iron, in Resene (or similar) 'All Black' or 'Dark Grey' with matte finish only.
- (x) No deck, porch, veranda or similar exterior-built surface, which is part of the building shall extend beyond 4m from the building.
- (xi) Glazing on the north and south elevations shall not exceed 60% of the wall area on each elevation.
- (xii) All glazing shall be non-reflective.
- (xiii) All materials shall be resilient and durable in nature. External wall materials shall be limited to two materials on any single elevation, with an LRV of less than 27%. Exterior wall materials shall be restricted to the following materials only:
 - a) Natural timber cladding, left to weather in dark browns or greys;
 - b) Stained timber cladding, with Resene (or similar) 'Pitch Black', 'Dark Ebony' or 'English Walnut';
 - c) Steel tray cladding in Resene (or similar) 'All Black', 'Cocoa Brown', 'Charcoal' or 'Dark Grey' with matte finish;

- d) Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive.
- e) Locally sourced Schist stone, laid horizontally.

(xiv) All window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding.

h) The following Landscape Design Controls shall apply to Lots 1, 2, 3, 4 and 5 DP XXXXX:

- (i) Existing rock formations are fenced and protected. Lots 1 and 2 include protected rock areas. 'Homestead' planting is permitted within the curtilage area only. Rock protection outside of curtilage to be maintained by occasional grazing
- (ii) Each lot contains a curtilage area as noted on Concept Masterplan. Lot owners are restricted to selected plant species within zones as identified SK23 and below.
- (iii) SK23 identifies planting restrictions within curtilage areas, this includes:
 - a) Indigenous planting within lot;
 - b) Exotic trees within lot;
 - c) Indigenous planting only within curtilage area;
 - d) 'Homestead' planting within curtilage area;
 - e) 'Homestead' planting within restricted curtilage area;
 - f) Rock protection area within lot;
 - g) Lightly maintained grass within lot.
- (iv) All indigenous and exotic planting within 1 and 2 as outlined in SK23 shall be maintained by the lot owner. Any deceased plants shall be replaced and planted by the lot owner during the planting season immediately following their loss. The same species and PB shall be replaced as identified in Planting Plan SK10.
- (v) Individual planting within the curtilage areas are restricted by the defined zones (3, 4 or 5) as outlined in SK23. Planting is restricted to the following controls:
 - 3) Indigenous planning only within curtilage area:**
 - (i) Hebe spp.
 - (ii) Swamp sedge, Carex secta
 - (iii) Flax, Phormium cookianum
 - (iv) Red tussock, Chionochloa rubra
 - (v) Broadlead, Griselinia littoralis
 - (vi) Pittosporum, Pittosporum tenuifolium
 - (vii) Kowhai, Sophora microphylla
 - (viii) Cabbage tree, Cordyline australis
 - 4) 'Homestead' planting within curtilage area**
 - (i) Planting includes but is not limited to, flowering plants, shrubs, trees, herb and vegetable gardens;
 - (ii) Planting must not exceed 2.5m in height at maturity;
 - (iii) No gold or variegated planting is permitted.
 - 5) 'Homestead' planting within restricted curtilage area**
 - (i) Homestead criteria as identified above in 4) is permitted;
 - (ii) All planting must integrate with existing rock formations;
 - (iii) All rocks must be retained and protected.
- (vi) All noxious weeds within lots shall be controlled by individual lot owners.
- (vii) The planting programme shall include a weed management and plant replacement plan for 5 years.

- (viii) Boundary fencing is required to protect ecological indigenous planting from grazing. Refer to SK08 for fencing locations. All boundary fencing shall be maintained by lot owners.
- (ix) Additional fencing between and within lot boundaries is allowed. Refer to SK08 for permitted fencing locations. All fencing materials are restricted to 1m high post and wire fencing only, with rabbit proofing mesh where required.
- (x) Individual lot gates are permitted within lot boundaries. Any gate shall be a maximum of 1.2m high. Gate materials are limited to the following:
 - (i) Natural timber, left to weather;
 - (ii) Stained timber, with Resene (or similar) 'Pitch Black', 'Dark Ebony' or 'English Walnut';
 - (iii) Mild steel left to weather.
- (xi) Entry feature walls are permitted within lot boundaries. Wall material is limited to locally sourced schist stone, laid horizontally only. Any stone walls shall be a maximum of 1.2m high and extend a maximum of 5m each side of the gate.
- (xii) House numbering shall be installed on a single 250 x 250 x 1000mm macrocarpa post located at the entry to each lot. All posts to be stained with Resene (or similar) 'Dark Ebony'. All numbering shall be cream lettering on a black steel plate fixed to post.
- (xiii) Any external lighting shall be restricted to down lighting only and no higher than 1.2m.
- (xiv) Lighting should not create any light spill and shall be low lux level. Light sources are to be LED, incandescent, halogen or other 'white light'. Sodium vapour or other coloured lighting is not permitted.
- (xv) Air conditioning units, meters or any other electronic units relating to the house shall be painted to match house cladding or screened with planting if deemed appropriate to the unit.
- (xvi) No air conditioning units, or other units of any kind are permitted to be mounted on the roof.
- (xvii) All exterior service areas must be places within the building platform allocated for each lot.
- (xviii) All site utilities such as gas supply, electrical supply, storm water piping, foul sewer, and telecommunications, shall be underground or contained within the building structure.
- (xix) Any sculptures or garden art shall be located in the residential building platform and be discrete and of an appropriate colour range and scale as describe in the controls.

Note: Fire and Emergency New Zealand 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 residential unit. Given that the proposed residential unit is are approximately 8.5km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.

Advice Notes

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.

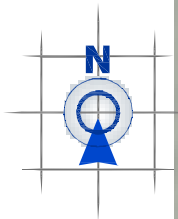
2. *This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).*

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/>



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019

SMITH ROAD
(NOT LEGAL ROAD)

MOUNT BARKER ROAD

LOT 6
68.79 Ha

LOT 1
DP 300397

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 1
DP 20109

LOT 4
DP 20109

CROWN LAND
(WATER RACE)

LOT 7
41.62 Ha

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Client & Location:

The Rocks
Criffel Station
Mt Barker Road

Purpose & Drawing Title:

Scheme Plan
Lots 1-7 Being Subdivision of Section 8 Blk II Lower
Wanaka SD & Covenant over
Lot 1 DP 300397

