



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	Waterfall Park Developments Ltd
RM Reference:	RM171280
Location:	Arrowtown – Lake Hayes Road
Proposal:	The construction of a new road of approximately 870m in length to provide access from the Arrowtown – Lake Hayes Road to the Waterfall Park Resort Zone.
Type of Consent:	Land Use
Legal Description:	Part Lot 3 Deposited Plan 5737 held in Computer Freehold Register 666857
Zoning:	Rural General
Activity Status:	Discretionary (Full)
Notification:	7 February 2018
Commissioner:	Commissioner D Mead and R Nixon
Date Issued:	1 June 2018
Decision:	GRANTED SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF AN APPLICATION TO QUEENSTOWN LAKES DISTRICT COUNCIL BY WATERFALL PARK DEVELOPMENTS LIMITED (RM 171280)

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING COMMISSIONERS D MEAD AND R NIXON APPOINTED PURSUANT TO SECTION 34A OF THE ACT

The Proposal

1. We have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. This decision contains the findings on the application for resource consent and has been prepared in accordance with section 113 of the Act.
3. The application is for the construction of a new private road of approximately 870m in length to provide access from the Arrowtown-Lake Hayes Road across land zoned Rural General under the Operative District Plan (ODP) to the Waterfall Park Resort Zone (WPRZ).

The Site

4. The application site is known as Ayburn farm. The farm comprises a number of open paddocks bordered by occasional shelter belts. There is a cluster of historic buildings on the farm, while Mill Creek flows through the site from the northern boundary with WPRZ through a small open valley to the southern boundary of the site, and ultimately into Lake Hayes further to the south. A detailed description of the site and receiving environment within which the new road will operate can be found in the applicant's Assessment of Environmental Effects. That description accords with our impressions from our visits to the site and surrounding area.
5. In brief, that part of the application site through which the proposed road would pass comprises a mixture of level and undulating pastoral farmland. At the proposed intersection with the Arrowtown-Lake Hayes Road, the new road passes over a level, open paddock. It then drops down a minor escapement to cross the small valley bisected by Mill Creek. After crossing Mill Creek, the road would follow the true right hand (or western) bank of Mill Creek before terminating at the boundary with the WPRZ site.

6. The application site is overlooked by a number of rural-residential properties that lie to the south.
7. The WPRZ provides for up to 100 residential units and 114 visitor accommodation units. Consent is currently being sought for additional units as part of a separate application process. The existing legal road access to the WPRZ is by way of a 10m wide road reserve that lies to the north of the application site. This road is not a formed road, having an unsealed carriageway of 4 metres in width with grass berms. The legal road reserve intersects with Arrowtown-Lake Hayes Road on a corner where there is a significant level difference between the Arrowtown-Lake Hayes Road and the unformed road. As a result, the current access dog legs to the south, running beside the Arrowtown-Lake Hayes Road until the accessway can join the main road at grade. This part of the access lies partly in the road reserve and partly in the application site.

Notification, Submissions and Affected Party Approvals

8. The application was publicly notified on 7 February 2018 and 12 submissions were received. Ten submissions were in opposition. No written approvals were provided.
9. Submissions were received from the following:
 - Robert and Catherine Dumarchand
 - Peter Goulston
 - Queenstown Trails Trust (subsequently withdrawn)
 - Wendy Clarke
 - Nick Hart
 - Dougal McPherson
 - Don Andrew
 - J and R Hadley
 - Lake Hayes Equestrian Limited
 - Friends of the Lake Hayes Society Inc
 - Millbrook Country Club Ltd
 - Peter, Gillian and Simon Beadle.
10. The grounds for opposition stated in the submissions can be summarised as follows:
 - (a) allowing the proposed road would compromise or undermine the ability of the Council to decline future proposals for residential development on the application site;
 - (b) there are alternative access options available, such as upgrading the existing WPRZ access to the Arrowtown-Lake Hayes Road;
 - (c) the construction and establishment of the proposed road would exacerbate flood risk;
 - (d) the construction and establishment of the proposed road would result in sedimentation and contamination in Mill Creek and in Lake Hayes downstream;

- (e) the proposed road would have adverse visual impacts, particularly on the outlook of dwellings to the south and would remove a sense of physical separation and openness between Arrowtown and the rural – residential development north of Lake Hayes;
- (f) the proposed road is premature given that the resource consent for development within the WPRZ had not yet been granted;
- (g) the proposed road is ‘over engineered’ and excessive for the level of traffic that is likely to be generated by the WPRZ;
- (h) the road will generate effects associated with vehicle noise and headlight glare;
- (i) traffic safety may also be affected.

11. No written approvals had been obtained.

The Hearing

12. A hearing to consider the application was convened on 1 May 2018, in Queenstown. The Commissioners undertook a site visit prior to the hearing, as well as after the hearing to further consider specific aspects of the site and proposal.

13. The applicant was represented at the hearing by Mr Goldsmith, legal counsel. Evidence was provided by:

- Jeff Brown, Planning
- Ruth Goldsmith, Aquatic Ecology
- Andy Carr, Traffic Engineering
- Damian Hyde, Civil Engineering
- Paddy Baxter, Landscape Architect
- Gary Dent, Stormwater Engineering.

14. The following submitters presented evidence:

- Ben O'Malley, Millbrook Country Club
- Rebecca Hadley
- James Hadley
- W.A. Anglin, legal counsel, on behalf of Peter Beadle, Gillian Beadle and Simon Beadle
- Kathleen O'Sullivan and Andrew Davis on behalf of the Friends of Lake Hayes Society Inc
- Murray Doyle (late).

15. The Council's consultant planner, Mr Anderson, who had prepared a section 42A report; Ms Stella Torvelainen, Resource Management Engineer and David Compton – Moen, consultant urban design and landscape architect, were in attendance.

16. At the start of the hearing, we had one procedural issue to attend to, relating to the late submission by Mr Doyle. His submission was received by the Council on 26 April 2018, well after the close of submissions. Mr Doyle explained that he lives on a rural property with vehicular access to the Arrowtown – Lake Hayes Road at a position approximately opposite the existing access to Ayburn Farm and close to the current WPRZ access. While he did not directly overlook the proposed new road, he was worried about traffic and related safety issues.
17. Mr Doyle explained that he was unaware of the application as he had not been directly advised of the application by the Council and only found out about the proposed development a few days before the hearing. Mr Doyle confirmed that he was content to present his case at the hearing and did not need extra time to prepare evidence.
18. In considering whether we should grant an extension of time to receive Mr Doyle's submission, we note that other submissions in opposition to the application put forward options bringing the new road closer to Mr Doyle's accessway. We also consider that in any case Mr Doyle should have been directly notified by the Council, given the location of his vehicle access onto the Arrowtown-Lake Hayes Road relative to the proposed new intersection included in the application. Mr Goldsmith confirmed that the applicant had no strong objection to the grant of a waiver for failure to comply with the time limits for lodging an objection.
19. Taking these matters into account, we resolved in accordance with section 37A RMA to grant a waiver for Mr Doyle's late submission to be received on the basis that Mr Doyle has an interest that may be directly affected by the application, while the extension of time would not cause unreasonable delay.
20. After hearing from the parties, the hearing was adjourned on 1 May 2018 to allow for further evidence to be prepared by the applicant, along with an amended set of recommended conditions and the applicant's closing statement. On 2 May 2018, we issued a Minute requesting further details on aspects of the road design. All of this material was received on 8 May 2018 and the hearing was closed on 14 May 2018.

The District Plan, Resource Consents Required and Statutory Matters

21. Full details of the resource consents required and the status of the activity are set out in the application and Council's section 42A report. In summary, the application requires a discretionary land use resource consent. The applicant has already been granted required consents from the Otago Regional Council for the works in Mill Creek to construct the bridge.
22. The site is zoned Rural General under the ODP. Under Part 2 of the Proposed District Plan (PDP), publicly notified on 23 November 2017, the majority of the application site is zoned 'Wakatipu Basin Lifestyle Precinct' and the balance of the site is zoned 'Wakatipu Basin Rural Amenity Zone'.

