



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Treespace Queenstown Limited
RM reference:	RM181638
Location:	Mount Dewar Station, Coronet Peak Road, Wakatipu Basin
Proposal:	<p>Subdivision – consent to undertake a 55 Lot subdivision and identify residential building platforms with associated earthworks, landscaping, and native beech reforestation</p> <p>Land use – consent operate visitor accommodation from identified properties</p> <p>Land use – consent to identify residential building platforms</p> <p>Variation to RM051109</p>
Legal Description:	Section 2-6 Survey Office Plan 24648 and Section 1 Survey Office Plan 345973 and Lot 7 Deposited Plan 477149 and Lot 2 Deposited Plan 481806 contain in Record of Title 676673
Zoning (ODP/PDP):	Rural General / Rural General
Activity Status:	Discretionary
Notification:	Public
Commissioner:	Commissioners Nixon, Taylor and Baker
Date Issued:	4 November 2019
Date Re-issue:	20 November 2019
Decision:	Granted Subject to Conditions

This decision was re-issued pursuant to Section 133A of the RMA by the Commission to correct minor errors identified as set out below:

1. References within a number of conditions to other conditions were incorrect. The numbering has been amended in conditions 4, 35(a), 35(q), 35(s), 35(t), 36(e), 36(f), 36(i), 36(m), 36(bb).
2. A condition cancelling Condition 21 (a) –(c) of RM051109 was omitted in error.
3. Lot 36 was erroneously included in Condition 36(z).
4. Paragraph 26 of the decision incorrectly identified the location of Lots 105, 107, 108 and 110.

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an Application to the
**QUEENSTOWN LAKES DISTRICT
COUNCIL** by **TREESPACE
QUEENSTOWN LIMITED**
(RM 181638)

DECISION OF THE HEARINGS COMMISSION

Commissioner Robert Nixon (Chair)

Commissioner Jane Taylor

Commissioner Wendy Baker

The Hearing and Appearances

Hearing Dates: Wednesday 4 – Thursday 5 September 2019
at Queenstown

Appearances for the Applicant

Mr Mike Holm, Legal Counsel

Mr Adam Smith, Treespace Queenstown Limited

Ms Amanda Leith, Consultant Planner, Southern Planning Group

Ms Yvonne Pfluger, Senior Principal Landscape Planner, Boffa Miskell Ltd

Mr Andy Carr, Traffic Engineering Consultant, Carriageway Consulting Limited

Mr John McCartney, Consulting Civil Engineer, Civilised Ltd

Mr Glenn Davis, Principal Environmental Scientist, e3Scientific Ltd

Mr David Bell, Environment and Engineering Geology Consultant

Submitters:

Ms Shirley Ferguson, Planning Consultant for Chris and Elizabet Streat as Trustees of CG and EL Streat Family Trust

Ms Nicola Smetham, Consultant Landscape Architect for Chris and Elizabeth Streat as Trustees of CG and EL Streat Family Trust

Ms Elizabet Streat

Ms Jess Winchcombe

Ms Angie Edwards

Mr Darren Rewi

Ms Bridget Murphy

Ms Alice Webster

Mr Peter Willsman

A statement of evidence from Ms Melanie Reid on behalf of the Reid family was read by Ms Shirley Ferguson.

Evidence on behalf of the Arthurs Point Outstanding Natural Landscape Society Inc (APONSLI) was tabled.

A brief message from Mr Clive Wood was also tabled.

For the Council:

Mr Andrew Woodford, Senior Resource Consents Planner

Mr Simon Beale, Senior Ecologist, Beale Consultants Ltd

Mr Steve Hewland, Land Development Engineer

Mr Chris Rossiter, Stantec, Traffic Consultant

Ms Helen Mellsop, Registered NZ ILA Landscape Architect, Helen Mellsop Landscape Architects

Abbreviations

Treespace Queenstown Limited	"the Applicant"
Queenstown Lakes Proposed District Plan	"the PDP"
Queenstown Lakes Operative District Plan	"the ODP"
The Resource Management Act 1991	"the RMA"
Outstanding Natural Landscape	"ONL"
Queenstown Lakes District Council	"the Council"

For the purposes of this decision, the southern part of the Mount Dewar property (i.e. south of the Devil's Creek Catchment) will be referred to as the 'front faces' and the balance of the property north of the Devil's Creek Catchment as the 'backcountry'.

Minutes of the Hearing Commission

The Commission issued its first Minute on 23 August 2019 wherein it specified the need for larger scale plans to be provided at the hearing, photomontages of the front face area, and requests for summaries of expert evidence. It also requested that the Council identify those objectives and policies of the PDP subject to appeal. We subsequently noted that photomontages were in fact included in the evidence.

The applicant issued their right of reply and closing legal submissions, accompanied by an extensive suite of conditions following discussion with the Council on 13 September 2019. Upon consideration of this information, the Commission issued a second Minute on 26 September 2019 requesting improved and expanded conditions relating to the staging of subdivision and planting. Upon this information being received, the Commission closed the hearing on 14 October 2019.

THE PROPOSAL

1. This land use and subdivision application relates to Mount Dewar Station near Arthur's Point. The application is complex and extensive in scope. Mount Dewar Station comprises an area of approximately 1768ha¹ located north of Arthurs Point, and is bounded to the west by the Shotover River, and to the east by Coronet Peak Road and the Skippers Road. It ranges in height from 460m to 1310m above sea level. The property is split into two by the Devils Creek Conservation Area, which extends across the full width of the property. All of the building development proposed would be located on the lower part of the front faces, to the north of Arthurs Point village and west of Coronet Peak Road. The front faces are within the smaller portion of the property south of the Devils Creek Conservation Area.
2. The following description of the application is based on the proposal as notified, and as subsequently amended as detailed in letters to the Council². The application is fine grained in some areas, with variations on the proposed conditions which apply to particular individual or groups of cabins/chalets. To further add to the complexity, there are also buildings on the site which are proposed to be developed on the basis of previous unimplemented resource consents. The description below is a summary only of the main features of the application, which is best described in the planning evidence of Ms Leith³.

Subdivision

3. It is proposed to subdivide Lot 7 DP 477149 (the front faces) to create 43 cabin sites (Lots 1 – 43), 10 chalet sites (Lots 101 – 110), a lodge site (Lot 201), and a lot to contain an 'amenities building' (Lot 202). In addition, three parcels of land are to be created to contain a primary road (Lot 300) which splits into two secondary roads (Lots 301 and 302). Lots 101, 102 and 201 will be served from Coronet Peak Road by an accessway. All roads are to remain in private ownership and be maintained by the Applicant's management company. A balance Lot (Lot 500) with an area of 365 ha, comprising the balance of the front faces, is to remain in the ownership of the Applicant and will be amalgamated with the balance of the Mount Dewar land (the back country). There will be various easements in favour of lot owners, and trails for public and private access.

Ecological restoration

4. The preparation of an Environmental Management Plan (EMP) is a central part of this proposal, prepared by e3 Scientific, a consultancy led by the Applicant's ecological advisor, Mr Davis. Indeed, the ecological restoration is described as the "primary purpose of the project"⁴. The EMP has identified plant, animal and insect life on the property based on previous surveys, and a proposed planting programme for beech reforestation, ongoing management and wilding and pest control. The Applicant proposes to plant 79,800 beech seedlings in stages over a period of

¹ Evidence of A, Leith, paragraph 13. An additional 5 ha owned by the applicant did not form part of the application.

² Letters dated 20 April, 26 June, 11 July and further in the evidence of Ms Leith dated 20 August 2019.

³ Evidence of A, Leith, paragraphs 11 – 140.

⁴ Evidence of A Leith, paragraph 46

10 years in five 'zones' in the backcountry. These plantings will primarily be undertaken in the form of 'clusters' within gullies. Once established, the gaps between these clusters will be infilled through natural seeding. The property has already been retired from pastoral grazing and the majority of the backcountry will be maintained as tussock grasslands.

5. The application also proposes to plant 63,920 beech seedlings across the lower part of the front faces above Arthurs Point and to the west of Coronet Peak Road. A large part of this area is covered in wilding pines, many of which are now dead as a result of spraying operations, although some regenerating wildings and other species are present. There is also a reasonably extensive vehicular track network in this area which was primarily established as part of wilding control operations. The proposed units, chalets and lodge will be located within the area to be planted, and the planting regime is intended to screen development of the proposed buildings. This area will also be managed to control wilding plants and will include the removal of existing dead wildings, which will be mulched.
6. A number of methods are proposed to ensure the proposed works are carried out, an important matter given that the proposal includes a significant amount of work to be undertaken 'up front' before titles can issue and most of the buildings can be erected. As set out below, these include staging of development such that the issue of titles and the erection of buildings cannot take place before planting is successfully established. In addition, a cash bond⁵ is now proposed for the establishment of screen planting required for screening of the buildings proposed on the front faces, and to ensure implementation of the back country planting.
7. There are approximately 29.8 km of existing public walkways on the Mount Dewar property, albeit that these are apparently underutilised and not well maintained. An additional 19.37 km of public access trails is proposed to be constructed protected by easements in favour of the Council, although these are not intended to be constructed by the applicant.
8. The northern part of Mount Dewar contains a number of archaeological and historical features at Long Gully, Butchers Point, Atleys Terrace, and Devils Creek.

The Environmental Management Plan (EMP)

9. Accompanying the application as notified was an EMP prepared by e3Scientific. This is set out in six parts as follows:
 - Section 1 – Introduction;
 - Section 2 – Governing principles of the restoration project;
 - Section 3 – Description of the existing ecological values on site;
 - Section 4 – Proposed restoration methodology, implementation and maintenance;
 - Section 5 – Performance metrics and monitoring; and
 - Section 6 – Project timeline and audit requirements.
10. It was noted that between 2004 and 2007 Wildland Consultants undertook a detailed survey of vegetation communities on Mount Dewar, identifying approximately 200 indigenous plant

⁵ Proposed conditions 20 (t) and (u) accompanying the evidence of A Leith.

species, and 19 bird species, 10 of which were native to New Zealand. Also identified in other surveys were two lizard species and 278 species of invertebrates⁶.

11. Part 4 of the EMP sets out site preparation and planting methods, weed and pest control proposals, and Part 5 an Implementation Strategy. Part 6 contains Performance Metrics and Monitoring provisions including the number of mountain beech seedlings to be established within specified timeframes and survival rates, accompanied by similar metrics relating to weed and pest control. One example of a performance metric⁷ is set out as follows:

Within the Front Face Cabin and Chalet Radius Plantings

1. 32,540 plants are to be installed, with all radius plantings within the Southern and Northern planting zones on the front face to be planted before titles in each zone are issued.
2. 90% survival rate three years after planting, followed by 70% survival rate at seven years.
3. Plants to achieve a height of 3 m within five years of planting and 8 metres at 10 years.

Cabin and Chalet Sites on the Front Faces

12. Because this is such a complex application, and its assessment is reliant on a number of the specific proposals contained within it, it is necessary to set out its contents in some detail. The applicant has divided the front faces into their southern and eastern components. Within this area, it is proposed that development be undertaken over five stages, with buildings at the highest level on the front faces being undertaken last. Reference should be made to the plans attached to this decision to assist in further clarifying the matters contained in the description of the proposal.
13. The 43 cabin sites are proposed to be 100m² in area (the building platform being the same as the lot area), with each cabin having an allocated lot number from 01-43. Each cabin lot will be surrounded by an 'inner curtilage' subject to an easement for the lot owner to locate wastewater services, a water tank and two parking spaces. The boundary of the inner curtilage will be located 20m to the north/uphill of each cabin site, and 10m to the east, west and south. Beyond this is an 'outer curtilage' subject to an easement for the lot owner and a consent notice in favour of the Council to protect vegetation⁸ described as a 'bush covenant'. The boundary of the outer curtilage is a 50m radius from the centre of the cabin lot.
14. The cabin sites allow for a site coverage of up to 100%, but where the building height exceeds 3m a setback is required depending on a recession plane (for cabin lots 14, 15, 20, 28 – 30) or for other cabins a reduced building width. Put another way, increased height up to a limit of 7m (for cabin lots 14, 15, 20, 28 – 30) or 8m for other cabins, can only be achieved by reducing site coverage. This complex 'trade-off' formula is described in detail in Ms Leith's evidence⁹. Building height is to be measured at the front (downhill) the facade of each cabin. There are restrictions on glazing height on the southern facade of 3m for Cabin Lots 1 – 36, and on the eastern elevation for Cabin Lots 37 – 43. The overall intention of these detailed provisions (in

⁶ EMP, paragraphs 3.1 – 3.5

⁷ EMP, paragraph 6.1

⁸ As explained in Appendix M to the application as notified

⁹ Evidence of A Leith, paragraphs 67 and 68

conjunction with taking advantage of topography and mitigation planting) is to reduce the potential visual impacts of the buildings, including from lighting at night.

15. The 16 cabins on Lots 7, 10, 15, 16, 19, 20, 22, 24, 28 – 31, and 33 – 35, 37 and 38 are proposed to be ‘walk-in’ cabins accessible by pedestrian access only, with a 2m wide access protected by an easement to the nearest internal road. The other 27 cabins will be accessible from the private road network by vehicular access right-of-ways. Cabins 16, 18 – 20, 28 – 43 are proposed to be available for visitor accommodation for up to 365 days per year or residential use, with the remainder to be for residential use only.
16. A programme of visual mitigation and peripheral planting is specified for cabin and chalet lots prior to the issue of a section 224(c) RMA certificate as specified in detail in the evidence of Ms Leith¹⁰. A Reforestation Zone (RFZ) is to be established within the outer curtilage areas for each building. The applicant is proposing to undertake what is termed ‘peripheral planting’ outside and between the RFZ around each cabin/chalet, up to a height of 650m ASL, which is the highest point of any of the proposed buildings on the front faces. Other peripheral planting will extend above this point to a height of 800m ASL, beyond which the landscape remains as tussock grassland. In addition, existing trees required for visual screening will be retained (pending the replacement beech tree plantings achieving the required height) for a 12 year period¹¹.
17. Turning from subdivision to the construction of buildings, the Applicant also proposes a detailed sequence of planting which restricts the erection of buildings for between 3 and 10 years depending on the extent of mitigation planting required. Again, this is specified in detail in the evidence of Ms Leith¹², and is important because it is central to the findings of the landscape witnesses for the Applicant and the Council with respect to the visual impact of buildings on the landscape *over time*.
18. This sequential planting and building programme is summarised as follows, based on an addendum to Ms Amanda Leith’s evidence¹³, and would be linked to the issue of a section 224 (c) RMA certificate for each stage.
19. Prior to the issue of titles for Lots 1 – 10, 21 – 27, 31, and 36 – 38 on the south face serviced by initial Year 1 roads, the following is required:
 - planting of all RFZ’s on the south face;
 - the installation of servicing and roading including roadside planting;
 - the commencement of pest and weed control over all of Mount Dewar, to be undertaken in perpetuity;
 - registration of public trails easements;
 - front face Treespace trails to be formed in easements registered;
 - registration of a bush covenant.

¹⁰ Evidence a Leith, paragraphs 48 and 51

¹¹ Ibid, paragraph 52

¹² Ibid, paragraphs 55 – 57

¹³ Dated 5 September 2019

20. The bush covenant is volunteered over the areas covered by the RFZ and peripheral planting within proposed Lot 500 on the front faces. It is to provide for the ongoing retention and protection of trees planted in conjunction with proposed subdivision, and which will remain in the ownership of the applicant¹⁴.
21. Prior to the issue of titles for Lots 32 – 35 on the south face serviced by a Year 2 roads, the same works as described above.
22. Prior to the issue of titles for Lots 43 and 201 on the east face serviced by Year 1 roads:
 - planting of all RFZ's on the east face;
 - installation of roading including roadside planting;
 - public trails easements registered;
 - front face tree space trails to be formed in easements registered;
 - registration of bush covenant.
23. Prior to the issue of titles for Lots 39 – 42, 101, 102, 105, 107, and 108 serviced by Year 2 roads, the same works as described above including the installation of servicing.
24. Prior to the issue of titles for (already approved under previous resource consents) Lots 103 and 109, servicing and roading must be installed including roadside planting.
25. Prior to the issue of titles for all remaining lots (11 – 20, 28 – 30, 104 and 106) the following is required:
 - installation of servicing and roading
 - registration of bush covenant
26. Upon titles being issued there will be other requirements for future lot owners to comply with prior to *construction* on the lots, to be imposed by consent notice.
 - For Lots 201 (Lodge) and 202 (implement shed) landscaping plans are to be submitted, approved and implemented prior to construction;
 - For Lots 1 – 10, 22, 23, 36, and 40 construction may commence when all of the peripheral planting on the south faces is completed;
 - For Lots 40 and 41 construction may commence when all of the peripheral planting on the east face is completed;
 - For Lots 21, 24 – 27, 31 – 35, 37, 38 and 500 (amenities building) on the south faces, construction can commence when peripheral planting on the south faces is completed and RFZ planting for each site has been established for three years, is an average of 3m in height, and achieves 75% canopy closure and an 80% survival rate;
 - For Lots 39, 42, 43, 101 and 102 on the east faces, construction can commence when peripheral planting has been completed on the east face and RFZ planting for each site has been established for three years, is an average height of 3m and achieves a 75% canopy closure and an 80% survival rate;

¹⁴ Evidence of Amanda Leith, paragraphs 59 and 60

- For Lots 105, 107 and 108 on the east face, construction can commence when peripheral planting on the east faces is completed, RFZ planting for each site has been established for five years and/or is an average of 4m in height, and achieves 75% canopy closure, and an 80% survival rate, and backcountry Treespace trails have been formed and easements registered;
 - For Lot 110 on the south face, construction can commence when peripheral planting on the south faces is completed, RFZ planting has been established for five years and/or is an average of 4m in height and achieves 75% canopy closure, and an 80% survival rate, and the backcountry Treespace trails are formed and easements registered.
 - For Lots 11 – 20, 28 – 30, 104 and 106 construction can commence when RFZ planting for each site has been established for 10 years and/or is an average of 8m in height, achieves 75% canopy closure, and a 70% survival rate, back country planting is completed, and peripheral planting on the south faces is completed and has been established for a minimum of three years, with a survival rate of 70%.
27. The chalet sites are proposed to have an area of 625m² each with the exception of the chalets on Lot 103 (966m²) and on Lot 109 (1000m²)¹⁵. Each of the chalet lots have corresponding Lot numbers of 101 – 110. Building *coverage* is proposed to be limited to 625m² for Lots 101 and 102, and 350 m² for Lots 104 – 108 and 110. The building height of all buildings within the Chalet lots is limited to 5m. Glazing heights are limited to 3m on the eastern elevation of chalets on Lots 101, 102, 104 – 108 and 3m on the southern elevation on chalet Lot 110.
28. The inner curtilage for chalets will have the same external dimensions as those for cabin units, but the outer curtilage easement boundary will extend 100m from the centre of each chalet lot and serve the same purpose as those for the cabin lots, but with an obviously larger area of planting. A bund will be constructed on the northern side of chalet Lot 102 to provide additional screening, and a 5m minimum building setback will be required on the lower boundary of the future building on chalet Lot 110¹⁶.
29. Development on Chalet Lots 103¹⁷ and 109¹⁸ has already been authorised by resource consent, and planting will be undertaken in accordance with the previously consented conditions.
30. The chalets would be available for use as visitor accommodation for up to 365 days per year.

The Lodge building

31. Lot 201 will have an area of 2000m², and contain the 800m² lodge building platform, which will be able to accommodate up to 20 guests. This will be located in the position of the woolshed site originally approved by RM 070228 and reinstated by RM 180239¹⁹. The lodge building would have a maximum height of 6m, and no glazing above 5m in height on the eastern elevation of the building²⁰.

¹⁵ Evidence A Leith, paragraph 35

¹⁶ Ibid, paragraph 29

¹⁷ RM 080098

¹⁸ RM 051109

¹⁹ Ibid, paragraph 36

²⁰ Ibid, paragraphs 88 – 90

The Amenities Building

32. This was originally intended to be a chalet (Lot 111) and is now proposed to remain as an amenities building and be incorporated within proposed balance Lot 500 to be retained in the ownership of the Applicant. The maximum building coverage of the building platform has now been reduced to 150m².²¹ Building height is limited to 5m with no glazing above the height of 3m on the southern elevation. There will be no internal or external illumination, as the building is not intended to be used during night hours²².

External cladding of future buildings

33. The application proposes cladding materials that are recessive in colour. Wall cladding is to be of natural timber, natural stone, metal or masonry, with the exception of glass or photovoltaic materials. Foundation materials can differ from the remainder of the cladding provided they are of stone or masonry in less than 2 m above ground level. Post or pole foundations can be timber or metal.

Roof materials are to be of natural stone, metal, photovoltaic or living (green) roofs. External fixtures are to be of metal or natural timber, and all timber is to be unstained. Natural stone and aggregate are required to be sourced from within Queenstown Lakes District, metal cladding (and any photovoltaic panels) are to be in the range of browns, greens, or greys with a light reflectance value of no greater than 20%. Painted surfaces must have a matte finish, and corten steel and copper would be acceptable²³.

34. These external appearance restrictions are volunteered to be registered as consent notices on the applicable titles.

Proposed Earthworks

35. It is proposed to undertake earthworks totalling up to 67,456m³ of cut and 6510m³ of fill²⁴ over an area of 69721 m². The majority of this material is associated with the development of roading and access. The Applicant notes that there is already a well-established vehicular track network on the front faces but some additional earthworks will be required to provide satisfactory road access to the proposed cabins and chalets. Most cuts are expected to be less than 2.5 m in height except for one on Lot 300 where in order to traverse an existing gully, a cut of 6.5 m is proposed²⁵.
36. Heavy vehicle movements associated with the removal of fill material will be (with the exception of 6 cabin lots to be served off Morning Star Terrace) to Coronet Peak Road with traffic movements proposed to be restricted to the hours of 9 AM – 4:00 PM during the ski season to avoid conflict with peak ski field traffic. We address the timing of these proposed restrictions later in the decision.

²¹ Ibid, paragraph 29 (c)

²² Ibid, paragraphs 83 – 86

²³ Ibid, paragraph 80

²⁴ Ibid, paragraph 120

²⁵ Ibid, paragraph 120

37. The proposed building platforms have been selected to be located where possible, within undulations within hummocks in the landscape. It is noted that earthworks to establish the building platforms for cabins and chalets do not form part of this application and will with the responsibility of each future owner²⁶.

Services

38. Water supply will be provided from the Arthurs Point water supply scheme for cabin Lots 1 – 36, chalet Lot 110 and the amenities building on Lot 500; an arrangement which is acceptable to the Council. Two surface water takes will supply cabin lots 37 – 43, chalet lots 101, 102, 104 – 108 and the Lodge site (Lot 201). Stormwater treatment will be by roadside swales and specifically constructed soakage galleries. Effluent treatment will be undertaken on site, but in some cases soakage will need to take place outside the curtilages and within Lot 500, protected by appropriate easements. Lots 103, 109 and 202 will be serviced in accordance with the conditions of previously granted resource consents²⁷.

Roading and Access

39. Two types of road access are proposed. These will include an 'E3 type road' with a legal width of 12m, and 'E2 type roads' with a legal width of 9m. Normally an E3 road would be expected to have a legal width of 15m, but as there will not be stormwater or wastewater services within the road berm, the Council has accepted this narrower legal width as being acceptable. Six cabins will be served by an extension to Morning Star Terrace by an E2 type road. The primary southern access from Coronet Peak Road (Lot 300) will serve 46 cabins and chalets and will initially be an E3 type road (with an area of 13831m²) which will split into two E2 type roads (Lots 301 and 302 with areas of 2391m² and 2893m²) respectively. There will be no vehicular access between Morning Star Terrace and Coronet Peak Road, although cycle and pedestrian access between them will be possible as will emergency vehicle access.
40. The 16 'walk-in' Cabins will have two car parking spaces to be provided adjacent to the nearby access road, with a pedestrian easement for access. Those with vehicular access will have two parking spaces behind each cabin, with the exception of Cabins 4 and 26, where the parking spaces may be provided in front or alongside to avoid unnecessary earthworks. Each of the 10 Chalet lots will be provided with vehicle access via private right-of-ways with parking for two vehicles.
41. Easements for public trails on Mount Dewar will be identified and granted at the time of section 224c RMA approval but will not be constructed by the Applicant. Access to private trails *may* be made available to the public²⁸. We record that with respect to the proposed trail network on the front faces as originally notified, a proposed trail within 50m of the property of Mr Robert Stewart at 201 Arthur's Point Road has been removed, and on that basis Mr Stewart has withdrawn his submission²⁹.

²⁶ Evidence A Leith, paragraph 121

²⁷ RM 130140, RM 051109 and RM 180239

²⁸ Ibid, paragraph 116

²⁹ Ibid, paragraph 112

42. The development is proposed to proceed in five stages, although Stages 1 and 3 relate to buildings which have already been approved under previous consents granted on the property.

STATUTORY PROVISIONS

The Operative District Plan

43. The entire site is zoned Rural General under the ODP and identified as an Outstanding Natural Landscape.

Land Use

Section 5, Rural General Zone

44. *Rule 5.3.3.2 xi.* Site Standard 5.3.5.1 (vi) specifies minimum setbacks of buildings from internal boundaries. Pursuant to section 86F of the RMA, this rule has been replaced by Rule 21.5.1 under the PDP.
45. *Rule 5.3.3.3iii.* As the proposed activity provides for 20 of the cabins, all of the chalets, and for the Lodge to be utilised for visitor accommodation purposes, consent is required as a discretionary activity with respect to provision for visitor accommodation.

Subdivision

Section 14, Transport

46. *Rule 14.2.2.3.* Site Standard 14.2.4.1 (vi) requires a legal width of 15m for Road Type E3 of 15m. The proposed E3 type road (Lot 300) is proposed to be 12m in width. In addition, accessways which will serve more than 12 units also require consent under this rule. The proposed activity is a restricted discretionary activity with respect to these matters.
47. *Rule 14.2.2.3.* Site Standard 14.2.4.2 iii specifies a maximum gradient for proposed 'Road Type E3' of 1 in 8. The maximum gradient proposed is 1 in 6.25 (16%). The proposed activity is a restricted discretionary activity in respect to this matter.
48. *Rule 14.2.2.3.* Site standard 14.2.4 (i) requires that car parking be contained within each lot. Car parking for cabin lots will not be contained within the cabin lot itself, but within the inner curtilage for drive in cabins, and adjacent to the road for walking cabins. These areas are outside the boundary and ownership of each cabin. Accordingly, consent is required as a restricted discretionary activity.

Section 15, Subdivision

49. *Rule 15.2.3.3 (vi).* Consent is required as a discretionary activity under this rule for any subdivision and location of residential building platforms within the Rural General Zone.

50. *Rule 15.2.21.1.* Earthworks associated with subdivision are a controlled activity under this rule, with the Council's control specified to the following matters under Rule 22.3.2.2 (a) (i) – (ix);
- (i) The nature and scale of the earthworks
 - (ii) Environmental protection measures
 - (iii) Remedial works and revegetation
 - (iv) The effects on landscape and visual amenity values
 - (v) The effects on land stability and flooding
 - (vi) The effects on water bodies
 - (vii) The effects on cultural and archaeological sites
 - (viii) Noise
 - (ix) The effects of earthworks on the natural character of wetlands, lakes and rivers and their margins.

The Proposed District Plan – Stage I and II (Decisions Version)

51. The Council is in the process of reviewing its District Plan in stages. Decisions on Stage I were notified in May 2018 with time for appeals closing on 19 June 2018. The Council notified its decisions on Stage 2 chapters on 21 March 2019.
52. Section 86B of the RMA provides that a rule in a proposed plan has legal effect once a decision on submissions to that rule has been publicly notified. Pursuant to Section 86F of the RMA if a rule has reached the point where it is beyond legal challenge (i.e. outstanding submissions or appeals have been resolved) it can be treated as being operative. Less weight may be given to provisions in a proposed plan which are still subject to appeal.
53. All of the site is zoned Rural under the PDP, and there are no appeals against this zoning. The site is also identified as an Outstanding Natural Environment. However, a significant number of individual rules are subject to appeals.

Land use

Chapter 21 – Rural

54. *Rule 21.4.9.* Consent is required as a discretionary activity under this rule for the use of land or buildings for a residential activity, except as provided for in any other rule. This rule is beyond challenge.
55. *Rule 21.4.10.* Consent is required under this rule as a discretionary activity for the identification of a building platform of not less than 70 m² and not greater than 1000 m². This rule is also beyond challenge.
56. *Rule 21.5.1.* This rule relates to building setbacks and is very similar to Rule 5.3.3.2xi under the ODP. This rule now has legal effect as it is beyond challenge, and accordingly under section 86F of the RMA the previous rule under the ODP no longer applies. The future buildings within cabin, chalets and lodge sites will all be within 15m of their site boundaries, noting that the building platforms for the cabin and chalet sites occupy the same area as the proposed sites. The building on proposed Lot 3 is located within 15m of the boundaries of Lot 1 DP 308109, and buildings on Lots 18, 38, 43, 109, and 110 are located within the internal setbacks of the proposed rights of

way. The activity is a restricted discretionary activity under this rule with the Council's discretion being restricted to:

- (a) Rural amenity and landscape character
- (b) Privacy, outlook and amenity from adjoining properties.

57. *Rule 21.5.4.* Consent is required as a restricted discretionary activity under this rule as proposed Cabin lots 40 and 41 and chalets Lot 107 located within 20 m of a wetland, river or lake, and there are a number of small unnamed streams within the site. The Council's discretion is restricted to:

- (a) indigenous biodiversity values;
- (b) visual amenity values;
- (c) landscape and natural character;
- (d) open space;
- (e) whether the water body is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.

This rule is beyond challenge.

58. *Rule 21.4.19* stipulates that visitor accommodation outside of the Ski Area Sub Zone is a discretionary activity, and accordingly consent is required under this rule. This rule is still subject to appeal.
59. *Rule 21.9.5.1.* Under this rule, residential visitor accommodation for a cumulative total of more than 90 nights in a 12 month period is a controlled activity. 20 cabins and all chalets will be available for up to 365 days per year, and accordingly consent is required as a controlled activity.

Chapter 25 Earthworks

60. *Rule 25.5.11, Table 25.3.* This rule provides that earthworks over a contiguous land area exceeding 2500m² where the slope is greater than 10°, are a restricted discretionary activity, so consent is required under this rule.
61. *Rule 25.5.18.1.* Consent is required as a restricted discretionary activity where earthworks are greater than 0.3 m in height or depth are not setback from the site boundary. The officer's report notes that there is a technical non-compliance with regard to the earthworks proposed for roading at the boundary of Lot 1 DP 308109³⁰.
62. *Rule 25.5.19* requires resource consent as a restricted discretionary activity for earthworks within 10m of the bed of a water body exceeding 5m³ in any 12 month period. Consent is required under this rule as the volume of earthworks proposed within 10m of waterways as 2116 m³. The Council's discretion is restricted to the following matters:
- Soil Erosion, Generation and Run-Off of Sediment
 - Landscape and Visual Amenity
 - Effects on Infrastructure, Adjacent Sites and Public Roads
 - Land Stability

³⁰ S42A report, page 11

Effects on Water Bodies, Ecosystem Services and Biodiversity
 Cultural Heritage and Archaeological Sites
 Nuisance Effects
 Functional Aspects and Positive Effects

63. *Rule 25.5.18.21* requires consent as a restricted discretionary activity where more than 300m³ of clean fill is to be transported by road to from an area subject to earthworks. Under the application, 67,456m³ of cut earthworks are required and most of the material will be required to be transported off-site. The Council's discretion is restricted to the following matters:
- Soil Erosion, Generation and Run-Off of Sediment.
 - Landscape and Visual Amenity
 - Effects on Infrastructure, Adjacent Sites and Public Roads
 - Land Stability
 - Effects on Water Bodies, Ecosystem's and Biodiversity
 - Cultural Heritage and Archaeological Sites
 - Nuisance Effects
 - Functional Aspects and Positive Effects

Chapter 27 Subdivision

64. *Rule 27.5.11* requires consent as a discretionary activity for all subdivision activities in the Rural Zone. This rule is beyond challenge.