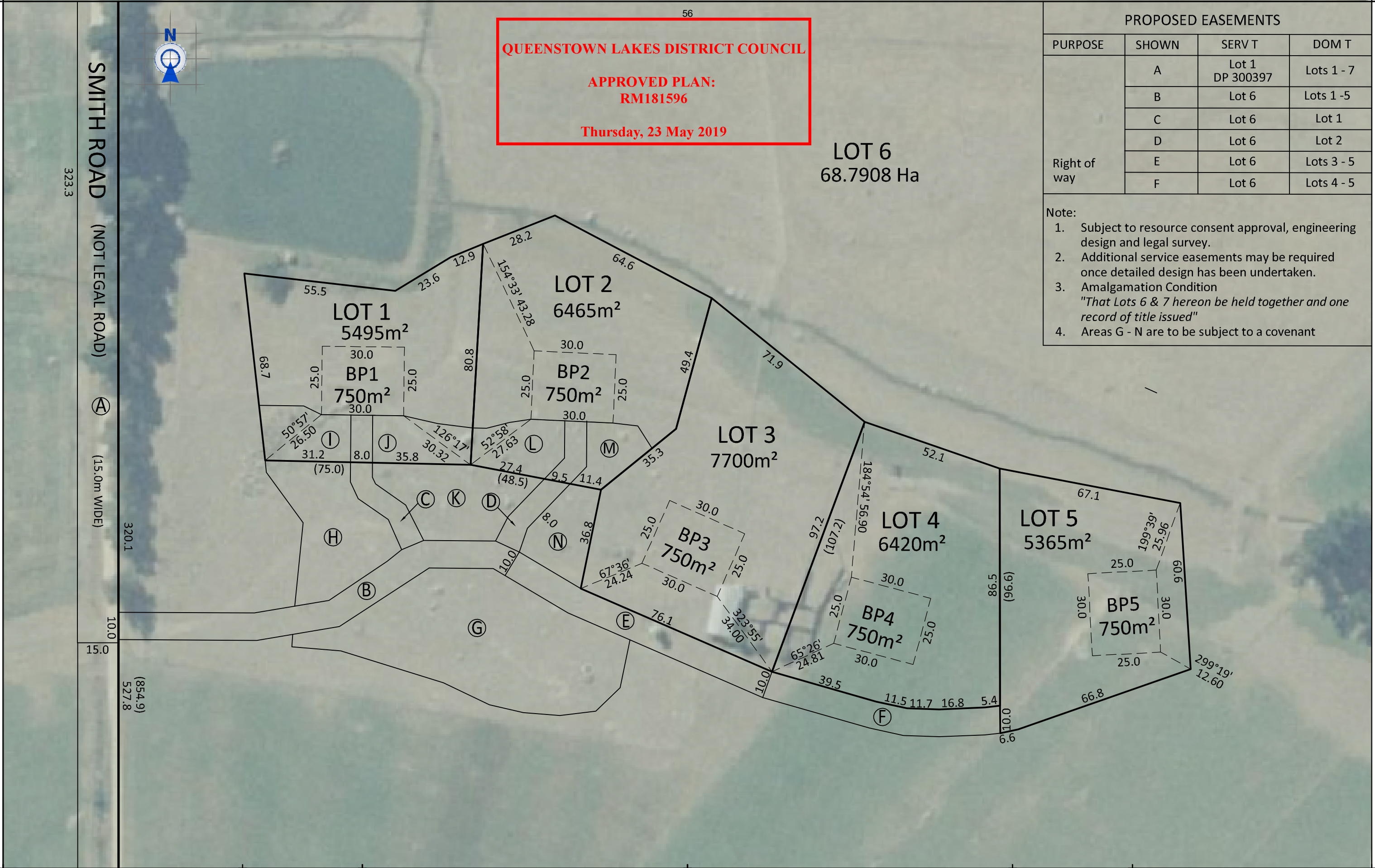
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Designed by:	-
Drawn by:	PH
Checked by:	MJB
Approved by:	MJB
Job No:	W5596

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Sheet No:	Revision No:	Date Created:
100	D	02/05/2019



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019

LOT 6
68.7908 Ha

PROPOSED EASEMENTS

PURPOSE	SHOWN	SERV T	DOM T
Right of way	A	Lot 1 DP 300397	Lots 1 - 7
	B	Lot 6	Lots 1 - 5
	C	Lot 6	Lot 1
	D	Lot 6	Lot 2
	E	Lot 6	Lots 3 - 5
	F	Lot 6	Lots 4 - 5

- Note:
1. Subject to resource consent approval, engineering design and legal survey.
 2. Additional service easements may be required once detailed design has been undertaken.
 3. Amalgamation Condition
"That Lots 6 & 7 hereon be held together and one record of title issued"
 4. Areas G - N are to be subject to a covenant

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Client & Location:

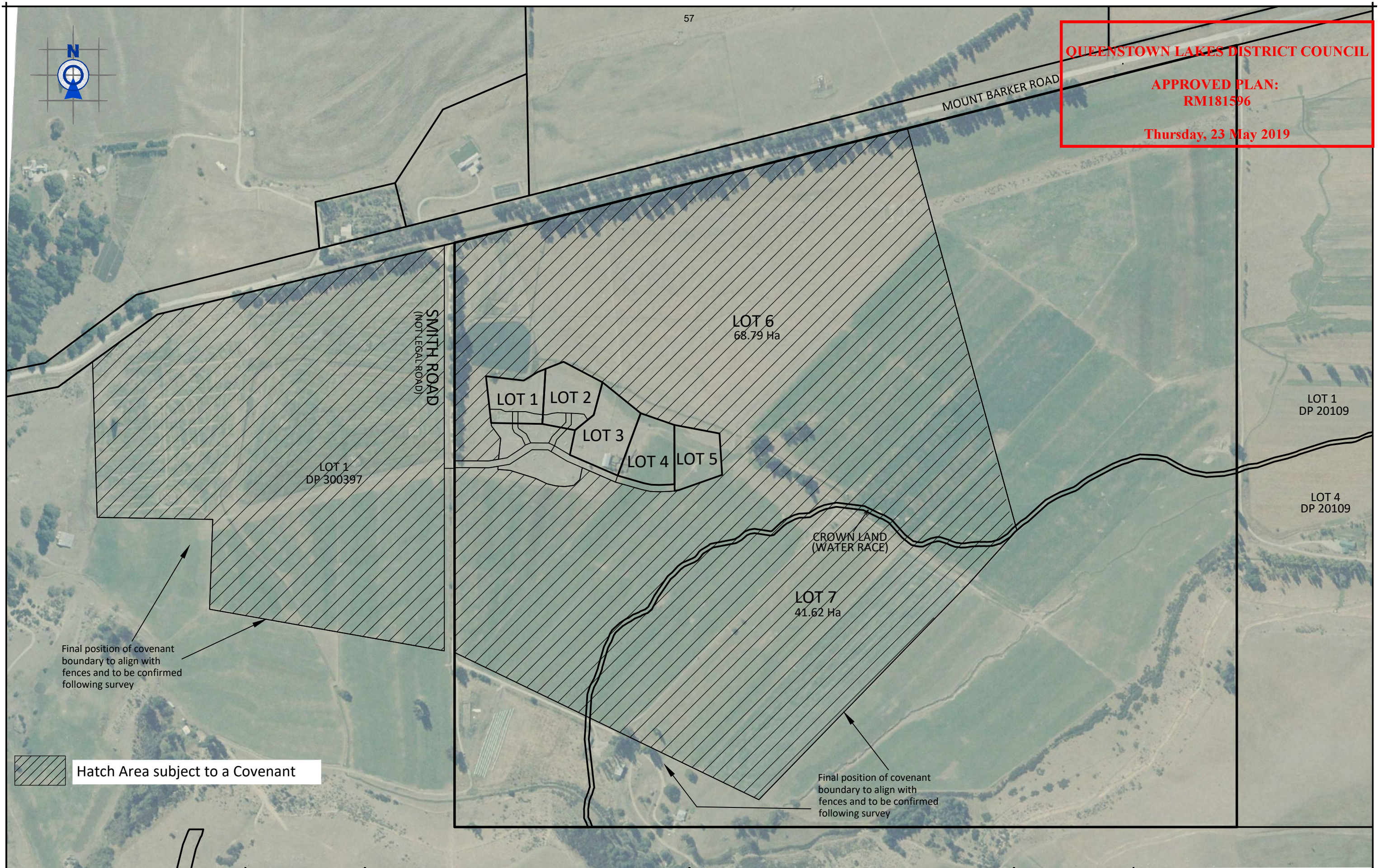
The Rocks
Criffel Station
Mt Barker Road

Purpose & Drawing Title:

Scheme Plan
Lots 1-7 Being Subdivision of Section 8 Blk II Lower
Wanaka SD & Covenant over
Lot 1 DP 300397

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Checked by:	MJB		
Approved by:	MJB		
Job No:	W5596	Sheet No:	101
		Revision No:	D
		Date Created:	02/05/2019



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019

Final position of covenant boundary to align with fences and to be confirmed following survey



Hatch Area subject to a Covenant

Final position of covenant boundary to align with fences and to be confirmed following survey

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Client & Location:

The Rocks
Criffel Station
Mt Barker Road

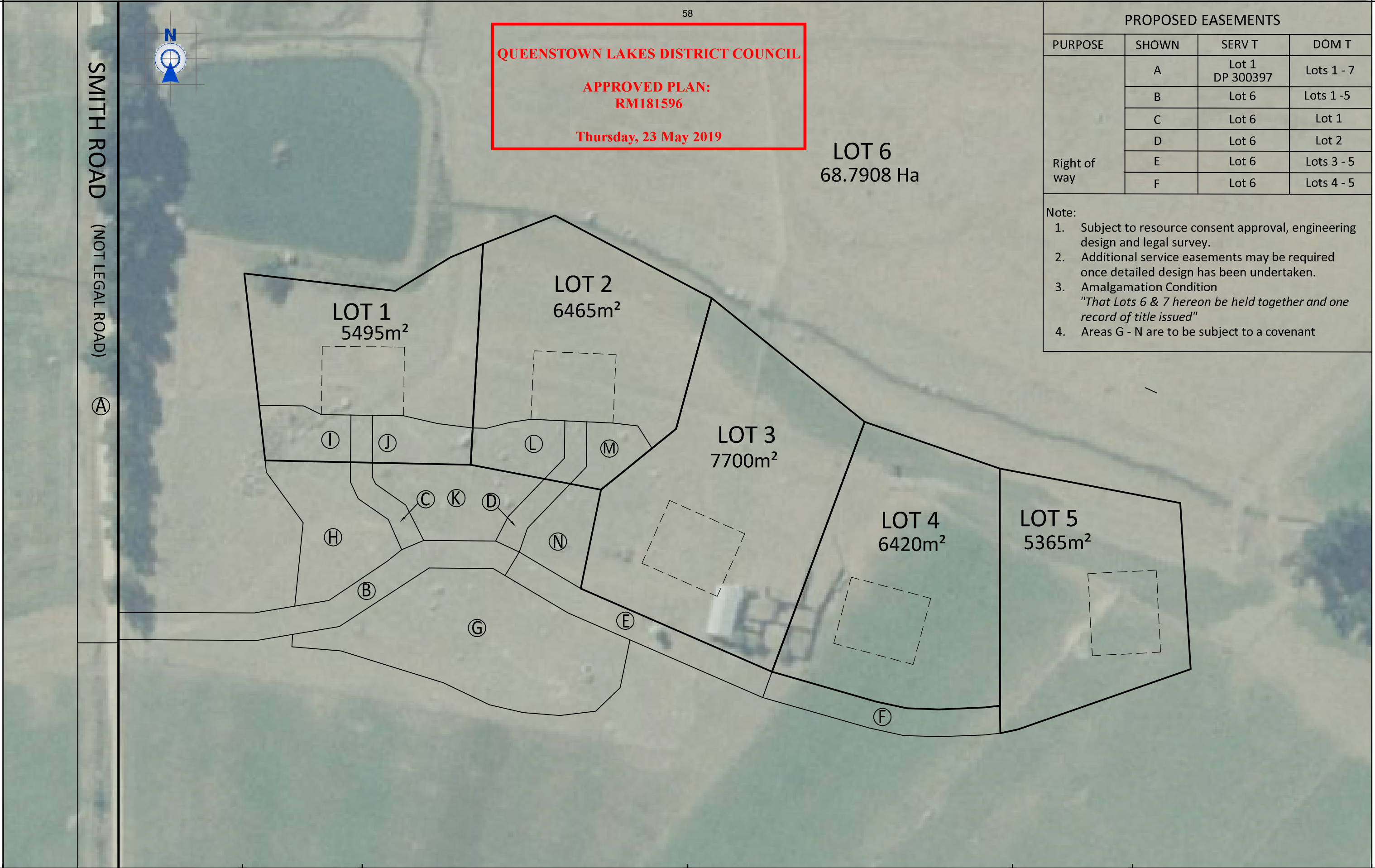
Purpose & Drawing Title:

Scheme Plan - Proposed Covenant Area
Lots 1-7 Being Subdivision of Section 8 Blk II Lower
Wanaka SD & Covenant over
Lot 1 DP 300397

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102	D	02/05/2019



58

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019

LOT 6
68.7908 Ha

PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERV T	DOM T
Right of way	A	Lot 1 DP 300397	Lots 1 - 7
	B	Lot 6	Lots 1 - 5
	C	Lot 6	Lot 1
	D	Lot 6	Lot 2
	E	Lot 6	Lots 3 - 5
	F	Lot 6	Lots 4 - 5

- Note:
1. Subject to resource consent approval, engineering design and legal survey.
 2. Additional service easements may be required once detailed design has been undertaken.
 3. Amalgamation Condition
"That Lots 6 & 7 hereon be held together and one record of title issued"
 4. Areas G - N are to be subject to a covenant

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19 Reece Crescent
or P.O. Box 283
Wanaka 9343
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Client & Location:
**The Rocks
Criffel Station
Mt Barker Road**

Purpose & Drawing Title:
Scheme Plan - Proposed Covenant Areas
Lots 1-7 Being Subdivision of Section 8 Blk II Lower
Wanaka SD & Covenant over
Lot 1 DP 300397

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Job No: W5596
Sheet No: 103
Revision No: D
Date Created: 02/05/2019

Document Set ID: 6099234
Version: 1, Version Date: 06/05/2019

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

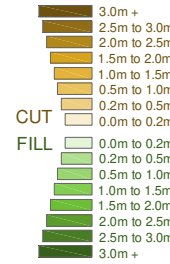
Thursday, 23 May 2019



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 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

EARTHWORKS KEY



- Depth Contours (at 0.5m intervals)
- A' Section Views
- Lot Boundaries

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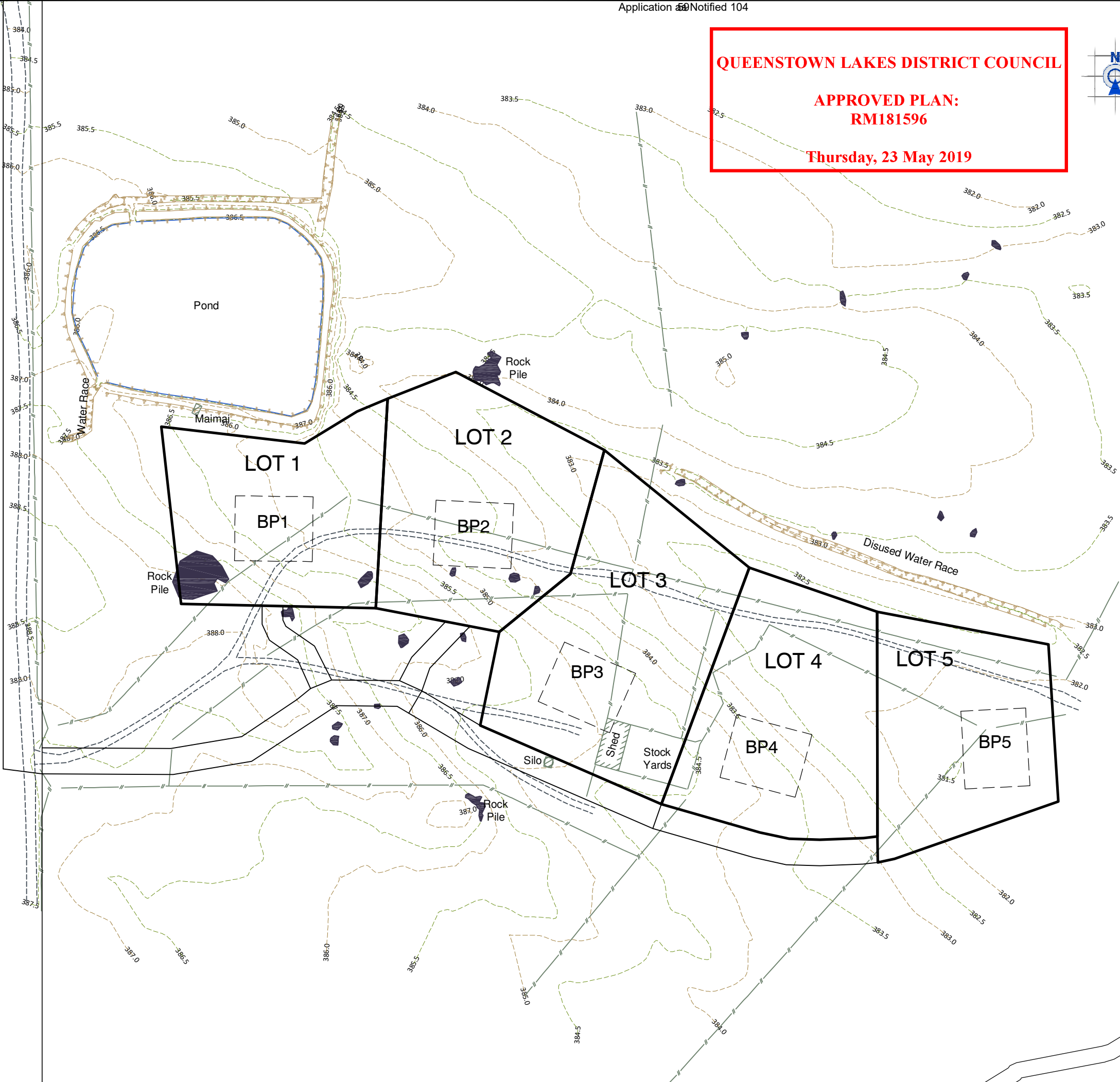
Criffel Station
The Rocks
Smith Road, Wanaka