23. The PDP introduces an additional consent trigger, as covered below. Otherwise, at the time of our decision on this application, submissions on Stage 2 of the PDP had yet to be heard, and with the one exception noted below, the activity has to be considered as a type of activity that it was for, or was treated as being for, at the time the application was first lodged in November 2017
24. Resource consent is required under the ODP for the following reasons:

A restricted discretionary activity resource consent pursuant to Rule 22.3.2.3 (a) as the proposed activity infringes the following site standards pertaining to earthworks:

- *Rule 22.3.3 (i) where the proposed 34,520m³ of earthworks will exceed the 1000m³ maximum specified under the rule;*
- *Rule 22.3.3 (ii) as the proposal will exceed the maximum cut and fill potentially in relation to the batter at CH730 on the plan titled “Waterfall Park Developments Ltd: Proposed Access Road CH700.0 – CH870.0, Sheet 8, Revision C”, prepared by Paterson Pitts Group and dated 29/01/2018;*
- *Rule 22.3.3 (v) as the works will be undertaken within 7m of the stream and will exceed 20m³ in volume.*

A discretionary activity resource consent pursuant to Rules 5.3.3.3 (i) and (iii) for the proposed road. The road and the use of the road are fundamental components of the residential and visitor accommodation activities enabled by the Waterfall Park Resort Zone. Visitor accommodation and residential land uses are Discretionary activities in the Rural General zone (the latter if in association with a building).

A discretionary activity resource consent pursuant to Rule 5.3.3.3 (i) for the construction of a building outside of an approved building platform. The bridge is considered a building.

A discretionary activity resource consent pursuant to Rule 17.2.3.3 (iv) for the construction of flood protection works.

25. Consent is also required with respect to one rule under the PDP which has immediate legal effect from notification, as follows:

A restricted discretionary resource consent pursuant to Rule 21.5.4 of the Proposed District Plan which requires the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. The bridge will be located over Mill Creek which falls within the definition of a “river”, and will have footings within the minimum setback.

26. Overall, the application is to be assessed as a discretionary activity.
27. As a discretionary activity, the provisions of the Act relevant to the assessment of this application are sections 104, 104B, 108 and Part 2.

28. Subject to Part 2 of the Act, Section 104(1) sets out those matters to be addressed by the consent authority when considering a resource consent application, as follows:

a) any actual and potential effects on the environment of 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 matters the consent authority considers relevant and reasonably necessary to determine the application.

29. In accordance with section 104(1)(b)(i) to (v) of the Act, there are no relevant national environmental standards, other regulations or national policy statements directly applicable to the proposed development. The National Policy Statement on Freshwater was referred to, but its provisions are not determinative to the issues that we must address. The Otago Regional Policy Statement was not referred to in any detail.
30. In terms of 104(1)(b)(vi), as noted, the proposed district plan has been notified and is subject to submissions. The plan is currently in the hearing process, with decisions on the Stage 1 components of the plan released by the Council on 7 May 2018. While regard must be had to the objectives and policies of the PDP, both Mr Brown and Mr Anderson indicated that the objectives and policies of the PDP were not substantially different to those of the ODP as they related to the matter of road design and associated effects on landscapes. Mr Goldsmith's advice was that there was no need for us to undertake a complex weighting exercise as between the ODP and PDP.
31. Relevant operative plan provisions are identified in the section 42A report. The objectives and policies relevant to this application are contained within Part 4 of the District Plan – (*District wide Issues*), Part 5 – (*Rural Areas*) and Chapter 22 – (*Earthworks*).
32. In addition to the above RMA consents, consent is also required under section 348 of the Local Government Act to the creation of a private right of way over Part Lot 3 Deposited Plan 5737. That consent is issued by the Council under separate cover as we do not have the delegation to determine that consent.

Summary of the Evidence Heard

33. The following is an outline of the submissions and evidence presented by the applicant, submitters and Council staff. This summary does not detail everything that was advanced at the hearing, but captures key elements in contention.

Evidence for the applicant

34. In a memorandum dated 13 April 2018, Mr Goldsmith advised that only limited primary evidence would be pre-circulated on behalf of the applicant, with reliance instead placed on the Assessment of Environmental Effects and technical reports which had been pre-circulated with the application. The following evidence was provided:
 - (a) Landscape evidence prepared by Mr Baxter;
 - (b) Traffic evidence prepared by Mr Carr;
 - (c) Aquatic ecology evidence prepared by Ms Goldsmith; and
 - (d) Planning evidence prepared by Mr Brown.
35. This evidence was taken as read, and the above witnesses answered questions related to their pre-circulated evidence.
36. Mr Goldsmith began by noting that the conclusions of the Council officers were largely in accordance with those of the applicant's witnesses, and similarly that there were only relatively minor differences with respect to proposed conditions. Overall, the new road would not generate significant effects on the landscape or rural amenity or cause sediment or other water related effects. A range of steps had been taken to mitigate effects.
37. The road is needed to serve the WPRZ. The application site is adjoined on part of its northern boundary by the WPRZ. He noted that the WPRZ Structure Plan had remained unchanged between that contained in the ODP and the PDP, and stated that the Waterfall Park Resort zone was now deemed operative under section 86F(1) of the RMA as there were no outstanding submissions on it. He emphasised that within the zone a maximum of 100 residential units and approximately 114 visitor accommodation units could be developed as a controlled activity within the 'sub areas' identified on the Structure Plan in this zone (a controlled activity cannot be declined by the Council, but only subject to conditions).
38. He then noted that existing legal access to the WPRZ from the Arrowtown-Lake Hayes Road along the northern boundary of the application site was available, but this access had physical and safety related limitations which meant that it was unsuitable as an access for the level of development anticipated in the WPRZ. He said that the development of the WPRZ could not be practically achieved using the current access arrangements, and it was this fact which had given rise to the current application.
39. The applicant had considered a number of access options. Mr Goldsmith reinforced that the applicant did not need to demonstrate consideration of a range of options for it to obtain consent for the new road. The issue for the Commissioners to decide was the nature and level of effects generated by the new road and whether those effects were appropriate. The consideration of options helped to place those potential effects in context. He then described the options considered for providing access enabling development of the WPRZ. These were:

- (a) Option 1 – using the existing legal access adjacent to the northern boundary, potentially widening this access where it runs through the application site and constructing a new intersection with Arrowtown-Lake Hayes Road. This option was impracticable because Arrowtown-Lake Hayes Road was elevated well above the legal road, while there were significant safety issues as the new road intersection would be on a corner. Widening of Arrowtown-Lake Hayes Road would be required, including the likely need to acquire additional land from a third party.
 - (b) Option 2 – using the existing access point to the Ayrburn homestead. This option would improve upon the current access arrangement, by bringing the intersection of the road to WPRZ further north to improve sight lines. The new road would join the Arrowtown-Lake Hayes Road at about the same point as the entrance to the access to the Ayrburn homestead and historic buildings. This access is marked by a prominent avenue of trees, some of which may need to be removed. This option may also require purchase of third-party land to comply with sight lines. The road would also need to have an alignment further to the west than the current WPSZ access to allow for an appropriate intersection design.
 - (c) Option 3 was that contained in the application and was preferred from the point of view of landscape and traffic considerations, as well as meeting the necessary visibility and safety standards required by the Council with respect to the latter.
 - (d) Option 4 was a legal road access off Speargrass Flat Road to the south, however this was only 10.06 m wide and would be insufficient to serve more than 20 units.
40. Mr Goldsmith outlined the background to the development of the WPRZ and the application site. Resource consent had been lodged for a hotel type development within the Special Zone. He also noted that the owners of Ayrburn Farm had been involved in various attempts to have the application site developed for residential purposes. Ayrburn Farms Limited has lodged a submission on Stage 1 of the PDP seeking residential development over all or part of the application site containing the proposed road. However the zoning of land within the Wakatipu Basin was deferred by the Council pending a land use study which has now been completed. Stage 2 of the PDP had been notified. The original submission has now been adopted by the current applicant who owns both the application site and the land within the WPRZ. Under Stage 2 of the PDP the Council was seeking to make provision for 'lifestyle' development (6,000m² allotments) over the application site. The applicant's submission seeking much more intensive residential development has yet to be heard.
41. Mr Goldsmith explained that to allow for possible future eventualities, the proposed road had been designed to be able to accommodate future residential or lifestyle development as well as that contemplated within the WPRZ. However the road was not reliant upon the rezoning. Even if the rezoning did not eventuate, a new road to access the WPRZ development was required.