Chapter 29 Transport

65. *Rule 29.4.11*. As the proposed development will result in greater than 50 residential units it is classified as a High Traffic Generating Activity in accordance with Table 29.5. Accordingly, consent is required as a restricted discretionary activity, with discretion being restricted to effects on the transport network.
66. *Rule 29.5.14*. The proposed width of E3 road (Lots 300) is 12m rather than 15m. This rule is very similar to that under Rule 14.2.2.3 in the ODP. The proposed E3 type road (Lot 300) is proposed to be 12m in width. In addition, access ways which will serve more than 12 units also require consent under this rule. The proposed activity is a restricted discretionary activity with the Council's discretion restricted to the following matters:
- a. Effects on safety, efficiency, and the amenity of the site and the transport network, including the pedestrian and cycling environment
 - b. The design of the access, including the width of the formed and legal width
 - c. The ongoing management and maintenance of the access
 - d. Urban design outcomes
 - e. The vesting of the access in Council.

Change or cancellation of consent conditions

67. The Applicant is seeking consent as a discretionary activity, pursuant to section 127(3)(a) of the RMA, as it seeks to cancel condition 21(a)-(c) of an earlier resource consent (RM051109), in order to facilitate the proposed development. This resource consent included a deed of covenant related to the timing of the construction of farm buildings on the property, and

conditions limiting the construction of any further buildings; and that there be no further subdivision of the property³¹. (These conditions were entered into by the previous owner of the property over 10 years previously).

68. In addition, the Applicant is seeking consent as a discretionary activity, pursuant to section 127(3)(a) of the RMA, to cancel condition 20 of RM051109 (Env-2006-CHC-000439) with respect to implementation of the Wilding Tree Management Plan. The reason for this is that that plan is to be superseded by the EMP to be implemented as part of the proposed consent application. The EMP will include, among other things, continued control and removal of wilding trees.
69. The Applicant has advised that a resource consent is not required under the 'National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health'. We understand that this has been accepted by the Council.

Previous resource consents relating to the application site

70. These consents (excluding those which have lapsed) assumed some significance in this hearing, particularly with respect to the 'permitted baseline', and the existing environment, as discussed later in this decision. These previous consents are set out in detail in the application as notified³². These add a further element of complexity, and those of particular relevance are summarised below:

RM 040687 – granted in October 2004 for earthworks to extend an existing access track on the southern face of Mount Dewar through a block of wilding pines to facilitate forestry activities. This resource consent has been given effect to.

RM 051109 – this was a consent granted by the Environment Court in February 2008 through a mediated consent order (ENV-2006-CHC-000439). The consent order includes a restrictive covenant limiting development on the property in perpetuity to the following features:

- one woolshed
- two hay barns
- one implement shed
- one further residential building platform
- two small ancillary huts

RM 070307 – consent granted May 2007 for earthworks to upgrade a farm track between Coronet Peak Road and a wilding pines forestry block.

RM 080098/RM 130140 – consent granted November 2008 and varied in April 2013 to allow a residential building platform to be registered prior to constructing access and establishing services. This building platform has been registered and given effect to.

RM 180239 – consent granted in June 2018 to construct two hay sheds, a wool shed, and an implement shed incorporating a residential unit.

RM 180576 – consent granted in June 2018 to establish a commercial recreation/visitor accommodation activity involving four clusters of three encampment sites on Mount Dewar

³¹ Application as notified, part 4.9, page 40

³² Application as notified, pp 4 – 9

Station. We understand these have not yet been established, and they did not form part of, or were discussed during, the hearing of this application.

71. In summary, the 'consented baseline' for the site includes one woolshed, two hay barns, an implement shed that can be used as a residential unit, two residential building platforms and four clusters of three encampment sites. However the Applicant concedes³³ that as a result of the application of Rule 5.3.5.1(xi)(b) in the ODP, and a similar rule 21.3.3.5 (subject to appeal) in the PDP, the consented woolshed and hay barns cannot be considered as part of the consented baseline for the proposed development. This is because these provisions specify that the existence of a farm building is not to be considered as part of the permitted baseline for residential or other non-farming development within the Rural General Zone.
72. The two consented residential building platforms have been included as chalet sites 103 and 109 as part of the overall development, and were accepted as already having approval (subject to compliance with any relevant conditions of those consents) regardless of the outcome of this application.
73. A number of refinements were undertaken to the application from the time of notification. None of these appeared to result in increased or additional non-compliances, and we were not of the opinion that any of the changes fundamentally changed the nature of the application, or introduced further matters that were beyond the scope of the application as notified.
74. Overall, the proposed activity falls to be considered as a **discretionary activity** under both the ODP and the PDP.

NOTIFICATION AND SUBMISSIONS

75. The application was publicly notified on 17 January 2019. Submissions closed on 15 February 2019 with a total of 92 submissions being received. 35 submissions were received in opposition to the application (18 of which expressed a wish to be heard) as follows:

Geraldine McBride
 James and Sue Hall
 Brett Mills
 Margaret McKenzie
 Peter Deacon
 Public Health South
 Melanie Reid
 Reid Family
 Denis and Alice Behan
 Beth Fookes
 Phil Crosbie
 Marie Needham
 Sue Bradley
 Martin and Barbara Hay
 Simon Williams

³³ Application as notified, page 9

E. Cruickshank and T. Cruickshank
 Angie and Gareth Edwards
 Nigel Hawke
 Chris and Elizabeth Streat
 Clive and Shane Wood
 Ron Blunden
 Robert Stewart
 Elise Streat
 Paula Hammond
 Brendan Waller
 Catherine Lawson
 Alistair Clifford
 Lyndsay Collins
 Nancy Rehrer and Graeme Morgan
 Janeen Holmes
 Joshua Keeble
 Jean Lee
 Liz Greenslade
 Amanda Gatwood – Ferguson

The submissions of Robert Stewart and Brett Mills were withdrawn prior to commencement of the hearing.

76. 56 submissions were received in support of the application (14 of which expressed a wish to be heard) as follows:

Vanessa Hartnell
 Darren Rewi
 Ellen Worthington
 Shannon Walker
 Michael Fitchett
 Chris Vermeir
 Kathryn Buchanan
 Amanada Cushen
 Ben Sharpe
 Emma Tyler
 James and Sara Waggett
 Julia Bentley
 Kathryn Bennetto
 Andrea Cammell
 Kelly Brown
 Darrin Brown
 Scott Kennedy
 Amelia Taumopeau
 Daniel Sweeney
 Trent Yeo
 Stephen Riddle
 Emma Huddleston

Christopher King
 Sandy Atkins
 Greg Atkins
 Samantha Marsh
 Michael Marsh
 Josh Atkins
 Alice Webster
 Stuart Asta
 Katie Hamilton – King
 Rose Scott
 Natasha Markham
 Davina Hearne
 Ambrose Kelly
 Vaughan Brookfield
 Aaron and Bridget Murphy
 Queenstown MTB Club
 Greg Kerr
 Emma Brookfield
 Kevin Jennings
 Jo Kelly
 Bridget Murphy
 Rama Geeves
 Ian Carswell
 Jessica Winchcombe
 Ellen Ashenden
 Tim Miller
 Stephan Cammell
 Catherine and Paul Fallon and Judith and Keith Stewart
 Tobias Jundt
 Roy Smith
 Ruth Heath
 Lisa Deasy

77. One 'neutral' submission was also received from the Wakatipu Wilding Conifer Group.
78. Three late submissions were received as follows:
 The Secretary –APONLSI (in opposition)
 Louise von Randow (in support)
 Lisa Burroughs (in support).
79. Section 37 RMA provides for the waiver of time limits subject to the requirements of Section 37A RMA. Mr Holm had no objection to the late receipt of the submissions, and we were satisfied that no person would be disadvantaged by the grant of a waiver. Accordingly, we resolved that these submissions be accepted.
80. Nine submitters in support indicated that they wished to speak at the hearing.

81. The Applicant provided one written approval, this being Treespace No.1 Limited Partnership with respect to noncompliances within the Applicant's own property.
82. The primary reasons contained in submissions in opposition to the application were the following:
- contrary to the identification of the land as ONL;
 - concerned about commitment of developer long-term;
 - precedent effects;
 - doubts that the screen plantings would establish successfully;
 - primary benefits for accommodation rather than local housing;
 - primary purpose is development rather than restoration;
 - adverse effects on views;
 - adverse traffic effects, particularly on Edith Cavell Bridge;
 - adverse effects of earthworks;
 - adverse effects on surface waterways;
 - should connect to Council water supply;
 - possible issues with wastewater disposal;
 - future owners may remove beech trees to improve views;
 - inappropriate access from Morning Star Terrace;
 - Arthurs Point has reached development capacity;
 - too many lots;
 - negative effects outweigh positive effects
83. The primary reasons contained in submissions in support of the application were the following:
- positive impact of tree planting;
 - benefits of ecological restoration;
 - provides a positive model for development;
 - applicant committed to the development;
 - aligns with Maori cultural aspirations;
 - facilitates pest control;
 - provides a carbon sink;
 - improves the current environment on the property;
 - innovative approach;
 - provides tracks for use by locals;
 - provides affordable housing;
 - extent of built development minor in context of the property;
 - compares favourably to standard subdivision;
 - reduces erosion risk;
 - positive benefits outweigh any negative effects.

THE SUBMISSIONS AND EVIDENCE

Legal Submissions

84. Mr Holm began by submitting that while the site, (including the front faces), were classified as ONL, this was a particularly degraded part of the ONL badly in need of rehabilitation and restoration, both from a visual landscape and ecological viewpoint. He was critical of the Council reports as having failed to adequately consider the restoration work proposed, and that it had proceeded on the basis that landscape was the primary, if not the only matter of importance. He further submitted that the ONL is not a 'no development' zone, but rather an area where 'inappropriate' development is to be avoided. He made reference to a finding of the Environment Court that parts of an ONL may be able to absorb development³⁴.
85. He further added that there had been no acknowledgement of the need to make economic use of the Mount Dewar site. He questioned opinions which held that even if buildings are screened by trees, this should be treated as a 'perceived' adverse effect. He said that the front faces of Mount Dewar did not possess characteristics of remoteness and wildness. He drew attention to the emphasis on 'offsetting' under section 104(1)(ab) a method which has recently been included in the RMA under the Resource Management Amendment Act 2017.

The Applicant's evidence

86. Mr Smith explained that the Applicant (Treespace) had taken possession of the property in 2018. He said it had been subject to tenure review between 1995 and 2000 which had resulted in 705ha of the high country land passing into Crown ownership. A conservation covenant was also put in place to preserve landscape amenity and historic values over an area of approximately 64 ha within the Skippers Road visual corridor. He said that the Applicant had continued with wilding pine control works since acquiring the property. With respect to the proposal he stated that:

"The vision for the overall site is to re-establish a large-scale beech forest and regenerate the remaining land area.

*The proposed subdivision is essential to create sufficient economic value to fund the reforestation and regeneration by creating lots that allow people to both live within and visit the future forest"*³⁵.

87. He claimed that there was no prospect of a precedent being set, having considered other possible areas which might offer scope for a similar project. In particular, emphasised the scale of this proposal, the area of land involved, and the proximity to urban services.
88. When asked whether it was realistic that prospective owners would accept a situation where trees would eventually grow to obstruct their views, he was emphatic that any prospective owners would accept that they would be living in a forested environment by choice, and prospective purchasers would be proceeding on that basis. We asked this question in the

³⁴ Wakatipu Environmental Society v Queenstown Lakes District Council C129/2001, paragraph 45

³⁵ Evidence A Smith, paragraphs 17 and 18

context of whether the applicant had undertaken any 'market research' of potential purchasers to determine whether a restriction of this nature would be acceptable to them.

89. Mr Smith made it clear that the proposed ecological restoration was not a philanthropic exercise, and relied on income from the proposed building development to fund the project. As a result, he expected the development would produce a much lower economic return than a standard subdivision.
90. He said that the total building footprint for the proposed buildings equated to less than 0.1% of the total land area, and results in 99% of the land being subject to staged ecological restoration over time. He also claimed that the project may be New Zealand's largest commercially funded native reforestation project. He said that the Applicant (and any successors in title) would continue to own the site and are bound in perpetuity to manage all land outside of the individual building lots, including areas of reforestation/regeneration, accessways and the inner and outer reforestation zone curtilages. Encumbrances were proposed through covenants which included financial penalties, remedies and visual mitigation tools.
In response to a question, he said that these arrangements being offered by the applicant were sufficient and he did not support the possibility of imposing a QE2 covenant over Mount Dewar.

Evidence relating to landscape effects

91. This factor, in association with the application site being located within an ONL, was the primary issue of contention at the hearing.
92. A significant number of refinements have been made to the application since it was originally notified, particularly in terms of the staging of the proposed buildings on the site, earthworks, screening, and the height and bulk of proposed buildings.
93. Ms Mellsop's evidence for the Council and attached to the section 42A report was prepared prior to some of the amendments made to the proposal, although she did respond by way of a pre-circulated Memorandum to amendments made in June 2019.
94. She considered that the proposal had not adequately considered the effects of internal lighting from the dwellings and the Lodge, car headlights on roads, smoke from heating fires and the effect of traffic movements, which in her opinion would signal a significant degree of domestication. She was also of the opinion that:

*"I agree with the landscape values identified in the BM (Boffa Miskell) report, but consider that the perceptual values of remoteness and wildness had been missed in the evaluation. Although the mountain is close to Arthurs Point settlement and is traversed by Coronet Peak Road, I consider it is highly valued for its remote characteristics, which contrast with adjacent urban development in the more domesticated rural land of the Wakatipu Basin"*³⁶.
95. She conceded that in the long-term, if the proposed indigenous beech planting was successful, the majority of the development would be reasonably difficult to see, although smoke from

³⁶ Evidence H Mellsop, paragraph 8

heating fires and traffic movements would still provide an indication of domestication³⁷. In her opinion, for some people the knowledge that significant development was present within the forest, would detract from their perception of the landscape's value and quality.

96. Ms Mellsop was of the view that the scale of development proposed would exceed the capacity of the landscape to absorb change. In terms of precedent, she was concerned that approval would indicate that development was acceptable within ONL's if it were accompanied by extensive indigenous revegetation, and that domestication was acceptable if it was screened from public view.
97. Taking into account amendments to the application made in June, she considered that adverse visual effects of the proposed development on public and private views would be reduced but persist for approximately 7 – 10 years. She remained firmly of the opinion that smoke from heating fires, and the effect of traffic movements, would still signal domestication thereafter. However, she accepted that some degree of development would be appropriate, and commented that:

"It is possible that an acceptable balance between enhancement of naturalness through reforestation and loss of naturalness through built modification and domestication could be achieved by deleting a number of the higher cabins and chalets (e.g. Cabins 11 – 20, 28 – 31 and Chalets 04 and 06)"³⁸.
98. A further issue raised by Ms Mellsop was that in addition to the viewpoints identified by the applicant, the proposed development would also be visible from McChesney Road on the western side of Arthurs Point, and from the Northridge subdivision east of Little's Road.
99. In her response towards the end of the hearing, Ms Mellsop argued that although the front face exhibited a lower landscape quality and level of visual amenity than the balance of the Mount Dewar landscape, as a result of poor land-use management in the past, she claimed that the area was currently in the process of being 'restored' to a greater level of quality and naturalness as a result of managing the exotic wilding species. She maintained that the applicant continued to underestimate the magnitude and significance of adverse short to medium term (0 – 10 years) adverse effects on amenity, naturalness, and landscape character. Towards the end of the hearing she opined that the provision of protective sleeves for seedlings with the mulching of trees, would result in these being visually obvious on site for at least 12 months.
100. She said the primary point of difference between herself and Ms Pfluger related to cumulative adverse effects on the landscape, and she maintained her initial view that the proposed development exceeded the absorption capacity of the landscape, an effect which she said could be mitigated by deleting a number of the higher cabins and chalets.
101. She accepted that the ecological restoration programme would provide significant benefits.

³⁷ Evidence H Mellsop, paragraph 25

³⁸ H Mellsop (Landscape Memo dated 8 July 2019, paragraph 13)

102. Ms Pfluger presented landscape evidence for the Applicant, and the following summary of evidence takes account of amendments made to the application, to a large extent in response to concerns raised in Ms Mellsop's report on the application.
103. Ms Pfluger's conclusions differed from those of Ms Mellsop in that she considered that the area proposed for development on the front faces of the site did not possess values of remoteness or wilderness character, but was substantially modified by the proximity of urban development in Arthurs Point, and the presence of wilding pines and existing vehicular tracking. She said this was a modified area in distinct contrast to the balance of the Mount Dewar property, and drew attention to the contents of the Mount Dewar Pastoral Lease Conservation Resources Report which described the area to contain the proposed cabins and chalets as being severely modified³⁹.
104. She drew attention to the staging process now proposed for planting, whereby the low-lying and less visible cabins would be established after Year 3, four of the chalets on the intermediate slopes would then follow in Year 5, and the remaining higher buildings would not be established until Year 10, by which time planting would be well-established. She said that the upgrading of roading would also be staged with this process. In her opinion, pre-planting could make development difficult to see within a period of between 5 and 7 years.⁴⁰
105. A central part of her evidence was that these proposals, in conjunction with initiatives such as the use of recessive materials and colours, and the lowering of the height of glazed surfaces, would result in any visual effects being less than minor once the screen planting was successfully established. She added that the siting of proposed buildings in the low points of the hummocky terrain would also play a significant part in reducing the visibility of future buildings.
106. She considered that the front faces containing the cabins and chalets did not exhibit an 'open' character, as they contained dead conifers and exotic weedy species up to an elevation of approximately 800m. She also contended that openness within ONL's should not be favoured in landscapes that have historically been naturally covered in indigenous forest, such as would have been the case with the slopes of Mount Dewar below 650m.
107. She contended that the proposed development extended across two visual catchments, the south and the east, which from the proposal described earlier have been used to influence the proposed staging of the development. She said this meant that views of the entire development could only be obtained from distant viewpoints. In response to Ms Mellsop's suggestions that cabins and chalets at a higher level should be deleted, she opined that these buildings would not be constructed for 10 years, by which time substantial screen planting would have established. While she accepted that there would be some moderate adverse visual effects of development in the short-term, she contended that the appropriate approach was to take a longer term view, recognising the overall benefits provided by a project which had revegetation and ecological enhancement of the property as a whole as its primary objective. In her opinion the Council's conclusions were not based on 'effects', but rather the height of some of the development and the overall number of units proposed⁴¹.

³⁹ Evidence Y Pfluger, paragraph 17

⁴⁰ Evidence Y Pfluger, paragraph 77

⁴¹ Ibid paragraph 114

108. In response to Ms Smetham's evidence, she contended that the reforestation setback areas might appear geometrical in 'plan view', but considered that such an outcome would be less likely having regard to the undulating terrain, and over time as the mountain beech trees matured.
109. Turning to specific matters, she disagreed with Ms Mellsop that the visual effects of chalets 4 and 6 would be significant simply based on their elevation, because they were largely screened by the surrounding terrain. She did not agree that the buildings within the development would be visible from the distant Hansen Road viewpoint 4.5 km to the south once screen planting had matured. She noted that the proposed development would not be on a prominent skyline or ridge.
110. Ms Pfluger asserted that the risk of future owners pruning trees to enhance their views was addressed by the fact that the trees within the curtilage area would remain within the ownership of the Applicant, and that the proposed bush covenant would prevent removal of native vegetation.
111. In response to Ms Mellsop's concerns about the effects of lighting, she noted the restrictions on window height, combined with the height of screening as a mitigation measure, would address potential lighting effects from windows at night and moving cars. She added that screen planting would grow to a height well above the level of car headlights, (which she contended would be an intermittent effect if seen at all) and the height of glazing was proposed to be restricted.
112. With regard to cumulative effects she concluded that these would not be significant in the longer term and stated:
- "In determining the overall cumulative effects, I have considered the following: the Site's separate visual catchments due to the location and landform of Mount Dewar, the existing vegetation screening which is to be maintained initially, undulating topography, the spatial arrangement of the chalets and cabins on the Site, the limited extent of privately managed areas surrounding the buildings, and the proposed revegetation planting prior to the construction of the buildings"*⁴².
113. Ms Smetham presented landscape evidence on behalf of submitters Chris and Elisabet Streat.
114. She concluded that the adverse effects of the proposal on the landscape and on the anticipated character of an ONL, outweighed any beneficial aspects. She noted there would be substantial open spaces around the cabin units (1200m²) and the chalets (2475m²) which would interrupt the effectiveness of screening by mountain beech trees. She also queried whether the screen planting would be as effective as claimed, referring to an example of planting undertaken on Arthurs Point Road in 2005 where beech trees had reached a height of 9 m only after 14 years assisted by irrigation⁴³. She also commented (as did Ms Mellsop) that beech trees tapered with height, which reduced their screening effect. She was also critical of the temporary reliance on

⁴² Evidence Y Pfluger, paragraph 85

⁴³ Evidence N Smetham; reference to RM010841

existing wildings to provide screening for 12 years, seeing this as inappropriate, and concluded that this should be disregarded.

115. She noted that the Environment Court had distinguished between open space and open character, stating that 'open character' was characterised by a lack of trees as well as structures, whereas 'open space' is primarily a lack of buildings⁴⁴. She emphasised that a key feature of the front faces was their open space and current lack of buildings.
116. She concluded that from a range of viewpoints, the proposed development would have a high level of visual impact even after 12 years, citing views from Gorge Road, McChesney Road, Larkins Way, Atley Road, Arthur's Point Road, Littles Road and Northridge. She was also strongly of the opinion that there would be a high sequential cumulative visual effect apparent when travelling from Gorge Road along Arthurs Point Road and on to Malaghans Road.
117. In her opinion, there was a distinctive visual contrast currently provided between Arthurs Point settlement being located on a terrace landform, and the steep slopes of Mount Dewar above. She considered that the proposed density of development was comparable to that of the Rural Lifestyle Zone⁴⁵.
118. She stated that:

*"The addition of 43 cabins, 8 chalets (the other two are situated on consented building platforms), amount Lodge and their associated activities will result in the sprawl of residential development across the slopes of the site and at a broader scale Mt Dewar. Aside from a cumulative landscape effects on landform legibility and natural character etc there are also significant cumulative visual effects. For the first 12 years, this development will be visibly prominent from the surrounding public places. Beyond this time some buildings will continue to be seen. Although the development may be perceived as being an extension to the existing residential development within Arthurs Point it does however creep up to the midpoint of the prominent south and east facing slopes of the site and will inevitably adversely affect biophysical attributes, aesthetic and associative values associated with the ONL"*⁴⁶.

119. In terms of direct effects on her client's property, she noted this directly adjoined the southern boundary of the application site, and that the upper half of cabins 1 – 6 (and associated vehicle movements) would still be visible after Year 3, and the upper half of Cabin 1 after 12 years⁴⁷.
120. Although Ms Smetham was unable to attend the actual hearing, we were able to question her through a telephone link. She made reference to a series of cross-section diagrams she had pre-circulated taken vertically and to scale across the topography of the front faces. She used these to demonstrate that because of the extent of open areas proposed around cabins and chalets, the visual coherence of the forested slopes would be interrupted by resulting gaps, particularly in the early stages of the development. She was sceptical that potential purchasers would

⁴⁴ Ibid, paragraph 24; reference to Environment Court Decision C163/2001

⁴⁵ Ibid, paragraph 139

⁴⁶ Ibid, paragraph 149

⁴⁷ Ibid, paragraphs 127 – 128

accept restrictions on their views once screen planting had reached a height which began to obstruct their views.

121. Ms Smetham added that she felt the built density proposed had not been accurately portrayed through the application. She said that having regard to the number of proposed buildings across the south face, this would equate to a built density of one dwelling per 2.85 ha⁴⁸, characteristic of a Rural Lifestyle zone. She considered that the current level of natural character was high, irrespective of the wilding pines which had colonised the south faces as part of a natural process.

The Planning Evidence

122. Mr Woodford presented planning evidence on behalf of the Council. He did not consider that there were any appropriate permitted baseline activities which are comparable to the scale and nature of this proposal. He added that while there were unimplemented resource consents on the development site, consented farm buildings were not considered part of the permitted baseline for residential or non-farming development⁴⁹.
123. In reliance on Ms Mellsop's evidence, he concluded that the number and height of some cabin chalets units was such that their effects would be more than minor, and for that reason the proposal was not consistent with objectives and policies with respect to the protection of landscape and rural character. He did however express the following qualification to the assessment by Ms Mellsop:
124. *"While I agree with Ms Mellsop that the site as a whole provides a contrast against the adjacent urban development of Arthurs Point, I do raise a question for the commission as to whether the whole of the site as opposed to the application site, is considered remote and contains the same values. I am of the view that while the upper more elevated sections of the development site are getting close to what someone may consider to be remote, I do not believe that the lower elevation sections of the development site would be considered remote considering they adjoin the rural visitor, medium density and low density zones"*⁵⁰.
125. He noted that Ms Mellsop had expressed some concern that the duration of visual effects may be more prolonged for elevated viewpoints such as those from McChesney Road in Arthurs Point, and from the Northridge subdivision. He concurred with Ms Mellsop's conclusion that the proposed development would be reasonably difficult to see after 10 – 15 years. He also concurred with her view that despite the proposed plantings, there would be a reduced perception of naturalness as people would be aware that the area had been developed, regardless of whether the mountain beech trees provided successful screening.
126. He felt that with respect to the front faces, the proposed development was "close to what it can support"⁵¹ and agreed with Ms Mellsop that a reduction in total built form was appropriate.

⁴⁸ N Smetham Summary of Evidence, paragraph 6

⁴⁹ S42A report page 14

⁵⁰ Ibid, page 15

⁵¹ Ibid, page 20

He asserted that the proposed development was characterised by having a 'rural resort' or 'rural residential' character and that it would benefit from a reduction in the number of buildings.

127. In reliance on the ecological assessment undertaken by Mr Beale, he accepted that the proposed planting programme contained in the EMP was realistic, but queried whether the Applicant had the financial resources to ensure that this programme was undertaken. Based on advice from other experts for the Council, he concluded that there would be no more than minor effects arising from earthworks, the management of natural hazards, traffic effects and servicing.
128. In his response to the matters raised in evidence during the hearing, and in reliance on the evidence of Ms Mellsop, he reiterated that the potential adverse effects on rural character and amenity and the cumulative effects would be more than minor in the short to medium term, without amendment through a reduction in the scale of the proposal. He had no significant concerns with traffic and engineering matters, and considered that with respect to proposed visitor accommodation activities on the site any effects would be no more than minor; but recommended that a consent notice limiting residential visitor accommodation within the residential cabins.
129. He contended that the development was heavily reliant on native revegetation plantings, stating that ecological effects would be no more than minor and would in fact be beneficial to the wider environment. However he considered that the area of backcountry planting should be regarded as being only 24ha, because it relied on self seeding to achieve the total area anticipated to be reforested. He felt that there was a lack of detail and evidence to support the extent of ecological restoration proposed through the application, and surety that it would actually come to pass.
130. Ms Leith provided planning evidence on behalf of the Applicant, including a comprehensive description of the proposal, as described earlier in this decision.
131. Her conclusions on landscape relied on the assessment of Ms Pfluger. She said it needed to be acknowledged that some parts of the Mount Dewar property, notably the front faces, had lower landscape values than other parts. If the wilding trees on the eastern and southern faces were removed, the network of farm tracks would become more evident and affect people's impressions of the site. She said that rural values can and do apply to rural 'native forest' landscapes as well as rural agricultural landscapes⁵². She said historic information indicates that the lower flanks of Mount Dewar were covered in native forest prior to human habitation and noted that beech trees could be planted on the eastern faces without the need for resource consent.
132. She said that further amendments had been made to the proposal subsequent to Ms Mellsop's report and subsequent memo. A consistent theme in her evidence was that while there would be adverse visual effects in the short-term⁵³, these would reduce over time to be less than minor and buildings would be difficult to see⁵⁴.

⁵² Evidence A Leith paragraph 163

⁵³ Evidence A Leith, paragraph 221

⁵⁴ Ibid, paragraph 228

133. In her opinion, given the short term adverse visual effects on the landscape, the ecological benefits should be regarded as environmental compensation⁵⁵, as defined in the PDP as follows:

Means actions offered as a means to address the residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.

134. She noted that the expert witnesses on ecology matters for both the Council and the Applicant were agreed that the planting and restoration programme proposed through the EMP was realistic and achievable. She contended that the Council had failed to acknowledge the benefits of planting and ecological restoration proposed in the backcountry, the benefits to native flora and fauna, pest and weed control measures, and the contribution that the beech forest would make as a long-term carbon sink.
135. In drawing attention to the positive effects of the proposal, she repeated Mr Smith's statement that the primary positive benefits of the project are ecological, and noted that this was a factor explicitly recognised as an assessment matter in the PDP⁵⁶. She added that with respect to the objectives and policies, that the proposal promoted sustainable management of the land resource with respect to improving soil quality and providing increased habitat for native wildlife, an issue that needed to be considered more broadly than potential farming production.
136. In terms of the alignment of the application with the objectives and policies of the ODP and the PDP, she maintained that the proposal was broadly consistent with the landscape and rural amenity provisions, when regard was had to the longer term when the beech plantings had been established, and mechanisms such as covenants to ensure that the works were actually undertaken. Finally, she contended that with respect to servicing matters there was broad agreement (except on minor matters) between the witnesses for the Applicant and those for the Council.
137. In her assessment:

*"Overall, it is acknowledged that the proposal will result in short term adverse effects on the environment and will be contrary to some of the landscape related objectives and policies of the ODP and PDP in the short-term. However after approximately 10 years the proposal will result in effects which are not significant and the proposal will align with all of the relevant ODP and PDP provisions. To offset the short-term effects, environmental compensation is proposed"*⁵⁷.

138. In contrast to both Ms Mellsop, and particularly Ms Smetham, while agreeing that effects would reduce over time, she did not agree that adverse landscape effects (i.e. more than minor) would be persist into the long-term, a fundamental point of difference that remained throughout the hearing.

⁵⁵ Ibid paragraphs 264 – 265, 271

⁵⁶ PDP Assessment Matter 21.21.3.3

⁵⁷ A Leith summary of evidence, paragraph 9

139. Ms Shirley Ferguson presented planning evidence on behalf of Chris and Elisabet Streat who own a 5.8ha property at 89 Arthurs Point Road. Their home is approximately 100m from the southern boundary of the application site in the vicinity of Morning Star Terrace. Her evidence on behalf of the submitter was prepared in association with that of Ms Smetham relating to landscape matters, and relied on that evidence.
140. She concurred with Ms Smetham's opinion that while the reforestation will increase naturalness, the level of domestication which will occur would be inconsistent with this landscape, and beyond the capacity of the landscape to absorb change.
141. She described adverse effects on her client's property (as shown in the summary of Ms Streat's evidence below) and contended that the reforestation project is not based on the rural resources of the area, and is proposed as an environmental offset. She maintained that the development was not a resort or a rural development, but rather has the density and character of a rural lifestyle zone. In her opinion, while conceding that the proposed ecological restoration was a significant positive benefit, she did not consider that these outweighed the adverse effects of the proposed development. Her clients were concerned that wilding management on the application site was inadequate, causes shading, and acts as a seed source.
142. She noted that the calculated volume of earthworks does not include that required in association with the construction of the building and its curtilage area. Such earthworks in association with the development of cabin lots 1 – 6 would also affect her client's property.
143. Ms Elisabet Streat gave evidence in support of their submission. The Streat's 5.8 ha property at 89 Arthurs Point Road, extends from Morning Star Terrace to the west across to Arthur's Point Road in the east and directly adjoins the southern boundary of the application site. In response to a question, she advised that their property has a residential zoning.
144. The Streat's concern is that their property is closest to the proposed Cabins 1 – 6 to be accessed off the end of Morning Star Terrace. Their dwelling is approximately 100m from the boundary of the application site, and they are concerned about the visual impact of the proposed cabins, overlooking, potential tree fall, fire risk, the necessary earthworks to service the proposed cabins, and additional traffic. She said that the adverse impacts associated with the existing trees would be exacerbated by retaining such trees for 12 years to provide screening.