Purpose & Drawing Title:

Engineering
Natural Contours & Existing
Site Features

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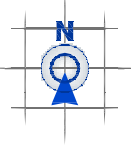
SMITH ROAD
(NOT LEGAL ROAD)



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

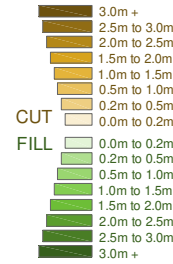
Thursday, 23 May 2019



NOTES

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4. Contours at 1.0m interval.

EARTHWORKS KEY



- Depth Contours (at 0.5m intervals)
- Section Views
- Lot Boundaries

Topsoil Strip Area = 26,160m²
@ 300mm = 7,848m³

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Client & Location:
Criffel Station
The Rocks
Smith Road, Wanaka

Purpose & Drawing Title:
Engineering
Earthworks
Topsoil Strip Area

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Approved by:	MJB	<u>DO NOT SCALE</u>			
Job No:	Drawing No:	Sheet No:	Revision No:	Date Created:	
W5596	001	201	1	15/10/2018	

SMITH ROAD
(NOT LEGAL ROAD)



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

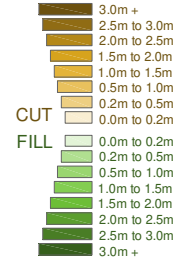
Thursday, 23 May 2019



NOTES

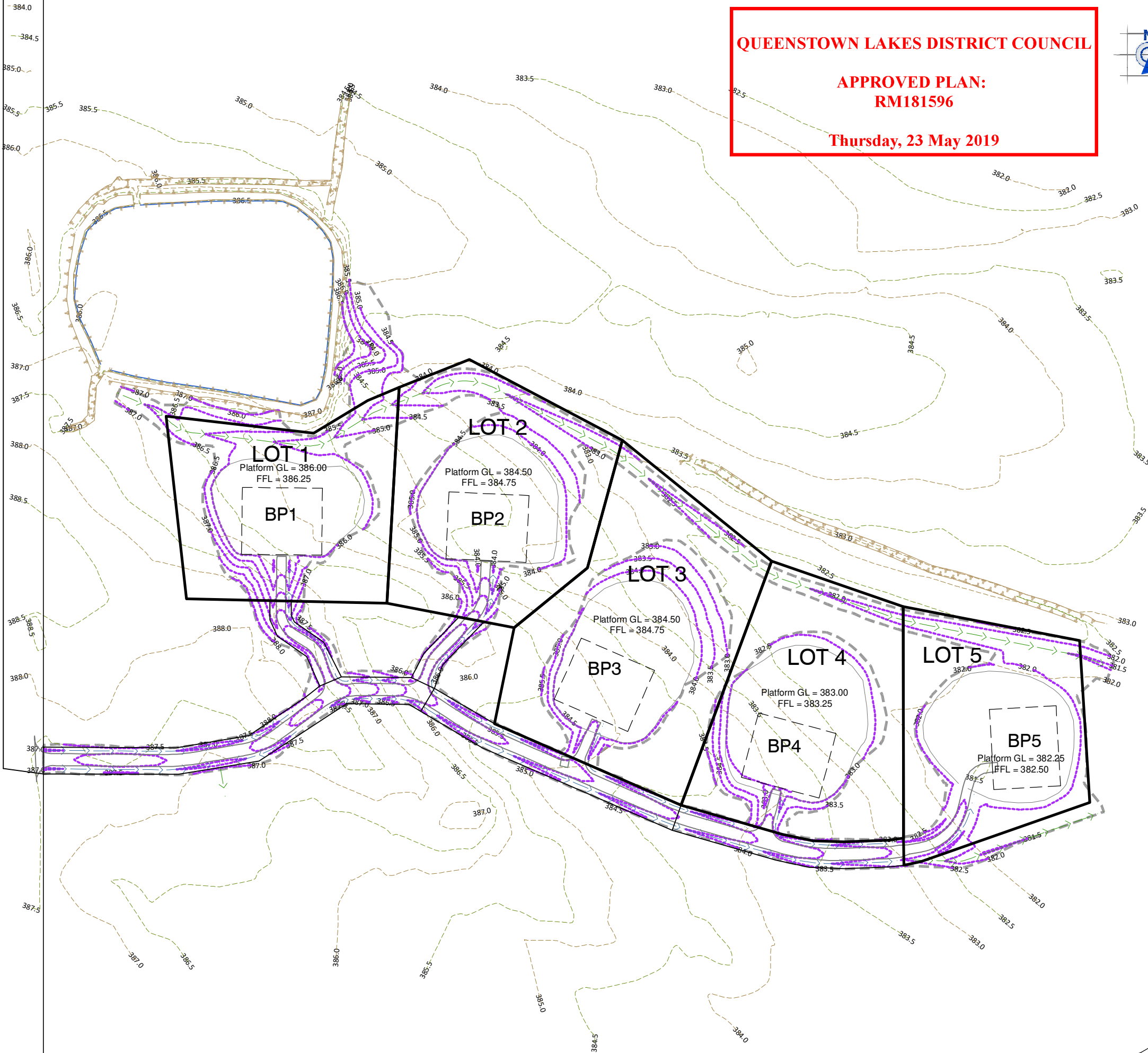
1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services.
2. Levels are in terms of Dunedin vertical datum 1958.
3. All works are to be installed as per NZS 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

EARTHWORKS KEY



- Depth Contours (at 0.5m intervals)
- A' Section Views
- Lot Boundaries

SMITH ROAD
(NOT LEGAL ROAD)



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Client & Location:
**Criffel Station
The Rocks
Smith Road, Wanaka**

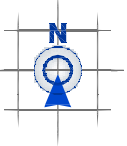
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**Engineering
Earthworks
Final Contours**

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Checked by:	MJB			
Approved by:	MJB		DO NOT SCALE	
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

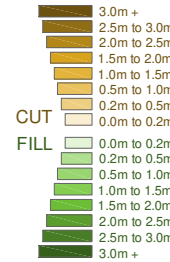
Thursday, 23 May 2019



NOTES

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2. Levels are in terms of Dunedin vertical datum 1958.
3. All works are to be installed as per NZS 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

EARTHWORKS KEY



- Depth Contours (at 0.5m intervals)
- Section Views
- Lot Boundaries

Earthworks Quantities

Cut volume = 4,770m³

Fill Volume = 4,770m³

Earthworks Area = 26,160m²

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Client & Location:

Criffel Station
The Rocks
Wanaka

Purpose & Drawing Title:

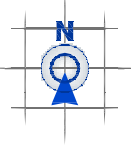
Engineering
Earthworks
Cut Fill Areas

Surveyed by:	-	Original Size: A3	Scale:	
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Checked by:	MJB			
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W5003	001	203	1	15/10/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019



NOTES

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2. Levels are in terms of Dunedin vertical datum 1958.
3. All works are to be installed as per NZS 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

SMITH ROAD
(NOT LEGAL ROAD)

Existing Road
(metal surface)

New Site
Entrance &
Passing Bay

4.5m ROW
(metal surface)

Passing Bay 1

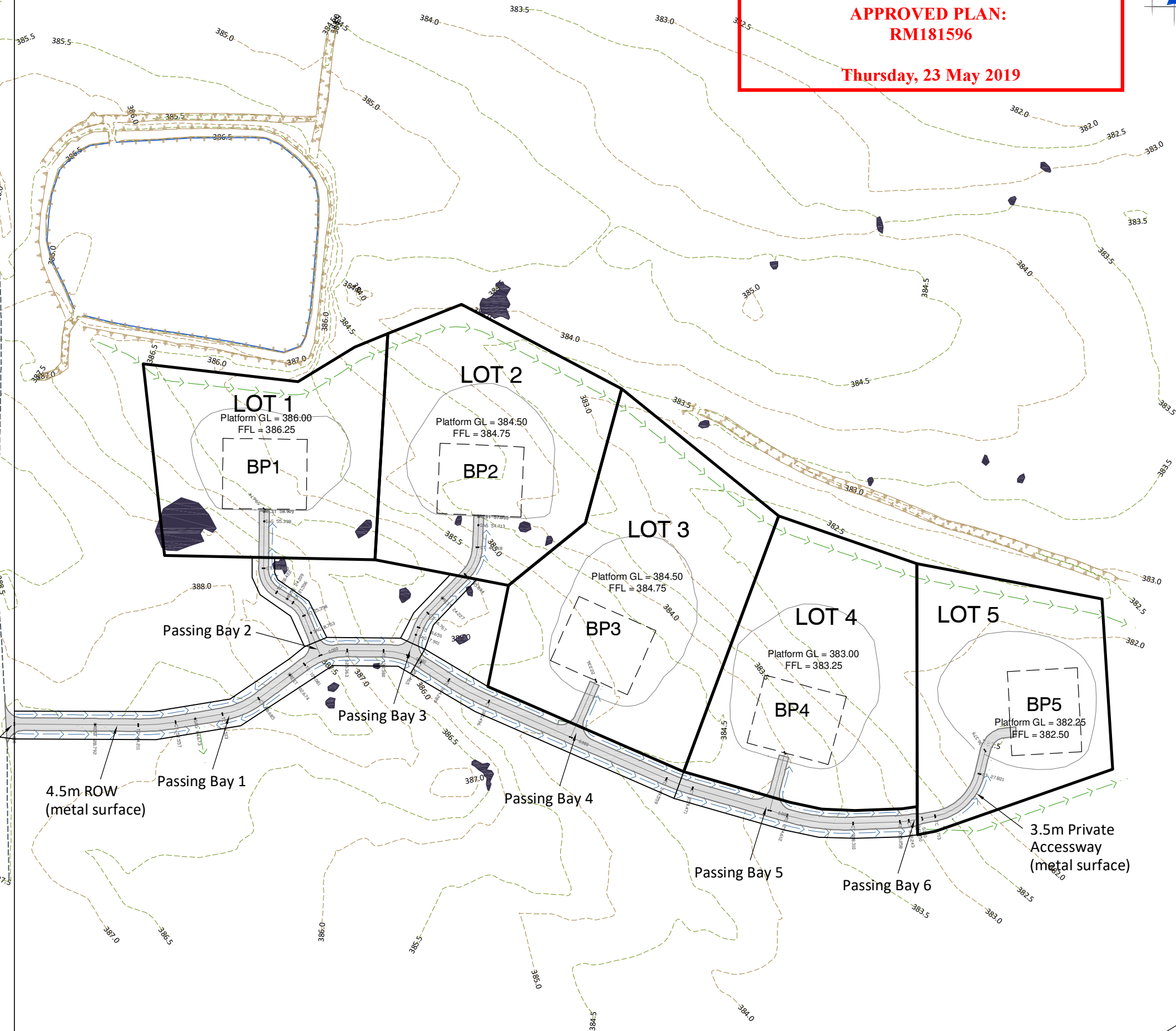
Passing Bay 3

Passing Bay 4

Passing Bay 5

Passing Bay 6

3.5m Private
Accessway
(metal surface)



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Client & Location:
Criffel Station
The Rocks
Wanaka

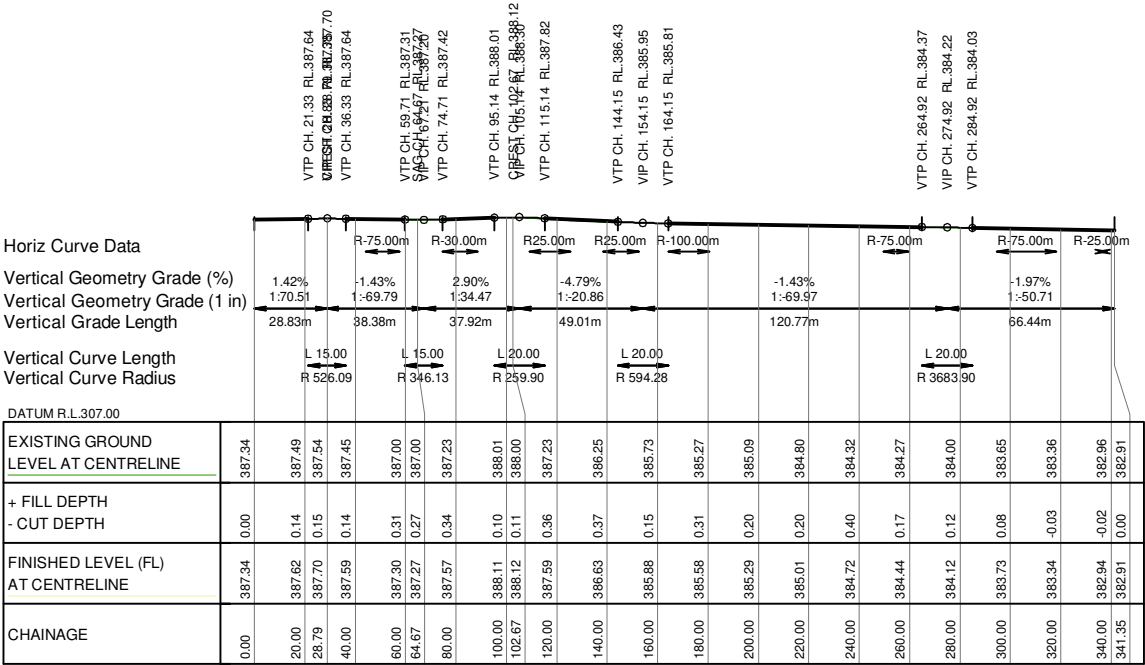
Purpose & Drawing Title:
Engineering
Roadway
Road Layout

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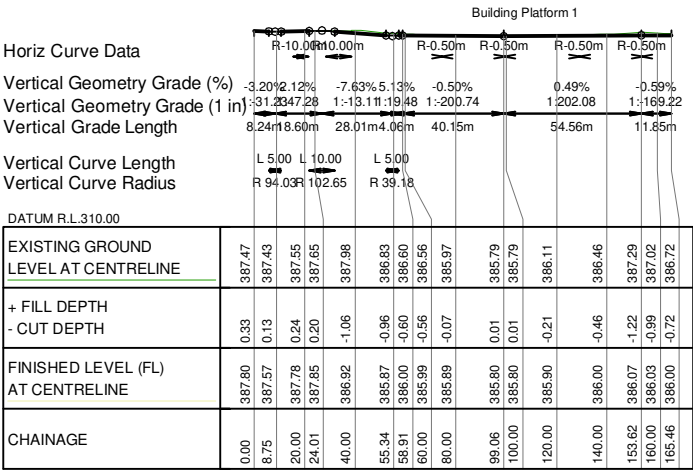
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