42. Mr Goldsmith submitted that the reason why the consents for the road and hotel development within the WPRZ had not been sought concurrently was that adequate road access to the WPRZ was considered necessary regardless of whether or not the current development within that zone was consented or built. In other words – and this is a crucial point – the applicant considers the road is necessary, having regard to the zones provisions and Council's road construction standards.
43. He noted that as the application did not involve subdivision, the Council could not require the creation of an esplanade reserve/strip along Mill Creek. He submitted that public access easements proposed by the applicant, together with riparian planting and fencing to exclude stock would provide the same benefits. The road design and alignment would not preclude an esplanade reserve being created in the future, should the land be subdivided.
44. Mr Goldsmith then addressed the complex planning framework. This included the operative and proposed regional policy statements, the operative and proposed district plans, and the WPRZ.
45. He contended that the enhancement measures along Mill Creek were consistent with the National Policy Statement for Freshwater Management 2014 and would achieve a significant number of regional objectives and policies.
46. He submitted that weighting issues between the operative and proposed district plans did not arise because the various objectives and policies of the planning instruments sought similar outcomes, with the exception of the zoning of the application site.
47. He challenged a proposed condition in the section 42A report that the road should not be constructed prior to the Waterfall Park development being built. In his opinion such a condition was inappropriate (whether it be volunteered or imposed) as it was not a response to adverse environmental effects, and the road would need to be constructed regardless of the outcome of the application for the hotel development within the WPRZ. He said the road needed to be completed prior to significant development works within the WPRZ as the current access was inadequate.
48. He signalled the applicant's support for a condition requiring the retention of trees on the boundary of 529 – 533 Speargrass Flat Road and proposed a modified condition also allowing for replacement of these trees and any necessary trimming.
49. The only other significant issue arising with the Council reports was a condition restricting the speed of traffic on the proposed road to 50 km/h, which he considered unnecessary in the absence of any evidence that there would be an issue with speed, given that the road had been designed to restrict speed to 50 km/h.

50. Mr Hyde (Civil Engineering) clarified a number of points as to the design of the road, including providing a plan which showed the extent of the road carriageway that would be within 20m of the banks of Mill Creek, and therefore may be subject to any future esplanade reserve requirement. He also referred to the draft earthworks control plan provided with the application. He clarified that the wetlands shown on the plans were essentially dry basins that would accommodate run off from the road during storm events.
51. Mr Dent responded to questions relating to flooding. He pointed out the 'raised section' of the road, this being where the road passes over the Mill Creek floodplain. This section of the road would sit on a 1m high embankment. A ponding area would be created upstream of this embankment, and as a result twin culverts were to be provided to enable drainage. His calculations accounted for the effects of climate change on rainfall patterns.
52. Mr Carr spoke to his pre-circulated evidence. He outlined his analysis of options 1 and 2 and the works that are likely to be required to accommodate the new intersections, including land purchases. He clarified that Option 2 may only require a very small area of land. He responded to questions from the Commission as to the width and design of the new road as it crosses the application site. He referred to Council standards and guidelines which indicate that a 5.5m wide carriageway plus shoulder was needed. This type of road was appropriate for the level of development anticipated in the WPRZ.
53. Mr Baxter outlined the measures that were to be taken to mitigate the visual and landscape effects of the road. This included low mounding, tree planting, low level lighting and limited use of kerb and channel. He clarified that the proposed mounding on the southern side of the road would be extended down the terrace onto the flat land to the north of the Beadle property. This would address in part, one of the concerns raised in the Beadles' submission.
54. He reiterated his assessment that the proposed route of the new road would have less landscape effects than the other options considered by the applicant. Option 1 would involve major new embankments, while option 2 would involve a new road that would be very visible to users of Arrowtown-Lake Hayes Road. While the preferred option would also be visible to road users, it was on an alignment which was much more sympathetic to the geometry of the landscape. Where the road crosses the Mill Creek valley, the batter slopes of the road should be of a gentle grade to help blend the road into the landscape.
55. Ms Goldsmith provided further details on the riparian planting proposed and how that planting would integrate with fencing to exclude stock, while allowing for public access. The benefit of a more detailed planting and maintenance plan was acknowledged.
56. Mr Brown addressed a number of planning aspects. He recommended some amendments to the draft conditions.

Evidence by submitters

57. Mr O'Malley gave brief verbal evidence on behalf of the Millbrook Country Club. The Country Club adjoins the application site. He said the submitter was 'neutral' on the application, but was concerned with respect to the creation of any cycle/walking access through the application site and the WPRZ into Millbrook. He sought that should such access be considered desirable by the applicant, that the WPRZ be linked to the existing cycle/pedestrian path along the western boundary of the property and up what is known as 'Christine's Hill'.
58. Ms Hadley lives on Speargrass Flat Road. She stated that this was not just an application for an access road but the precursor for intensive residential and commercial development, the details of which had not been clearly established. It was premature to grant consent to the application prior to decisions on the zoning of Ayrburn Farm and the resource consent for more intensive development in the WPRZ. She said that the applicant had submitted on the PDP to seek the inclusion of the WPRZ and Ayrburn Farm within the Urban Growth Boundary which would increase the size of Arrowtown. The construction of the road would be a step towards this. She contended that it was important to maintain an open space buffer between Speargrass Flat Road and Arrowtown to the north.
59. She said the proposed road would not look like a farm access but be an urban access road similar to Howards Drive into Lake Hayes Estate. Where the road crossed the open, flat paddock adjacent to Arrowtown-Lake Hayes Road, the landscape character of this area would be adversely affected. She added that the proposed road would have an adverse impact on water quality in Mill Creek and Lake Hayes, noting (as did other submitters) the potential for sedimentation citing the example of recent clearance work within the WPRZ. She was also concerned with the loss of productive farmland.
60. Mr Hadley commented further upon the possible implications of the road. He too was concerned that the road would lead to rezoning, yet the consequences of that rezoning had not been fully assessed. He suggested that if the road was to just serve the WPRZ, then an alternative road layout and design may be appropriate, a design which may not require such extensive works for a new intersection with Arrowtown-Lake Hayes Road. He raised issues with the quality of the assessments provided with the application and was concerned that they had not been appropriately reviewed by Council specialists. He particularly raised flooding hazards and whether the road might lead to ponding of floodwaters and eventual over topping and weakening of the low embankment on which the road will traverse the valley, creating a 'dam burst' type scenario. He pointed to concerns expressed by Otago Regional Council over the accuracy of the applicant's assumptions about rainfall and river volumes used in the regional council consents.
61. Mr Anglin, legal counsel, presented submissions on behalf of Peter, Gillian and Simon Beadle. The Beadles live on a property that lies to the south of the application site, with an elevated view over the Mill Creek valley through which the road would pass. The Beadles were very concerned about the impact of the road on their amenity, including noise, lights and visual disturbance. Mr Anglin considered that insufficient attention had been paid to other route options. They were also concerned about the implications of the road for further development on the application site.

62. Kathleen O'Sullivan and Andrew Davis appeared on behalf of the Friends of Lake Hayes Society Inc. The society is very concerned about the health of Lake Hayes and the potential effects of sediment from earthworks and future road run off. They sought that there be a halt to further development in the catchment until a catchment management plan had been prepared.
63. Murray Doyle addressed his submission. He too took issue with the application being considered without reference to the future development of the land surrounding the road. He was concerned about traffic safety issues and the visual impact of the road.

Evidence from the Council

64. The section 42A report prepared by Mr Hamish Anderson supported a grant of consent to the application. His conclusions were also informed by review of the proposal by a consultant landscape architect (Mr David Compton – Moen), a consultant acoustic engineer (Dr Stephen Chiles), and by the Council's Resource Management Engineer, Ms Stella Torvelainen.
65. Mr Compton-Moen's assessment was that the landscape effects of the proposed road were not significant. The open paddock beside the Arrowtown-Lake Hayes Road was identified in Council studies as an area that could absorb more development. He considered that the preferred route would have fewer adverse effects than the other routes identified.
66. Ms Torvelainen stated in response to questions from the Commissioners that if the road was to just serve the WPRZ, then the design was appropriate; in other words the road was not over designed. She identified that the Council had not undertaken a full peer review of the application material relating to civil engineering issues as the application did not raise any significant engineering risks. She noted that it may be appropriate for a specific site management plan be prepared, covering management of construction and earthwork effects. This would be a step up from the generic sediment control plan provided with the application.
67. In his section 42A report, Mr Anderson had stated that he considered that any consent for the road should be tied to the consent for the hotel development on the WPRZ, as it was this development that generated the need for the road. Having heard the evidence, he clarified that he accepted that the completion of development within the WPRZ was not a precondition for the construction of the proposed road.