Ecological evidence

145. As the proposed plantings and ecological restoration formed the centrepiece of the application and the principal justification advanced for it to proceed, this evidence assumes particular importance. Mr Davis, an ecologist with experience in the Wakatipu area (including two projects at the Walter Peak and Highground restoration projects) presented evidence for the Applicant, while Mr Simon Beale, who has similar experience, peer-reviewed this material for the Council.
146. Mr Beale undertook a specialist review of the original report and an updated version of the EMP following his initial review.
147. In his opinion there was sufficient data to support the growth rates specified in the EMP, based on experience elsewhere in the Wakatipu Basin. He was also satisfied that the five-year

maintenance programme as proposed was adequate. He considered that the proposed restoration project was consistent with the proposed National Policy Statement on biodiversity and the regional and district planning documents. He stated that:

“The scale of reforestation proposed by Treespace encompassing approximately 400ha of Mount Dewar will yield significant ecological benefits. Large areas of plantings as proposed provide more suitable habitat conditions for indigenous fauna compared to smaller areas with greater edge to area ratios. Extent of planted areas also provide for a greater regenerative capacity once the trees become self-sustaining enhancing the natural regeneration opportunities”⁵⁸.

148. He expressed some concern however, as to whether Treespace possessed the financial resources to complete the plantings, given the applicants initial reliance on an encumbrance over the proposed lodge on Lot 201 to provide financial surety to the Council (this was subsequently replaced by a proposed cash bond). He recommended that if consent was granted, a detailed monitoring plan be developed and more details be provided with respect to plantings relating to some buildings on the front face, the staging of construction, and planting in open areas between beech clusters.
149. For the applicant, Mr Davis explained that studies undertaken on Mount Dewar had shown that there were approximately 200 indigenous plant species, including 11 that were threatened or uncommon, 19 bird species (10 native) and 278 invertebrate species including 13 listed as threatened by the Department of Conservation⁵⁹. He considered the proposals in the EMP would positively assist in improving the health of the ecosystem on the Mount Dewar property.
150. He said that reforestation with mountain beech had been adopted because this species was representative of pre-settlement vegetation cover on Mount Dewar, and was the largest growing native tree suitable for reforestation. He advised that this species was relatively fast growing, and could reach a height of 8m within 10 years of planting. He added that it had been proven to perform well in the Wakatipu Basin, citing examples of successful plantings in similar conditions at Walter Peak⁶⁰ with survival rates of between 77% and 84%, and Feehly Hill, Arrowtown. Successful plantings did not rely on irrigation. In response to an observation in Ms Smetham’s evidence⁶¹ questioning anticipated growth rates, he noted that the examples cited by her in Arthurs Point comprised red beech, which had not been planted in clusters, thus reducing vertical growth. In his opinion the ecological and landscape values associated with the south faces of Mount Dewar were currently very low.
151. He said that the proposed establishment of mountain beech through clustering was on the basis that this would allow for natural regeneration to fill in the spaces over time. He stated that based on how beech stands develop naturally, he expected that as dense stands thinned out over time, additional (shade tolerant) species would also establish, including putaputaweta, broadleaf, wineberry, weeping matipo, totara and lancewood. In response to concerns about the practicality of the planting proposed, he stated that:

⁵⁸ Beale Consultants Memorandum, paragraph 6.6

⁵⁹ Evidence G Davis, paragraphs 11 – 18

⁶⁰ Evidence G Davis, paragraph 61

⁶¹ Evidence M.Smetham, paragraph 40

“Treespace also proposes a consent condition that provides a cash bond in favour of Council for those plantings around building sites that gain titles prior to the plants achieving a survival rate of 80% within three years of planting. The cash bond is to allow for sufficient funds to cover \$10 per tree for installation costs and \$3 per tree for maintenance and management of the plants. The cost per tree is based on installation and maintenance costs associated with other restoration projects I am project managing”⁶².

152. He said that predator control would include a private covenant requiring the installation of traps⁶³ with each domestic cabin/chalet, although a mountain manager employed by Treespace would undertake this task in circumstances where owners were unwilling or unable to do so. The trapping network and pest control programme would be implemented with the installation, monitoring and maintenance of 97 ‘Goodnature’ traps at 200m intervals across the network of existing tracks, and an additional 50 possum traps at a lower density along the same track network. This predator control programme would complement those on adjoining land at Arthurs Point, Coronet Peak, and Predator Free Arrowtown. The removal of goats, deer and any remaining livestock would be undertaken by a combination of hunter and dog teams, and shooting from helicopters.
153. In response to Council concerns regarding a resource consent condition to maintain a minimum of 1000 sheep on the property⁶⁴ to control wilding conifers, he stated that although such grazing was a method of control, the presence of livestock would also suppress native seedlings.
154. He also pointed out that the proposed plantings would assist in accumulation of carbon and contributing towards net zero emissions by 2050. Ms Leith in response to a direct question, advised that climate change was not of major relevance for this application, as there could be a negative impact from removing wildings albeit that in the long-term the mountain beech will act as a carbon sink.
155. He also commented on concerns relating to air pollution by smoke from household fires. He said data from the Mount Dewar climate station revealed that there were few days when air at the site was calm, and that inversion conditions were unlikely in the locality. He expected that smoke would disperse readily.
156. Towards the conclusion of the hearing, Mr Beale reiterated his opinion that there was sufficient empirical data to support the growth rates stated in the EMP. He expressed the view that the proposed planting was not in fact offsetting in a purely ecological context, because it did not involve replacing ‘like with like’ – that is, replacing an area of indigenous vegetation that was to be lost with a new planting of indigenous vegetation. In response to a question, he considered that if there were any element of compensation, this related to the balancing ecological restoration with the effects of developing the cabins and chalets.

⁶² Ibid, paragraph 33

⁶³ DOC250 or Goodnature self re-setting traps

⁶⁴ RM 051109

Engineering and servicing evidence

157. Mr David Bell explained that he had been involved in geotechnical and hydrogeological projects related to the Coronet Peak Landslide since 1988 with respect to a number of projects in the Arthurs Point area. He said the site was located on this ancient landslide which formed as a result of undercutting during historic periods of glaciation. He said that there had been no movement on this feature for the last 20,000 years. He was satisfied that subject to stormwater management, and specific design of foundations and earthworks, the front faces area was geotechnically suitable for the proposed development. He was confident that groundwater sources could be accessed and utilised if required, as it is at the nearby Coronet Peak Skifield.
158. Mr McCartney presented evidence relating to civil engineering matters and concluded that it was feasible to provide the necessary infrastructure to service the proposed development. Some of the site would be served by the Arthurs Point Water Supply system, but some development towards the northern end of the site would rely on water sourced from two unnamed creeks and treated to satisfy the requirements for the New Zealand Drinking Water Standards 2008. Adequate firefighting water would be provided through a combination of regular fire hydrants with reserve capacity maintained in storage tanks, and that the proposed arrangements for firefighting capacity were considered acceptable by Fire and Emergency New Zealand.
159. He said stormwater run-off would be treated by the use of roadside swales or specifically constructed soakage galleries. He added that wastewater treatment would not rely on septic tanks, but systems involving secondary treatment processes with discharge to ground within the open spaces surrounding individual cabins and chalets. In the course of the hearing it became apparent that some of some soakage areas would need to be located beyond the curtilages and within the forested area. He subsequently clarified that these could be provided in the form of soakage strips between rows of trees. This would require an easement over Lot 500 which is to remain in the ownership of the applicant.
160. Mr Hewland noted that the Council was recommending a range of new conditions relating to earthworks management based on the recently issued 'QLDC Guidelines for Environmental Management' which post-dated the earlier response to the application forwarded to Mr Woodford for incorporation into his section 42A report. He noted that he accepted the conclusions of Mr Bell's geotechnical assessment. He added that geotechnical certification would be required but was satisfied that the earthworks proposed were feasible and that subject to appropriate conditions negative effects could be effectively mitigated.
161. He stated the need for a condition to ensure that the Council's water supply was not used for any irrigation purposes, and that with respect to on-site water sources, he was satisfied that risk could be appropriately managed through conditions. Noting that the minimum level of treatment was a secondary treatment level within a tank prior to disposal to ground, he considered that risk to the receiving environment would be low provided the system was appropriately designed and maintained. This would require a consent notice condition that required individual systems to take into account site constraints. He noted that the suitability of the site for on-site stormwater disposal had been confirmed by Bell Geoconsulting. Overall, by the conclusion of the hearing it was confirmed that there were no significant outstanding

matters of difference between the applicant and the Council on engineering matters, subject to agreement on specific conditions.

162. Mr Carr provided traffic evidence for the applicant. He considered that the level of traffic generated by the proposal could be accommodated on the adjacent roading network without capacity or efficiency issues, including on the Coronet Peak Road during periods when the skifield was in operation. He also said the increase in traffic from the development was such that it would not materially affect the operation of the single lane Edith Cavell Bridge. With respect to concerns relating to traffic levels on morning Star Terrace, he said this would amount to a maximum of six vehicle movements during peak hours which he considered would be imperceptible.
163. Concerns were raised during the hearing about traffic associated with construction activities on the site. He considered that (and bearing in mind the timeframe for the development) these would be adequately addressed through conditions, including restrictions on the times within construction vehicle could have access to Coronet Peak Road, to avoid potential conflicts with peak movements of traffic during the ski season.
164. Mr Rossiter appeared at the hearing to address traffic related matters on behalf of the Council. Following discussions with Mr Carr, he advised that outstanding matters had been resolved and was satisfied that with conditions the proposed access arrangements to and within the site would be satisfactory.

Other submissions

165. Ms Jess Winchcombe, a resident of Arthurs Point for 10 years, presented a verbal statement in support of the application, and considered that the proposed reforestation would result in a significant improvement to the lower slopes of Mount Dewar, and provide recreational opportunities. She noted that her property had a direct outlook towards the front faces of Mount Dewar, and she was not concerned about the scale of development.
166. Ms Angie Edwards, a resident of Arthurs Point for 2½ years, stated she lived close to the south western corner of the site and that her house was the nearest dwelling to the application site, and 50 m from the nearest proposed cabin. She opposed the development on the grounds that the retention of existing trees on proposed plantings would limit light access to her property. Other concerns were the availability of water for firefighting, and a concern regarding a lack of biodiversity with only beech trees being proposed for planting. Another concern was the safety of internal roading during the winter months. She considered a grant of consent would create a precedent for development within the ONL. In response to a question, she said she understood that trees could be planted on the application site as of right.
167. Mr Darren Rewi explained the association of the Maori people of this region, as a representative of local whanau, manawhenua but also with the tautoko of the Murihiku Runaka Katoa. He is a 30 year resident of the Wakatipu. He went on to explain the *taonga* plant species of Mount Dewar (*Tawhai/Tahina*/mountain beech, *Taramaea*/speargrass, *Ti rakau/Ti Kouka*/cabbage tree and *Harakeke/Wharariki*/flax and their significance for bird and insect species. The taonga species of wildlife include *Weka/Buff Weka* and *Tui*.

168. He said at the time of the arrival of Maori in the Wakatipu, the area was abundant in flightless birds, adding that Mount Dewar had close proximity to rivers and trails and would have contained *Ara Tawhito* trails of significance.
169. He expressed his support for the Treespace proposal, stating that:
- "I mourn the ravages of urbanisation which now means the view towards this maunga is classed as rural, when in fact it really provides evidence of early colonialism that placed itself upon the land. The Treespace submission with its mix of low intensity small footprint housing and largely forested areas would have been similar to the view early Maori would have had looking up from the Kimi akau (Shotover River) towards the mountain".*
170. He expressed in particular his support for the scale of the indigenous reforestation, proposed hiking and biking trails, the small impact nature of most of the buildings, and the value of carbon sequestration.
171. Ms Bridget Murphy, an Arthur's Point resident for 10 years, expressed her support for the application. She made reference to a property near Garston which had been covenanted and opened for cycling access, and saw this proposal as also offering significant similar benefits for local people. She saw perceived effects such as possible lights within the forest in the evenings as only temporary in duration and not a matter of concern.
172. Ms Alice Webster explained that she works as a biodiversity ranger with a specific role of managing wildings in the Wakatipu. She strongly supported the application and expressed the opinion that the benefits of the proposal heavily outweighed any adverse landscape effects. She was concerned that declining the application would ultimately lead to the loss of all native ecosystems on the property and on the intervening Department of Conservation land, and that wildings would soon spread to the nearby Coronet Peak Station.
173. She said that wildings were the country's primary exotic weed species. She said that while the work of the Wilding Conifer Control Group had made significant progress, they could not control the problem alone and control work needed to involve both use of helicopters and teams in the field. She cited the example of a helicopter boom spray operation in 2017 which cost \$63,000 excluding planning and administration costs. She contended that Mount Dewar was in an ideal location for pest control, due to its natural boundaries and proximity to other landholdings undergoing similar pest eradication programmes. It also had the advantage of being close to where people live with respect to walking and biking opportunities. She saw this project is quite distinct from typical rural subdivisions, and rather than being mere tokenism, was a genuine ecological restoration project.
174. Mr Peter Willsman appeared on behalf of the Wakatipu Wilding Conifer Group, which although neutral on the issue of the proposed building development on the site, was supportive of the proposed pest control regime and was strongly aligned with the evidence of Ms Webster. He saw Mount Dewar as being of critical importance to the successful management of wildings over the wider area, as being a primary source of seed dispersion.
175. Ms Melanie Reid, who is resident on the southern side of Malaghans Road, was unable to attend the hearing and as noted previously, her statement of evidence was read by Ms Shirley

Ferguson. She opposed the application claiming that there was no provision for subdivision within an ONL, and that the proposal was contrary to both the ODP and the PDP. Her evidence supported the conclusions of the Council officers, and she particularly drew attention to the visibility of the site for users of Malaghans Road. In her opinion a grant of consent would set a precedent for developments where associated planting was provided.

176. The statement of evidence tabled on behalf of the Arthurs Point Outstanding Natural Landscape Society Inc (APONSLI) strongly opposed the development. The evidence stated that the society had 124 members, of whom 113 lived in Arthurs Point or the vicinity. The basis of the submitters concern was the proposal for development given the classification of the site as an ONL, and supported the evidence of Ms Smetham. The front faces were described as forming a coherent visual backdrop and spatial relief to the Shotover River and Arthurs Point settlement, and that the scale of the development was inappropriate and would be visually intrusive. The submitter was sceptical of the effectiveness of the proposed mitigation and the growth rates anticipated by the applicant.
177. Other issues raised in the submission included concerns relating to amenity values, the effects of the extensive earthworks proposed, access for firefighting, poor ground soakage, adverse traffic effects. The proposal was not considered to have any unique qualities to set it apart from similar applications.
178. Finally, an email message was passed on to the Commission from Mr Clive Manners-Wood of 101 Malaghans Road. This submission queried the ownership of Treespace, and who would be responsible for property maintenance if consent was declined. We do not take this matter any further as it is not relevant to the matters before us.

ASSESSMENT OF EFFECTS

179. This proposal has been advanced on the basis that it is primarily a reforestation and ecological restoration project. This assumes considerable, if not decisive, significance in terms of whether the benefits of this proposal outweigh any adverse effects associated with the building development proposed on the 'front faces'.
180. The Mount Dewar property has a somewhat tortuous resource consent history. This is not the first proposal for development on Mount Dewar, or even the first relating to the entire property. We consider it is important to have regard to this background, and in particular an Environment Court decision pertaining to it.
181. On 11 December 2012 the Environment Court issued a decision⁶⁵ on an application by Mount Field Ltd (the previous landowner) with respect to the whole property. This proposal had some similarities to the present application, including a proposal for 12 house lots ranging in size from 1290 – 3230 m², a lodge, two houses on another lot of 1.8778 ha, and a balance lot 360 ha to be held in the same title as the balance of Mount Dewar. A primary reason for this application – indeed the very basis for whether it would proceed – was for the proposed development to

⁶⁵ Mount Field Ltd v QLDC Decision No.[2012] NZEnvC 262 ENV – 2012 –CHC –00007

finance the ongoing management of wilding pines on the property⁶⁶. At a late stage in proceedings, we understand that a proposal for a Biodiversity Management Plan was also introduced.

182. The Court concluded that⁶⁷:

There is no doubt that the removal of wilding trees and ongoing management to prevent their regrowth and spread will benefit both the landscape and nature conservation values. However, the benefit to nature conservation will come at the cost of significant adverse effects on the landscape of the Wakatipu Basin side of the property. The effects on the landscape of such a level of subdivision and built development will be major, long-term and irreversible, against the possibility of the removal of the wilding trees in the future.

For the reasons discussed – including the inadequacy of the BNP (see paras [76] to [83]) and the irreversible adverse effects of this proposal, as against the doubt that only granting the consent will produce an answer to the wilding problem (see paras [41] to [75]) we have come to the clear conclusion that the claimed ecological benefits do not outweigh the adverse landscape effects.

183. We have described the primary components of this application earlier in this decision. Some submitters have stated that the reasons for declining the 2012 application apply equally to the current proposal. We appreciate that a similar application to the previous proposal could not be expected to succeed unless the planning regime was substantially changed in the intervening time.
184. Are there factors which distinguish the current application from the failed 2012 proposal? Firstly, we consider that it needs to be demonstrated that this proposal has significant benefits in terms of ecological restoration as claimed in the application; that the proposals are achievable and realistic; that they are capable of being monitored and enforced; and subject to measurable milestones to establish progress. It also needs to be demonstrated that the alleged benefits of the proposal outweigh any adverse effects associated with the proposed building development on the front faces – 43 cabins, 10 chalets, a lodge and associated roading.
185. Accordingly, much rested on the adequacy of the EMP and whether it offered sufficient certainty and formed the basis for measurable conditions. We were assisted by the evidence of Mr Davis for the applicant, and Mr Beale for the Council. We note that Mr Davis has been involved in other successful projects for beech reforestation in this district. Mr Beale was satisfied that the planting programme proposed was realistic with respect to important parameters such as the methodology for planting, the density of planting, survival rates and anticipated growth rates.
186. In addition to these witnesses, we placed weight on the evidence and experience of Ms Webster as biodiversity manager responsible for the wilding control programme in the district who was strongly supportive of the proposal. Both Ms Webster and Mr Willsman were also supportive of the proposed plant and animal pest control programmes outlined in the EMP. We also note that no party questioned the ecological values identified on Mount Dewar as part of earlier surveys between 2004 and 2007, upon which the applicant placed reliance.

⁶⁶ Mount Field, paragraphs 18, 41 – 42

⁶⁷ Ibid, paragraphs 87 – 88

187. With some reservations with respect to the draft conditions of consent associated with the application as notified, we are satisfied that the EMP backed by conditions of consent can provide sufficient certainty to enable ongoing monitoring and enforcement, and provide sufficient surety that the proposed reforestation, wilding, and pest control proposals can be achieved. In coming to these conclusions we are aware of the concerns expressed by the Environment Court with respect to these matters in the 2012 *Mount Field* application⁶⁸.
188. For the Council, in his right of reply towards the end of the hearing, Mr Woodford sought to diminish the significance of the planting programme by casting doubt on the length of time that regeneration would take, particularly with respect to self-seeding, and an apparent lack of detail, although his comments did not appear to align with the views of Mr Beale. We did not hear any evidence contrary to that of Mr Davis or Mr Beale which in our view undermined the expert evidence of these witnesses.
189. We did however see some deficiencies with respect to providing a sufficient linkage between the applicant's proffered conditions of consent and the 'Planting Performance Metrics' in paragraph 6.1 of the EMP, and the 'Weed and Pest Control Performance Metrics' in clause 6.2 of the EMP. After consideration of the suite of conditions contained with the applicant's right of reply on 13 September, we sought further clarification of staging conditions through our second Minute on 26 September. As a result, the applicant amended staging condition 4 to provide a more explicit link between progress on back country planting and the issue of titles and construction of buildings on the front faces. We go on to consider this matter further at the conclusion of this decision.
190. We consider there are a number of significant differences between this application and the unsuccessful 2012 proposal.
191. First, as discussed above, in our view the ecological restoration project contains sufficient detail and implementation methods to ensure that it can be successful.
192. Secondly, the proposal involves the imposition of a bond condition to secure the maintenance and replacement of trees on the front faces, and maintenance of trees planted on the back country.
193. Thirdly, the construction of buildings on the front faces is reliant – as a precondition – that planting has been successfully established as part of a staged programme and has achieved sufficient height to provide screening, but more particularly for those higher sites (cabin lots 11 – 20, 28 – 30, and chalet units 104 and 106), and other sites which are more likely to be visible from beyond the Mount Dewar property.
194. Fourth, while this proposal involves considerably more structures than proposed in 2012, the 43 cabin units would be substantially smaller than the houses proposed in the earlier application, and most importantly will be screened by the proposed reforestation or the temporary retention of existing trees. The adequacy of this is addressed subsequently in this decision.

⁶⁸ *Mount Field* decision, paragraphs 76 – 83

195. Finally, there will be improved public access to the extensive Mount Dewar property, and we noted submissions in support of the application emphasise this point, and its value to the community. We note the construction of additional public access tracks in the backcountry is not part of this application.
196. There are two other factors which we think are also relevant in this context. As noted earlier in this decision, Ms Mellsop (and based on her evidence, Mr Woodford) considered an acceptable balance between ecological restoration and development could still be achieved if some development were undertaken on the front faces – 29 cabins and 8 chalets⁶⁹. We acknowledge that they do not go so far as endorsing building development in terms of the number of units proposed, but in the case of this application they have not taken a position that there be no development at all.
197. Some submissions suggested that the proposal is little more than a ruse to justify commercial subdivision and development. Given the development pressures in this district, we can understand that such a view is not surprising. Our role is not to undertake any judgement as to the character of the individuals involved with the application, rather the application has to be assessed on its merits. Mr Smith was clear that the proposal was not philanthropic, and we accept that.
198. One criticism of the development was that the benefits would be long-term, and that the planting proposals were unrealistic. We are satisfied that the expert ecological evidence, and the successful undertaking of other projects in this district is such that that this is not the case here. This was an issue raised by Mr Woodward, who expressed the view that conditions needed to relate to the 'here and now'. The problem this creates is that *any* ecological restoration project – be it this project or any other – by necessity must inevitably be implemented over a longer term timeframe.
199. Some submitters were also critical of what they saw as a monoculture with the mountain beech plantings, an issue that was raised during the hearing with both Mr Davis and Mr Beale. Their evidence was enough to satisfy us that with the passage of time and increased bird populations, it was anticipated that other native species would also be naturally seeded within the clusters and become established. We understand this has been the experience elsewhere.
200. We also consider it is important to acknowledge that biodiversity is now a more important issue, both in this region and in New Zealand generally, than it has been previously. We are aware that a 'National Policy Statement on Indigenous Biodiversity' is being prepared by the Ministry for the Environment, and is proposed to be open for public consultation in October 2019. A document entitled 'Biodiversity Offsetting under the Resource Management Act' dated September 2018 draws attention to the significant and ongoing degradation of biodiversity values in New Zealand, and the reduced extent of habitats. This arises from a range of threats, including habitat loss from introduced pest and weed species. This has relevance to Mount Dewar.
201. The primary thrust of this guidance is to suggest methods to 'offset' proposals which are harmful to biodiversity, but it was common ground that the application was not put forward on

⁶⁹ H Mellsop, Landscape memo, dated 8 July 2019, paragraph 13

the basis that it needed to offset damage to biodiversity caused by building development on the front faces. The preface to this guidance includes the following statement with respect to the 2017 amendments to the RMA:

These amendments aim to raise the bar in effects management – supporting applicants to offer up positive effects, sometimes over and above the harm caused by an activity on the environment. Biodiversity offsets aim to achieve ‘no-net-loss’ or a ‘net gain’ in biodiversity. Their use may therefore assist in slowing the decline in indigenous biodiversity.

202. Under this proposal, there would be no biodiversity ‘loss’ to be offset, but rather a significant net gain in biodiversity through the ecological restoration. Unlike the earlier 2012 application, this proposal is not put forward to justify the costs of wilding removal. Ms Webster explained that the removal of wildings (with the exception of *Pinus Contorta* which was not present here), was not a legal requirement. Rather, wilding removal was an expectation of responsible landowners who would also be expected to contribute to the costs. However, the beech reforestation and other ecological restoration proposed by the applicant are volunteered benefits, and we do not consider it unreasonable that the cost of such work be funded through development elsewhere on the property (subject to course to other tests). We were not provided with any evidence on the ratio of funding to profit, and were advised by Mr Holm that this is not an RMA matter.
203. We also consider that the direction taken in the PDP is moving in the direction of greater recognition of biodiversity. We do not take the view that ecological restoration is more important than landscape values, but as we go on to discuss in terms of the objectives and policies, we do not consider it is any less important either. Neither of these values takes precedence over the other.
204. We were made aware that there are major efforts being undertaken on adjoining pastoral holdings to the west, north, and east to manage wildings and animal pests on these properties. Considering the scale and importance of these landholdings, we do not doubt that the ecological restoration proposed on Mount Dewar will align much better with the work being undertaken on the adjoining properties than would be the case if the reforestation and environmental enhancement proposed on Mount Dewar were not to proceed.
205. We are satisfied from the evidence that the ecological enhancement programme proposal Mount Dewar is realistic and achievable, and is a project of major potential benefit for this district in the long-term.
206. We now go on to consider the impacts on landscape values, which has been the overwhelming focus of evidence to these hearings, including in the evidence of the Council. We consider the Council has erred to the extent that it has failed to adequately consider the ecological benefits of this proposal. While it has acknowledged that there are benefits, we feel it has largely assessed this proposal as ‘just another landscape case’. In saying this, we recognise that a proposal will have difficulty satisfying the provisions of the ODP or the PDP if there are significant adverse effects on landscape, certainly in the longer term. This in turn raises the complicating issue of how the level of effects may change over time, and what might be a reasonable time for adverse effects to be allowed to persist.

207. With respect to landscape impacts, Ms Pfluger, was of the opinion that the landscape containing the proposed cabins and chalets had a low level of naturalness or sense of remoteness. She considered that adverse visual impacts would initially be more than minor, but would become less than minor on the basis that the screen planting would be successful, and would provide adequate screening after 5 – 7 years, such as to make buildings ‘difficult to see’.
208. Ms Mellsop was of the view that the landscape containing the proposed cabins and chalets still had a high level of naturalness and remoteness, and *“that the period of time that development would detract from public and private views”* (allowing for modifications made by the applicant for building height etc) would be in the region of 7 – 10 years. She maintained that there would still be a level of domestication associated with the development, and that the scale of it needed to be reduced in order not to *“exceed the threshold of the landscape’s ability to absorb change”*⁷⁰.
209. Ms Smetham was of the opinion that the adverse visual impacts of the development from a number of viewpoints would be very high or high for up to 12 years and high from some perspectives after that⁷¹.
210. We agree with Ms Smetham with respect to assessing the density of the development. Mr Smith stated that if development is measured against the area of Mount Dewar as a whole, only 0.1% is being developed. While that view has weight with respect to the much greater area of the property that will retain ‘openness’ – that is, free of buildings, development is not taking place evenly over the whole site. That statistic is not a meaningful with respect to how the building development is perceived on the front faces. If an invisible ‘boundary’ were drawn around the area actually containing the proposed buildings, the density per unit within this area would be approximately one per 2.5 ha.
211. We were not however persuaded by other aspects of her evidence. Her assessment of visual impacts were in our opinion overstated, even in the short term, but particularly with respect to the long term. Attached to her evidence as Annexure 2 was the seven step assessment system frequently applied by landscape architects in hearings of this nature. Under that system is reproduced in her evidence, we note that ‘Very High’ means:
- Total loss of key elements/features/characteristics/values ie amounts to a very significant negative change in landscape character and/or landscape values.*
- ‘High’ means:
- Major modification or loss of most key elements/features/characteristics/values ie little of the predevelopment landscape character remains amounts to a significant negative change on landscape character and/or landscape values.*
212. Ms Pfluger’s retort was that Ms Smetham’s ranking would be comparable to an assessment of an ‘open cast mine’ on the site. While that is an exaggeration, we consider the assessment Ms

⁷⁰ H Mellsop Landscape Memo, 8 July 2019, paragraphs 12 – 13

⁷¹ Evidence N Smetham, paragraph 131, Comparison Table

Smetham has provided would be comparable to having completely unscreened buildings, an outcome which is not proposed or which we consider is a realistic basis for assessment.

213. We note that Ms Mellsop was also the landscape witness for the Council in the *Mount Field* case in 2012. We respect her knowledge of the site and her measured approach to her assessment. We understood that she considered a total of 37 chalets and cabins (and lodge) would be acceptable, rather than the 53 cabins and chalets proposed. We also understand her concerns about domestication in the form of external ‘signals’ such smoke from fires, lighting and buildings and car headlights at night. However ascertaining what an appropriate ‘carrying capacity’ might be as to a number of buildings is inevitably a subjective judgement. To some extent this seems to us to be an ‘all or nothing’ situation, with the outcome determined by the extent to which development, upon the staging of screen planting with mountain beech, would be effective in making development ‘difficult to see’, rather than the numbers of buildings per se. It appeared to us that her anxiety related to the number of proposed buildings as an issue in itself.
214. We think it is necessary to give some thought to what would be a reasonable length of time for screen planting to be effective, being the point where any adverse visual effects of the building development on the front faces would be reduced to being no more than minor. This was a judgement we were required to make, bearing in mind that Miss Pfluger and Ms Mellsop at least, accepted that with respect to visual effects (although not necessarily with domestication) such a point in time would be reached. We have concluded, having heard the evidence of the landscape witnesses, that we consider short-term to be up to 3 years, medium-term between 3 and 10 years, and long term beyond 10 years. We think this is a conservative assessment – long term could arguably be regarded as beyond seven years. Recognising that this is a project involving reforestation and ecological restoration, we consider that this is an acceptable timeframe.
215. We agree with the applicant that the lower part of the front faces containing the proposed area for development is neither remote, nor does it possess a strong degree of wilderness. In one respect, this is unhelpful to the applicant’s case, because while it is difficult to see the whole site from one vantage point (except from a considerable distance) there is no doubt whatsoever that it is a very prominent landscape, visible from a wide area. Notwithstanding that, we consider the degree of naturalness (and by extension the degree of modification) possessed by an ONL must be assessed in terms of its actual qualities. Otherwise, there is a risk that greater value will be conferred on parts of an ONL which is visible to a large number of people, in contrast to an ONL which is seen by far fewer people – for example the backcountry area of Mount Dewar. While we recognise that public views are very important, the naturalness of the landscape is not necessarily related to its public profile.
216. We accept that the front faces have some natural values, but the extent of such values within an ONL can vary as can be readily appreciated by comparing the backcountry area of Mount Dewar Station with the front faces. Clearly the former has a far greater degree of naturalness than the latter. We do not think much weight should be placed on the claim that substantial natural values are maintained notwithstanding the presence of wilding species which are a prohibited species in the district, and which are acknowledged (through uncontested evidence) to remain a significant seed source. We consider there could be little doubt that reforestation

with mountain beech (which would have been the historic vegetation type) is preferable to retaining wildings, and consistent with greater naturalness.