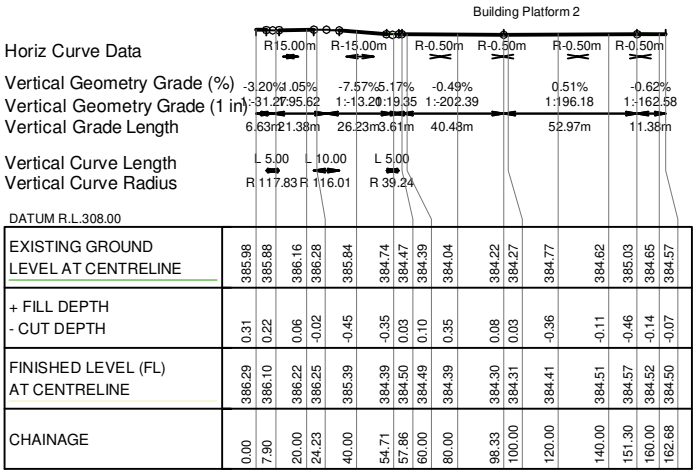
Thursday, 23 May 2019



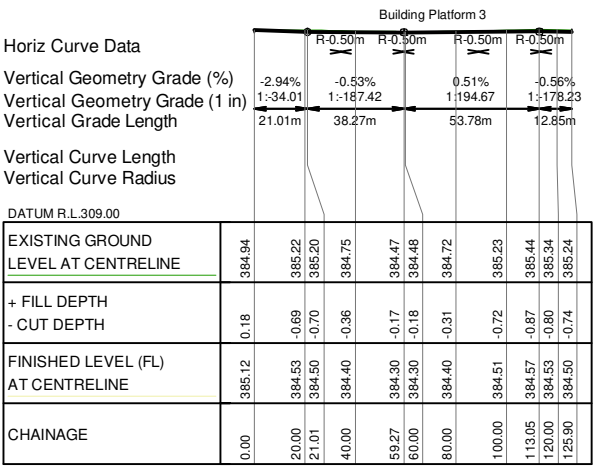
Road 0 Longsection



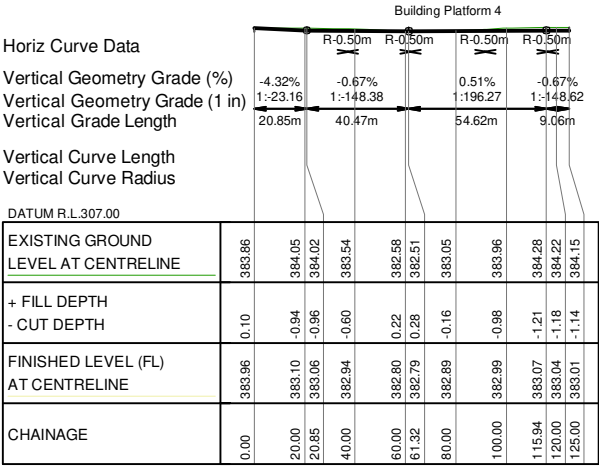
Road 1 Longsection



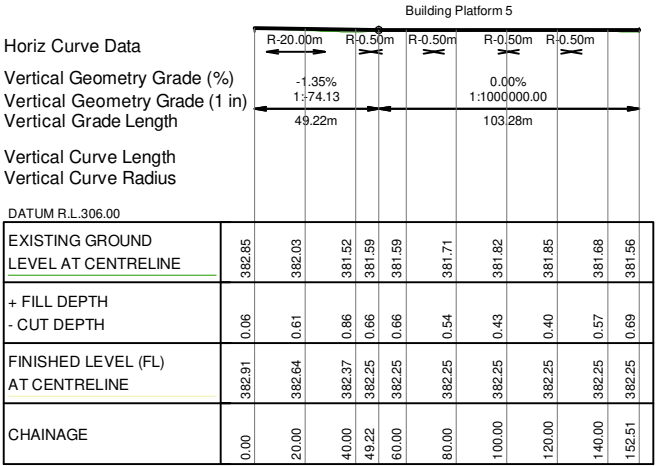
Road 2 Longsection



Road 3 Longsection



Road 4 Longsection



Road 5 Longsection

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Wanaka 9343
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Client & Location:
**Criffel Station
The Rocks
Wanaka**

Purpose & Drawing Title:
**Engineering
Roding
Long Sections**

Surveyed by:	-	A3	Scale:	
Designed by:	MJB		NTS @ A3	
Drawn by:	MJB		DO NOT SCALE	
Checked by:	MJB			
Approved by:	MJB			
Job No:	Drawing No:	Sheet No:	Revision No:	Date Created:
W5003	001	301	1	15/10/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

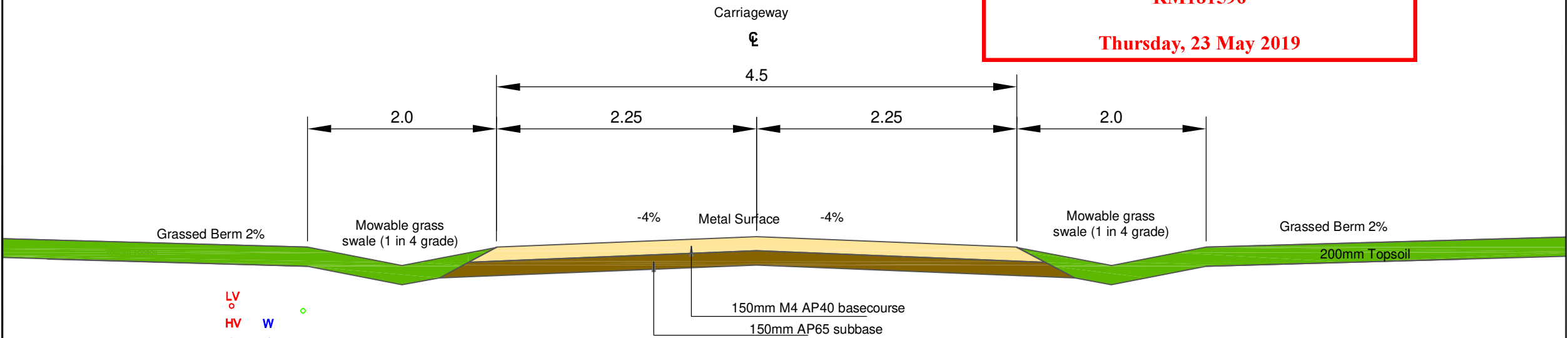
APPROVED PLAN:
RM181596

Thursday, 23 May 2019



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 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.