Applicant's right of reply

68. After the hearing, supplementary evidence was provided by Mr Baxter, Mr Dent and Mr Carr. An amended set of conditions were recommended with additional details relating to landscape design, riparian planting and earthworks management. The applicant confirmed that some additional steps could be taken to address effects of the road on the amenity of the Beadles' view, including a shallower batter slope and clustered planting.

The Principal Issues in Contention

69. Section 113 of the RMA requires the Commissioners to identify the principal issues in contention and to record their findings on these matters.
70. After analysis of the application and supporting evidence (including proposed mitigation measures and volunteered conditions) and a full review of the section 42A report, the proposed activity raises the following issues:
 - a) Need for the road and future implications
 - b) Options assessment
 - c) Landscape / visual effects
 - d) Traffic effects
 - e) Flooding effects
 - f) Water quality effects.

Need for the road and future implications

71. A number of the submitters saw the application as a stalking horse for expanded development within the application site itself. It was suggested to us by some submitters that the application site provided a de facto 'green belt' between Arrowtown and the rural lifestyle block to the south starting in the vicinity of Speargrass Flat Road. The submitters pointed to the applicant's submissions on the PDP zoning of the land and contended that by consenting the road, a major step towards rezoning would be taken, along with loss of this green belt. The related argument is that a road of the standard proposed is not needed to serve the WPRZ, and as a result the road must have an 'ulterior purpose'. We were also presented with arguments that the establishment of the proposed road should be deferred until further development within the WPRZ had been approved and/or decisions are made relating to the zoning of the application site.
72. By way of background, we note that the PDP is proposing to rezone the majority of the application site for rural lifestyle purposes. Even at this density, there would be a substantial change to the character of the site. As noted previously, the applicant's position seeking 'full residential' over the majority of the application site is no secret and a matter of public record.
73. While the submitters reaction is not surprising giving the previous history of development proposals on the application site and current debates over future zoning, the appropriate zoning of the application site is not a matter that we can (or should) address through this decision. The applicant is entitled to have a decision based on the merits or otherwise of what is sought through their current application. Having said that, we also note that the zoning of the land under the PDP is not a matter that has influenced our decision.

74. On the issue of need for the road, it is apparent to us that even if the WPRZ was developed in accordance with the current rules as a controlled activity, alternative road access to that which currently exists would be required. Unless there is another option available to provide adequate roading access to the WPRZ, land in that zone cannot be developed when regard is had to the roading standards required by the Council. The evidence before us was the standard of roading required to provide access to service the existing level of development provided for as a controlled activity within the WPRZ, is very similar to that which is now being proposed.
75. In relation to whether consent should be deferred to coincide with either the consent for the Waterfall Park hotel, or potentially the PDP being finalised, we are not convinced that this is needed. The option of tying the consent to the road to the (possible) consent for the hotel development was raised in the section 42A report, although that suggestion was later retracted by Mr Anderson. In our view, we do not need to entertain such measures if we find that the effects on the environment of the road are appropriately mitigated. In other words, if the effects are appropriate, given the values present, then there is no need to consider the wider benefits of the road and whether to see those benefits realised (like the economic and social benefits of visitor accommodation), there needs to be some connection between the development generating the need for the road occurring, and the road being built.
76. Finally on this topic, we note that we have power under Section 91 of the RMA to defer hearing of an application to allow for related applications to be considered at the same time. This power does not extend to defer making a decision. The ability to 'hold' an application before a hearing is also dependent upon the other consents being needed to understand the effects of the application at hand. Again, this circumstance does not apply in this case.

Options

77. There was considerable disagreement at the hearing between the applicant and submitters with respect to the viability of various alternatives, albeit that the option of an access off Speargrass Flat Road met with little enthusiasm by any of the parties. However there was considerable debate between the merits of options 1 – 3, but particularly between option 2 (or variations thereof) and option 3. In the course of the hearing we heard evidence relating to all options, and a variation on one of these options put forward by Mr Anglin on behalf of the Beadle family.
78. Before looking at these issues involved, we understand that the applicant has no intention of providing foot or cycle access from the WPRZ into Millbrook as part of this application. As a result the issue raised by Millbrook is outside the scope of the current application.
79. To begin with the consideration of options, the Council's evidence was that the level of development currently permitted within the WPRZ as a controlled activity would require a road meeting the following standards, regardless of which route was selected:
 - (a) 5.5 – 5.7 m wide carriageway with 1 m shoulders; a total of 7.5 to 7.7 m wide
 - (b) 1.5 m footpath, kerb and channel.

80. The applicant's proposal is for a carriageway width of 7 m, with a 2 m wide footpath on one side, which is only slightly different to that under the Council's standards. In other words, there is no viable option that involves a road of lesser width or design characteristics.
81. At the risk of labouring this point, this clearly confirms to us that the width of the road and its standard of construction is in accordance with what would be required anyway to service the current level of development permitted within the WPRZ. This now brings us to the issue of alternative route options.
82. We note at this stage that under the RMA (or relevant planning documents), consideration of alternative locations and methods is not required, unless we are satisfied that effects are significant. Schedule 6, clause 6 (1) (a) of the Act stipulates that:

"An assessment of the activities effects on the environment must include the following information:

if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity".

83. In this case the applicant has asserted that there will not be any significant adverse effects on the environment from the proposed road, but has nevertheless chosen to address alternatives, and for that reason we have included consideration of these in our assessment. We believe it was prudent to consider alternatives in this case, as they help to place the consideration of effects in context. However we stress that our role is not to determine the best option, but rather to determine whether the selected option is appropriate in terms of the RMA and related documents.
84. To recap, option 1 utilises the legal accessway parallel to the northern boundary of the application site to the Arrowtown-Lake Hayes Road. We are satisfied on the basis of uncontested evidence that the physical difference in levels between this accessway in the elevated highway above, visibility constraints and consequent safety implications, the need to acquire third-party land and visual impacts associated with a large embankment, clearly established that this option was impracticable.
85. The second option involves utilising the existing physical access point at the treed avenue providing access to the Ayrburn Farm. The evidence illustrated similar challenges to those arising with Option 1 with respect to its traffic safety and visibility, albeit not as severe. Mr Baxter's evidence was that there would be significant adverse visual impacts associated with the necessary road works across the northern paddock of the property, and disturbance to the avenue of trees into Ayrburn Farm.

86. Option 3 was that proposed by the applicant. A variation on Option 3 was suggested by Mr Anglin on behalf of the Beadle family. This would use the same intersection with Arrowtown-Lake Hayes Road as Option 3, but instead of the proposed road proceeding across the paddock to the west, the road would proceed to the north parallel to the Arrowtown-Lake Hayes Road. This route would eliminate adverse visual effects with respect to the Beadle property, but it would result in a parallel road adjacent to the main Arrowtown-Lake Hayes Road, which Mr Carr considers would be potentially confusing for traffic using the main road at night. Quite apart from this, there would be a significant adverse visual impact as seen from the Arrowtown-Lake Hayes Road.
87. Although Mr Goldsmith was critical of Mr Anglin's "submissions" (which we do consider strayed into areas properly that of expert witnesses) this particular option would 'work' in traffic engineering terms, and certainly better than Option 1.
88. Option 4 refers to a 10 m wide road reserve which provides legal access from Speargrass Flat Road to that part of the application site west of Mill Creek. Quite apart from the inadequacy of the legal road width, this access point is located centrally in a reasonably dense cluster of rural lifestyle properties and from a local road with relatively low traffic levels, certainly in comparison with the Arrowtown-Lake Hayes Road. There would likely be adverse impacts on the amenity of Speargrass Flat Road and the adjoining cluster of rural lifestyle properties.
89. In summary, we find that a number of options have been investigated, in greater depth than what would normally be required for an Assessment of Environment Effects. The alternative options identified and considered do not suggest a road alignment that would generate no adverse effects.

Landscape / Visual effects

90. Landscape and visual effects can be broken down into two sub issues: the impact of the new road on the landscape of the open paddock as experienced from the Arrowtown-Lake Hayes Road, and the impact on the Mill Creek valley.
91. In relation to the impact of the road on the landscape as experienced from Arrowtown-Lake Hayes Road, Mr Baxter's assessment was that the road would not adversely affect this landscape. The road would cut across the current open paddock at right angles to the road and effectively create two paddocks. Being at right angles to the main road and parallel to the edges of the paddock, the splitting of the landscape created by the paddock would not be seen to be incongruous. Submitters were concerned that the alignment of the road would not result in such a complimentary visual effect. In particular the road would create what might be termed a residual area of paddock on its southern side. This would mean that the landscape value of the paddock as an open green area would be significantly diminished. Council's assessment was that the landscape could absorb the level of change proposed.
92. Our finding on this matter is guided by the expert evidence that we received. We accept the evidence of Mr Baxter and Mr Compton-Moen that the road will not significantly detract from the open landscape currently experienced.