217. We consider that it is unlikely that the front faces would revert to tussock grasslands, and from our site visit we note that there is already an extensive vehicular tracking system across the lower part of the front faces which we expect would be visible in the absence of trees and shrubs. Although the site and its surrounds remain primarily 'open' in terms of the relative absence of buildings, it is not pristine, as there are a number of dwellings on slopes beyond the western end of the site, including an extremely prominent dwelling on the hillside, and three buildings are permitted on the application site under previous consents.
218. We have considered the Streat's submission and note that their existing dwelling is located approximately 100 metres from the southern boundary of the application site. The submitter is concerned about the nuisance effects of trees and shading, but conceded that trees are a permitted activity on the application site. We have also given some consideration to the expectations of the Streats and other submitters, that the site would remain undeveloped as ONL. Any future aspirations of the Streats for the development of their own site are not a matter for conjecture on our part, but we note that the site is zoned residential. Accordingly on a property of this size, the District Plan anticipates that at least 50 – 60 dwellings could be expected to be built, which would dramatically alter the foreground of the ONL in this area. Upon such residential development taking place we consider that the residential development in the foreground would gradually merge with the Lower density development beyond (Cabins 1 – 6). It would also further reduce the naturalness of the ONL immediately above it.
219. The issue was raised in evidence that the public's perception of the development, even if effectively screened, would be compromised by their awareness that the 'development was there'. This is a subjective matter, as was conceded by Ms Mellsop in questioning. While we appreciate that this is an opinion that some will undoubtedly share, we note that a number of the submitters in support (both in written submissions and at the hearing) expressed the view that the presence of the cabins and chalets was not of major concern to them, neither were 'perceptions' of domestication. We appreciate that the merits of applications like this are not a numbers game in terms of submissions in support or opposition, but we make the observation that this is a major application which was publicly notified, and while there has clearly been some opposition to the application, there was also a considerable element of support.
220. We acknowledge however that with enhancement of public access to the front faces, and given the presence of cabins and chalets in the forest, there will inevitably be an enhanced perception of increased domestication on the site, at least among some local residents. This is a matter that we weigh up in our compensation assessment.

The Assessment Matters

221. The assessment matters under the ODP are contained in clauses 5.4.2.2 (1) and (2) which apply to the Wakatipu Basin and District Wide. They are very extensive and lengthy, but in this case we have concluded that the application would best be assessed in terms of these provisions rather than those in the PDP, which are subject to extensive legal challenge. We also understand that the assessment matters in the two documents (and the objectives and policies) are also broadly similar.

222. The introduction to the assessment matters state that they should be stringently applied to the effect that successful applications will be exceptional cases. We go on to reach a conclusion with respect to this matter at the end of our assessment of effects.
223. *(a) Effects on openness of landscape*
In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:
- (i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;*
(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;
(iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.
224. Our understanding is that with respect to ‘openness of the landscape’, open space means a general lack of buildings, and ‘open character’ refers to a general lack of enclosure by topography, vegetation or built structures⁷². The lower slopes of the front faces have for many years been dominated by wilding vegetation, primarily but not exclusively, larch and douglas fir.
225. We consider there is a distinct tension in the ODP with respect to the concept of openness, as the landscape in large parts of the district is dominated by pastoral grasslands or open tussocklands – largely devoid of trees or buildings. If this application were granted, a heavily treed environment would remain, the difference being exotic species would be replaced by indigenous species. Mount Dewar is primarily characterised by openness, with the exception of the wilding species on the front faces and remnant beech forest in the backcountry. However, we consider it would be illogical to conclude that a reforested landscape of indigenous species on the front faces would detract from ‘naturalness’ because it would not have an open character.
226. Given other provisions of the ODP, and the emphasis in the ODP on ‘naturalness’, we consider it would be a perverse to regard the replacement of wilding vegetation with indigenous mountain beech plantings on the front faces as anything other than positive. While the proposed building development would not be consistent with ‘openness’, we are satisfied that with the staged planting programme proposed, the result would be the retention, rather than the creation, of a completely new treed environment. The front faces are readily visible from a wide area, but the lower slopes have been distinctly more characterised by vegetation and trees than much of the landscape beyond the site.
227. We consider the site is reasonably well contained by existing development in Arthur’s Point along the southern boundary, the Shotover Valley to the west, and Coronet Peak Road to the east. The proposal includes planting above the development area on the front faces, which in

⁷² Evidence H Mellisop, paragraph 23

addition to wilding control would in our view maintain the open tussocklands beyond, and certainly to a better extent than if the reforestation forming part of this application were not to occur.

228. *(b) Visibility of development*

In considering the potential visibility of the proposed development and whether the adverse effects are minor, the Council shall be satisfied that:

(i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and

(ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and

(iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited earthworks and/or new planting which is appropriate in the landscape in accordance with Policy 4.2.5.11 (b)

(iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and

(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).

(vi) the proposal does not reduce neighbours amenity significantly.

229. The front faces containing the area to be developed are clearly visible from a wide area, particularly from the eastern end of Gorge Road, from the McChesney Road area in western Arthurs Point, from the Northridge area, and from Malaghans Road. Although some of these vantage points are more distant, the consequence is that if screen planting were not to establish successfully (in terms of survival and growth rates) there could be little doubt that development on this face would be clearly visible and have a more than minor effect.

230. The clear weight of evidence before us was that the planting programme was realistic and achievable, and that screening would be effective in the longer term – that is, after 7 – 10 years. In addition, controls on the use of external materials, building height, and scale of many of the buildings is such that they would not in our opinion have a similar visual impact to hillside dwellings elsewhere in the District, such as the very large residences (many unscreened) apparent in areas such as Closeburn, or even the residential area of Arthurs Point on the western side of the Shotover River. We consider a similar observation can be made in respect of earthworks. From our walkover of the site, it is apparent that the majority of the roading network effectively exists already, and given the area of the site, the extent of additional roadworks required will not in our opinion be obtrusively visible having regard to the staged reforestation proposed.

231. Importantly, we also note the important qualification that if the planting programme does not succeed in obtaining the density or heights proposed, the associated development of many of the cabins or chalets would not be able to proceed.

232. We accept that in the initial stages there will be a greater degree of visual impact than there would be at later stages when the screen vegetation has matured, as conceded by Ms Pfluger and as pointed out by Ms Mellsop. Ms Smetham raised the issue that given each cabin and chalet is surrounded by an inner curtilage area free of planting, the consequence would be a geometric pattern of gaps in the forested landscape, particularly from higher and more distant viewpoints. We accept that in the short and medium-term, these would likely appear as visible 'patches' among the overall density of trees, but even based on her own diagrammatic examples we do not consider an incongruous geometric pattern would persist in the longer term, except as seen from the air or high vantage points. Even here, we consider that growth rates beyond a period of 10 years would mitigate any potentially unnatural appearance of these small open areas. We also note that reforestation is not confined to the RFZ planting, as the peripheral planting will fill gaps well beyond that associated with each building, thus avoiding unnatural 'patches'.
233. As discussed earlier, existing trees, or the planting of trees on the application site is a permitted activity. We consider that the managed retention of existing vegetation for a period of 12 years, and supplementary reforestation zones and peripheral planting, is a pragmatic measure for screening the proposed cabins along the residential boundary above Arthur's Point Road. We consider any adverse visual impacts on residents in Arthurs Point will be of limited duration and no more than minor
234. *(c) Visual coherence and integrity of landscape*
In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:
(i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;
(ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;
(iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.
235. We were not of the opinion that the proposed development would break the form or line of any ridges or the skyline. However as already noted, the front faces are part of a highly visible landscape, and hence the mitigation of adverse visual effects is dependent on the successful staged establishment of mountain beech plantings. From our site walkover, we also consider that there will be some – albeit lesser – screening provided by the siting of most of the buildings within hollows in the hummocky landscape which we observed on the site. We have already stated that we are satisfied that subject to conditions based on the EMP, the reforestation should be successful in the medium and longer term. As the lower slopes are to be planted in mountain beech, once these trees reach maturity the previous heavily wooded forest of wildings would have been replaced by an indigenous forest.
236. We have already discussed issues relating to proposed roading, noting the existing roading pattern on the lower slopes. As the proposal is to achieve a heavily treed landscape in a natural form typical of that which would have existed in historic times, we do not believe there will be any incongruous patterns in the wider landscape of the area. In the longer term, we do not believe that the unplanted areas adjacent to the cabins and chalets will have an unnatural

appearance as seen from higher distant public or private viewpoints, and certainly not from lower viewpoints such as from Arthurs Point Road.

237. *(d) Nature Conservation Values*

In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

(i) the area affected by the development proposed in the application does not contain any indigenous ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;

(ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;

(iii) the development proposed will avoid the establishment of introduced vegetation that will have a high potential to spread and naturalise (such as wilding pines or other noxious species).

238. The evidence did not suggest that there were any significant indigenous ecosystems or vegetation within the area of the front faces proposed for the development of buildings. The application proposes that any remaining vegetation on the Mount Dewar property as a whole be retained, protected and enhanced through the ecological restoration programme of beech tree plantings, wilding control and pest control. Any 'effects' on indigenous ecosystems will be wholly beneficial, and certainly more so than would be the case if the application were not to proceed. We do not recall any references being made to effects on geological or geomorphological features.

239. A major part of the proposal would be to enhance the control of introduced vegetation, and we attach some weight to the evidence of Ms Webster and Mr Willsman, who have considerable expertise and involvement in managing wilding control. Their evidence was strongly supportive of the measures contained in the EMP to address plant and animal pest infestation on the property, and the value of this work to the wider environment beyond.

240. *(e) Cumulative effects of development on the landscape*

In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:

(i) whether and to what extent existing and potential development (i.e. existing resource consent or zoning) may already have compromised the visual coherence of naturalness of the landscape;

(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the sites ability to absorb further change;

(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

(iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;

(v) where development has occurred or there is potential for development to occur (i.e. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.

241. It is not uncommon for applications in the district to involve mitigation planting or other measures to address potential adverse visual effects of development on the landscape. This particular proposal is perhaps unusual, in that it involves a staged development on the front faces of Mount Dewar, accompanied by the staged planting designed to both mitigate visual impacts and achieve reforestation. In terms of the issue before us, it appears agreed between all of the landscape witnesses that in the short and medium term there will be adverse effects which are more than 'moderate' in terms of the seven step system normally adopted by such witnesses, which equates to 'more than minor' with respect to effects under the RMA. We accept that in the short and probably medium term adverse visual impacts will be more than minor. Nevertheless, we acknowledge that for a proposal of this nature, it is inevitable that an ecological restoration project of this magnitude and scale cannot be brought to fruition in a short or medium term timeframe.
242. In our attempts to address this issue, we have come to the conclusion that there are major benefits to Mount Dewar and to the wider community in achieving the ecological restoration of the Mount Dewar property. Although not a large landholding by high country terms, Mount Dewar is nevertheless a very substantial and strategically placed area of land, which we heard was of special significance to Māori. On that basis we have concluded that in the short and (possibly) medium term there will be visual effects which are more than minor, but not in the longer term – which we consider to be beyond a period of 10 years. We consider that this is acceptable in the interim given the benefits which will flow from the extensive reforestation of the front face and the back country and the associated ecological restoration.
243. Previously we noted that in our opinion the existing environment on the front faces of Mount Dewar does not exhibit qualities of remoteness, which is readily apparent by contrast with the balance of the Mount Dewar landholding. While we accept the front faces have an element of naturalness, we consider this is clearly at the more modified end of the spectrum. Its naturalness is also affected to some degree by the readily visible intensive development in the foreground of the front faces, and to a lesser degree by some existing or consented development on the lower slopes of Mount Dewar, both within and beyond the application site. We do not consider it is realistic to ignore the intensive and ongoing urban development which is a feature of the foreground to the south faces.
244. In terms of domestication, we consider it is likely that the presence of the cabins and chalets will be apparent even in the longer term, with glimpses of buildings and possibly short-term visual impacts resulting from vehicle movements or smoke from buildings. We think that in the long-term buildings will be difficult to see but they will not necessarily be invisible. However, we do not consider that such impacts will be of a scale or magnitude which is beyond the site's capacity to absorb the degree of change proposed given its existing character and the scale of reforestation involved. Given extent of the ecological restoration proposed, we do not consider it will further compromise any natural character of the landscape in this particular location when viewed in the context of the increase in natural values resulting from the replacement of the pines by beech forest.

245. *(f) Positive Effects*

In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:

(i) whether the proposed activity will protect, maintain or enhance any of the ecosystems of features identified in (f) above which has been compromised by past subdivision and/or development;

(ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;

(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape particularly where space has been compromised by past subdivision and/or development;

(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (i.e. structures or development anticipated by existing resource consents) by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents.

246. The site's previous history is associated with pastoral farming which has become uneconomic and which has not prevented, or even meaningfully arrested, the spread of wilding species and animal pests. We accept the evidence of Mr Davis that the retention of grazing on the property, while having some potential to control wildings, can equally act to suppress native species. We consider that the evidence overwhelmingly supports the proposed ecological restoration programme as offering significant benefits and enhancement of the natural values of the property, and synergies with the management of adjoining high country land.

247. A major component of this proposal is the ecological restoration and associated management of the Mount Dewar site as a whole, including the front faces. We are not aware of any other proposed or existing project in the district which intends to undertake reforestation on anything like this scale. We think the evidence clearly establishes that a grant of consent to this application is much more likely to remedy the adverse effects of past land use practices than would be the case if the development were not to proceed.

248. The application does not involve surrendering any existing resource consents, and in fact proposes to give effect to applications for two chalets already granted by previous consents. However, we consider there are benefits in having these two buildings incorporated into an overall development as is proposed in this case.

249. *(g) Other Matters*

In addition to consideration of the positive effects in (i) – (iv) in (f) above, the following matters shall be taken into account, but considered with respect to those matters listed in (a) to (e) above:

(i) – not applicable

(ii) the use of restricted covenants, easements, consent notices or other legal instrument is otherwise necessary to realise those positive effects referred to in (f) (i) – (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

250. This application involves the use of a mix of restrictive covenants, easements and consent notices which are intended to contribute to ensuring that the works proposed are given effect to. Initially, we were concerned that the conditions attached to the applicant's right of reply did not go far enough in establishing clear ongoing milestones for planting and pest control in the backcountry. This was particularly apparent by comparison with the conditions relating to the front face plantings. In this respect, we considered it was necessary to condition ongoing progress with back country plantings and pest control with the staged release of building development on the front faces. We are now satisfied that the proposed staging conditions as agreed between the Applicant and the Council in the response to our second Minute, and now incorporated into the conditions attached to this consent, are adequate in this respect.
251. Having said that, we have some sympathy with the those who expressed doubts with respect to these kind of mechanisms, given that there have been numerous cases where there have been successful applications to remove consent notices, and even in some cases restrictive covenants – indeed this particular application involves a request to cancel such a covenant. However, this particular proposal is not to abandon wilding control, but to replace it with a wilding control as part of an EMP which includes considerably greater obligations on the landowner than those contained in the existing covenant. This development is staged in a manner which is dependent on demonstrating progress establishing a planting programme, which if not achieved means that further development of many of the cabins or chalets will not be possible.
252. In addition to the matters under Clause 5.4.2.2 (1), additional assessment matters are required to be taken into account on a 'District Wide' basis under Clause 5.4.2.2 (2). These include:
253. *(a) Potential of the landscape to absorb development*
Under this clause, consideration has to be given to whether the landscape has the potential to absorb the development visually and ecologically, taking account of whether the proposed development is visible from public places; is likely to be visually prominent; whether mitigation earthworks or planting would detract from natural patterns and processes within the site; whether with respect to subdivision any new boundaries are likely to give rise to planting fencing or other land-use patterns unrelated to the natural line and form of the landscape; whether the site includes indigenous ecosystems wildlife habitats and other features; or whether the proposed activity introduces exotic species.
254. Determining the development threshold which the front faces can 'absorb' is challenging in numerical terms. We have approached this from the perspective of considering the buildings (individually and collectively) in terms of their location, the surface topography, height and scale, the proposed use of surface materials, colour and glazing, and the extent of earthworks proposed. This in turn has been assessed against the anticipated extent, height and anticipated growth rates of the proposed plantings. This does not readily lend itself to a numbers based approach in terms of the environment's ability to absorb development. In assessing the effects of the development proposed, we have concluded that in the long-term, the scale of development proposed is within the capacity of this more modified landscape, in association with the proposed reforestation, to absorb.
255. The integration of the built development within the reforestation proposal for the front faces would not result in unnatural patterns in the landscape, and the gaps in planting required for

building platforms would diminish in visibility over the longer term as the reforestation matured. The proposal would enhance the control of exotic weeds and animals and enhance biodiversity.

256. *(b) Effects on openness of landscape.*

Under this clause, effects on the openness of the landscape must be considered taking into account the proposed development will be within a broadly visible expanse of open landscape; access arrangements; effects on open space values respect to the site and its surrounds; and whether the proposed development is defined by natural elements such as topography or vegetation which may contain adverse effects.

257. We have addressed these matters earlier in this assessment, and consider that the proposed building development can be adequately screened by the proposed reforestation and the replacement of a long-standing forested landscape of wildings with a landscape of mountain beech trees.

258. *(c) Cumulative Effects on Landscape Values*

This is similar to the assessment of cumulative effects and the Wakatipu Basin, but includes consideration of the sites ability to absorb further change.

259. We have already concluded that the site has the ability to absorb the degree of change proposed, acknowledging that adverse visual effects may be more than minor in the short and medium term.

260. *(d) Positive Effects*

This is similar to the criteria contained under positive effects as assessed earlier within this decision.

261. We have come to the overall conclusion that the reforestation and ecological restoration on this substantial property would have major benefits well beyond the site itself. We reminded ourselves of the balancing exercise undertaken by the Environment Court in the *Mount Field* case seven years ago, and find ourselves in a similar position having to undertake another such exercise. We consider the current application is comprehensive and has been thoroughly prepared, and that with appropriate conditions the benefits clearly outweigh any short and medium-term adverse effects. In reaching this conclusion, we have accepted that ecological restoration and its associated biodiversity gains must necessarily be evaluated and balanced over a longer timeframe than has perhaps traditionally been the case in resource consent applications.

The Permitted Baseline

262. Section 104 (2) of the RMA provides for the following when considering the actual or potential effects on the environment of allowing an activity:

“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”.

263. This is commonly described as the 'permitted baseline'. We consider that the permitted baseline is relevant to the limited extent that the receiving environment includes the ability to erect two residential buildings. We also consider it is relevant with respect to the planting of indigenous species on the property on a large scale, which is an activity that can be undertaken as of right.
264. We do not consider that the application, in terms of the scale of building activity proposed, can draw any support in any other respects from the application of the permitted baseline.

Precedent Effects

265. The issue of precedent was raised as a serious concern in a number of the submissions made to the application. It was contended that a grant of consent would result in other landowners offering to make plantings in return for the right to erect buildings, and that a consent authority would be obliged to grant consent in order to maintain consistent administration of the District Plan.
266. The first point we note here is that this is a staged development over a decade with significant restrictions on the scale of the 43 cabin units. We doubt whether a development put forward on such a restrictive basis would be appealing to many other would-be developers. Secondly, the area of land involved is very substantial (1768ha) and would involve a prospective developer having to accept the successful establishment of screen planting and unrelated back country planting (similar to that in this application) together with the required pest and weed control, as a precondition to staged residential or visitor accommodation development. The extent of reforestation or ecological restoration would need to be on a wider landscape scale, covering a substantial area of land. It would also require acceptance that any economic returns would only be achieved over a long timeframe.
267. We do not go as far as Mr Smith in asserting that it is unlikely or even impossible that a similar proposal could not be put forward in the Wakatipu. The wider area does contain some large land holdings. However, were the scale of benefits specifically in terms of biodiversity to be of a commensurate scale, such a precedent may well be appropriate.
268. Typically precedent issues involve repeated applications of like character – rural or urban subdivision below specified minimum lot sizes are common examples of applications that can raise precedent issues. We think it improbable that a further application having identical or even very similar characteristics to this one would arise as a matter of course should consent be granted.

Other effects

269. Other issues raised by this application included matters relating to the use of chalets and some cabins for visitor accommodation, and issues relating to engineering matters.
270. We agree with Mr Woodford that the use of buildings on the site for visitor accommodation is not expected to give rise to effects which would be more than minor, subject to appropriate conditions which clarify which units are to be used for this purpose. Provision is made for visitor parking on the site, and we do not think that the use of cabins and chalets for visitor

accommodation will have any significant effect on the availability of permanent residential accommodation in the district, and would indeed have a modest beneficial effect with respect to potential affordable accommodation. We also doubt that there would be adverse effects on residential occupiers within the site itself, a scenario which is quite different to the potential issues that may arise with the establishment of visitor accommodation in existing suburban neighbourhoods.

271. By the conclusion of the formal hearing it was quite clear from the evidence of Mr Hewland and Mr Rossiter that there were no significant issues of concern relating to road widths and gradients, traffic and access arrangements and parking. Issues relating to geophysical conditions were addressed in the uncontested evidence of Mr Bell, and subject to the imposition of the Councils engineering standards as conditions of consent, we would not expect any issues of land and stability either within the site or which would affect properties outside the site. There are now well-established and recently updated Council requirements for conditions relating to construction activities which will be spread over a long period of time. In considering this we acknowledge and take account of eventual earthworks which may be required for the establishment of building sites.
272. The Council and the applicant were agreed on the appropriate requirements for water supply, firefighting provision, stormwater and effluent disposal.

Overall conclusions on Effects

273. We are conscious that the extent of building development on the front faces is significant, and that the visual effects of this development will likely be more than minor in the short and perhaps medium-term. We were mindful of Ms Mellsop's thoughtful evidence, and her concerns with respect to the scale of development. However we were satisfied that this is an 'exceptional' proposal combining extensive ecological enhancement over the entire Mount Dewar property. Any project involving ecological enhancement through an extensive project such as this must of necessity take a longer term view with respect to managing effects. Indeed, without the scale of ecological enhancement proposed we would not have supported a grant of consent to this application, at least to the extent proposed.

OBJECTIVES AND POLICIES

The Operative District Plan

274. We have undertaken a more detailed analysis of the objectives and policies of the ODP where these have direct relevance to the nature and scope of this application. In contrast, we have placed only limited weight on the objectives and policies of the PDP, as although these are generally similar to those in the ODP, they are subject to broad legal challenge before the Environment Court. This applies particularly to those provisions seeking to manage or restrict development in the rural area and in ONL's.
275. We make the observation at this stage that some policies in the ODP are of limited assistance where they simply paraphrase the provisions of section 5(2)(c) of the RMA by calling for adverse

effects to be “avoided, remedied or mitigated”. The numbering system is also quite difficult for referencing purposes, but we have endeavoured to apply these as best we can.

276. Part 4 relates to District Wide Issues. 4.2, Objective 1 – Nature Conservation Values. The objective itself includes the following relevant provisions:

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

.....

The protection of outstanding natural features and natural landscapes.

.....

277. This objective is accompanied by a suite of policies. Policies 1.1, 1.2, 1.4 and 1.11 (and Policy 1.16 with respect to the margins of lakes, rivers and wetlands) seek to encourage and promote long-term protection of indigenous ecosystems and of sites and areas with significant nature conservation values.

278. We consider that the proposal is not contrary to this objective and the associated policies, and would actively promote their achievement.

279. Policies 1.3 and 1.18 seek to manage sensitive alpine environments from the adverse effects of development, while Policy 1.5 seeks to avoid the establishment of introduced vegetation with potential to spread and naturalise and to encourage its removal or management.

280. We do not consider that the front faces of Mount Dewar, or certainly those lower slopes subject to the proposed building development could reasonably be regarded as a ‘sensitive alpine environment’. The proposal is consistent with Policy 1.5 as it includes a management regime to prevent the future establishment and spread of wilding species.

281. Policy 1.6 states;

To allow development which maintains or enhances the quality of the environment and areas identified as having rare, endangered, or vulnerable species of plants or animals of national significance, or indigenous plant or animal communities that are of outstanding significance to the nation.

282. Policy 1.7 states:

To avoid any adverse effects of activities on the natural character of the District’s environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.

283. Surveys taken some time ago on Mount Dewar have clearly established that the backcountry contains plant, lizard and invertebrate species which are of ecological significance, the ongoing protection of which is at least a desirable outcome. The proposed activity would avoid adverse effects on the natural character of the environment anywhere on Mount Dewar, and give effect to measures to promote the protection of indigenous ecosystems. There are no identified ecological values of significance on the lower part of the front faces subject to development, and its reforestation with mountain beech would result in a net improvement.

284. 4.2.5, Objectives and Policies – Landscape and Visual Amenity contains an overall objective seeking that subdivision use and development avoid remedy or mitigate adverse effects on landscape and visual amenity values.
285. Within this very broadly expressed objective, the two parts of Policy 1 state:
Future Development
 (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 or visual amenity values.*
286. The site containing the area for building activity on the lower slopes does have some vulnerability to development, given its close proximity to Arthurs Point. Nevertheless, we consider that its ability to absorb development is greater given that its natural values have been substantially modified, and with the indigenous reforestation proposed in association with the development we consider there would not be degradation of the environment as a result. We consider that this as an example of an area that has ‘greater potential to absorb change without detracting from landscape or visual amenity values’, subject to the imposition of conditions to ensure that staged replanting of the front faces occurs. This emphasis on the assessing proposals in terms of the ability of the environment to absorb change is also repeated in Policies 2(b) and 2(c)
287. Policy 2 (a) seeks:
To maintain the openness of those outstanding natural landscapes and features which have an open character at present.
288. To a large extent the current environment on the lower slopes of the front faces of Mount Dewar is largely, but not completely, free of existing or consented building development. However, it is not an open environment in that it has hosted a substantial wilding forest for some years and the replacement of this forest with a mountain beech forest, which naturally occurred in historic times, represents a continuation of a forested environment. We do not consider the proposed activity is inconsistent with this policy.
289. Policy 2 (d) states:
To recognise and provide for the importance of protecting naturalness and enhancing amenity values of views from public roads.
290. Notwithstanding the degree of development proposed, we consider the reforestation proposal is consistent with protecting and enhancing naturalness, certainly to the extent that it applies on the lower part of the front faces of Mount Dewar. In terms of maintaining naturalness and amenity values as seen from public roads, we consider that in the short and medium term there will be effects which will be some will perceive as adverse or more than minor, but we do not expect that will be the case in the longer term.

291. Policy 3 is specific to Outstanding Natural Landscapes in the Wakatipu Basin. The policy states as follows:

3 (a) To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:

(i) Landscape values and natural character; and

(ii) Visual amenity values

– recognising and providing for:

(iii) The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which is will be no more than minor, which in the context of the landscapes of the Wakatipu Basin means reasonably difficult to see;

(iv) The need to avoid further cumulative deterioration of the Wakatipu Basin's outstanding natural landscapes;

(v) The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads,

(vi) The essential importance in this area of protecting and enhancing the naturalness of the landscape.

292. We have addressed these matters in some detail as they arose under the assessment matters in Clause 5.4.2.2. We acknowledge that in the short and medium term the adverse effects on natural landscapes are likely to be more than minor from some perspectives in the short and medium-term. The proposed building development will, in our assessment of the evidence of two of the landscape architects, be reasonably difficult to see in the longer term, although some traces of domestication within the beech forested slopes may be apparent. We do not believe there will be a cumulative degradation of the natural landscapes of the Wakatipu given that this area is at a significantly more modified end of the ONL.
293. With respect to subclause (iv) which addresses cumulative effects, Policy 8 'Avoiding Cumulative Degradation' seeks to ensure that the benefits of further planting and building are not outweighed by adverse effects on landscape values of over domestication of the landscape. Policy 8 also seeks to encourage comprehensive and sympathetic development of rural areas. We are satisfied that the proposal has taken a holistic and comprehensive approach to the Mount Dewar property as a whole, and although there will be an element of domestication which is inevitable even in the longer term, we do not consider this is of such a scale as to constitute a significant adverse effect. We do not consider that the proposal is contrary to these policies.
294. Policy 6 concerns urban subdivision and development. We do not consider that the density and character of this proposal constitutes urban development. While Ms Smetham made a valid observation that the density of the area actually being developed was not untypical of the lot sizes in a rural lifestyle zone, we think it would be a considerable stretch to characterise it as 'urban' in character. This will be even more apparent given the high-intensity development on the terrace along Arthurs Point Road.

295. Policy 9 'Structures' is also relevant, and states:

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.*

296. The proposed buildings would not extend into any skyline or ridge, and to the extent that it is possible on the site, most of the proposed buildings have been inserted into hummocks within the terrain, which appears from Mr Bell's evidence to be feature of post-glacial debris slopes, and which was apparent during our walkover of the site. However, we do not think that it is possible to completely mitigate the visual impacts of development by exploiting the topographical features on the site.

297. Having said that however, the reforestation proposed will represent a continuation of its forested character. Although now common practice, controls on the colour of buildings and building materials will be such as to complement the features in the landscape, and the height of buildings, as well as the size and bulk of the cabins, is significantly constrained. We do not consider the proposed activity to be contrary to this policy.

298. Policy 12 concerns transport infrastructure, and has relevance in this case as it seeks to preserve the open nature of the rural landscape by encouraging roads, carparks, and tracks to follow the edges of existing landforms and vegetation patterns, the use of imaginative roading designs, discouraging roads and tracks on highly visible slopes, minimising cuts and batters, screening carparks and avoiding large expanses of hard surfaces.

299. We have commented earlier that it is apparent from our walkover of the site that a significant part of the roading network already physically exists as a result of works undertaken to control wildings. Although further earthworks required, these are not major in scale given the size of the site and tend to broadly follow the contours of the land.

300. Both the Council and the applicants traffic consultant are in agreement with respect to traffic effects associated with the site. This development would undoubtedly contribute to a minor degree to the overall growth in traffic in the vicinity albeit that there is seems to be relatively little information on primary directions of travel from Arthurs Point to Queenstown, 5 Mile, and Arrowtown. We accept Mr Carr's evidence that the effect of traffic from six cabins on to Morning Star Terrace would be minimal, all the more so when considering further potential for residential development in the vicinity.

301. Policy 15 'Retention of Existing Vegetation' states:

To maintain the visual coherence of the landscape and to protect the existing levels of natural character by:

(a) encouraging the retention of existing indigenous vegetation and gulleys and along watercourses;

(b) Encouraging maintenance of tussock grasslands and other nature ecosystems in outstanding natural landscapes.

302. All existing indigenous vegetation is proposed to be retained, and with reforestation of the lower slopes of the front faces, what has recently been a forested environment will simply evolve from an exotic forest to an indigenous forest, which is a preferred ecological outcome and will enhance naturalness. The plant and pest control programme proposed through the EMP will encourage, on a landscape wide basis, the maintenance of tussock grasslands and other ecosystems in the backcountry. The proposed application will assist in achieving this policy.
303. Policy 16 'Wilding Trees' promotes supporting and encouraging coordinated action to control wilding trees and prevent their further spread. The proposed development will actively assist in promoting this policy.
304. Part 5 sets out the objectives and policies for the rural area of the District. Objective 1 is very general in application in seeks to protect the character and landscape of the rural area, while Policy 1.3 requires consideration of the district wide landscape objectives and policies when considering subdivision use and development.
305. Policy 1.4 promotes the establishment of activities which utilise the soil resource of the rural area, while Policy 1.5 seeks to ensure productive land is not compromised. Policy 1.9 seeks to confine structures to areas with the potential to absorb change while Policy 1.10 seeks to avoid the location of structures or water tanks on skylines, ridges, hills and prominent slopes.
306. It appeared to be common ground that Mount Dewar Station could not be regarded as productive farming land. The soil resources of that particular area have in historic times supported indigenous grassland, shrub and tree species in common with other less modified areas of the district's backcountry, and this proposal is consistent with that.
307. We have already concluded that the lower part of the front faces of Mount Dewar have greater potential to absorb change than land within ONL's generally. We understand that there will be water tanks for storage purposes on site, but the structures will be screened at least in the medium or longer term by proposed mountain beech plantings, or will be recessed into the ground or of a colour which avoids their being prominent.
308. We note in passing that Ms Mellsop expressed some concern late in the formal hearing about the potential visibility of sleeves used to protect plants from grazing, but we would not expect that to be a long-term effect. If this factor were to be given weight, it could result in adverse implications for native tree planting projects elsewhere in the district.