TYPICAL CROSS SECTION - ROW

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Client & Location:

Criffel Station
The Rocks
Wanaka

Purpose & Drawing Title:

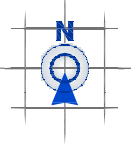
Engineering
Roading
Typical Cross Sections

Surveyed by:	-	Original Size:	Scale:
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Drawn by:	MJB		
Checked by:	MJB		
Approved by:	MJB		
Job No:	W5003	Sheet No:	302
Drawing No:	001	Revision No:	1
		Date Created:	15/10/2018

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APPROVED PLAN:
RM181596

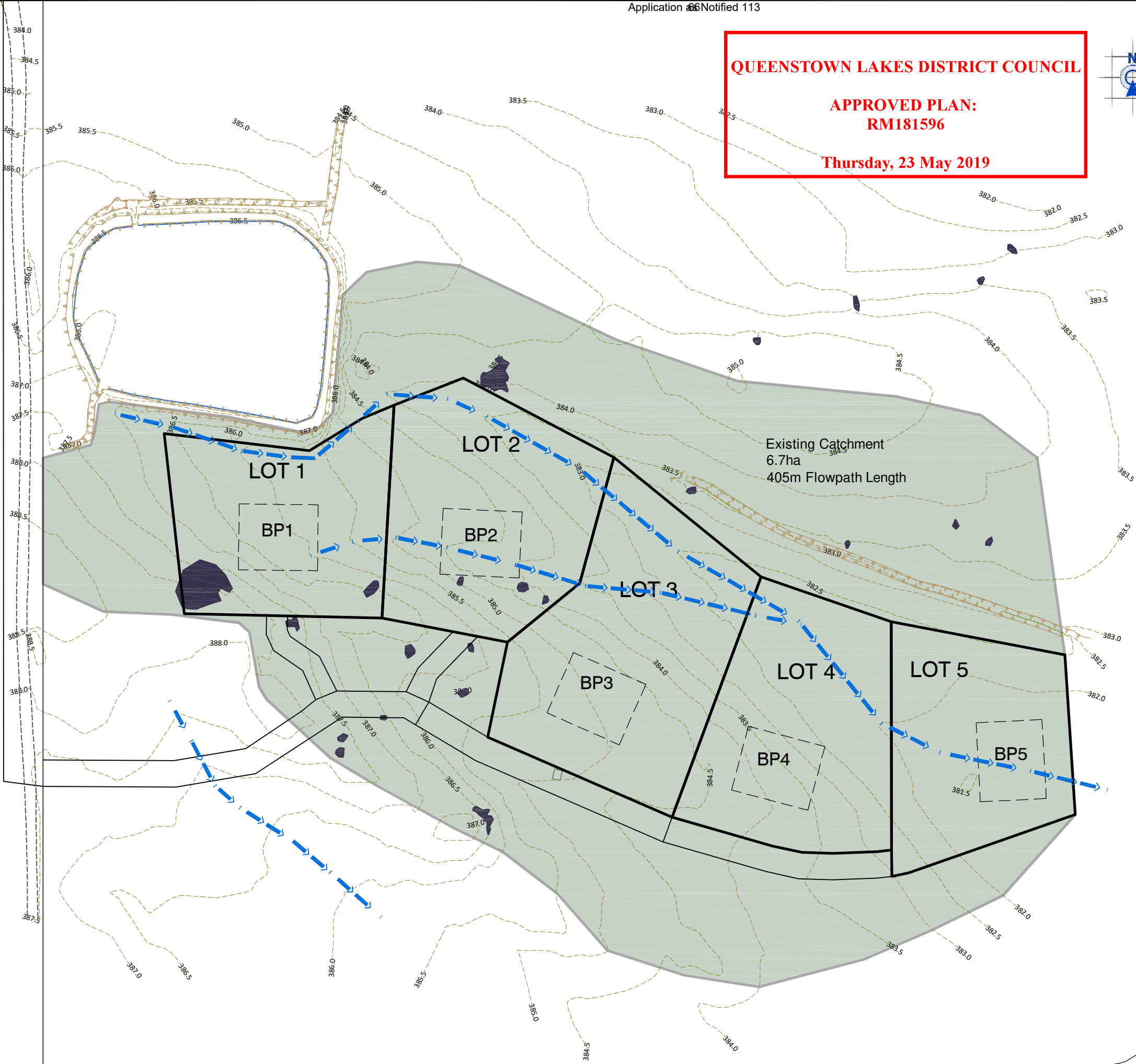
Thursday, 23 May 2019



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2. Levels are in terms of Dunedin vertical datum 1958.
3. All works are to be installed as per NZS 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

SMITH ROAD
(NOT LEGAL ROAD)



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Client & Location:
**Criffel Station
The Rocks
Wanaka**

Purpose & Drawing Title:
**Engineering
Stormwater Catchment
Pre-Development**

Surveyed by:	-	Original Size: A3	Scale:	
Designed by:	MJB		1:1500 @ A3	
Drawn by:	MJB			
Checked by:	MJB			
Approved by:	MJB		DO NOT SCALE	
Job No:	Drawing No:	Sheet No:	Revision No:	Date Created:
W5003	001	400	1	15/10/2018

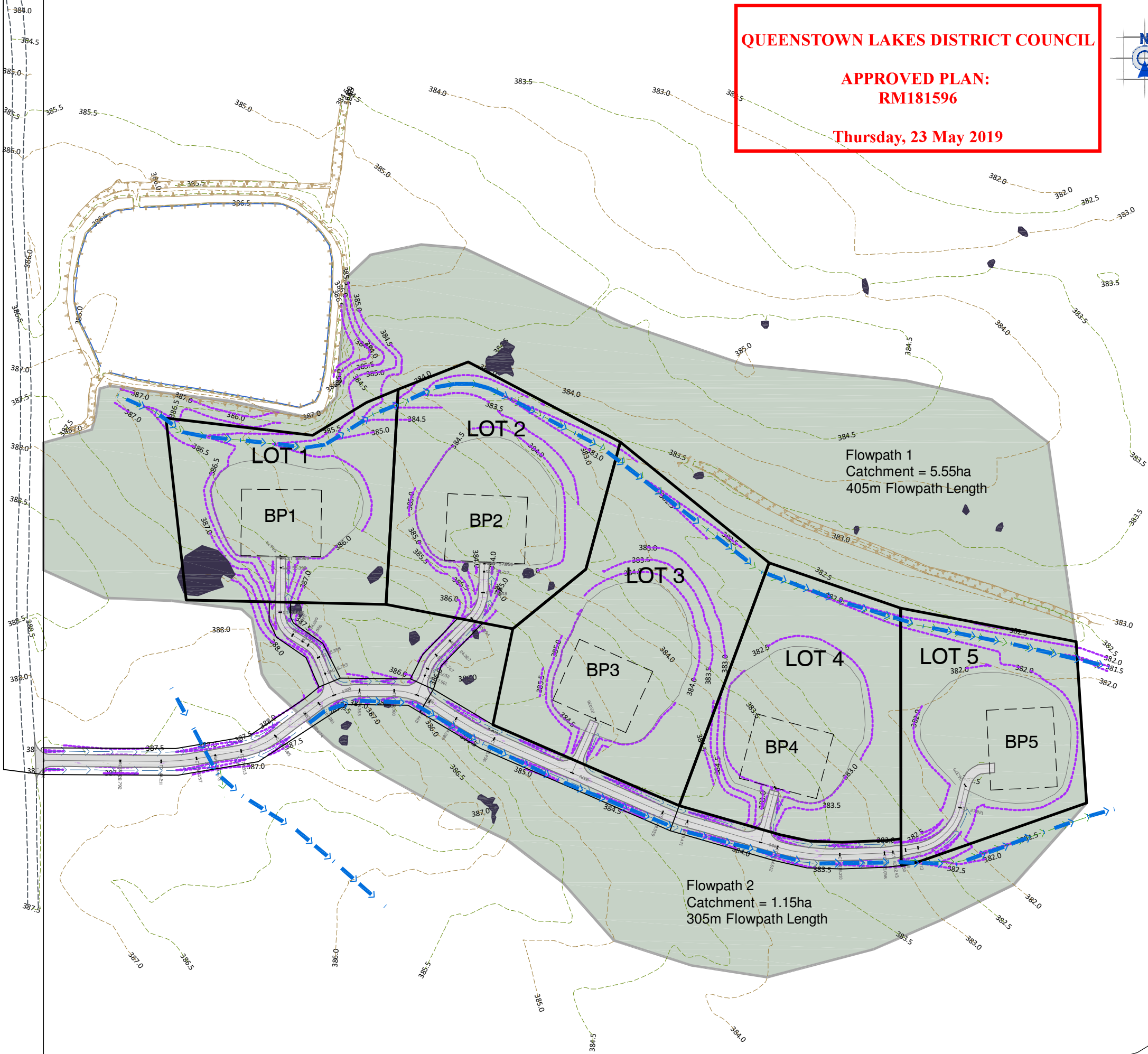
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019



SMITH ROAD
(NOT LEGAL ROAD)



NOTES

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3. All works are to be installed as per NZS 4404:2010 and QLDC amendments to those standards. Standard drawings are available from the Engineer.
4. Contours at 1.0m interval.