93. With respect to visual impacts of the proposed road as it passes through the Mill Creek valley, we consider the property of the Beadle family has by far the greatest potential to be adversely affected, being elevated above Mill Creek. The two properties between the Beadle property and the Arrowtown-Lake Hayes Road would also be affected, but only to a limited extent as a result of screening by mounding and associated planting, although we consider that larger vehicles would be visible when passing along the proposed road. We note that no submissions have been received from the two property owners to the east of the Beadle property.
94. The greatest potential visual effect on the Beadle property is that portion of the proposed road approximately between the CH400 and CH500.
95. Along this section, the proposed road is intended to be raised approximately 1m above the surrounding paddock under the application as notified, with a 1 in 5 batter and spaced tree planting. Given the distance to the Beadle property, we do not think that the road surface will be a visually prominent feature. We consider what will be visible is the view of passing traffic on the proposed road in an environment that is currently devoid of vehicular movement.
96. This brings us to a contention raised in Mr Anglin's evidence where he considered that too much emphasis has been placed on views from the road. The implication we drew from this was that it was views from private properties that mattered, not from public places. However this contention is not supported from a policy perspective under the ODP or the PDP. Our reading of the plans is that both plans place at least equal emphasis on the adverse visual impacts of development as seen from public places (including roads) as it does from adjoining properties.
97. We note that while the road will be in a 'private' valley that is overlooked by the Beadles, it will also be in a landscape that, with the road and footpath in place, will be visited by the public. It is therefore relevant that the road be designed to integrate into this landscape for both public and private amenity reasons.
98. After the hearing we visited the Beadle property and requested further analysis from the applicant of the visual effects of the road on the landscape of the valley. In response to our Minute, Mr Baxter recommended a gentler slope to the southern batter and a modified planting approach that emphasised either more of a cluster of trees or a shelter belt type planting to fully screen the road for the stretch of road to the east of Mill Creek. Once across Mill Creek, the road is to follow the contour and in conjunction with the existing willows and riparian planting, is likely to be more visually secluded.
99. We agree that a gentler batter is appropriate and consider that the cluster planting option better fits the landscape of the valley. Accordingly we have reached a conclusion that the following measures would be appropriate to further address landscape issues for that section of the road between CH400 and CH500:
 - (a) reducing the slope of the proposed batter to 1:8;
 - (b) a modified planting regime involving clusters of trees on the southern side of the road, as per option 2 appended to Mr Baxter's supplementary statement.

100. We accept that a period of time will be necessary for the trees to become fully established – perhaps 3 to 5 years. However with these amendments to the planting regime and the slope of the batter, and bearing in mind the distance to the Beadle dwelling, we are satisfied that the visual impacts of the proposed road will be appropriate.
101. Apart from the above-mentioned properties, we consider that the visual impact of the proposed road on other properties in the area (apart from that owned by the applicant) would be less than minor, given the proposal by the applicant to retain existing trees along the southern boundary of the site. Indeed the Beadle family was the only submitter we heard from with respect to concerns about visual impacts on their property.

Traffic effects

102. In summary Mr Carr's evidence was that safe and complying access, for the level of traffic generated by the development allowed as a controlled activity within the WPRZ, would be provided by the new road. The road would also cater for further development, should this be consented. This means that should rezoning occur or other development be consented on the application site, a further road would not need to be constructed, or the proposed road upgraded.
103. Mr Hadley's evidence was very critical of that of Mr Carr, and he called on us to exercise our powers (presumably under section 92(2)) of the RMA) to require a professional peer review, not only of Mr Carr's evidence, but that of other expert witnesses called by the applicant. Mr Hadley is an experienced civil engineer, but at the commencement of his evidence, he stated that he was not appearing as an expert witness.
104. Council staff are satisfied that a safe access point will be provided to the Arrowtown-Lake Hayes Road, and road access to the WPRZ which is fit for purpose with respect to its standards, will be provided.
105. We find on the evidence that the road as designed will not cause any adverse traffic or transport related effects. The call for other roading options to be consented stem from a desire to avoid some landscape impacts, rather than address specific traffic or safety concerns. Other options put forward, such as the proposal put forward by Mr Anglin, were unsupported by any expert traffic evidence, and we are satisfied would likely have other adverse impacts which would outweigh any compensating benefits.

Flood management

106. Mill Creek has a catchment above Waterfall Park which comprises approximately 35 km² in area. Consent has been obtained from the ORC for the temporary diversion of Mill Creek during the proposed works and for works in the streambed – the proposed bridge itself being a permitted activity under the Regional Plan: Water. Consent is required from the Queenstown Lakes District Council for structures in a flood hazard area. As the road crosses the Mill Creek Valley it will create an impediment to flood flows.

107. Concern was expressed by submitters at the hearing that the road embankment in the vicinity of Mill Creek would act as a dam with potential to breach, with serious adverse consequences to properties downstream.
108. This matter is addressed by Mr Dent in his supplementary evidence. His conclusions are that the culverts under the proposed road would be located at the outer edge of the floodplain and not within the primary flow path that carries flood flows. The latter would pass under the bridge which provides sufficient freeboard for flood volumes to the satisfaction of the ORC. Even in the unlikely event that both culverts were blocked by debris, water can pass over the top of the embankment supporting the road without causing major risks. We accept that evidence.
109. Concerns were raised by submitters about comments expressed by officers of the ORC with respect to the flood management parameters used by the applicant in the analysis of flood effects that was part of the ORC consents. On this matter we note that the ORC staff Recommending Report on the consent applications to ORC also stated that:
“Notwithstanding the peer review, EENHU do not accept the design flow adopted as being sufficiently conservative. The consequences of the proposed works are likely to be an increased depth and duration of inundation in the area upstream of the proposed access road. However EENHU note that the effects of the proposed works on flooding, even with a higher flow, are likely to be contained within the applicant’s property and consequently no more than minor on any other party”.
110. In other words, higher rainfall figures and greater flows than that used in the application assessment will affect the application site, but will not affect other properties.
111. We do not consider we can disregard the consent granted by the ORC, and we conclude that flood related risks can be appropriately managed. We are satisfied that the conditions proposed to be attached to the application, and those attached to the ORC consent, have addressed the issues of concern about flood management raised by the submitters.

Water quality

112. Friends of Lake Hayes Society are very concerned about the effects of road construction on the quality of Mill Creek, and in turn, Lake Hayes. Lake Hayes has suffered a number of algal blooms over the summer months, significantly reducing the recreational and amenity values of the lake.
113. There was no evidence presented which contradicted the evidence of Ms Goldsmith in terms of the long term effects of the road on aquatic ecology. The riparian planting, once established should help to reduce current sediment and contaminant loads on the stream, generated from the application site. This will lead to an improvement of the environment. As part of the recommended conditions provided at the end of the hearing, a new condition is proposed that strengthens and clarifies the riparian planting requirements.
114. The main issue for us to address is the potential for adverse effects during the construction phase. Here there is a degree of overlap with the Regional Council consents. In issuing consents for the works in the stream and the temporary diversion of the creek, the Regional Council report states:

“The proposed bridge is permitted under the RPW however works in the stream and the diversion of Mill Creek during construction require consent. The effects of these activities have been discussed in Section 5 of this report and are generally temporary in nature and are managed by way of conditions of consent. Consequently potential adverse effects on natural character and ecological values will be mitigated as part of the development and are considered to be no more than minor. The proposal, subject to the recommended consent conditions, should avoid, remedy or mitigate any potential adverse effects, the proposal is considered to be consistent with the objectives and policies of the pRPS”.

115. In our view, the same conclusion can be reached with regards to the earthworks required to form the road. The recommended conditions of consent require that a final Earthworks Management Plan be prepared detailing the measures to be implemented to control sediment runoff. This plan has to be submitted to the Council for certification. It is clarified in those conditions that particular attention shall be directed at measures to control sediment runoff, avoid effects on Mill Creek, and ensure compliance with Otago Regional Council standards. These measures are to be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised. We are satisfied that these conditions provide sufficient safeguards.