The Proposed District Plan

309. A significant number of the objectives and policies in the PDP are subject to challenge through appeals to the Environment Court at the time of this hearing. While we consider that more weight should be applied to the objectives and policies of the ODP, we think it is appropriate to assign some weight to the provisions contained in the PDP.
310. Some however are not subject to challenge, and significant weight can be attached to them. Strategic Objectives 3.2.1 and 3.2.1.1 promote economic benefit. Strategic Policy 3.2.1.1 states: *The significant socio-economic benefits of well-designed and appropriate located visitor industry facilities and services are realised across the district.*
311. The provision of accommodation for visitors is consistent with this objective and policy, although they are not a determinative factor with respect to this application. We consider that economic benefits, including those to the applicant, are a relevant factor but we do not consider they weigh heavily as against the protection of the ONL.
312. Strategic Objective 3.2.4.1 promotes development which sustains a life supporting capacity of air, water, soil and ecosystems and maintains indigenous biodiversity. Strategic Objective 3.2.4.2 seeks to avoid the spread of exotic wilding vegetation, and Strategic Objective 3.2.4.5 (and Strategic Policy 3.3.28) promotes the maintenance and enhancement of public access to the natural environment.
313. We consider that the application is consistent with these objectives and policies, and further would promote their achievement.
314. Rural Policy 21.2.9.1 seeks to encourage revenue producing activities that can support the long-term sustainability of rural areas and maintain or enhance landscape values and rural amenity.
315. The majority of the objectives and policies relating to subdivision are not subject to appeal. Objective 27.2.1 and Objective 27.2.2 and their policies promote subdivision that will enable quality environments, innovative design and to ensure allotments are suitable size and shape.
316. The proposed activity is consistent with Rural Policy 21.2.9.1 and the two subdivision objectives set out above.
317. Objective 27.2.4 seeks that natural features, indigenous biodiversity and heritage values be incorporated and enhanced within subdivision design. We consider the proposed activity is consistent with, and would achieve, this objective.
318. Objective 27.2.5 and its associated policies promote the provision of infrastructure and services to new subdivisions and developments. This is further developed through the policy framework which includes a requirement to integrate subdivision roading with the existing road network, provide safe pedestrian cycle and vehicular access, reducing physical effects on the environment by utilising existing topography, attention to the standard of construction, provision for public safety, avoidance of light spill, effects on traffic on existing roads and accessibility to public transport.

319. The proposed activity is broadly consistent with this objective, and with respect to the issue of light spill, can be achieved as the screening vegetation matures.
320. The objectives and policies relating to the protection of landscape and rural character are all subject to appeal. These include Strategic Objective 3.2.5.1 which calls for the protection of ONFs from the adverse effects of subdivision, use, and development where these effects are minor and/or not temporary in duration. This is supported by Strategic Policy 3.3.30 which is very similar wording, Landscape Policy 6.3.12 which requires successful applications to be exceptional cases and where building structures and associated roading will be reasonably difficult to see. Policy 6.3.16 calls for the maintenance of open landscape character within ONLs where these are open at present.
321. These provisions are not dissimilar to those currently contained within the ODP. We have reached the view that there will be adverse effects which are more than minor for a period of time, expected to be in the range of 7 – 10 years. We consider the current application, in contrast to its predecessor in 2012, is a much more holistic approach and given its scale and ambition has qualities which distinguish it from the typical rural subdivision or dwelling applications which frequently arise in this district. As to what could be regarded as ‘temporary’, we observe that we are satisfied that adverse visual impacts will not be long term or permanent.
322. Also subject to appeal are a number of objectives and policies relevant to the natural environment and the ecology of the District. Strategic Objective 3.2.4 calls for the distinctive natural environments and ecosystems of the District to be protected, while Policy 6.3.9 seeks to encourage subdivision and development proposals which promote indigenous biodiversity protection and regeneration. Similarly, Policy 21.2.9.3 seeks to provide for the establishment of tourism, commercial recreation or visitor accommodation activities within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term. We consider that the proposed development would be consistent with these provisions.
323. Finally, another policy subject to appeal is Policy 6.3.13 which seeks to ensure the protection of outstanding natural features and landscapes recognises values relating to cultural and historic elements and matters of cultural and spiritual value to tangata whenua. At this point we acknowledge the evidence of Mr Rewi and his support for the reforestation and ecological restoration proposed through the application.
324. The ODP and the PDP contain provisions which strongly emphasise the protection of landscape values, and others which support the restoration and enhancement of ecological values and biodiversity. We do not consider that these provisions are in conflict with each other, or that one set should take precedence over the other. We have already noted that we have taken account of the balancing exercise undertaken as part of the Environment Court’s decision on the *Mount Field* application in 2012. We have endeavoured to undertake a similar exercise, in which our overall conclusion is that the benefits of the proposed reforestation and ecological restoration proposed through the current application outweigh the adverse effects of the proposed buildings on the lower parts of the front faces of Mount Dewar.
325. In coming to these conclusions, we have taken account of the modified character of this part of the ONL, and the detailed nature of the proposal which incorporates staged development over a number of years in association with reforestation. We accept this will not avoid adverse effects

which may be more than minor in the short and medium-term, but which we are confident such effects will be no more than minor in the longer term. We consider a long-term approach is appropriate as part of a proposal which includes reforestation and ecological restoration, which by its very nature cannot be a short-term undertaking.

326. The proposed activity is a discretionary activity, and while subject to an extensive range of assessment matters, objectives, and policies, enables applications can be considered on their merits and at least in exceptional circumstances, a grant of consent can be contemplated.
327. Taking all these factors into account, we have concluded that the activity is not contrary to the objectives and policies overall, and will actively assist in achieving those focused on ecology and biodiversity.

SECTION 104 RESOURCE MANAGEMENT ACT

328. 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 or 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.*

.....

329. The consideration of resource consents is subject to the provisions of Part 2. In a 2018 decision, the Environment Court expressed the view that the ODP and the PDP had been sufficiently competently prepared such that there was no need to refer to Part 2⁷³. That case related to a

⁷³ *Ballantyne Baker Holdings Ltd versus QLDC – Interim decision [2018]NZ Env C. 181, paragraphs 188 – 189*

rural subdivision, and the Court made reference to the need to consider the efficient use of natural and physical resources under section 7 (b) of the RMA.

330. We are conscious in this case that this is a complex application, and that the objectives and policies of the ODP and PDP while broadly similar, are subject to significant legal challenge with respect to the latter. Accordingly, we have taken a cautious approach, and have given consideration to the matters in Part 2.
331. Before doing that, we note that Mr Holm appeared to suggest to us that there was a trade competition component to the submission by the Streets, on his understanding that the submitter was a property developer (and by implication a trade competitor). However, we do not think that such a link was sufficiently established to the point where we would disregard their submission.
332. This application raises two matters of national importance under section 6 of the RMA which decision-makers are required to recognise and provide for. These are:
(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
333. To a more limited degree, the proposed activity would enhance public access to the margins of the Shotover River, which is a matter of national importance under subsection (d).
334. We consider the proposed activity recognises and provide for the matters contained in subsection (c). We consider that the proposal for development within a modified part of the ONL over Mount Dewar would not be an 'inappropriate' subdivision use or development.
335. We consider that in terms of section 7(b) RMA the proposed activity would be an efficient use and development of natural and physical resources as it would provide for residential and visitor accommodation over a small part (and the most modified part) of the Mount Dewar property while at the same time enabling a substantial reforestation and ecological restoration proposal which would benefit a large area of land and complement activities being undertaken on other adjoining high country properties.
336. Taking into account the staged development, the screening proposed by extensive plantings of mountain beech trees, and controls over the scale, design and appearance of the proposed buildings on the site, we have concluded that the activity overall would maintain and enhance amenity values and the quality of the environment in accordance with subsections 7(c) and 7(f) of the RMA. We also consider that it recognises the intrinsic values of ecosystems in terms of section 7(d).
337. We are also of the view that the restoration and enhancement of beech forest and tussock grasslands which historically formed the natural character of Mount Dewar is consistent with the concepts of kaitiakitanga under sections 7(a) and section 6(e) RMA.
338. Section 7(i) requires regard to be had to the effects of climate change. The reforestation component of this project is consistent with this provision of the RMA. The extent of additional

planting over time will be reasonably significant, and reflects what will almost certainly be an increasing emphasis in the future on the desirability of reforestation as a means of sequestering carbon.

339. In terms of the Purpose of the Act under section 5, we consider that the overall project would enable people and communities to provide for their social, economic and cultural well-being and in a manner which sustains the potential of natural and physical resources to meet reasonably foreseeable future needs, would safeguard the life supporting capacity of ecosystems, and would adequately mitigate adverse effects of the activity on the environment in the longer term.
340. Finally, we note that Section 106 provides that a consent authority may refuse subdivision consent in certain circumstances, including where there is significant risk from natural hazards, or sufficient provision has not been made for the legal and physical access to each allotment. We are satisfied that the evidence provided by the applicant, and accepted by the Council, is such that any natural hazards can be adequately managed through conditions of consent, and that suitable access can be provided to each allotment.

Staging and Conditions

341. As set out earlier, we have reached the conclusion that this application can and should be granted as a whole. However, as staging of the development is requested, we must also consider the individual stages and the potential for not all stages to progress. This is a realistic possibility with staged applications and requires us to consider each stage individually and cumulatively. The Council and the Applicant provided us with a joint set of conditions in their response to our Minute of 26 September. There is one area of disagreement relating to the vegetation required on lots 9, 22 and 23 prior to construction. We return to this matter later. Generally, we accept that the conditions proposed are acceptable, but there are some areas where we differ, as set out below.
342. As raised in our Minute of 26 September, we are concerned about an apparent disconnect between the development and the compensatory revegetation of the back country. We wish to emphasise that without significant compensation as proposed, this application would be unsuccessful. The planting and pest control of the back country are central to the development and we do not consider the staging condition put forward by the applicants provides sufficient certainty that this compensation will actually occur. Other than for Stages 1 and 3, which in reality are already consented, the compensation proposed by the applicant needs to be guaranteed to allow the stages to proceed. For this reason, we have included a requirement for the planting of 7980 beech trees in the back country in Stage 2. We understand the applicant's concern that they may have difficulty sourcing the trees, however without this condition there is insufficient compensation for the effects generated by Stage 2. We have also included conditions for comprehensive pest management over the entire site as part of Stage 2 to ensure the revegetation is successful.
343. Stages 1 and 3 are for activities already consented through earlier consents, but not yet given effect to. We have reviewed those applications, and the conditions that they are subject to, and consider that it is necessary to include weed and pest management of the entire site at this time. This aligns with the consents already granted, and the inclusion of site-wide vegetative

weed management is similar to that which is already required. In any event, as set out above, we consider that for a redevelopment of this scale, weed and pest management of the site from the outset is essential to allow for successful revegetation. We have therefore included conditions in the development stages requiring comprehensive weed and pest management in accordance with, and referenced to, the EMP. Associated with this, the applicant sought to delete condition 20 of RM 051109 to remove the implementation of the Wilding Tree Management Plan. We do not consider this to be appropriate given RM 051109 is a standalone consent which could be given effect to without giving effect to the subject consent. However, we understand the conflict between the consents and therefore grant consent to vary condition 22 enable either the existing or new management plan associated with this consent to be implemented.

344. We have also included a condition for site-wide weed and pest management for all the other stages. Based on the evidence of Mr Davies and Mr Beale and the submission of Ms Webster, we have formed the view that weed and pest management is a key driver in successful revegetation. We are conscious that a significant amount of work has already been undertaken in the space with respect to weed control and understand that continuing this effort without interruption is important to the success of the ecological restoration plan. For this reason, we consider it is essential that it is clear that this is to occur continuously and from the beginning and we have included relevant conditions to this effect.
345. We have amended the hours of operation for trucks accessing Coronet Peak Ski field Road to end by 3:30 PM rather than 4 PM in the ski season, as the ski field closes at 4 PM and trucks accessing or leaving the site need to be off the road by then to avoid traffic conflicts, safety, and efficiency issues arising. This matter was put to Ms Leith at the hearing, and she confirmed no concerns with the change.
346. We have included a consent notice condition to be registered on all but Lot 500 relating to the need to set predator control traps, and the ability of the Lot 500 owner to set these on the lots as required. This is already volunteered as a private covenant, but we consider the Council should be a party to this agreement to ensure it can be enforced if needed.
347. Finally, the matter of whether the beech trees need to be established for three years on lots 9, 22 and 23 prior to construction was a subject of disagreement between the Council and the Applicant in relation to conditions. We accept the view of Ms Mellsop that such a requirement would be preferable. However, we are also conscious that by its very nature, this is long-term consent. The benefits of revegetation are benefits for future generations and we consider that the retention of the wilding pines for 12 years will sufficiently screen any buildings on the three allotments. In combination with the more onerous conditions we have included in Stage 2, we are satisfied that there are sufficient requirements for mitigation and compensation, and that further delay of construction on those three allotments by three years is not warranted.
348. With the inclusion of the additional conditions as outlined, we consider the staging of the proposal is acceptable such that the adverse effects of each stage will be adequately mitigated and compensated at the conclusion of each stage.

DECISION

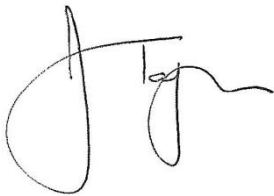
For the reasons set out above, and pursuant to sections 104, 104B and 108 of the Resource Management Act, the following consents are **GRANTED**:

1. Subdivision – consent to undertake a 55 Lot subdivision and identify residential building platforms with associated earthworks, landscaping, and native beech reforestation;
2. Land use – consent operate visitor accommodation from identified properties;
3. Land use – consent to identify residential building platforms;
4. Variation to RM 051109;

Subject to the conditions attached to appended to this decision.



Robert Charles Nixon



Jane Taylor



Wendy Alice Baker

Hearings Commission

4 November 2019

Reissued 20 November 2019

Appendix 1 – Consent Conditions

APPENDIX 1 – CONDITIONS OF CONSENT

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1. Subdivision

General

1. That the development must be undertaken/carried out in accordance with the plans:

Aurum Survey Subdivision Plans

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.1C dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.2D dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Typical lot and associated easement layout reference 4822.4C.3C dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.4C dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.5E dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.6D dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.7C dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.8C dated 11 October 2018

Proposed Mt Dewar Subdivision, Treespace – Arthurs Point reference 4822.4C.9B dated 11 October 2018

Aurum Survey Roding Plans

Proposed Mt Dewar Subdivision – Access Overview reference 4822.3E.1G dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.2C dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.3G dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.4E dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.5F dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.6F dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.7E dated 15 October 2018

Proposed Mt Dewar Subdivision – Access reference 4822.3E.8D dated 15 October 2018

Proposed Mt Dewar Subdivision – Longsection reference 4822.3E.9A dated 15 October 2018

Proposed Mt Dewar Subdivision – Longsection reference 4822.3E.10A dated 1 August 2018

Proposed Mt Dewar Subdivision – Longsection reference 4822.3E.10B dated 1 August 2018

Proposed Mt Dewar Subdivision – Longsection reference 4822.3E.12B dated 1 August 2018

Proposed Mt Dewar Subdivision – Typical Sections reference 4822.3E.13D dated 15 October 2018

Aurum Survey Earthworks Plans

Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.1E dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.2F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.3F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.4F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.5F dated 11 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.6F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.7F dated 12 October 2018

Patch Plans

Southern Context Plan reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan – Planting Zones reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan – Successive Planting reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan – Existing Consented Development reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan – Detail reference PA18210-IS20 dated 26 June 2019
 Front Face Masterplan – East and South Face reference PA18210-IS20 dated 26 June 2019
 Southern Front Face Masterplan reference PA18210-IS20 dated 26 June 2019
 Southern Front Face with Setbacks reference PA18210-IS20 dated 26 June 2019
 Southern Front Face Detail reference PA18210-IS20 dated 26 June 2019
 Eastern Front Face Masterplan reference PA18210-IS20
 Eastern Front Face with Setbacks reference PA18210-IS20 dated 26 June 2019
 Eastern Front Face Detail reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 1 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Detail Plan 1 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 2 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Detail Plan 2 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 3 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Detail Plan 3 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 4 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Detail Plan 4 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 5 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Detail Plan 5 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Site Plan 6 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Details Plan 6 reference PA18210-IS20 dated 26 June 2019
 Forest Settlement Typical Services Plan reference PA18210-IS20 dated 26 June 2019
 Reforestation Zones reference PA18210-IS20 dated 26 June 2019
 Backcountry Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Backcountry Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Backcountry Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Front Face Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Front Face Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Cabin and Chalet Front Face Tree Planting Strategy reference PA18210-IS20 dated 26 June 2019
 Front Face Planting Strategy reference PA18210-IS22 dated 8 August 2019
 Drive-in Cabin Development Strategy reference PA18210-IS20 dated 26 June 2019
 Chalet Development Strategy reference PA18210-IS20 dated 26 June 2019
 Cabin Cluster Development Strategy reference PA18210-IS20 dated 26 June 2019
 Bush Covenant Zones Strategy reference PA18210-IS20 dated 26 June 2019
 Indicative Cross Section of Cabin reference PA18210-IS20 dated 26 June 2019
 Indicative Cross Section of Cabin reference PA18210-IS20 dated 26 June 2019

Indicative Cross Section of Cabin reference PA18210-IS20 dated 26 June 2019
 Indicative Cross Section of Chalet reference PA18210-IS20 dated 26 June 2019
 Indicative Cross Section of Chalet reference PA18210-IS20 dated 26 June 2019
 Indicative Cross Section of Chalet reference PA18210-IS20 dated 26 June 2019
 Road Typologies reference PA18210-IS20 dated 26 June 2019
 Design Elements reference PA18210-IS20 dated 26 June 2019
 Design Elements Planting reference PA18210-IS20 dated 26 June 2019
 Other Planting Species reference PA18210-IS20 dated 26 June 2019
 Landscape Absorption Capacity – All Stages reference PA18210-IS20 dated 26 June 2019
 Southern Front Face – Parking Plan reference PA18210-IS22 dated 13 August 2019
 Eastern Front Face – Parking Plan reference PA18210-IS22 dated 13 August 2019
 Trails Plan reference PA18210-IS22 dated 13 August 2019

stamped as approved on Monday 4 November 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:
<https://www.qldc.govt.nz/>

Staging

4. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed.
 - a) The following shall be undertaken to satisfy the conditions of this consent for each stage and the stages are to be completed in the order listed.

Stage	Lots	Works required prior to the issue of titles for each stage
1	103 and 109	<ul style="list-style-type: none"> • The installation of servicing and roading including roadside planting; • The follow actions have been completed in accordance with the updated Ecological Management Plan approved under Condition 15 and a report provided to Council: <ul style="list-style-type: none"> ○ Commencement of, and continuing site and back country wide, weed and pest control The report is to be prepared by a suitably qualified person and is to detail the operation and its outcomes; and • All other necessary subdivision works.

2	1-10, 21-27, 31, 36-38	<ul style="list-style-type: none"> • Planting of all Reforestation zones on the south face and lodgement of the relevant cash bond; • Registration of public trails easements; • All Treespace trails on the south face to be formed and easements registered; • The consent notice as required by Condition 36(ii) shall be registered on Lot 500 as part of this stage with respect to the south face (shown on the Patch Front Face Masterplan – East and South Face); • The follow actions have been completed in accordance with the updated Ecological Management Plan approved under Condition 14 and a completion report provided to Council: <ul style="list-style-type: none"> ○ Initial night shooting of feral cats, possums, rabbits and hares; and ○ Initial operation to eradicate all deer, goat and livestock; and ○ Continuing site and back country wide, weed and pest control. • Back country planting of a minimum of 7,980 trees in accordance with the updated Ecological Management Plan required by Condition 14. A Completion Report is to be provided to Council by a suitably qualified person advising of the number of trees planted and their locations; • The Completion Report is to be prepared by a suitably qualified person and is to detail the operation and its outcomes; and • All other necessary subdivision works.
3	43 and 201	<ul style="list-style-type: none"> • Planting of all Reforestation zones on the east face; • The installation of servicing and roading including roadside planting; • All Treespace trails on the east face to be formed and easements registered; • The consent notice as required by Condition 36(ii) shall be registered on Lot 500 as part of this stage with respect to the east face (shown on the Patch Front Face Masterplan – East and South Face); • The follow actions have been completed in accordance with the updated Ecological Management Plan approved under Condition 14 and a report provided to Council: <ul style="list-style-type: none"> ○ Continuing site and back country wide weed and pest control <p>The report is to be prepared by a suitably qualified person and is to detail the operation and its outcomes; and</p> • All other necessary subdivision works.
4	32 – 35, 39 – 42, 101, 102 and 105	<ul style="list-style-type: none"> • The installation of servicing; • The construction of the Year 2 roading (shown on the Patch Landscape Absorption Capacity – All Stages plan) including roadside planting;

		<ul style="list-style-type: none"> • The following have been installed in accordance with the updated Ecological Management Plan approved under Condition 14: <ul style="list-style-type: none"> ○ A minimum of 24 Goodnature self-resetting A24 traps and/or DoC 250s traps in the back country for control of stoats and weasels; and ○ A minimum of 50 Goodnature self-resetting A12 traps in the back country to control possums; and ○ Continuing site and back country wide, weed and pest control. • All other necessary subdivision works.
5	11 – 20, 28 – 30, 104, 106 – 108 and 110	<ul style="list-style-type: none"> • The installation of servicing • The construction of Year 5 roading (shown on the Patch Landscape Absorption Capacity – All Stages plan) on the east face including roadside planting; • The completion of the chopping or spraying of all sycamore, hawthorn and Spanish Heath in accordance with the updated Ecological Management Plan as per Condition 14, across Mt Dewar. A Completion Report is to be provided to Council by a suitably qualified person advising of the method used and area (or number) of trees which were existing and which were removed or sprayed. • Back country planting of a minimum of 31,920 trees in accordance with the updated Ecological Management Plan required by Condition 14. A Completion Report is to be provided to Council by a suitably qualified person advising of the number of trees planted and their locations. • Registration of the covenant required under Condition 35(w); and • All other necessary subdivision works.

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

5. Prior to commencing any work on the site the consent holder 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. Prior to commencing any work in areas accessed from the three different site access locations the consent holder shall install a construction vehicle crossing at each, which all construction traffic shall use to enter and exit that area of the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. The construction traffic crossings shall be upgraded into roads/intersections in accordance with consented works.

7. Prior to commencing any work on the site the consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

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 geo-professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Bell Geoconsulting Ltd report "Geotechnical Subdivision Report" dated 31 October 2018, BGL Reference: 1880/01, and who shall supervise the earthworks procedures 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. At least 15 working days prior to any works commencing on site the Consent Holder shall submit an Environmental Management Plan to Council's Resource Management Engineering Team for review and acceptance **HOLD POINT 1**. This document must be prepared by a Suitably Qualified and Experienced Person. The Environmental Management Plan shall be in accordance with the principles and requirements of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans and specifically shall address the following environmental elements as specified in the guidelines:
 - a) Administrative Requirements
 - i) Weekly site inspections
 - ii) Monthly environmental reporting
 - iii) Independent audit by Suitably Qualified and Experienced Person
 - iv) Notification and management of environmental incidents
 - v) Records and registers
 - vi) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
 - vii) Site induction

 - b) Operational Requirements
 - i) Erosion and sedimentation (including Erosion and Sediment Control Plan, to be prepared by a Suitably Qualified and Experienced Person)
 - ii) Water quality
 - iii) Dust
 - iv) Chemical and fuel management
 - v) Waste management

Advice Note: **HOLD POINT** means a mandatory confirmation point beyond which no further construction activities may commence until Council has provided notice to the Consent Holder that the HOLD POINT matter(s) have been accepted as suitable.

10. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the Consent Holder shall engage an Appropriately Qualified Person to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Resource Management Engineering Team for review and acceptance. This plan shall be a sub-plan of the overarching Environmental Management Plan and must be prepared in accordance with the requirements outlined in Queenstown Lakes District Council's Guidelines for Environmental Management Plans. These plans must be updated when:
 - a) The construction program moves from one Stage to another; or
 - b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or
 - c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.
11. Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works program in accordance with requirements of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
12. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements within the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
13. 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 and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
 - a) The formation of all roads and right of ways in accordance with Council standards except where approved as part of this resource consent application. These designs shall be subject to external review at Council's discretion, with any associated costs met by the consent holder. The designs shall be formed and aligned in general accordance with the plans "Proposed Mt Dewar Subdivision Treespace – Arthurs Point" and the Patch "Road Typologies" plan (with respect of the planting) submitted with the application, with the following specific requirements and exceptions;
 - i) All access roads shall include the provision of roadside drainage by the use of swales.

- ii) No road or access gradient shall exceed 20%.
- iii) High friction surfacing shall be provided for any sections of access roads where the gradient exceeds 16%.
- iv) The provision of signage and marking in accordance with MOTSAM and the TCD Manual for all roads.
- v) Details of lighting and/or road reflectors including proposed locations.
- vi) A road safety barrier assessment and provision of barriers where identified in the assessment, in accordance with Clause 3.3.4 of QLDC's Land Development and Subdivision Code of Practice and Safety in Design principles. Where safety barriers are required, they are to be constructed of materials with low reflectivity.
- vii) Details of all culverts sized appropriately for the design flow and associated anti-scour structures.
- viii) Compliance with the minimum sight distance standards in accordance with Section 4A of the Austroads Guide to Road Design shall be demonstrated at all intersections including those internal to the site. Sight line consideration shall include all proposed landscaping and cuts / fills on the access roads along with any other permanent obstructions.
- ix) Compliance with the minimum distance standards for crossings from intersections in accordance with the District Plan shall be demonstrated.
- x) Passing opportunities shall be provided on all Road Type 1 access roads in accordance with Councils standards with the exception that spacing may be increased up to 100m provided that suitable safe forward visibility to the next passing opportunity is available.
- xi) The access from Morning Star Terrace to service the 6 lots at the western end of the development shall be formed in accordance with Road Type E1 in Table 3.2 of the QLDC Code of Practice. Design details shall include the integration with Morning Star Terrace, a threshold at the end of the public road and road name blades with 'Private' and 'no exit' signage. The roads shall be unsealed unless required to be by Conditions 13(iii) and (xiv).
- xii) The northern access from Coronet Peak Road, to service Lots 101,102 and 201 shall be formed in accordance with Road Type E2 in Table 3.2 of the QLDC Code of Practice. The design shall demonstrate sufficient widening at small radius corners to allow for two-way passing of a NZS2890.1 99th percentile and 85th percentile design vehicle, and that sufficient widening is provided or an alternative design measure to allow two-way passing of a 8m long truck and 85th percentile design vehicle without the need for either vehicle to reverse.
- xiii) The southern access from Coronet Peak Road, to service 46 cabin and chalet lots shall be formed in accordance with Road Type E3 in Table 3.2 of the QLDC Code of Practice up to the point where it branches into two separate roads, and then these two roads are formed in accordance with Road Type E2 in Table 3.2 of the QLDC Code of Practice. The designs shall demonstrate sufficient widening at small radius corners to allow for two-way passing of an NZS2890.1 99th percentile and 85th percentile design vehicle, and that sufficient widening is provided or an alternative design measure to allow two-way passing of a 8m long truck and 85th percentile design vehicle without the need for either vehicle to reverse.
- xiv) E1 road approaches to any sealed road shall be sealed for a distance of 10m to minimise the potential for transfer of loose material onto the road.
- xv) All right of way access shall be unsealed and formed in accordance with Road Type E1 in Table 3.2 of the QLDC Code of Practice (as adopted Council on 3 May 2018). Access gradients shall be in accordance with the QLDC Land Development and Subdivision Code of Practice (as adopted by Council on 3 May 2018) section 3.3.16.

- xvi) For Lots 7, 10, 15, 16, 19, 20, 22, 24, 28-31 and 33-38 two vehicle parking spaces per lot shall be provided in a location adjacent to the road network and near to the lots in general accordance with the Patch 'Southern Front Face – Parking Plan' and 'Eastern Front Face – Parking Plan' submitted with the application. These shall be formed at no more than a 1V:20H gradient with permeable materials.
- xvii) The provision of pedestrian access tracks from the private road network to Lots 7, 10, 15, 16, 19, 20, 22, 24, 28-31 and 33-38. These shall be formed to a minimum width of 2m, with a maximum gradient of 1V:8H and a basecourse suitable to carry small construction machinery. Their alignment shall be in general accordance with the plans "Proposed Mt Dewar Subdivision Treespace – Arthurs Point" submitted with the application.
- xviii) The provision of the front country and roadside connection Treespace managed trails in general accordance with the alignments shown on the Patch plan entitled 'Trails Plan' dated 26 June 2019 submitted with the application. The designs shall be in accordance with the QLDC 2015 Cycle Trail Design Standards and Specifications unless otherwise agreed to by Council. For clarity this does not include the recreational mountain bike trails that are not detailed on the subdivision plans.
- xix) The provision of a vehicle through access corridor in the case of an emergency linking the Morning Star and Coronet Peak Road ends of the internal road network. This shall be on the same alignment as the shared pedestrian and walking trail that links these roads. General vehicle access through the link shall be prevented by the use of bollards or gates or similar, constructed in a manner that would not prevent a vehicle from gaining access in an emergency.
- xx) The provision of rubbish bin collection areas at the end of the public road on Morning Star Terrace and at Lot 202. The design shall demonstrate sufficient space is provided for an 8m long truck to enter, turn around and depart in a forward direction. The design shall include a facility sufficiently large to store all of the necessary bins at each location.
- xxi) Provision of an easement to Council's satisfaction over the road to Lot 202 in favour of Council for the collection of residential rubbish. Alternatively, details of the private waste collection are to be provided to Council.
- xxii) The formation of intersections with Coronet Peak Road, in accordance with the latest Austroads intersection design guides or other design guides as agreed. These designs shall allow for two way movement of the following vehicle combinations: (a) NZS2890.1 99th and 85th percentile design vehicles, and (b) NZS2890.2 Medium Rigid Truck and NZS2890.1 85th percentile design vehicle. They shall also demonstrate that these vehicles can negotiate the new intersections without tipping. All signage and marking shall be in accordance with MOTSAM and the TCD Manual. Thresholds shall be provided at the entrances to the development and road name blades shall include 'Private' and 'no exit' signage.
- xxiii) The consent holder shall engage an independent and suitably qualified and experienced traffic engineer to carry out a detailed design safety audit of all detailed roading and intersection designs including lighting (and/or reflectors) and safety barrier provision. This shall be completed in general accordance with the NZTA Manual "Road Safety Audit Procedures for Projects" and section 3.2.7 of QLDC's Land Development and Subdivision Code of Practice. This shall include confirmation that appropriate traffic signs and road marking have been provisioned in accordance with the New Zealand Transport Agency's Manual of Traffic Signs and Markings (MOTSAM). The consent holder shall comply with any recommendations at their own cost. A copy of this report shall be submitted to Council for review and acceptance.