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Client & Location:

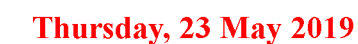
Criffel Station
The Rocks
Wanaka

Purpose & Drawing Title:

Engineering
Stormwater Catchment
Post-Development

Surveyed by:	-	Original Size: A3	Scale: 1:1500 @ A3	
Designed by:	MJB			
Drawn by:	MJB			
Checked by:	MJB			
Approved by:	MJB			
		DO NOT SCALE		
Job No:	Drawing No:	Sheet No:	Revision No:	Date Created:
W5003	001	401	1	15/10/2018





existing pond

light grazing

red line: ecological planting within lot boundaries, fenced to protect from sheep and rabbits

blue line: individual lot owners fencing if desired

fencing

lot boundary (no fencing)

curtilage area

lot boundary

curtilage area

curtilage area

curtilage area

lot boundary (no fencing)

curtilage area

fencing

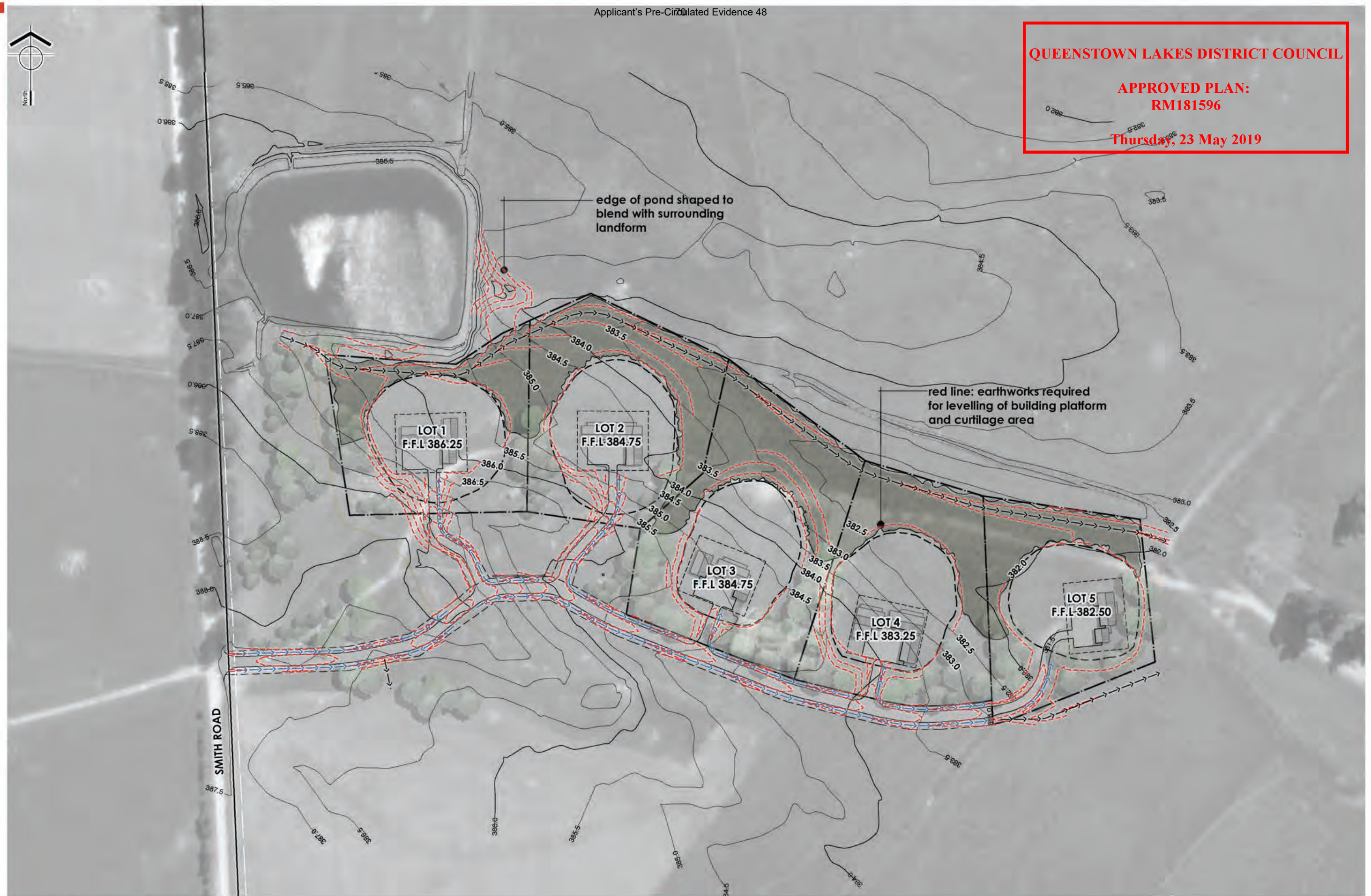
red line: fencing to keep stock off gravel driveway

PLAN: FENCING PLAN

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181596

Thursday, 23 May 2019



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM181596**

Thursday, 23 May 2019

INDIGENOUS PLANTING (10,000M ²)					
COMMON NAME	BOTANICAL NAME	PB	SPACING	PERCENTAGE	TOTAL PLANTS
Koromiko	<i>Hebe salicifolia</i>	PB8	1.4m centres	30%	1530
Rush	<i>Juncus edgariae</i>	V150	600mm centres	30%	8300
Swamp Sedge	<i>Carex secta</i>	PB2	1m centres	30%	3000
Flax	<i>Phormium cookianum</i>	PB8	1.2m centres	10%	695

EXOTIC TREE PLANTING					
COMMON NAME	BOTANICAL NAME	PB	SPACING	PERCENTAGE	TOTAL
Norway Maple	<i>Acer platanoides</i>	45L	as indicated	-/-	36
Red Oak	<i>Quercus rubra</i>	45L	as indicated	-/-	25
Chinese Elm	<i>Ulmus parvifolia</i>	45L	as indicated	-/-	29
Poplar 'Crows Nest'	<i>Populus nigra x euramericana</i>	45L	as indicated	-/-	48

note: all planting to be maintained by individual lot owners (refer design controls)

exotic tree planting



Norway Maple
Acer platanoides



Red Oak
Quercus rubra



Chinese Elm
Ulmus parvifolia



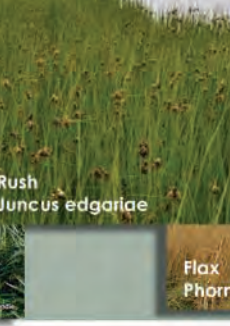
Poplar 'Crows Nest'
Populus nigra x euramericana

note: trees removed after application
(highlighted red)

indigenous planting



Koromiko
Hebe salicifolia



Rush
Juncus edgariae



Flax
Phormium cookianum

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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Thursday, 23 May 2019

- 1** indigenous planting (refer SK10) - within lot to be maintained by lot owner
- 2** exotic trees (refer SK10) - within lot to be maintained by lot owner
- 3** indigenous planting only - within curtilage area permitted species include:
Hebe spp, swamp sedge, flax, red tussock, broadleaf, pittosporum, kowhai, cabbage tree
- 4** 'homestead' planting - within curtilage area planting includes but is not limited to, flowering plants, shrubs, trees, herb and vegetable gardens
planting must not exceed 2.5m in height at maturity
no gold or variegated planting permitted
- 5** 'homestead' planting - within restricted curtilage area 'homestead' criteria planting as identified above (4), all planting must integrate with existing rock formations
all rocks must be retained and protected within identified zone
- 6** rock protection area - within lot all rocks must be retained and protected within identified zone
grass to be lightly maintained around existing rocks
- 7** lightly maintained grass - within lot area under exotic trees to be lightly maintained grass