Section 104 of the Act

116. We now turn to the matters identified in section 104 of the Act.

Effects

117. Section 104 (1) (a) requires consideration of the effects of the activity.
118. A number of effects of the road were not in contention. For example, noise effects had been assessed by the applicant and a council specialist and were found to be within limits. We have read a report prepared by Ms Gillies with respect to heritage values associated with the application site, primarily the Ayrburn Homestead and associated stone heritage buildings. These are on a separate site, but the proposed road works will pass close to the southern and western sides of Ayrburn. Ms Gillies' conclusion is that the proposed work will not have an adverse effect on the heritage qualities of Ayrburn, and her findings were not challenged at the hearing.
119. Positive effects of the proposed application are the provision of public access to part of the margins of Mill Creek, removal of stock access to the creek, and riparian enhancement and planting which would reduce nutrient and sediment run-off to Mill Creek.
120. What is in contention are construction-related effects like sedimentation and the landscape and visual impacts of the road. Our findings on these effects are set out above. In short, any adverse effects can be appropriately mitigated.

121. In terms of the recently introduced Section 104(1)(ab) of the RMA, we do not consider there is any significant adverse effect that requires “compensation” beyond conditions with respect to managing construction works and necessary landscaping provisions. We do acknowledge that there are benefits with respect to public access to part of the margins of Mill Creek, and with respect to riparian enhancement, but these effects do not need to be balanced against negative effects for consent to be granted.

Planning Documents

122. Turning to the planning documents (Section 104 (1) (b)), the objective and policy framework under the operative and proposed Regional Policy Statement, and the Regional Plan: Water were comprehensively addressed under the consent obtained from the ORC for the proposed road works as they affect Mill Stream. These documents, however, have limited bearing on the other aspects of the proposed road alignment and design that we must address.
123. We agree with the reporting officer's observation and conclusions with respect to the proposed application being consistent with the provisions of the National Policy Statement on Freshwater Management.
124. The relevant plan provisions include the operative and proposed District Plans. The PDP is currently proceeding through the hearings process and decisions have been issued on Stage 1, including Chapter 3 (Strategic Directions), Chapter 6 (Landscape and Rural Character) and Chapter 27 (Subdivision and Development). The provisions of Chapter 42 (Waterfall Park Resort Zone) have also been confirmed and carried over from the ODP.
125. We understand appeals on the Stage 1 decisions close on June 19, 2018, and given the stage that these chapters have now reached we believe significant weight should be attached to the objectives and policies in them. However zoning provisions and rules for the Wakatipu Basin containing the application site are contained in Stage 2, upon which further submissions closed on 25 April 2018. Hearing of submissions thereon are expected to take place in July 2018. For this reason only limited weight can be placed upon these provisions, given that they are still subject to hearings and decisions.
126. Mr Brown carried out a detailed assessment in matrix form of the numerous objectives and policies under both the ODP and the PDP, although in terms of the timing involved, these necessarily predated some of the relevant objectives and policies as decided by the Council in its release of decisions on 7 May 2018.
127. Mr Brown's assessment with respect to the ODP was comprehensive, and the reporting officer considered that the assessment was accurate. We concur with their assessments. We also agree with his observation that the objective and policy frameworks in the PDP are similar in nature to those contained in the ODP.

128. We have given consideration to the relevant objectives and policies in the PDP as amended by the Council's decisions issued on 7 May 2018, to which we must have regard under section 88A(2) and 104(1)(b)(vi) of the RMA. This is because the Council's decisions were released after the hearing, but before our decision has been issued. In doing so, we note that this task is somewhat complicated by the fact that the proposed rural lifestyle zoning applying to the great majority of the application site under Stage 2 of the PDP means that a number of the landscape provisions in chapters 3 and 6 of the PDP, such as those applying to rural character landscapes, are not applicable here. In addition the proposed activity is for a road to an existing established zone rather than building development itself; and the proposed activity does not involve subdivision.
129. The ODP sets out the purpose of the Rural General zone. This is to manage activities so they can be carried out in a way that:
- (a) protects and enhances natural conservation and landscape values;
 - (b) sustains the life supporting capacity of the soil and vegetation;
 - (c) maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
 - (d) ensures a wide range of outdoor recreational opportunities remain viable within the Zone.
130. Section 4.2.5 provides direction on new transport infrastructure and management of effects on landscapes and visual amenity. Policy 4.2.5.12 sets out a number of measures to protect the open nature of the rural landscape, including encouraging roads to follow the edges of existing landforms, the use of imaginative road designs and discouraging roads on visible slopes. Similar wording is used Section 5 dealing with Rural zones. For example Policy 5.2.1.7 refers to locating structures in areas that can absorb change so as to preserve the visual coherence of the landscape.
131. While the road is not a structure, the principle of preserving the visual coherence of the landscape applies. As we have determined under our discussion of effects, we are satisfied that the road can be designed so as to minimise effects on the coherence of the landscape as viewed from the Arrowtown-Lake Hayes Road. The subtle mounding proposed and avenue planting will ensure that the road is not a disruptive element. While the open paddock will be split by the road, this is an area where various reports have identified the ability of the landscape to absorb change.
132. In relation to the impact of the road on the landscape of the Mill Creek valley and the associated impact on the rural amenity enjoyed by the Beadles, we note that the road will not be visible from an existing public place. The amendments to the design of the road suggested by the applicant post the hearing, its location towards the upper part of the valley (as viewed from the Beadles' property) and its distance from the housing to the south all indicate to us that the road can be successfully integrated into the landscape. We further note that the road and associated footpath will open up this landscape to public viewing, including people being able to access Mill Creek.

133. Chapter 14 provides further direction on transport and roading. Policy 14.1.3.3.4 requires new roads to visually complement the surrounding area and to mitigate visual impacts on the landscape. Our finding is that the road design achieves this outcome.
134. The ODP also contains extensive provisions related to the management of earthworks and the control of sediment effects, such as effects on Mill Creek, and ultimately Lake Hayes. We are satisfied that the conditions of consent are an appropriate means by which potential sedimentation effects can be managed during the construction phase.
135. Turning to the PDP, we have concentrated on the strategic objectives and policies, given that the zoning of the site is not yet settled. We consider that the proposed road gives effect to the contents of Strategic Objectives 3.2.1.1, 3.2.1.8, and 3.2.5.2. Objective 3.2.1.1 recognises significant social and economic benefits of well-designed and appropriately located visitor industry facilities, while objective 3.2.1.8 provides for diversification of land use in rural areas beyond traditional activities provided that the character of rural landscapes and significant nature conservation values (and those of tangata whenua) are maintained. The road helps achieve these outcomes. The proposed road will enable the provision of physically adequate and safe access to the WPRZ, an existing zone specifically providing for tourist and residential accommodation.
136. Strategic Objective 3.2.5.2 calls for rural character and visual amenity values on Rural Character Landscapes to be maintained or enhanced by directing new development to occur in those areas “that have the potential to absorb change” without detracting from those values. We note that the emphasis on the receiving environment’s ability to absorb change is similar to that contained in the policy framework contained in the ODP.
137. As identified, we are satisfied that the visual impacts of the road is within the capacity of the receiving environment to absorb. Whether the receiving environment itself will change significantly as a result of development for rural lifestyle or residential purposes is a separate matter to be dealt with in forthcoming hearings for the PDP, and is not a factor that we have taken into account.
138. Chapter 6 addresses landscapes and rural character. Specific policies are provided for land zoned Rural Lifestyle. These policies appear to contemplate a level of development which the road would be compatible with. A degree of enhancement is promoted. For example Policy 6.3.9 encourages subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced. The new road will achieve this outcome through the riparian planting along Mill Creek.