- xxiv) The roading and access designs shall be approved in writing by the Area Manager for the Central North Otago branch of the Fire and Emergency New Zealand.
 - xxv) The staging of the roading construction is to be undertaken in accordance with the Patch – Landscape Absorption Capacity – All Stages plan to align with the stages outlined in Condition 4. The roads noted on the plan as being Year 2 roads are not to be commenced until the Year 1 roads are completed. The roading to Lots 11 – 20, 28 – 30, 104 and 106 cannot be constructed until the Reforestation Zone planting for those lots has been planted for a minimum of 5 years.
- b) Provision of water supplies to the development in accordance with the following;
- i) All water supplies shall include the provision of a water supply in the event of a power outage, either by storage or by backup generator to a pump station.
 - ii) The potable water supply shall demonstrate a robust system with redundancy built in to ensure effective multiple physical and management barriers are in place to prevent water contamination.
 - iii) Details of a monitoring program of each potable water source shall be prepared to quickly identify any contamination issues that may arise.
 - iv) All potable water supplies shall comply with or can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand.
 - v) All pump stations shall be designed in accordance with Appendix H of QLDC's Land Development and Subdivision Code of Practice
 - vi) An isolation valve shall be installed on any Council water main feeding the development and shall include a bulk flow meter and back flow prevention. This valve shall be located at the boundary with Council's road reserve and shall clearly delineate the point of private/public ownership.
 - vii) Provision of a minimum supply of 2,000 litres per day of potable water to the "Chalet site" building platforms on Lots 101, 102, 104-108 & 110.
 - viii) Provision of a minimum supply of 2,000 litres per day of potable water to the building platform "RP1" on Lot 500.
 - ix) Provision of a minimum supply of 1,000 litres per day of potable water to the "Cabin Site" building platforms on Lots 1 - 43.
 - x) Provision of a minimum supply of 6,350 litres per day of potable water to the "Lodge" building platform on Lot 201 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand.
 - xi) Provision of a minimum supply of 5,000 litres per day of irrigation water to the "Lodge" building platform on Lot 201 from on-site surface water sources.
 - xii) The provision of a fire fighting solution for Lots 1-43, 101, 102, 104-108, & 110, and for the building platform "RP1" on Lot 500 by **either**;
- a) The provision of fire hydrants with adequate pressure and flow to provide a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). The firefighting system shall include the provision of supply in the event of a power outage, either by storage or by backup generator to any supplying pump station. The hydrant locations shall be approved in writing by the Area Manager for the Central North Otago branch of the Fire and Emergency New Zealand.

And/Or;

- b) The provision of consent holder installed communal storage tanks that provide a minimum of 45,000 litres as a static firefighting reserve to service the building platforms. These shall include a hardstand and a coupling for a fire appliance in accordance with the requirements below. Reticulation shall also be provided to each residential building platform in association with a consent notice condition requiring a domestic sprinkler system is installed to an approved standard at time of future building development.

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 potential buildable area within the lots it serves. 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.

The static storage solution shall be approved in writing by the Area Manager for the Central North Otago branch of the Fire and Emergency New Zealand.

- xiii) The provision of storage tanks for firefighting for Lot 201, if any.
 - xiv) A report shall be provided for the purposes of identifying which lots need a consent notice advising of the future requirement for pressure boosting to achieve the minimum standards for domestic sprinkler systems at the time a dwelling is constructed.
- c) 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 the building platform "RP1" on Lot 500 or any buildable areas on Lots 1-43, 101, 102, 104-108 & 110, & 201-202, and no increase in run-off onto land beyond the site from the pre-development situation. Details of how spring discharges throughout the development will be drained and controlled shall be included. Any soakage gallery designs shall be supported by site specific percolation testing undertaken at each individual soak pit location to confirm soakage. A copy of the test results shall be provided and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
 - d) The provision of a wired or wireless telecoms solution that provides a reliable service to every lot.
 - e) The provision of an Engineering New Zealand Producer Statement PS1 shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads. This shall be accompanied by certification from an appropriately experienced and qualified geotechnical engineer that the proposed retaining designs are suitable to prevent any slope instability.
 - f) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
 - g) The provision of a Design Certificate submitted by a suitably qualified design professional for the Water booster Pump Stations required for the water reticulation. The certificates shall be in the format of Engineering New Zealand Producer Statement PS1 or the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
14. Prior to commencement of any works on site an updated Ecological Management Plan is to be submitted for approval of Council addressing the following matters:
- a) Timing of implementation of planting to reflect the timing outlined in Conditions 36 (x), (y) and (z) below.
 - b) Inclusion of numerical performance metrics for pest control in Section 6.1.2.
 - c) The ongoing weed and pest control measures and protection measures to be implemented in perpetuity across the entire site including the backcountry. Weed and pest control is to commence at the same time work commences on the site and is to be continuous and ongoing.
 - d) Provision for addressing cat (feral and domestic) as a pest species to be controlled.

- e) Provision for updating the plan to address any future weed and pest species.

To be monitored throughout earthworks

15. Prior to bulk earthworks operations (and vegetation clearance) for the initial stage or any subsequent new stage of works, the Consent Holder must install erosion and sediment controls in accordance with the ESCP as well as provide As-built documentation for these controls by Suitably Qualified and Experienced Person **HOLD POINT 2**. It is noted that earthworks required to construct environmental management controls are allowed to commence once Council has provided notice that **HOLD POINT 1** has been met.
16. All works shall be undertaken in accordance with the most current version of the Environmental Management Plan as accepted as suitable by Council.
17. The Environmental Management Plan shall be accessible on site at all times during work under this consent.
18. The Consent Holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the Environmental Management Plan at all times.
19. The Consent Holder shall develop and document a process of periodically reviewing the Environmental Management Plan as outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans. No ground disturbing activities shall commence in any subsequent stage of development until an Environmental Management Plan has been submitted and deemed suitable by Council's Resource Management Engineering Team.
20. The Consent Holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
21. A SQEP shall monitor the site monthly to ensure that the site is complying with its Environmental Management Plan, identify any new environmental risks arising that could cause an environmental effect and suggest alternative solutions that will result in more effective and efficient management. This must include a specific audit by the SQEP of the effectiveness of the ESCP. The outcome of these inspections should be included in the Monthly Environmental Report referred to Condition 22 below.
22. The Consent Holder shall complete and submit exception reporting to QLDC in the form of a monthly environmental report. The monthly environmental report shall be submitted to QLDC's Regulatory Department within five (5) working days of the end of each month.
23. In accordance with the Queenstown Lakes District Council's Guidelines for Environmental Management Plans, where any Environmental Incident where the Environmental Management Plan has failed leading to any adverse environmental effects offsite occurs the Consent Holder shall:
 - a) Report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.

- b) Provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined in the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
24. Environmental records are to be collated onsite and shall be made available to QLDC upon request; immediately if the request is made by a QLDC official onsite and within 24 hours if requested by a QLDC officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
25. Any Discharge (refer definition in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans) that leaves the site shall comply with the Water Quality Discharge Criteria outlined in the Guideline, with the exception of Total Suspended Solids which should be at a concentration of no more than 25mg/L. (or as directed otherwise by ecologist).
26. Any permanent batter slope within the site formed at a gradient that exceeds 1(V):1.5(H) shall be approved by the geo-professional advised in Condition (8) above.
27. 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.
28. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of access works within a road reserve.
29. Only cleanfill material shall be deposited at the site. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
- combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid waste.
- Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.
30. The Morning Star Terrace access to the site is to be utilised by construction traffic associated with the works for Lots 1 – 6 only. All other construction traffic is to access the site via Coronet Peak Access Road.

31. Construction access to the site via Coronet Peak Access Road is to be limited to between the hours of 9.30am and 3.30pm during the months that Coronet Peak Skifield is open for skiing.

32. If the consent holder:

a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga *and* discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:

- i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
- ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:

- i) stop work within the immediate vicinity of the discovery or disturbance and;
- ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
- iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

To be completed before Council approval of the Survey Plan

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

a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include easements for the following as a minimum;

- i) Lot owners over Lot 500 for all infrastructure, servicing and vehicular and pedestrian access necessary to service the lots. These easements shall include the mechanisms for lot owners to require the Lot 500 owner to undertake maintenance, or alternatively to undertake the maintenance on behalf of the Lot 500 owner and recover the cost of that work from the Lot 500 owner.

- ii) Public access trails (of a width and alignment that can be formed to provide for both pedestrian and cycle usage) and shall be provided in the Stage 1 survey plan
- iii) Private trails for Treespace residents
- iv) Inner curtilage easement boundaries
- v) Curtilage easement boundaries
- vi) Car parking where required for walk in cabins
- vii) Access to firefighting static water storage
- viii) Over Lot 500 in favour of the other lots to dispose treated wastewater.

The final form and wording of the easements 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.

- b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

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

Amalgamation condition

- 34. The following shall be registered with Land Information New Zealand (CSN XXXXX):

"That Lot 500 be held together with Sections 2 - 6 Survey Office 24648 and Section 1 Survey Office Plan 345973 and Lot 2 Deposited Plan 481806."

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

- 35. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The completion and implementation of all reviewed and accepted works detailed in Condition (13) above.
 - b) 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), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - c) 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.

- d) If a water supply is proposed other than from Council's reticulated supply, 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 35d) 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 Records of Title 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 RM181638 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- f) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of the private access ways, firefighting storage, and servicing infrastructure associated with the subdivision, including a FENZ approved maintenance regime for the private hydrant network. The legal documents that are used to set up or that are used to engage the management organisation 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) The consent holder shall provide the Subdivision Planner at Council with a copy of the operation and maintenance manuals for the private roading, firefighting storage, and servicing infrastructure including all reticulation, pump stations, FENZ approved maintenance regime for the private hydrant, and methodologies for ice management and snow clearing. The consent holder shall provide evidence that this has been made available to the management entity.

- h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kVA capacity) to the building platforms on all saleable lots (noting Lot 201 may need a larger supply to cater for the proposed lodge) created and that all the network supplier's requirements for making such means of supply available have been met.
- i) Written confirmation shall be provided to detail one of the following, EITHER;
 - i) Confirmation 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; AND/OR
 - ii) The consent holder shall provide evidence that wireless telecommunications are available to service all lots.
- j) All vehicle access, manoeuvring and parking areas associated with the development shall be subject to a post construction safety audit by an independent traffic engineer in accordance with the NZTA Manual "Road Safety Audit Procedures for Projects" at the consent holders cost. Should the review recommend any further works to achieve a safe traffic environment, the consent holder shall have these works approved by Council and implemented prior to 224c.
- k) An engineer's IPENZ Producer Statement PS4 shall be submitted for any permanent retaining walls within the development which exceed 1.5m in height or are subject to additional surcharge loads.
- l) All road signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- m) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- n) All earthworks and geotechnical investigations 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 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.
- o) All earth worked and/or exposed areas created as part of the subdivision shall be top-soiled and grassed, revegetated, or otherwise stabilised.

- p) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- q) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (3) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- r) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Water booster Pump Stations. The certificates shall be in the format of Engineering New Zealand Producer Statements, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- s) Planting of the Reforestation Zones in accordance with the Patch Landscape Strategy dated 26 June 2019 and the updated approved Ecological Management Plan required by Condition 15.
- t) Lodgement of a cash bond in favour of QLDC to the satisfaction of the Manager Resource Consents in relation to the replacement mountain beech planting of the reforestation zones surrounding Lots 1 – 10, 22 – 23, 36, 40, 41 once the successive planting shown on the Front Face Masterplan – Successive Planting plan is removed no less than 12 years following completion of the works in Condition 35(s). The cash bond is to allow for sufficient funds to cover \$13 per tree for planting and maintenance and if necessary replanted should the rate of survival fall below 80% within 3 years of planting.

The cash bond is to follow the following terms:

- i) The form of the bond must be legally sound and enforceable to the satisfaction of the Manager Resource Consents and be registerable and registered under the Land Transfer Act;
- ii) The consent holder must bear its own costs for setting up and registering the bond;
- iii) The bond must be guaranteed by a financial institution approved by QLDC's solicitors; and
- iv) The cash bond shall be released upon submission and approval by the Manager Resource Consents of the Completion Report showing that the Reforestation Zone planting has achieved the requirements detailed in Condition 36 (x), (y) and (z) respectively below.
- u) Lodgement of a cash bond in favour of QLDC to the satisfaction of the Manager Resource Consents in relation to the success of the back country planting. Once the back country zones are planted, the cash bond is to allow for sufficient funds to cover \$3 per plant to cover management and maintenance over a period of 3 years following planting.

The cash bond is to follow the following terms:

- i) The form of the bond must be legally sound and enforceable to the satisfaction of the Manager Resource Consents and be registerable and registered under the Land Transfer Act;
 - ii) The consent holder must bear its own costs for setting up and registering the bond;
 - iii) The bond must be guaranteed by a financial institution approved by QLDC's solicitors; and
 - iv) The cash bond shall be proportionately released upon submission and approval by the Manager Resource Consents of the Completion Report showing that the back country planting has been planted in stages over a period of 10 years for a minimum of 3 years following each planting stage.
- v) Installation of a bund to the north side of Lot 102 with a height of 1.5m to be located in accordance with Patch plan 'Forest Settlement Site Plan 6' dated 26 June 2019 and is to be formed in accordance with Patch plan 'Indicative Cross Section of Chalet'.
- w) Prior to 224c for Stage (v) being issued for Lots 11 – 20, 28 – 30, 36, 104 and 106 a land covenant in gross (under the Land Transfer Act 2017) in favour of QLDC shall be registered on Sections 2 - 6 Survey Office 24648 and Section 1 Survey Office Plan 345973 and Lot 2 Deposited Plan 481806 which shall note the following condition:
- a) Once planted, the backcountry Mountain Beech planting on Sections 2, 3, 4 SO24648 as well as any native vegetation is to be protected from removal and maintained in accordance with the approved Ecological Management Plan.

The final form and wording of the land covenant in gross shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration. 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.

Ongoing Conditions/Consent Notices

36. 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) For all lots excluding Lots 103 and 109, in the event that the Engineering Acceptance issued under Condition (13) RM181638 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 Records of Title 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].

- b) All future buildings shall be contained within the Building Platforms as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
- c) For all lots excluding Lots 103 and 109, at the time a building is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system in accordance with the parameters established in the Bell Geoconsulting Limited "Geotechnical Subdivision Report" dated 31 October 2018, BGL Reference: 1880/01. The systems are to provide stormwater collection for the site and disposal of runoff from all impermeable surfaces within the site to ground soakage. The proposed stormwater system shall be subject to the review of Council prior to implementation and shall be installed prior to occupation of the residential unit. This shall include:
 - i) Percolation testing shall be undertaken at the individual soak pit locations to confirm soakage. A copy of the test results shall be provided to Council and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
 - ii) The final design and sizing of each soak pit shall be based on the individual percolation test results and provided to Council for acceptance prior to installation of the individual soak pit infrastructure.
- d) For Lots 20,24,25,27,38,40,41,43 and 106 specific engineering design shall be undertaken to manage stormwater gully flows with consideration of the assessment by Bell Geoconsulting Limited "Geomorphology and Hydrogeology Report" dated 4 December 2018, BGL Reference: 1880/02.
- e) A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Records of Title for the relevant lots providing for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition 13(c) above. The final wording of the consent notice instrument shall be checked and approved by the 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.
- f) In the event that the Schedule 2A certificate and Geotechnical Completion Report (GCR) issued under Condition (35n) 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). This shall include a consent notice for all lots requiring specific engineering design of the buildings foundations and those requiring stormwater cut off drains.
- g) For all lots except Lots 103 and 109, to minimise potential slope failures no earthworks required for the future construction of buildings on the lot are to have cut batters exceeding 1V:1.5H without assessment by an appropriately qualified geo-professional engineer.

- h) For all lots, any building constructed on the lot, the owner shall install and maintain compliance with the recommendations contained within the Holmes Fire Engineering advice (dated 18/04/2019, ref 123025), including the following minimum requirements;
 - i) a sprinkler system that protects both the interior and exterior of all buildings on the lot is installed and is operational at all times,
 - ii) hard-wired (not battery) interconnected smoke detection is included in all habitable buildings for early detection of fire,
 - iii) the location and extent of combustible construction materials is to be limited where possible and/or the materials are treated to increase fire resistance,
 - iv) that roofing and guttering/spouting materials of any building are built of non-combustible materials.
- i) In the event that the report issued under Condition (13)(b)(xiv) identifies the requirement for pressure boosting of the water supply to achieve the necessary standards for domestic sprinkler systems on any lot, then a consent notice shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).
- j) For all lots except Lots 103 and 109, at the time a residential unit is erected on the lot, the owner for the time being shall either install a composting toilet that meets the New Zealand Building Code standards or engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite secondary treatment effluent disposal system in compliance with AS/NZS 1547:2012. The design of the system shall take into account the anticipated operating temperatures, the separation from neighbouring effluent disposal fields, and the location of landscaping that is subject to a covenanted area. It shall incorporate the recommendations within the site and soils investigation report titled *"Treespace Queenstown Ltd – Treespace Queenstown Development – Infrastructure Feasibility Report"* by Civilised Ltd, dated 5 December 2018 reference QS025. In particular the design shall identify any constrained areas where onsite effluent disposal is not suitable due to the presence of ground and/or surface water or proximity to other onsite wastewater disposal fields. Onsite wastewater plant and equipment shall be located within the inner curtilage area and disposal shall occur within the curtilage easement boundary on each lot or alternatively disposal may occur within Lot 500. 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.
- k) For all lots except Lots 103 and 109, the drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008), by the management entity for the lots, and the results forwarded to the Environmental Health Team Leader at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
- l) For all lots except Lots 103 and 109, Councils potable water service shall not in any circumstances be utilised for any irrigation within any lot.

- m) The owner from time to time of Lot 500 is required to establish and maintain a management organisation under condition 35(f) of RM181368 (Manager). The Manager shall be established and maintained at all times to ensure the maintenance of the private roading, water services and other infrastructure including fire hydrants associated with the development and predator traps.
- n) For all lots, all transport and servicing infrastructure is privately owned and that QLDC has no maintenance obligations now or in the future in respect of that infrastructure. All private infrastructure shall be constructed and maintained to QLDC's standards. The encumbrance shall be prepared by the consent holder and submitted to QLDC's legal department for approval prior to registration.
- o) The building platform locations on Cabin walk-in Lots 7, 10, 15, 16, 19, 20, 24, 28 - 31 and 33 - 35, 37 and 38 have no permanent vehicle access and no temporary construction vehicle access. Prior to the commencement of development on these lots a Site Management Plan is to be prepared and submitted to the Manager: Resource Consents at Queenstown Lakes District Council for approval. The Site Management Plan is to detail how access, parking, material storage and construction activities will be managed without vehicle access during construction.
- p) Prior to the initial occupation of any residential unit on Lots 1 - 6, 8, 9, 11 - 14, 17, 18, 21 - 23, 25-27, 32, 36, 39 - 43, two car parking bays are to be constructed in accordance with the District Plan requirements within the inner curtilage area. These are to be located on the upslope of the buildings on the site (with the exception of Lots 4 and 26) and are to have a gradient of no more than 1:20 and is to be formed using permeable materials.
- q) Prior to the initial occupation of any residential unit on Lots 101, 102, 104-108, & 110, two car parking bays are to be constructed in accordance with the District Plan requirements within the building platform. All parking is to have a gradient of no more than 1:20 and is to be formed using permeable materials.
- r) Prior to the initial occupation of any residential unit or any commercial operation on Lot 201 a car parking area is to be constructed in accordance with the District Plan requirements within the site area. All parking is to have a gradient of no more than 1:20 and is to be formed using permeable materials.
- s) At the time of development on Lot 201 a suitable firefighting water supply and connection with adequate pressure and flow to service the development shall be provided in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008).
- t) The building platform location "RP1" on Lot 500 does not have an approved vehicle access constructed to Councils standards.
- u) A landscaping plan shall be submitted to and approved by Council prior to construction of any building on Lot 201. The approved landscaping plan shall be implemented prior to the construction of any building, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

The landscape plan is to be designed to meet the following objectives:

- i) Include all planting shown on the approved woolshed mitigation planting plan for RM070228.
 - ii) Show an area along the spur to the east of the site in which the existing conifers are to be maintained so as to continue the screening effect which they provide the site.
 - iii) Provide a management plan for the medium to long term removal of the existing conifer trees subject to their effective replacement with non-wilding alternative vegetation.
 - iv) Provide a further area of grey shrubland planting along the fill face to obscure parts of the edge of the fill surface from view points to the south east.
- v) A landscaping plan shall be submitted to and approved by Council prior to the initial use of the implement shed on Lot 202. The approved landscaping plan shall be implemented prior to the initial use of the building, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

The landscape plan shall be designed to meet the following objectives:

- i) Effective year-round screening of the building from Coronet Peak Road using indigenous species appropriate to the location;
 - ii) Include details of plant species, locations, spacing, size at planting and total numbers.
- w) Construction cannot commence on Lots 1 – 43, 101, 102, 104 – 108, 110 until the peripheral / infill planting is completed in accordance with the approved Patch Landscape Strategy dated 26 June 2019 and the approved Environmental Management Plan.
- x) Construction cannot commence on Lots 21, 24 – 27, 31 – 35, 37 - 39, 42 & 43, 101, 102 or the Amenities Building Platform until the planting within the Reforestation Zone for each site has:
- i) each planted cluster achieves 75% canopy closure and a minimum survival rate of 80%; and
 - ii) been planted for a minimum of 3 years; and
 - iii) achieves an average height of 3m.

A completion report is to be submitted to the Manager Resource Consents for approval prior to commencement of construction.

- y) Construction cannot commence on Lots 105, 107, 108, 110 until:
- i) The planting within the Reforestation Zone for each site has:
 - a) each planted cluster achieves 75% canopy closure and a minimum survival rate of 80%; and
 - b) been planted for a minimum of 5 years; and / or
 - c) achieves an average height of 4m; and

- ii) The back country Treespace Managed Trails have been formed in the general alignment identified on the Patch “Trails Plan” dated 26 June 2019.

A completion report is to be submitted to the Manager Resource Consents for approval prior to commencement of construction.

- z) Construction cannot commence on Lots 11 – 20, 28 - 30, 104 and 106 until:
 - i) The planting within the Reforestation Zone for each site has:
 - a) each planted cluster achieves 75% canopy closure and a minimum survival rate of 70%; and
 - b) been planted for a minimum of 10 years; and / or
 - c) achieves an average height of 8m; and
 - ii) The back country planting has been completed in accordance with the approved Ecological Management Plan.
 - iii) The peripheral/infill planting has:
 - a) been planted for a minimum of 3 years; and
 - b) achieves a minimum survival rate of 80%.

A completion report in relation to the Reforestation Zone, the back country planting and peripheral planting is to be submitted to the Manager Resource Consents for approval prior to commencement of construction.

- aa) The completion reports referenced in Conditions 36(x)-(z) are to include the following information and be prepared by a suitably qualified and experienced expert:
 - i) Survival rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
 - ii) Percentage of canopy closure;
 - iii) An annual record of fertilisation, animal and weed pest control and replacement of dead plants;
 - iv) Details on the condition of, and recommendations for maintenance of, the fencing.
 - v) Recommendations provided in an annual report for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting. If remediation work is recommended, the consent holder shall:
 - a) Undertake this remediation work within the next planting season.
 - b) Provide Council with an annual report confirming the remediation work has been undertaken. These reports shall be submitted to the Manager Resource Consents within three months of the remediation work being undertaken.
- bb) The requirements of the Ecological Management Plan approved under Condition 14 RM181638 is to be implemented in perpetuity across all lots.

- cc) The lot owner of Lot 500 shall commission an annual ecological report prepared by a suitably qualified and experienced expert and submitted to Council once the reforestation and peripheral planting is complete. The report is to address all of the requirements listed in Section 6.3 of the Ecological Management Plan dated December 2018.
- dd) There shall be no installation or operation of any open, solid fuel fires on any lot other than any low emission solid fuel burner emitting no more than 1.5 gm of particulate per kilogram of fuel burnt and with 65% fitting efficiency when measured and assessed in accordance with NZS:4012:1999 and 4013:1999 or equivalent replacement standard.
- ee) The following design controls relate to Lots 1 – 43:
- i) The maximum height controls proposed are as follows:
 - a) For Lots 1 – 13, 16 – 19, 21 – 27, 31 – 43, a height limit of 7m fixed from identified RL for each platform.; or
 - b) For all lots 1 - 43, a maximum height limit of 8m above the identified RL provided a 60 degree recession plane taken from the ground level of the side boundaries (the side boundaries are those boundaries of the site which are most aligned with the downward slope / fall line of the face of the mountain) is provided. The recession plane only applies to the parts of the building which exceed 3m in height above the RL.

The identified RL for each platform is as follows:

Lot 1	RL467.0	Lot 25	RL576.5
Lot 2	RL476.0	Lot 26	RL551.5
Lot 3	RL506.0	Lot 27	RL537.0
Lot 4	RL513.0	Lot 28	RL650.5
Lot 5	RL523.0	Lot 29	RL631.0
Lot 6	RL540.5	Lot 30	RL652.5
Lot 7	RL557.5	Lot 31	RL616.5
Lot 8	RL542.0	Lot 32	RL592.0
Lot 9	RL552.5	Lot 33	RL570.0
Lot 10	RL571.0	Lot 34	RL568.0
Lot 11	RL602.0	Lot 35	RL576.0
Lot 12	RL609.0	Lot 36	RL580.0
Lot 13	RL603.0	Lot 37	RL599.0
Lot 14	RL605.0	Lot 38	RL590.5
Lot 15	RL596.0	Lot 39	RL530.0
Lot 16	RL625.0	Lot 40	RL520.0
Lot 17	RL615.0	Lot 41	RL502.0
Lot 18	RL626.0	Lot 42	RL541.0
Lot 19	RL627.5	Lot 43	RL548.0
Lot 20	RL646.0		
Lot 21	RL532.0		
Lot 22	RL546.5		

Lot 23	RL557.0		
Lot 24	RL573.0		

- ii) The maximum building coverage proposed for each lot is as follows:
 - a) 100% site coverage up to 3m in height with no setback requirement; or
 - b) 100% site coverage for any building that complies with the height limit in (ee)(i)(b) above.
 - c) Where height criteria (ee)(i)(a) is utilised, and the 3m height limit is exceeded then, 80% site coverage by reducing the building width from the two side boundaries (maximum 8m width) of the site. Roof eaves may overhang by 1m.
- iii) No glazing is to exceed a height of 3m above the nominated RL for the site on the southern elevation of the buildings on Lots 1 – 36.
- iv) No glazing is to exceed a height of 3m above the nominated RL for the site on the eastern elevation of buildings on Lots 37 – 43.
- v) External cladding materials are to be recessive, plain materials presented in their natural state (subject to preservation treatments that do not significantly alter the natural tone or appearance of the material) as follows:
 - a) Wall cladding is to be of a singular material and to be of natural timber, natural stone, metal or masonry, with the exception of glass or photovoltaic materials.
 - b) Foundation materials can differ from the cladding material and if they are to be of stone or masonry and are to be less than 2m above ground level. Posts or pole foundations can be timber or metal.
 - c) Roof materials are to be of natural stone, metal, photovoltaic or living (green) roofs.
 - d) External fixtures including guttering, flashings, barge boards, window joinery is to be of metal or natural timber.
 - e) All timber is to be unstained or stained in a manner that does not materially alter its natural tone or appearance.
 - f) Natural stone and aggregate used in masonry is required to be sourced from within the Queenstown Lakes District.
 - g) All metal cladding is to be in the range of browns, greens or grey colours with a light reflectance value of no greater than 20%. If painted, surfaces shall have a matte finish. Copper is acceptable.
 - h) All surface finished, except for raw materials, are to have a reflectance value of not greater than 30%.
 - i) Photovoltaic panels are not to have a light reflectance values of greater than 20% and frames are to satisfy (g) above.
- vi) Clothes drying, rubbish storage (drive in cabins only) and services are to be confined to the individual lot area or inner curtilage (in accordance with the proposed easement restrictions).
- vii) Wastewater and water tanks are to be located within the Inner Curtilage Easement Boundary and wastewater dispersal areas can be located within the Curtilage Easement Boundary. Water tanks are to be buried or partially buried so that they do

not exceed 1m above ground level. For partially buried tanks, the colour is to be consistent with the above controls on building roofing colours.

- viii) The landscaping and retaining within the lot boundaries is to be completed in accordance with the Patch 'Indicative Cross Section of Cabin', 'Design Elements' and 'Other Planting Species' plans.
- ff) The following design controls relate to Lots 101, 102, 104 – 108 and 110:
 - i) The maximum height of all buildings within the Chalet lots are to be 5m above the identified RL for each site.

The identified RL for each platform is as follows:

Lot 101	RL666.5	Lot 106	RL635.0
Lot 102	RL691.0	Lot 107	RL547.0
Lot 104	RL645.5	Lot 108	RL559.0
Lot 105	RL594.0	Lot 110	RL600.0

- ii) A maximum building coverage of 625m² is proposed for Lots 101 and 102.
- iii) A maximum building coverage of 350m² is proposed for Lots 104 – 108 and 110.
- iv) A 5m minimum setback for future buildings within Lot 110 from the lower boundary.
- v) No glazing is to exceed a height of 3m above the nominated RL for the site on the eastern elevation of the buildings on Lots 101, 102, 104 – 108.
- vi) No glazing is to exceed a height of 3m above the nominated RL for the site on the southern elevation of the buildings on Lots 110.
- vii) External cladding materials are to be recessive, plain materials presented in their natural state (subject to preservation treatments that do not significantly alter the natural tone or appearance of the material) as follows:
 - a) Wall cladding is to be of a singular material and to be of natural timber, natural stone, metal or masonry, with the exception of glass or photovoltaic materials.
 - b) Foundation materials can differ from the cladding material and if they are to be of stone or masonry and are to be less than 2m above ground level. Posts or pole foundations can be timber or metal.
 - c) Roof materials are to be of natural stone, metal, photovoltaic or living (green) roofs.
 - d) External fixtures including guttering, flashings, barge boards, window joinery is to be of metal or natural timber.
 - e) All timber is to be unstained or stained in a manner that does not materially alter its natural tone or appearance.
 - f) Natural stone and aggregate used in masonry is required to be sourced from within the Queenstown Lakes District.
 - g) All metal cladding is to be in the range of browns, greens or grey colours with a light reflectance value of no greater than 20%. If painted, surfaces shall have a matte finish. Copper is acceptable.
 - h) All surface finished, except for raw materials, are to have a reflectance value of not greater than 30%.

- i) Photovoltaic panels are not to have a light reflectance values of greater than 20% and frames are to satisfy (g) above.
 - viii) The clothes drying, rubbish storage, services and car parking areas are all to be contained within the Chalet lot area.
 - ix) Wastewater and water tanks are to be located within the Inner Curtilage Easement Boundary and wastewater dispersal areas can be located within the Curtilage Easement Boundary. Water tanks are to be buried or partially buried so that they do not exceed 1m above ground level. For partially buried tanks, the colour is to be consistent with the above controls on building roofing colours.
 - x) The landscaping and retaining within the lot boundaries is to be completed in accordance with the Patch 'Indicative Cross Section of Chalet', 'Design Elements' and 'Other Planting Species' plans.
 - xi) There shall be no installation or operation of any open, solid fuel fires on any lot other than any low emission solid fuel burner emitting no more than 1.5 gm of particulate per kilogram of fuel burnt and with 65% fitting efficiency when measured and assessed in accordance with NZS:4012:1999 and 4013:1999 or equivalent replacement standard.
- gg) The following controls relate to the Amenities Building Platform on Lot 500:
- i) The use of the Amenities Building Platform is restricted to recreational activities only.
 - ii) A maximum building height of 5m above ground level (as defined in the District Plan).
 - iii) Maximum building coverage of 150m².
 - iv) No glazing is to exceed a height of 3m above ground level for the site on the southern elevations of the building.
 - v) There will be no internal or external illumination installed on this site as its use is intended to be during daylight hours only associated with the use of the trails.
 - vi) External cladding materials are to be recessive, plain materials presented in their natural state (subject to preservation treatments that do not significantly alter the natural tone or appearance of the material) as follows:
 - a) Wall cladding is to be of a singular material and to be of natural timber, natural stone, metal or masonry, with the exception of glass or photovoltaic materials.
 - b) Foundation materials can differ from the cladding material and if they are to be of stone or masonry and are to be less than 2m above ground level. Posts or pole foundations can be timber or metal.
 - c) Roof materials are to be of natural stone, metal, photovoltaic or living (green) roofs.
 - d) External fixtures including guttering, flashings, barge boards, window joinery is to be of metal of natural timber.
 - e) All timber is to be unstained or stained in a manner that does not materially alter its natural tone or appearance.
 - f) Natural stone and aggregate used in masonry is required to be sources from within the Queenstown Lakes District.

- g) All metal cladding is to be in the range of browns, greens or grey colours with a light reflectance value of no greater than 20%. If painted, surfaces shall have a matte finish. Copper is acceptable.
 - h) All surface finished, except for raw materials, are to have a reflectance value of not greater than 30%.
 - i) Photovoltaic panels are not to have a light reflectance values of greater than 20% and frames are to satisfy (g) above.
- xii) Wastewater and water tanks are to be buried or partially buried so that they do not exceed 1m above ground level. For partially buried tanks, the colour is to be consistent with the above controls on building roofing colours.
- xiii) There shall be no installation or operation of any open, solid fuel fires on any lot other than any low emission solid fuel burner emitting no more than 1.5 gm of particulate per kilogram of fuel burnt and with 65% fitting efficiency when measured and assessed in accordance with NZS:4012:1999 and 4013:1999 or equivalent replacement standard.
- hh) The following design controls relate to Lot 201:
- i) A maximum building height of 6m above RL659.0.
 - ii) 800m² maximum building coverage.
 - iii) No glazing is to exceed a height of 5m above the nominated RL for the site on the eastern elevations of the buildings.
 - iv) External cladding materials are to be recessive, plain materials presented in their natural state (subject to preservation treatments that do not significantly alter the natural tone or appearance of the material) as follows:
 - a) Wall cladding is to be of a singular material and to be of natural timber, natural stone, metal or masonry, with the exception of glass or photovoltaic materials.
 - b) Foundation materials can differ from the cladding material and if they are to be of stone or masonry and are to be less than 2m above ground level. Posts or pole foundations can be timber or metal.
 - c) Roof materials are to be of natural stone, metal, photovoltaic or living (green) roofs.
 - d) External fixtures including guttering, flashings, barge boards, window joinery is to be of metal or natural timber.
 - e) All timber is to be unstained or stained in a manner that does not materially alter its natural tone or appearance.
 - f) Natural stone and aggregate used in masonry is required to be sources from within the Queenstown Lakes District.
 - g) All metal cladding is to be in the range of browns, greens or grey colours with a light reflectance value of no greater than 20%. If painted, surfaces shall have a matte finish. Copper is acceptable.
 - h) All surface finished, except for raw materials, are to have a reflectance value of not greater than 30%.
 - i) Photovoltaic panels are not to have a light reflectance values of greater than 20% and frames are to satisfy (g) above.

- v) Parking is to be provided within the lot area, however may also be located within the adjoining Lot 500 land via easement.
 - vi) Wastewater and water tanks are to be buried or partially buried so that they do not exceed 1m above ground level. For partially buried tanks, the colour is to be consistent with the above controls on building roofing colours.
 - vii) There shall be no installation or operation of any open, solid fuel fires on any lot other than any low emission solid fuel burner emitting no more than 1.5 gm of particulate per kilogram of fuel burnt and with 65% fitting efficiency when measured and assessed in accordance with NZS:4012:1999 and 4013:1999 or equivalent replacement standard.
- ii) Once planted, the Mountain Beech trees planted within the Bush Covenant Areas detailed on the Patch 'Front Face Masterplan' dated 26 June 2019 and any native vegetation shall be retained in perpetuity in accordance with the approved Ecological Management Plan. There shall be no further subdivision or development within the Bush Covenant Areas detailed on the Patch 'Front Face Masterplan' dated 26 June 2019.
- jj) To ensure the ongoing ecological benefits of the restoration and enhancement are maintained, no cats are permitted to be kept on respective lots.
- kk) To ensure the ongoing ecological benefits of the restoration and enhancement are maintained, the installation of predator traps is required.
- ll) No visitor accommodation / residential visitor accommodation activities shall take place on Lots 1 – 15, 17, and 21 - 27 unless permitted by the district plan.
- mm) No exotic trees are to be planted within Lots 1 – 43, 101 – 110.

Advice Note:

1. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
2. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at Council.
3. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
4. Installation of on-site wastewater disposal on Lots 201, 101 and 102 will require resource consent under the Otago Regional Council Water Plan.
5. The subdivision roads are not proposed to be vested in Council.

6. Prior to commencing related works all necessary consents required under the Otago Regional Councils Water Plan should be obtained and Council appreciates copies being provided for its records.

2. Land Use Visitor Accommodation

General conditions

1. That future buildings on Lot 201 can be utilised for visitor accommodation purposes for up to 365 days per year in accordance with the application as submitted with the exception of the amendments required by the following conditions of consent.
2. That future buildings on Lots 16, 18 – 20, 28 – 43, 101 – 110 can be utilised for residential visitor accommodation purposes for up to 365 days per year in accordance with the application has submitted with the exception of the amendments required by the following conditions of consent.
3. 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.
4. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

Operational Conditions

5. All visitor accommodation and residential visitor accommodation is to be centrally managed by the owner of Lot 500. The owner of Lot 500 shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy for each allotment. Details of all tenancies for at least the preceding 5 years shall be continually maintained. This register shall be made available for inspection by the Council at all times.
7. Prior to the initial use of each individual lot for visitor accommodation or residential visitor accommodation purposes, the owner of Lot 500 shall provide a site management plan for each allotment to the Council's Monitoring Department for certification. The approved site management plan must be implemented in perpetuity for the operation of the site.

The objective of the site management plan is to outline the management techniques that will be used to ensure conditions (7 – 13) are met.

8. Each property shall be rented to a maximum of one (1) group at any one time.
9. The maximum number of persons residing on each site associated with the residential visitor accommodation use of Lots 16, 18 – 20, 28 – 43, 101 – 110 shall be restricted to a maximum of two persons per bedroom at any one time with an onsite maximum of five (5) persons with the exception of Lots 101 – 110 which show compliance with Rule 29.5.5 of the Proposed District Plan relating to mobility parking.
10. The maximum number of persons on Lot 201 associated with the visitor accommodation activity is 20 overnight guests and 60 guests attending functions.
11. Regarding the use of outdoor spaces on each lot:
 - a) The use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.

- b) Three (3) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am. One sign shall be installed in the kitchen of each unit and weatherproof signs (e.g. laminated) shall be installed within each/the outdoor area.
 - c) Upon installation, and prior to the use of the property for visitor accommodation or residential visitor accommodation purposes, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.
12. The consent holder shall ensure that no coaches are to service the authorised activity on Lots 16, 18 – 20, 28 – 43, 101 – 110.
 13. All rubbish and recycling shall be disposed of appropriately.
 14. The owner of Lot 500 shall maintain a record of all complaints received during the operation of the visitor accommodation activity in the form of a register containing the complaint details and any remedial actions undertaken. Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years and any complaints received shall be forwarded to the Council Monitoring Department for monitoring purposes within 48 hours of the complaint being received. The complaint register shall be made available for inspection by the Council at all times.

Review

15. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - d) The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
16. As part of the review clause stated in Condition 14 of this consent, the Council may have the site management plan audited at the consent holder's expense.

Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for visitor accommodation. As of the time this consent was granted, increased rates from a residential use are generated for visitor accommodation use over 180 days in any one calendar year. For further information contact the Council Rates department.
2. An additional development contribution will be required for the change in use from residential to visitor accommodation. It is recommended the applicant contact the Council DCN officer for an estimate.
3. The consent holder is advised that there may be further requirements to using a residential unit for visitor accommodation, including but not limited to health and safety, income tax and GST.
4. Prior to the use of the building for visitor accommodation activities authorised by this consent, the consent holder must ensure the smoke alarms are provided and maintained in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.

3. Landuse Residential Building Platforms

General Conditions

- 1 That the development must be undertaken/carried out in accordance with the plan:

Aurum Survey Earthworks Plans

Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.1E dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.2F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.3F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.4F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.5F dated 11 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.6F dated 12 October 2018
 Proposed Mt Dewar Subdivision – Earthworks reference 4822.5E.7F dated 12 October 2018

stamped as approved on Monday 4 November 2019

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

Exercise of Consent

- 2 This consent is only able to be exercised concurrently with Decision A (Subdivision) of RM181638.

Engineering

- 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:
<https://www.qldc.govt.nz/>

- 4 Prior to commencing any work on the site the consent holder 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 Prior to commencing any work in areas accessed from the three different site access locations the consent holder shall install a construction vehicle crossing at each, which all construction traffic shall use to enter and exit that area of the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. The construction traffic crossings shall be upgraded into roads/intersections in accordance with consented works.

- 6 Prior to commencing any work on the site the consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

- 7 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 geo-professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Bell Geoconsulting Ltd report "Geotechnical Subdivision Report" dated 31 October 2018, BGL Reference: 1880/01, and who shall supervise the earthworks procedures 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.

- 8 At least 15 working days prior to any works commencing on site the Consent Holder shall submit an Environmental Management Plan to Council's Resource Management Engineering Team for review and acceptance **HOLD POINT 1**. This document must be prepared by a Suitably Qualified and Experienced Person. The Environmental Management Plan shall be in accordance with the principles and requirements of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans and specifically shall address the following environmental elements as specified in the guidelines:
 - a) Administrative Requirements
 - i) Weekly site inspections
 - ii) Monthly environmental reporting
 - iii) Independent audit by Suitably Qualified and Experienced Person
 - iv) Notification and management of environmental incidents
 - v) Records and registers
 - vi) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
 - vii) Site induction

 - b) Operational Requirements
 - i) Erosion and sedimentation (including Erosion and Sediment Control Plan, to be prepared by a Suitably Qualified and Experienced Person)
 - ii) Water quality
 - iii) Dust
 - iv) Chemical and fuel management
 - v) Waste management

Advice Note: **HOLD POINT** means a mandatory confirmation point beyond which no further construction activities may commence until Council has provided notice to the Consent Holder that the HOLD POINT matter(s) have been accepted as suitable.

- 9 Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the Consent Holder shall engage an Appropriately Qualified Person to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Resource Management Engineering Team for review and acceptance. This plan shall be a sub-plan of the overarching Environmental Management Plan and must be prepared in accordance with the requirements outlined in Queenstown Lakes District Council's Guidelines for Environmental Management Plans. These plans must be updated when:
 - a) The construction program moves from one Stage to another; or
 - b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or
 - c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.
- 10 Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works program in accordance with requirements of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
- 11 Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements within the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.

To be monitored throughout earthworks

- 12 Prior to bulk earthworks operations (and vegetation clearance) for the initial stage or any subsequent new stage of works, the Consent Holder must install erosion and sediment controls in accordance with the ESCP as well as provide As-built documentation for these controls by Suitably Qualified and Experienced Person **HOLD POINT 2**. It is noted that earthworks required to construct environmental management controls are allowed to commence once Council has provided notice that **HOLD POINT 1** has been met.

Advice Note: **HOLD POINT** means a mandatory confirmation point beyond which no further construction activities may commence until Council has provided notice to the Consent Holder that the HOLD POINT matter(s) have been accepted as suitable.

- 13 All works shall be undertaken in accordance with the most current version of the Environmental Management Plan as accepted as suitable by Council.
- 14 The Environmental Management Plan shall be accessible on site at all times during work under this consent.
- 15 The Consent Holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the Environmental Management Plan at all times.

- 16 The Consent Holder shall develop and document a process of periodically reviewing the Environmental Management Plan as outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans. No ground disturbing activities shall commence in any subsequent stage of development until an Environmental Management Plan has been submitted and deemed suitable by Council's Resource Management Engineering Team.
- 17 The Consent Holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
- 18 A SQEP shall monitor the site monthly to ensure that the site is complying with its Environmental Management Plan, identify any new environmental risks arising that could cause an environmental effect and suggest alternative solutions that will result in more effective and efficient management. This must include a specific audit by the SQEP of the effectiveness of the ESCP. The outcome of these inspections should be included in the Monthly Environmental Report referred to Condition 19 below.
- 19 The Consent Holder shall complete and submit exception reporting to QLDC in the form of a monthly environmental report. The monthly environmental report shall be submitted to QLDC's Regulatory Department within five (5) working days of the end of each month.
- 20 In accordance with the Queenstown Lakes District Council's Guidelines for Environmental Management Plans, where any Environmental Incident where the Environmental Management Plan has failed leading to any adverse environmental effects offsite occurs the Consent Holder shall:
 - a) Report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.
 - b) Provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined in the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
- 21 Environmental records are to be collated onsite and shall be made available to QLDC upon request; immediately if the request is made by a QLDC official onsite and within 24 hours if requested by a QLDC officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
- 22 Any Discharge (refer definition in the Queenstown Lakes District Council's Guidelines for Environmental Management Plans) that leaves the site shall comply with the Water Quality Discharge Criteria outlined in the Guideline, with the exception of Total Suspended Solids which should be at a concentration of no more than 25mg/L. (or as directed otherwise by ecologist).
- 23 Any permanent batter slope within the site formed at a gradient that exceeds 1(V):1.5(H) shall be approved by the geo-professional advised in Condition (8) above.

- 24 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.
- 25 No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of access works within a road reserve.
- 26 Only cleanfill material shall be deposited at the site. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
- combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid waste.

Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.

- 27 The Morning Star Terrace access to the site is to be utilised by construction traffic associated with the works for Lots 1 – 6 only. All other construction traffic is to access the site via Coronet Peak Access Road.
- 28 Construction access to the site via Coronet Peak Access Road is to be limited to between the hours of 9.30am and 3.30pm during the months that Coronet Peak Skifield is open for skiing.
- 29 If the consent holder:
- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga *and* discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

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

Term of Approval

- 30 The land use consent for each lot (being respective boundary setback encroachments detailed in the advice note below and visitor accommodation activities on Lots 16, 18 -20, 28 – 43, 101 – 110 and 201) shall lapse ten years following the date of the issue of the title for each lot, if not given effect to within that time.

Note: For the avoidance of doubt, giving effect to a land use consent on one title does not give effect to all land use consents on remaining titles.

Advice Notes

1. Consent has been granted for the location of future buildings on all of lots to be located within the 15m internal setback distances of the boundaries.
2. Consent has been granted for the location of future buildings within the Lot 3 building platform to be located within the 15m internal setback distance of Lot 1 DP 308109.
3. Consent has been granted for Lots 18, 36, 43, 109 and 110 to be located within the 15m internal setback distance of the right of ways.

4. Variation to RM051109

Consent is granted to vary condition resource consent RM051109 subject to the following conditions:

1. The following wording is to be added to Condition 20:

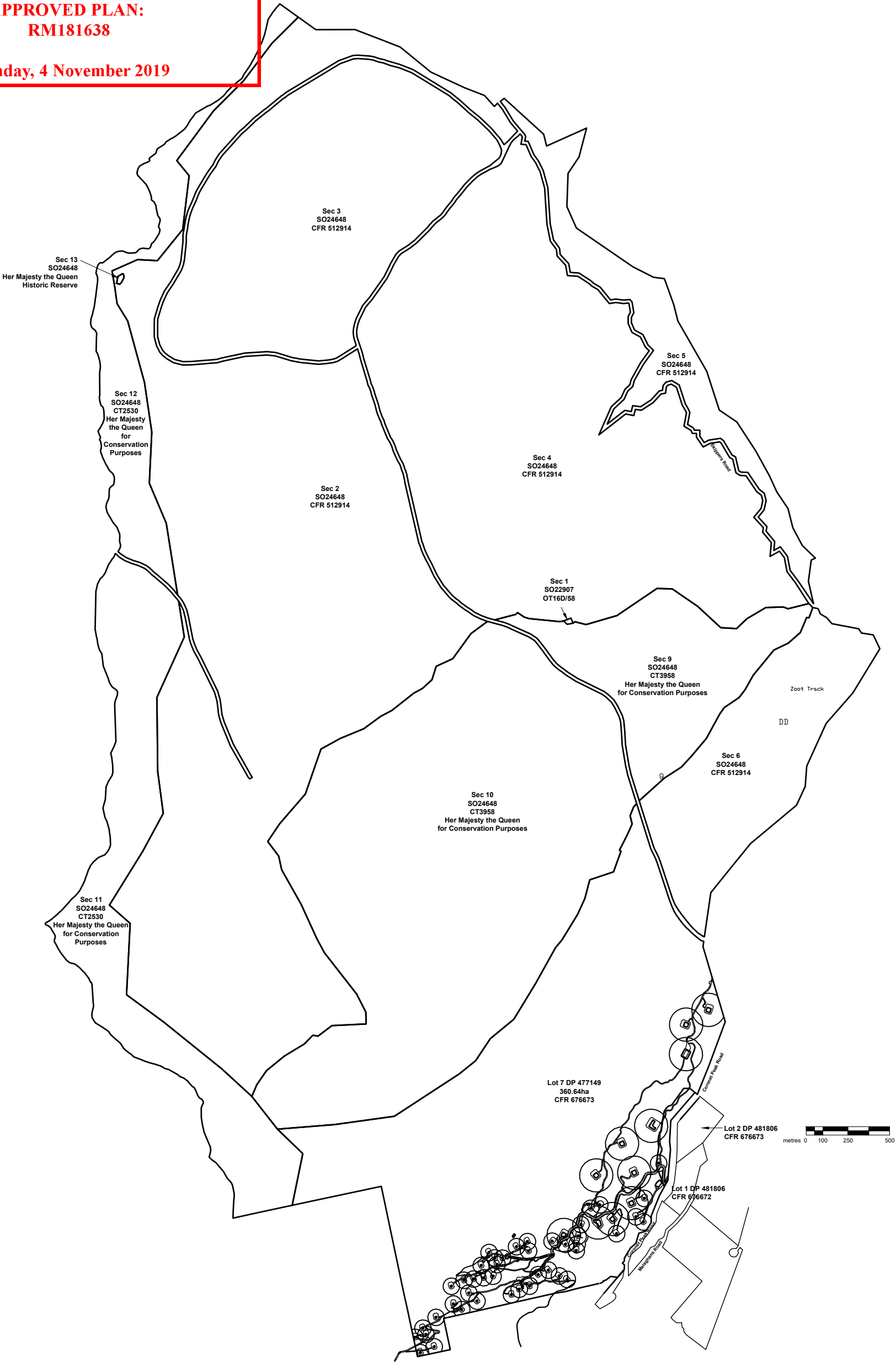
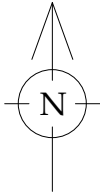
Or in the alternative the consent holder shall undertake weed and pest control across the entire site in accordance with the Ecological Management Plan to be submitted as required by Condition 15 of Decision 1 of subdivision consent RM181635.

2. Conditions 21 (a), (b) and (c) are deleted.
3. All other conditions of RM051109 shall continue to apply


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181638

Monday, 4 November 2019



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				WARNING NOTE: This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed development on the land. It is to read in conjunction with our terms of engagement to Treespace. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.	DATE: 11 OCT 2018 BY: C Woodcock	Scale - Original Plan A3	DRAWING & ISSUE No. 4822.4C.1C
				TITLE: PROPOSED MT DEWAR SUBDIVISION TREESPACE - ARTHURS POINT		AURUM SURVEY	PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz
C	5/12/18	Amend sheet layout	CRW				
B	29/10/18	Internal review	CRW				
A	11/10/18	Initial release	CRW				
REV.	DATE:	REVISION DETAILS:	BY:				

NOTE: Additional easements will be required, notably trail easements.
Refer to landscape package for the locations and proposed users.

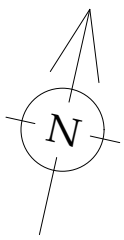
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181638

Monday, 4 November 2019

Section 10
SO 24648

111



SHEET 9C

SHEET 8C

SHEET 7C

Lot 500
362.58ha
(Balance)

SHEET 5C

SHEET 4C

SHEET 6C

Lot 4
DP 308109

Lot 2
DP 308109

Lot 1
DP 308109

Lot 100
DP 510248

Lot 4
DP 24379

Lot 2
DP 12913

Lot 500
DP 518835

Lot 3
DP 331294
Pedestrian/Bike
Easement
All Lots

Lot 1
DP 515200

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DATE: 11 OCT 2018
BY: C Woodcock

Scale 1:10,000
Original Plan A3

DRAWING & ISSUE No.
4822.4C.2D

TITLE:

PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT



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

D	18/6/19	Amend sheet layout	CRW
C	5/12/18	Amend sheet layout	CRW
B	29/10/18	Internal review	CRW
A	11/10/18	Initial release	CRW
REV:	DATE:	REVISION DETAILS:	BY:

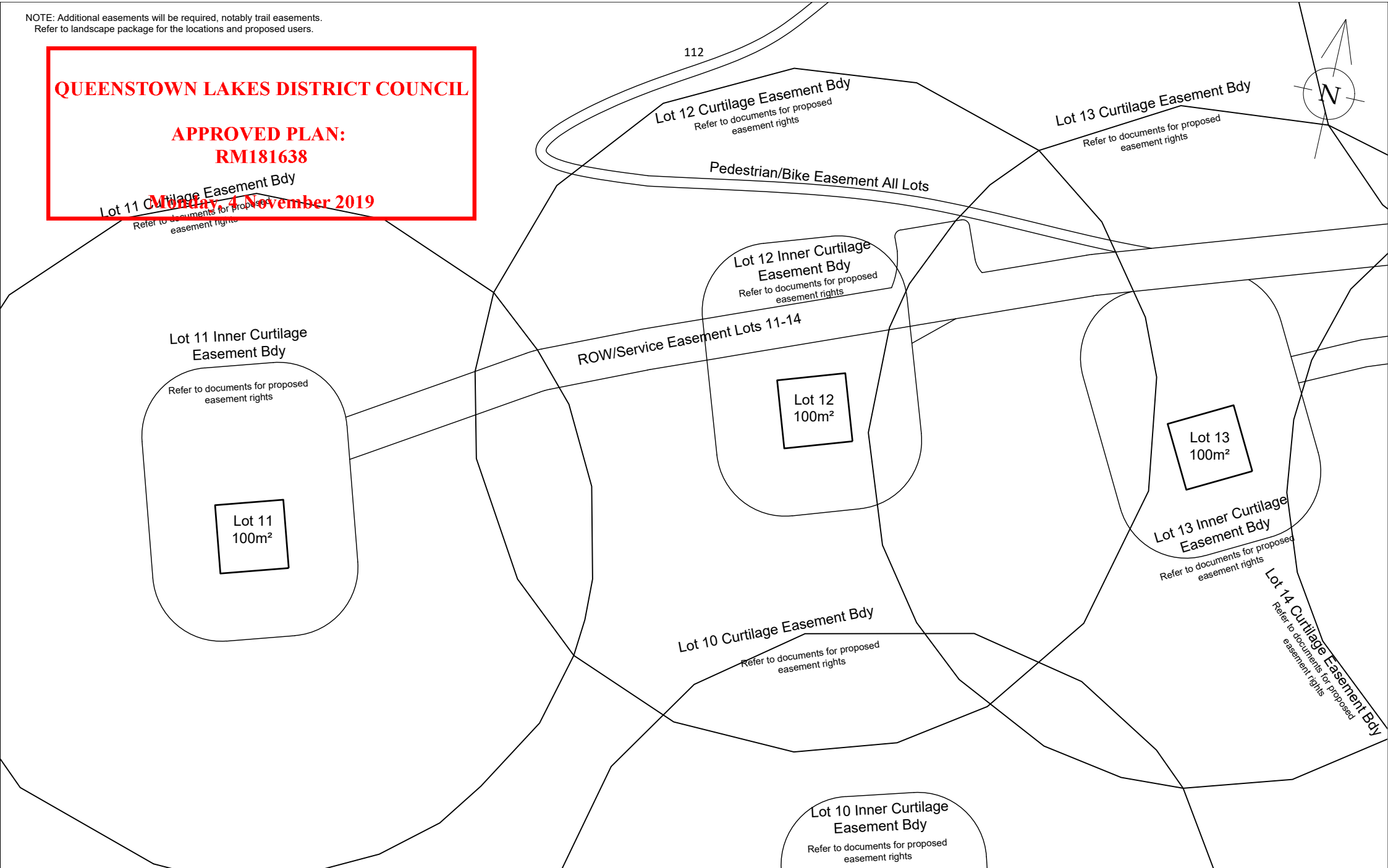
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RM181638

Monday 4 November 2019



C	5/12/18	Amend sheet layout	CRW	
B	29/10/18	Internal review	CRW	
A	11/10/18	Initial release	CRW	
REV:	DATE:	REVISION DETAILS:	BY:	

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TITLE: PROPOSED MT DEWAR SUBDIVISION -
TYPICAL LOT AND ASSOCIATED
EASEMENT LAYOUT
TREESPACE - ARTHURS POINT

DATE: 11 OCT 2018	Scale 1:500 Original Plan A3	DRAWING & ISSUE No. 4822.4C.3C
BY: C Woodcock		

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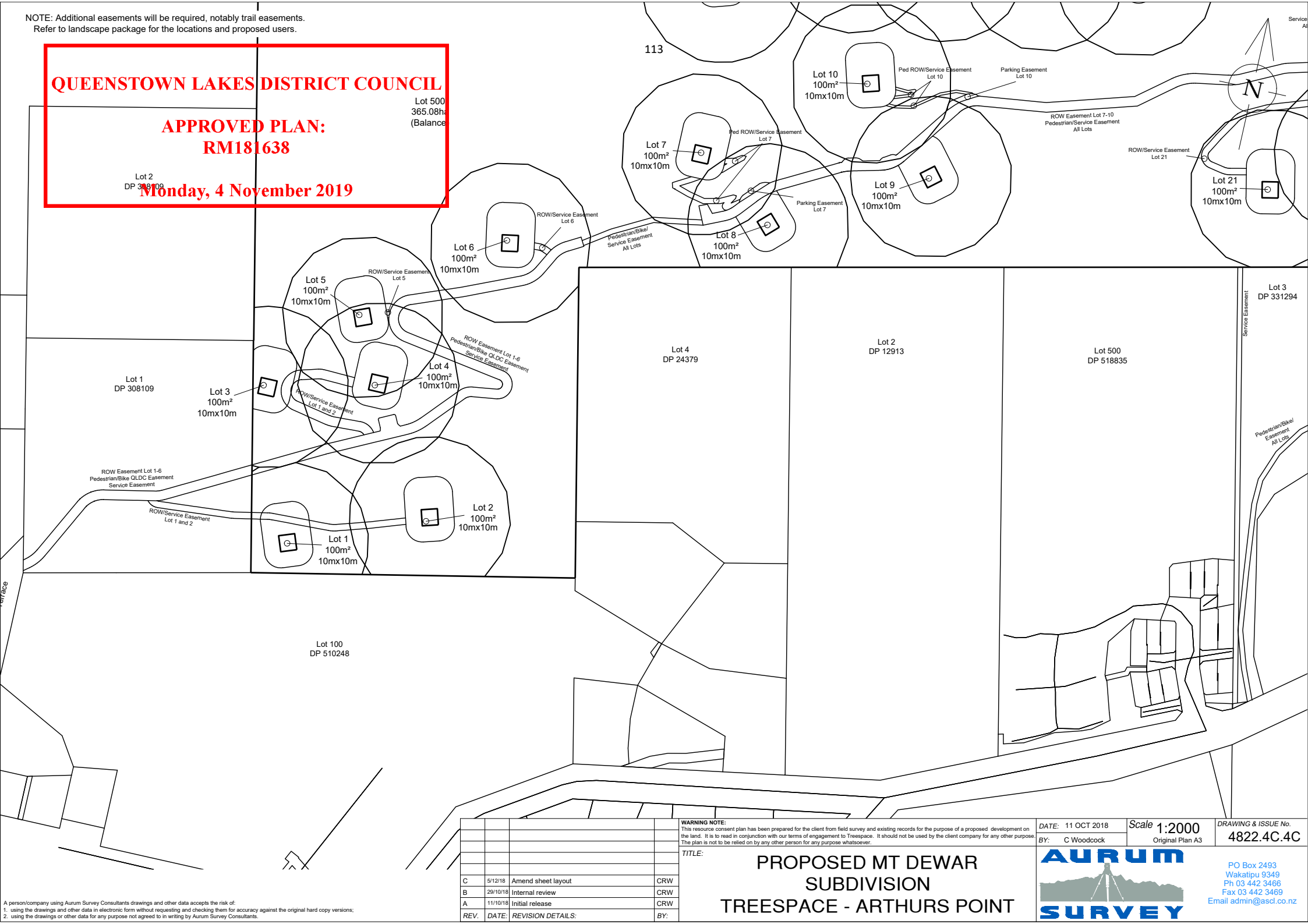
NOTE: Additional easements will be required, notably trail easements.
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM181638

Lot 2
DP 308109
Monday, 4 November 2019

Lot 500
365.08ha
(Balance)



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REV.	DATE	REVISION DETAILS	BY:
C	5/12/18	Amend sheet layout	CRW
B	29/10/18	Internal review	CRW
A	11/10/18	Initial release	CRW

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TITLE:
**PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT**

DATE: 11 OCT 2018
BY: C Woodcock
Scale 1:2000
Original Plan A3
DRAWING & ISSUE No.
4822.4C.4C



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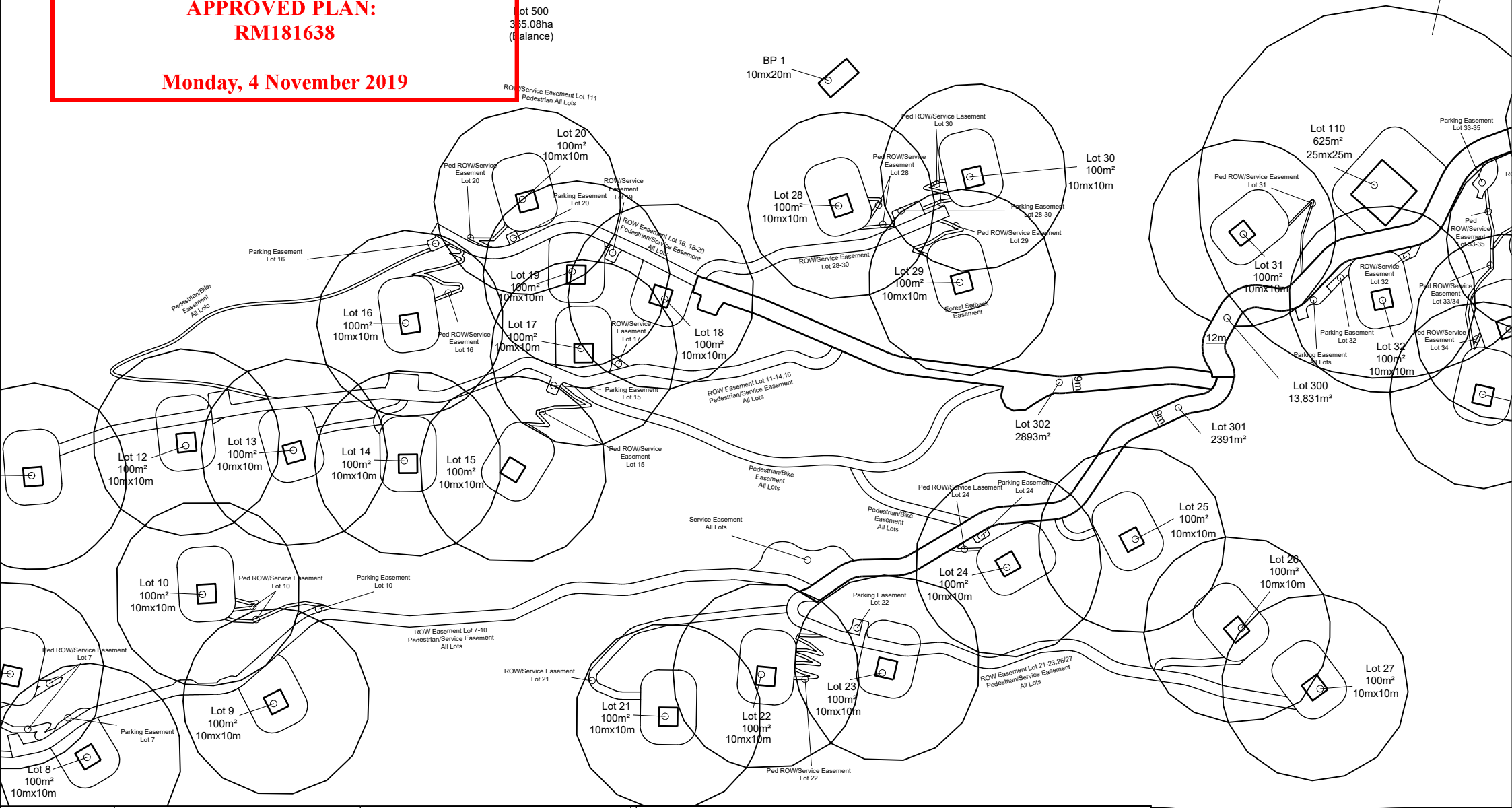
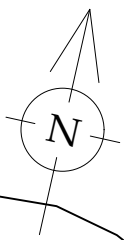
NOTE: Additional easements will be required, notably trail easements.
Refer to landscape package for the locations and proposed users.