139. Out of some caution due to the uncertainty of the final zoning of the application site, we have also reviewed the policies relating to rural landscapes. This is to ensure that our decision is not based on a presumed, but not yet settled, zoning. A variety of matters are covered. Policy 6.3.26 refers to “avoiding adverse effects on visual amenity from development that is highly visible from public places and other places which are frequented by members of the public generally”. Policy 6.3.29 encourages development to utilise shared accesses and infrastructure, and to locate these where they will minimise disruption to natural landforms and to rural character. Policy 6.3.27 seeks, in the Wakatipu Basin, to avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. We consider that the new road meets these provisions. The road will be visible, but the evidence is that the road and associated landscaping will not adversely affect the visual amenity of the landscape as experienced from the Arrowtown-Lake Hayes Road.
140. Chapter 29 covers transport. Policy 29.2.3.3 refers to ensuring that new roads avoid, remedy or mitigate adverse effects on landscape values. The new road meets this policy.
141. In addition to the above, Chapter 27 contains provisions relating to development. Policy 27.2.4.1 calls for the incorporation of existing and planned waterways and vegetation in the design of subdivision, transport corridors and open spaces where this will maintain or advance biodiversity, riparian and amenity values. We consider that the proposals contained in the application with respect to the proposed management and planting regime adjacent to Mill Creek are consistent with this policy.
142. Policy 27.2.5.4 seeks to ensure that the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features. We consider that the route chosen for the road to provide access to the WPRZ gives effect to this policy, particularly by way of comparison with option 1 (and option 2, but to a lesser extent), which would involve a degree of earthworks which we consider would be inconsistent with this policy.

Other Matters

143. Section 104(1)(c) requires us to consider any other matters relevant and reasonably necessary to determine the application.
144. We have reviewed all submissions to the application and addressed the salient issues above. We note at this point that we were asked during the presentation of submissions to consider the wishes of the local community in making a decision on whether or not to grant this application. We feel obliged to point out that our decisions on the application and submissions have to be made in accordance with the provisions of section 104, 104B, and 108 of the RMA.
145. We have also reviewed a number of reports relating to Lake Hayes that were appended to the evidence of Ms Goldsmith. These highlight the ecological pressures on the Lake and the need to reduce nutrient loads; being the same concerns expressed by Friends of Lake Hayes. We are confident that, so long as the works are appropriately managed during the construction phase, the exclusion of stock from the stream and the riparian planting associated with the road will assist with this outcome.

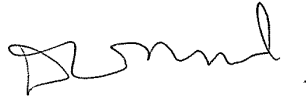
PART 2

146. Part 2 of the Act sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources”.
147. The High Court Decision in *RJ Davidson Family Trust versus Marlborough District Council [2017] NZHC 52* included a finding of the Court that unless there is an invalidity, incomplete coverage, or uncertainty of meaning in the statutory planning documents, the consent application and consent authority should not refer back to Part 2 in determining an application.
148. Given the timing of this decision where it is apparent that the District planning framework is in a state of transition between the operative plan and the proposed plan, and for want of caution, we have undertaken a brief assessment of the application in terms of Part 2.
149. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. Section 6 (b) contains a requirement to protect outstanding natural features and landscapes from inappropriate subdivision, use and development. Neither the ODP, nor the PDP, identifies the area of land concerned as being within an area identified as an Outstanding Natural Landscape.
150. However section 6(a) calls for the preservation of the natural character of rivers and their margins, and their protection from inappropriate subdivision, use, and development. We consider the proposed works required to establish the road and bridge adjacent to a section of Mill Creek, can be undertaken without any significant adverse effects (beyond those required temporarily for diversion purposes) and there will be beneficial effects associated with enhancement of the margin of the waterway and riparian planting.
151. As noted earlier in this decision, we consider there is clear evidence that subject to appropriate conditions, construction and operation of the roadway can be undertaken to ensure adequate management of risks from natural hazards as required under section 6 (h).
152. The proposed works for establishing the road do not affect the heritage listed Ayrburn Homestead and adjacent stone heritage buildings, and provide an opportunity to improve public access to these features.
153. Accordingly we conclude that a grant of consent to the application would not be contrary to the matters contained in Section 6.
154. Section 7 contains four subclauses which are relevant to this application. These are:
 - (b) the efficient use and development of natural and physical resources*
 - (c) the maintenance and enhancement of amenity values:*
 - (f) the maintenance and enhancement of the quality of the environment.*
 - (h) the protection of the habitat of trout and salmon.*

155. The WPRZ is an existing zone which has been established through statutory planning processes, and it would be an inefficient use of physical resources to either have substandard access or no access at all to this zone. Subject to the mitigation measures proposed, we have concluded that the establishment of the proposed road is consistent with sub clauses (c) and (f). Similarly, with appropriate conditions, particularly during the construction period, and subsequent riparian management and planting, Mill Creek will be protected as a habitat for trout.
156. No matters were drawn to our attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.
157. We consider a grant of consent with conditions would achieve the purpose of the Act to promote the sustainable use of natural and physical resources and would be consistent with the established and formative objective and policy framework in the ODP and PDP.

Determination

158. We have concluded that the road, with the conditions proposed, will not have adverse effects on the environment that are any more than minor. We have also concluded that the activity is not contrary to the objectives and policies of the ODP, and also the objectives and policies of the PDP as notified and which are subject to decisions on submissions. In making this determination we have not placed any weight on those parts of the PDP relating to the future zoning of the site.
159. In exercising our delegation under sections 34 and 34A of the Act, and having regard to the matters identified above under sections 104 and Part 2 of the Act, the Commissioners have determined that consent to the discretionary activity application be granted, subject to conditions.
160. Reasons for the decision are:
 - (a) The proposal is needed to provide adequate and safe legal access for vehicles, cycles and pedestrians to the Waterfall Park Resort Zone.
 - (b) Subject to appropriate landscape treatment, the adverse visual and landscape effects of the road on the wider environment and the landscape character of the site can be adequately mitigated.
 - (c) The road will provide for public access to and along a stretch of Mill Creek.
 - (d) The construction works and functioning of the road will be able to occur without impacting upon the ecology of Mill Creek. Significant enhancement planting is proposed.
 - (e) The proposal is consistent with the relevant objectives and policies of the operative and proposed District Plans.

A handwritten signature in black ink, appearing to read 'D Mead', with a small dot at the end.

D Mead (Chair)

For the Hearings Commission

1 June 2018

APPENDIX 1 – Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS: LAND USE CONSENT

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Waterfall Park Developments Ltd: Proposed Access Road Overview Sheet Layout, Sheet 2, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - Waterfall Park Developments Ltd: Proposed Access Road Intersection Detail, Sheet 3, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - Waterfall Park Developments Ltd: Proposed Access Road CH45.0 – CH205.0, Sheet 4, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH195.0 – CH405.0 and Earthworks Quantities, Sheet 5, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - Waterfall Park Developments Ltd: Proposed Access Road CH380.0 – CH580.0, Sheet 6, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH565.0 – CH715.0, Sheet 7, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH700.0 – CH870.0, Sheet 8, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH0.0 – CH260.0, Sheet 9, Revision B', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH250.0 – CH510.0, Sheet 10, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH500.0 – CH760.0, Sheet 11, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH750.0 – CH870.0, Sheet 12, Revision C', prepared by Paterson Pitts Group and dated 20/04/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 13, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 14, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'New Access Road to Waterfall Park Context Plan', prepared by Baxter Design and dated 11 April 2018
 - 'New Access Road to Waterfall Park Concept Masterplan', prepared by Baxter Design and dated 11 April 2018
 - 'New Access Road to Waterfall Park Planting and Lighting Plan', prepared by Baxter Design and dated 11 April 2018
 - 'Photo Simulation 1', prepared by Baxter Design and dated 29 January 2018
 - 'Photo Simulation 2', prepared by Baxter Design and dated 29 January 2018
 - 'Proposed Access Road ROW Easements' Revision B, prepared by Paterson Pitts Group and dated 1/05/2018
 - 'Waterfall Park Access Road – Adjacent Parcel Information and Tree Protection Area's Q6388-16-6 Revision A prepared by Paterson Pitts Group and dated 26/04/2018.
 - New Access Road to Waterfall Park, Lower Plateau Road Planting Option 2, prepared by Baxter Design, 7 May 2018 as appended to P Baxter supplementary statement dated 7 May 2018.

stamped as approved on 1 June 2018.

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.