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APPROVED PLAN:
RM181638

Monday, 4 November 2019

114



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DATE: 11 OCT 2018
BY: C Woodcock
Scale 1:2000
Original Plan A3
DRAWING & ISSUE No.
4822.4C.5E

E	18/7/19	Remove easement	CRW
D	18/6/19	Amend sheet layout	CRW
C	5/12/18	Amend sheet layout	CRW
B	29/10/18	Internal review	CRW
A	11/10/18	Initial release	CRW
REV:	DATE:	REVISION DETAILS:	BY:

TITLE:
**PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT**



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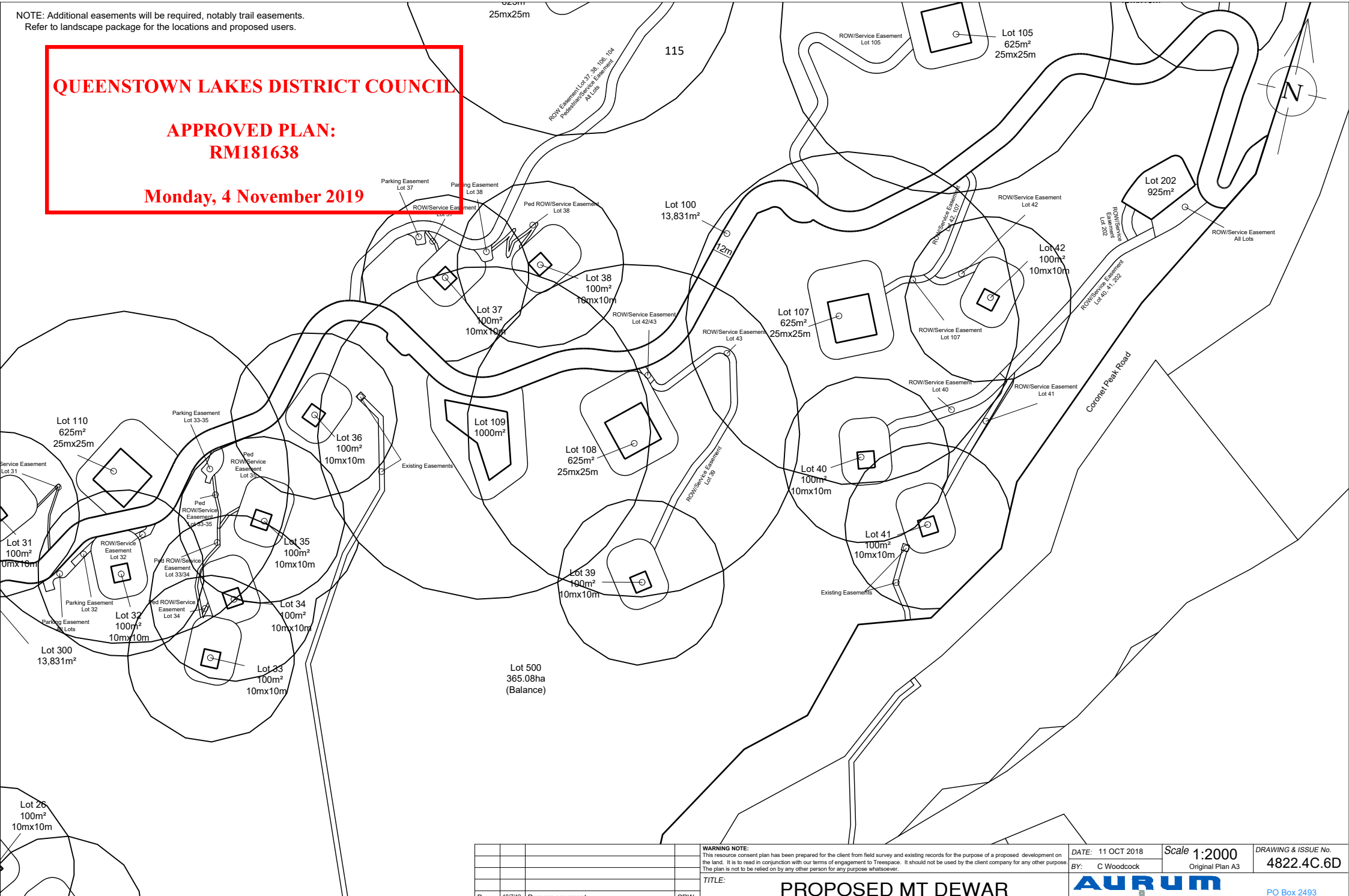
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APPROVED PLAN:
RM181638

Monday, 4 November 2019



D	18/7/19	Remove easement	CRW
C	5/12/18	Amend sheet layout	CRW
B	29/10/18	Internal review	CRW
A	11/10/18	Initial release	CRW
REV:	DATE:	REVISION DETAILS:	BY:

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TITLE:
**PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT**

DATE: 11 OCT 2018
BY: C Woodcock
Scale 1:2000
Original Plan A3
DRAWING & ISSUE No.
4822.4C.6D



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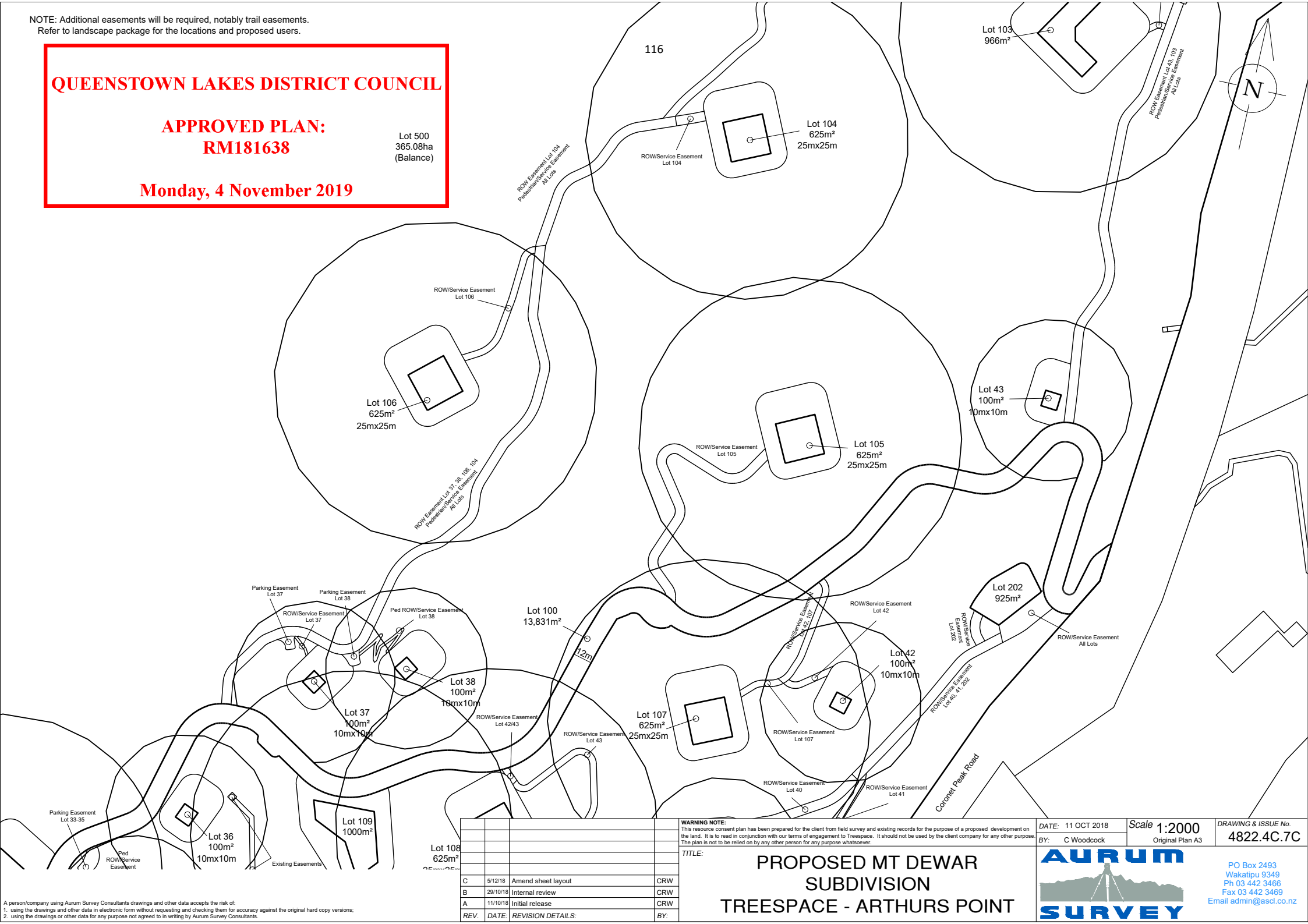
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181638

Monday, 4 November 2019

Lot 500
365.08ha
(Balance)



REV:	DATE:	REVISION DETAILS:	BY:
C	5/12/18	Amend sheet layout	CRW
B	29/10/18	Internal review	CRW
A	11/10/18	Initial release	CRW

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TITLE:

PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT

DATE: 11 OCT 2018
BY: C Woodcock
Scale 1:2000
Original Plan A3
DRAWING & ISSUE No.
4822.4C.7C



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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181638

Monday, 4 November 2019

117

Lot 201
2000m²
50mx40m
40mx20m Platform

Pedestrian/Bike/
Service Easement
All Lots

N

Lot 500
365.08ha
(Balance)

Pedestrian/Bike/
Service Easement
All Lots

Pedestrian/Bike/
Service Easement
All Lots

Lot 103
966m²

ROW/Service Easement
Lot 103

ROW Easement Lot 43, 103
Pedestrian/Bike/
Service Easement
All Lots

Lot 104
625m²
25mx25m

ROW/Service Easement
Lot 104

ROW Easement Lot 104
Pedestrian/Bike/
Service Easement
All Lots

C	5/12/18	Amend sheet layout	CRW	
B	29/10/18	Internal review	CRW	
A	11/10/18	Initial release	CRW	
REV:	DATE:	REVISION DETAILS:	BY:	

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TITLE:

PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT

DATE: 11 OCT 2018
BY: C Woodcock

Scale 1:2000
Original Plan A3

DRAWING & ISSUE No.
4822.4C.8C



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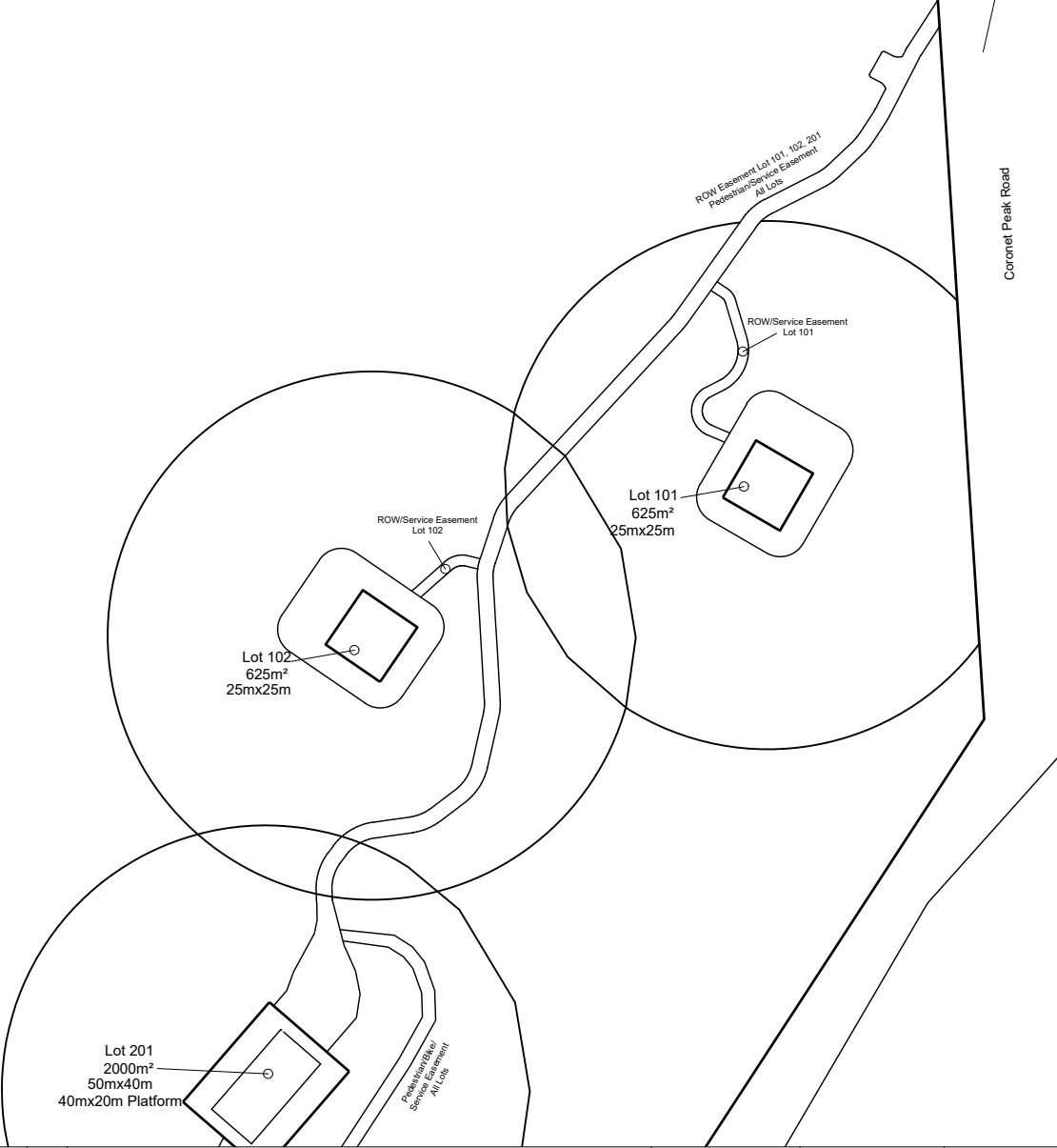
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APPROVED PLAN:
RM181638

Monday, 4 November 2019

118

Lot 500
365.08ha
(Balance)



C	5/12/18	Amend sheet layout	CRW	
B	29/10/18	Internal review	CRW	
A	11/10/18	Initial release	CRW	
REV.	DATE	REVISION DETAILS	BY:	

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TITLE:

PROPOSED MT DEWAR
SUBDIVISION
TREESPACE - ARTHURS POINT

DATE: 11 OCT 2018
BY: C Woodcock
Scale 1:2000
Original Plan A3
DRAWING & ISSUE No.
4822.4C.9B



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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181638

Monday, 4 November 2019

119

Access to tie into existing constructed access -
consented and constructed under
RM070228(upgrades may be required for
compliance)

SHEET 6




SHEET 5

SHEET 3

SHEET 2

SHEET 4

LEGEND

-  = Type E3 Carriageway, see sheet 11 for typical detail
-  = Type E2 Carriageway, see sheet 11 for typical detail
- All other roads/accesses are as per type E1, see sheet 11 for typical detail
-  = Stage 3 Road

G	2/9/19	Remove pedestrian easement	CRW
F	18/6/19	Amend road layout	CRW
E	17/12/19	Amend road layout	CRW
D	5/12/18	Amend road layout text	CRW
C	26/10/18	Updates from internal review	CRW
B	18/10/18	Update northern access	CRW
A	15/10/18	Initial release	CRW
REV:	DATE:	REVISION DETAILS:	BY:

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TITLE:

**PROPOSED MT DEWAR
SUBDIVISION - ACCESS OVERVIEW
TREESPACE - ARTHURS POINT**

DATE: 15 Oct 2018
BY: C Woodcock
Scale **1:10,000**
Original Plan A3
DRAWING & ISSUE No.
4822.3E.1G



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Fax 03 442 3469
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NOTE: Contour interval is 2 metre.
Levels in terms of QLDC LIDAR DATA

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LEGEND

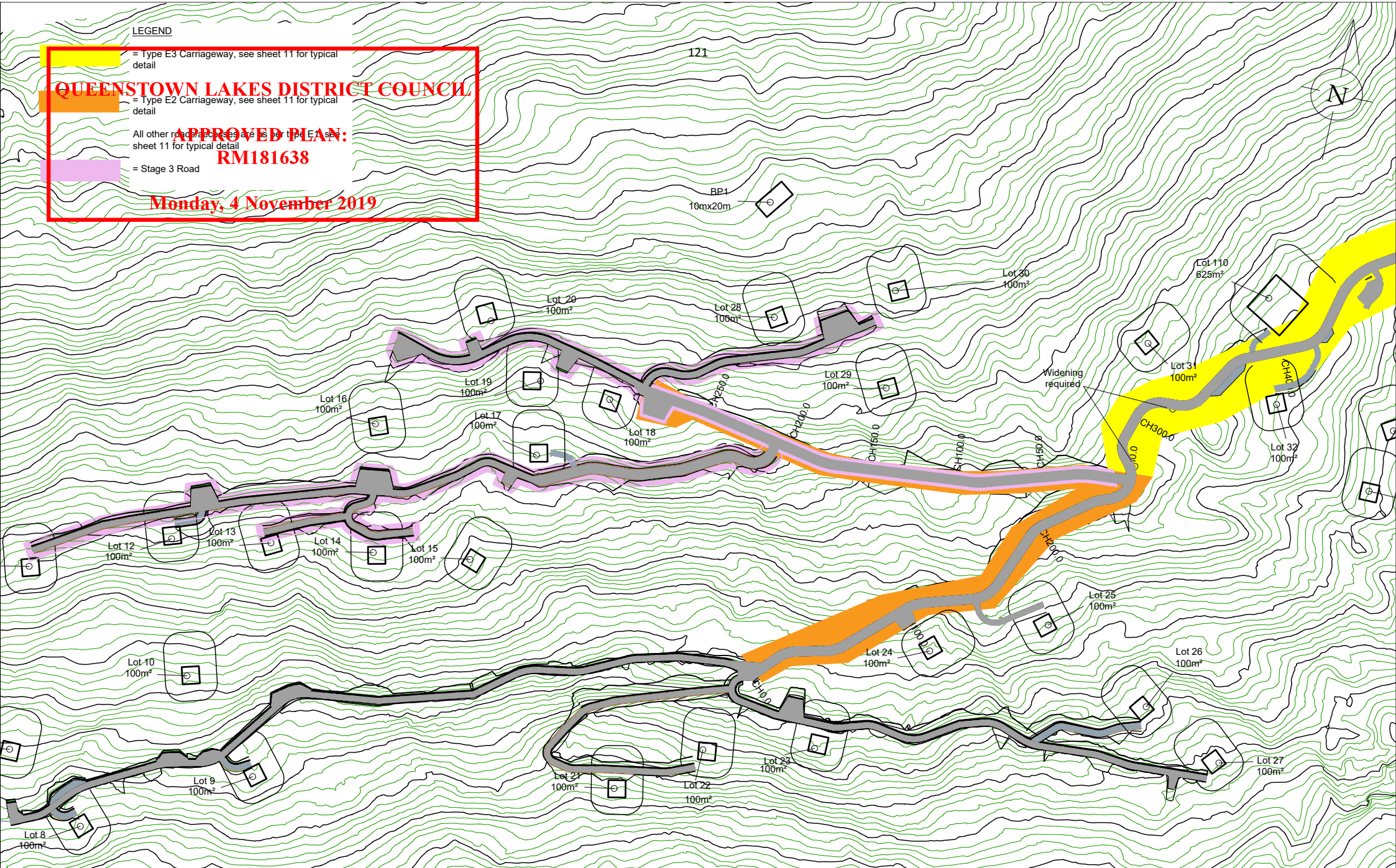
QUEENSTOWN LAKES DISTRICT COUNCIL
 = Type E3 Carriageway, see sheet 11 for typical detail
 = Type E2 Carriageway, see sheet 11 for typical detail

All other road types are as per typical E1, see sheet 11 for typical detail

APPROVED PLAN:

RM181638

Monday, 4 November 2019



NOTE: Contour interval is 2 metre.
 Levels in terms of QLDC LIDAR DATA

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REV.	DATE	REVISION DETAILS	BY:
G	2/9/19	Remove multiple text	CRW
F	18/6/19	Amend road layout	CRW
E	17/5/19	Amend road layout	CRW
D	10/4/19	Add widening comment	CRW
C	6/12/18	Amend legend	CRW
B	26/10/18	Updates from internal review	CRW
A	15/10/18	Initial release	CRW

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TITLE:
**PROPOSED MT DEWAR
 SUBDIVISION - ACCESS
 TREESPACE - ARTHURS POINT**

DATE: 15 Oct 2018
 BY: C Woodcock
 Scale 1:2000
 Original Plan A3
 DRAWING & ISSUE No.
4822.3E.3G

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 Email admin@ascl.co.nz




QUEENSTOWN LAKES DISTRICT COUNCIL

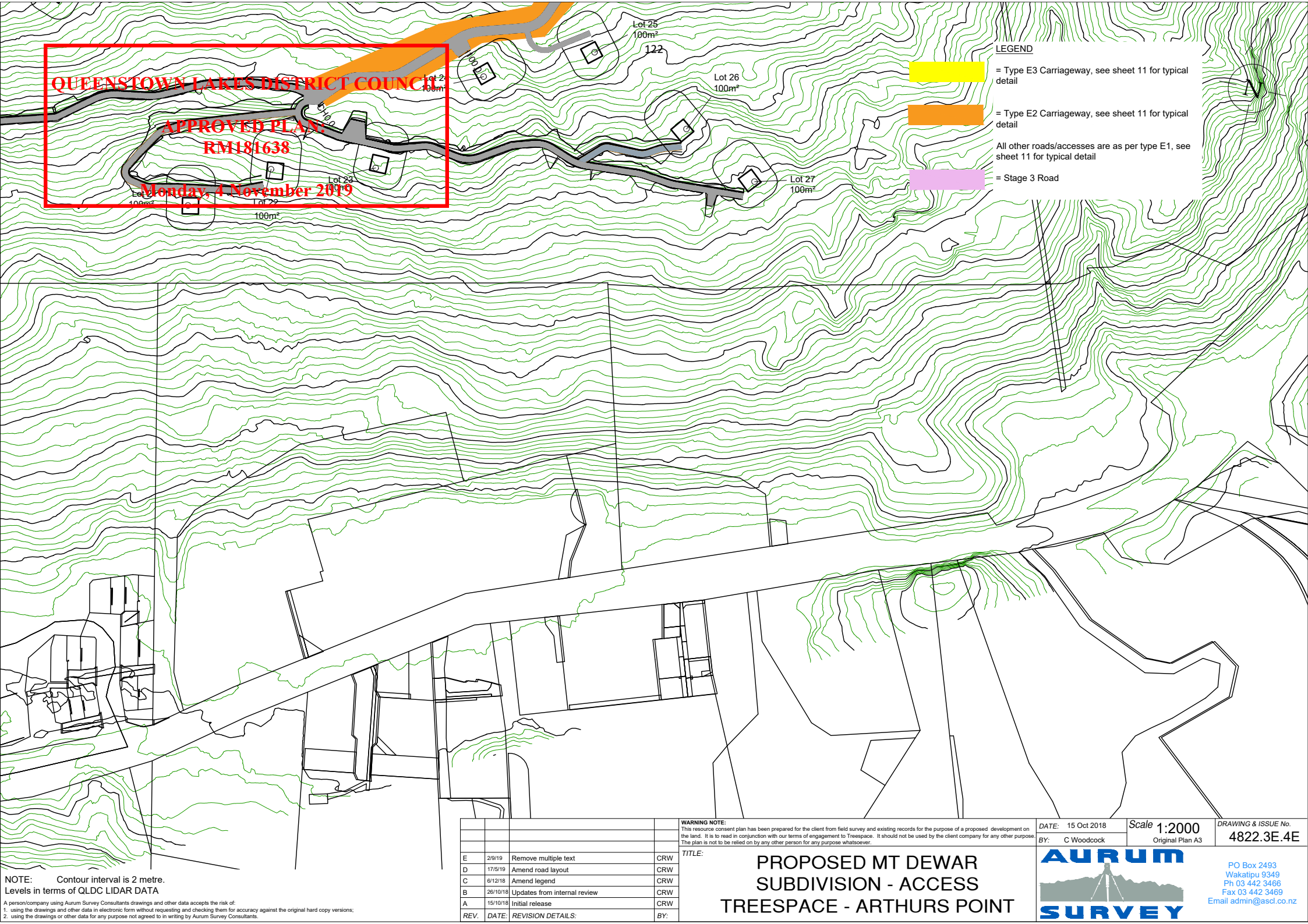
APPROVED PLAN:

RM181638

Monday, 4 November 2019

LEGEND

-  = Type E3 Carriageway, see sheet 11 for typical detail
-  = Type E2 Carriageway, see sheet 11 for typical detail
- All other roads/accesses are as per type E1, see sheet 11 for typical detail
-  = Stage 3 Road



NOTE: Contour interval is 2 metre.
Levels in terms of QLDC LIDAR DATA

A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:
1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;
2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

E	2/9/19	Remove multiple text	CRW
D	17/5/19	Amend road layout	CRW
C	6/12/18	Amend legend	CRW
B	26/10/18	Updates from internal review	CRW
A	15/10/18	Initial release	CRW
REV:	DATE:	REVISION DETAILS:	BY:

WARNING NOTE:
This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed development on the land. It is to be read in conjunction with our terms of engagement to Treespace. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

TITLE:

**PROPOSED MT DEWAR
SUBDIVISION - ACCESS
TREESPACE - ARTHURS POINT**

DATE: 15 Oct 2018
BY: C Woodcock

Scale 1:2000
Original Plan A3

DRAWING & ISSUE No.
4822.3E.4E

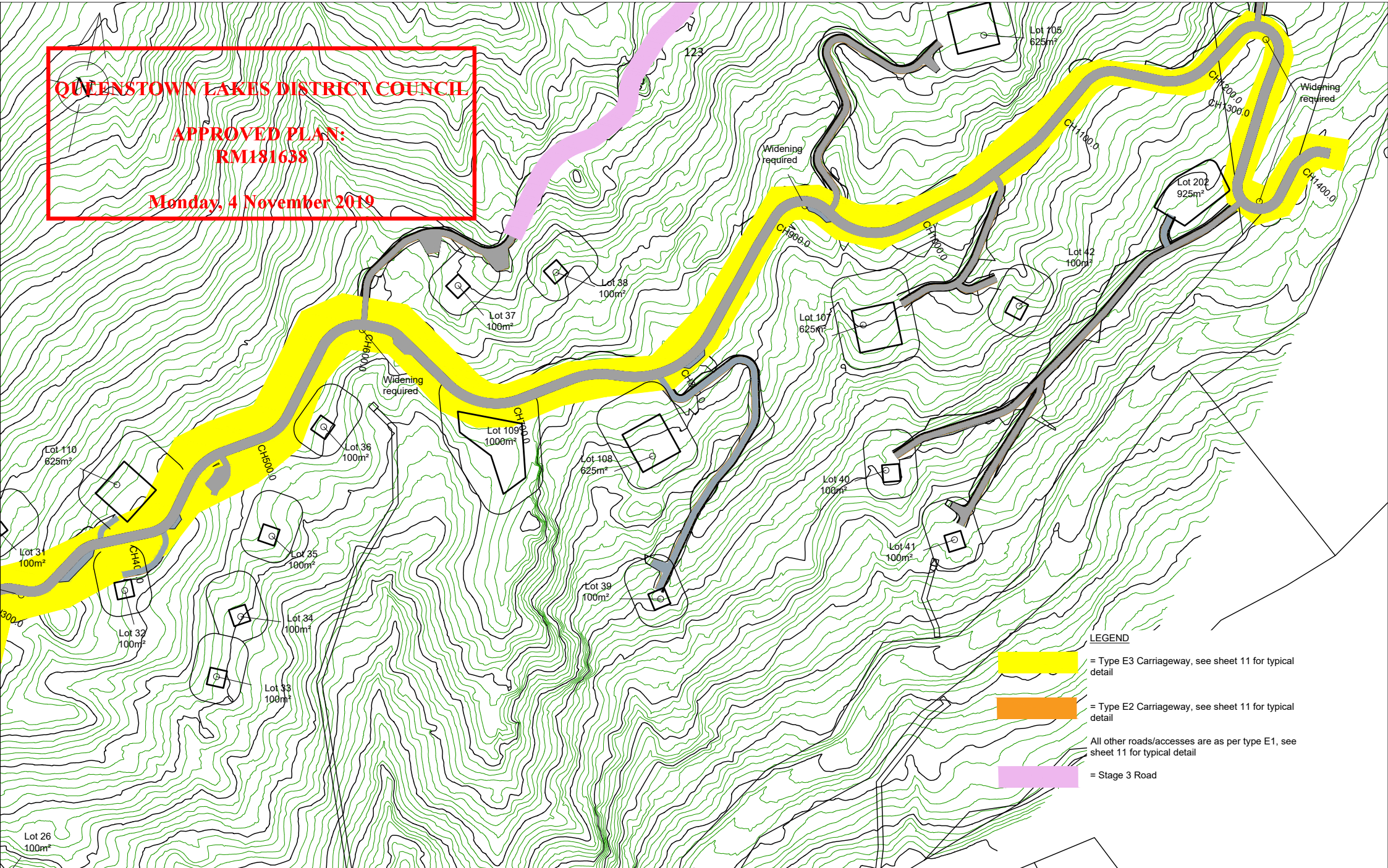


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APPROVED PLAN:
RM181638

Monday, 4 November 2019



LEGEND



= Type E3 Carriageway, see sheet 11 for typical detail



= Type E2 Carriageway, see sheet 11 for typical detail

All other roads/accesses are as per type E1, see sheet 11 for typical detail



= Stage 3 Road

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REV.	DATE	REVISION DETAILS	BY:
F	18/6/19	Amend road layout	CRW
E	17/5/19	Amend road layout	CRW
D	10/4/19	Add widening comment	CRW
C	6/12/18	Amend legend	CRW
B	26/10/18	Updates from internal review	CRW
A	15/10/18	Initial release	CRW

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TITLE:

**PROPOSED MT DEWAR
SUBDIVISION - ACCESS
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DATE: 15 Oct 2018
BY: C Woodcock

Scale **1:2000**
Original Plan A3

DRAWING & ISSUE No.
4822.3E.5F



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