General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz>

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

4. Prior to commencing earthworks within the Arrowtown - Lake Hayes Road corridor, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. 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.
5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with the QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the draft Paterson Pitts Group "Earthworks Management Plan, Waterfall Park, Access Road" dated 6th October 2017 and Otago Regional Council consents RM17.302.01 and RM170.302.02 submitted with the consent application to ensure that neighbouring sites remain unaffected from earthworks. The consent holder shall prepare the final Earthworks Management Plan detailing the measures to be implemented and shall submit that Earthworks Management Plan to the Council for certification. Particular attention shall be directed at measures to control sediment runoff, effects on Mill Creek, and compliance with Otago Regional Council standards. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and 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 forming and sealing of the New Road in accordance with details submitted within the RM171280 Resource Consent application and as shown on Patterson Pitts Group Drawings Q6388-15 Sheets 1, 2, 7, 8, and 14 Revision D, Sheets 11 and 12 Revision C and Sheets 3 to 6, 9, 10 and 13 Revision B and to Council's standards, but as amended to include the following requirements:

- The road shall have a 5.7m wide sealed Movement Lane (carriageway) in accordance with Figure 8, Table 3.2 of QLDC's Land Development and Subdivision Code or Practice, with additional sealed shoulders to bring the total sealed carriageway width to 7.2m.
 - As the road will be a private road, the consent-holder (as the road controlling authority) will install 50km/h speed limit signs in accordance with the Manual of Traffic Signs and Markings Section 2.
 - Provision of a 2.0m wide concrete pedestrian footpath along the southern/western side of the road from CH 20 to CH 680.
 - Provision of a 2.0m wide concrete pedestrian footpath along the eastern side of the road from CH 565 to CH 870.
 - Provision shall be made for stormwater disposal from the road carriageways via grassed swales, rock lined swales or kerb and channel and attenuation ponds with piped reticulation with outflow to Mill Creek or soakage pits as shown on the Patterson Pitts Drawings Q6388-15 Sheets 1, 2, 7, 8, and 14 Revision D, Sheets 11 and 12 Revision C and Sheets 3 to 6, 9, 10 and 13 Revision B. Percolation testing shall be undertaken at the individual soak pit locations to confirm soakage. A copy of the test results shall be provided to the Manager of Resource Management Engineering at Council and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
 - Details of erosion protection measures required for the road batter protection along elevated sections of road through the Mill Creek flood catchment area for a 1% AEP, ie 1 in 100 year event flow.
 - A secondary protection system shall consist of secondary flow paths to cater for the 1% AEP storm event, and no increase in run-off onto land beyond the site from the predevelopment situation. Any piped reticulation shall be designed with attenuation to ensure total discharge does not exceed pre-development flows and shall include provision of the interception of settleable solids, floatable debris or other contaminants prior to discharge to receiving waters.
 - Either the provision of a PS1 design Producer Statement and comment from a suitably qualified geotechnical professional attesting to the long term stability of road batters to the west of the road between Chainage 720 to 740 and/or the provision of a permanent retaining solution for the same area of roading cut/fill with safety barriers as necessary to meet Council standards.
- b) The formation of an intersection of the new road with Arrowtown-Lake Hayes Road, in accordance with the latest Austroads intersection design guides. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.
- c) The provision of public intersection lighting for the new road with Arrowtown – Lake Hayes Road and private pedestrian lighting at/near all road crossing locations in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- d) The detailed bridge design for the bridge crossing Mill Creek in full accordance with the NZTA Bridge Manual including details of any required scour protection measures required at the bridge site and on approaches both upstream and downstream of the bridge to adequately protect the abutments and bridge foundations. These design details shall be accompanied by a PS1 (Producer Statement – Design) from a suitably qualified Chartered Professional Engineer. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.

- e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design or these barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to use of the road.
 - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Stormwater infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the QLDC's Land Development and Subdivision Code of Practice; the 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council; the final Earthworks Management Plan as required by Condition 7 above; and Otago Regional Council consents RM17.302.01 and RM170.302.02, and who shall supervise the excavation procedure and retaining wall constructions, if any, and ensure compliance with the recommendations of these documents. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
10. At least 7 days prior to commencing works, the consent holder shall provide the Council with an updated landscape plan for certification, confirming the design of mounding, batter slopes and vegetation planting along the road corridor. This plan shall:
- a) incorporate a batter slope of 1:8 along the southern side of the road from CH400 to CH490;
 - b) confirm updated details of planting in accordance with Option 2 set out in the supplementary statement of Baxter Design, 7 May 2018 and the planting indicated in the concept masterplan provided with the application;
 - c) provide a maintenance schedule, including weed and pest control.

To be monitored throughout earthworks

- 11. No permanent batter slope within the site shall be formed at a gradient that exceeds 2 horizontal: 1 vertical.
- 12. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 13. No earthworks, temporary or permanent, are to breach the boundaries of the site except for the approved works for the new intersection with Arrowtown- Lake Hayes Road at the east of the site.
- 14. Any works near power lines, including extraction, processing and stockpiling activities, and the use of haul roads by construction traffic, shall be undertaken in accordance with any requirements of Aurora Energy/Delta, the Electricity Act and the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

Public access and fencing

15. Prior to any use of the new road authorised by this consent (other than for road construction purposes), and subject to Condition 16 below, the consent holder shall grant in favour of the Queenstown Lakes District Council as grantee a right-of-way easement in gross over the corridor containing the road, footpaths and adjoining areas of land being those areas marked Easement Areas A, B and C on Paterson Pitts Group plan 'Proposed Access Road ROW Easements' Revision A dated 11/04/2018 for the purpose of public access (as if those areas of land were vested in Council as public road).
16. Easement Area B is associated with the footpath running immediately alongside the road. Easement Area C is associated with the alternative pedestrian/cycle path shown on the plan referred to in Condition 15. Those are alternative options. The consent holder must create a public access easement over one of those options (comprising the footpath and adjoining area of land between the footpath and Mill Creek) but is not required to create both options.
17. Conditions 15 and 16 above do not imply any obligation on the Council to maintain the roadway, footpaths and adjoining lands located within the proposed public access easement. Maintenance shall remain the responsibility of the consent holder. If and when any part of the land subject to the public access easement is vested in Council as legal road or reserve, this condition will cease to have effect in respect of the land thus vested.
18. Prior to any use of the new road authorised by this consent (other than for road construction purposes) the consent holder shall fence or adopt other measures to ensure that stock is excluded from the full length of Mill Creek which runs through Part Lot 3 Deposited Plan 5737. The fencing or other measures shall not interfere with or obstruct the public access created under conditions 15 and 16. Fencing on any land used for stock shall be at least 4m from the edge of the Mill Creek water channel.

Road Speed Monitoring

19. Upon the receipt of information identifying non-compliance with the conditions of this consent and/or within ten working days of each anniversary 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 consent for the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the operation of the consent in terms of road speed that were not foreseen at the time the application was considered;
 - b) To undertake a speed survey to be carried out by the consent holder to determine the operating speed of the road. This will be calculated as the 85th percentile observed speed, with at least 100 measurements being carried out in each direction of travel. The results of this survey are to be provided to Council;
 - c) In the event that the operating speed exceeds 50km/hr, then the consent holder shall design and implement measures to reduce the operating speed to 50km/hr or less.

Accidental Discovery

20. If the consent holder 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:
 - a) stop work within the immediate vicinity of the discovery or disturbance and;
 - b) advise the 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;
 - c) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Maintenance of existing vegetation

21. This condition applies to the trees and all other vegetation over 2m in height ("Trees") located within the Tree Protection Areas A, B and C ("TPA") shown on approved Plan Q6388-16-6 Revision A dated 24/04/2018 entitled 'Waterfall Park Access Road – Adjacent Parcel Information and Tree Protection Area':
- a) The Trees must be maintained, and cannot be removed or trimmed, except as authorised under (b), (c) or (d) below.
 - b) The consent holder may remove some or all Trees provided that:
 - (i) the consent holder has first planted replacement Trees which will achieve the same or similar visual screening effect when viewed from the three properties south of and adjoining the TPA; and
 - (ii) the replacement Trees are evergreen; and
 - (iii) the replacement Trees have reached a height of 4m above ground level measured at that point on the northern boundary of the TPA which is directly north of the replacement Trees.
 - c) Trees may be removed or trimmed if the consent holder first obtains the written consent to such removal or trimming from the relevant adjoining landowner to the south. For the purpose of this subclause the 'relevant adjoining landowner' is:
 - (i) in respect of TPA-A, the owner of Lot 1 DP336908;
 - (ii) in respect of TPA-B, the owner of Lot 3 DP336908;
 - (iii) in respect of the TPA-C, the owner of Lot 4 DP336908.
 - d) This condition does not apply to, or restrict the trimming of:
 - (i) branches of Trees within the TPA which extend beyond the boundaries of the TPA;
 - (ii) Trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons.

Road Side Planting

22. The planting required by condition 10 shall be carried out within the planting season following construction of that section of road. The planting shall be monitored and maintained thereafter for a period of five years and shall remain in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable.

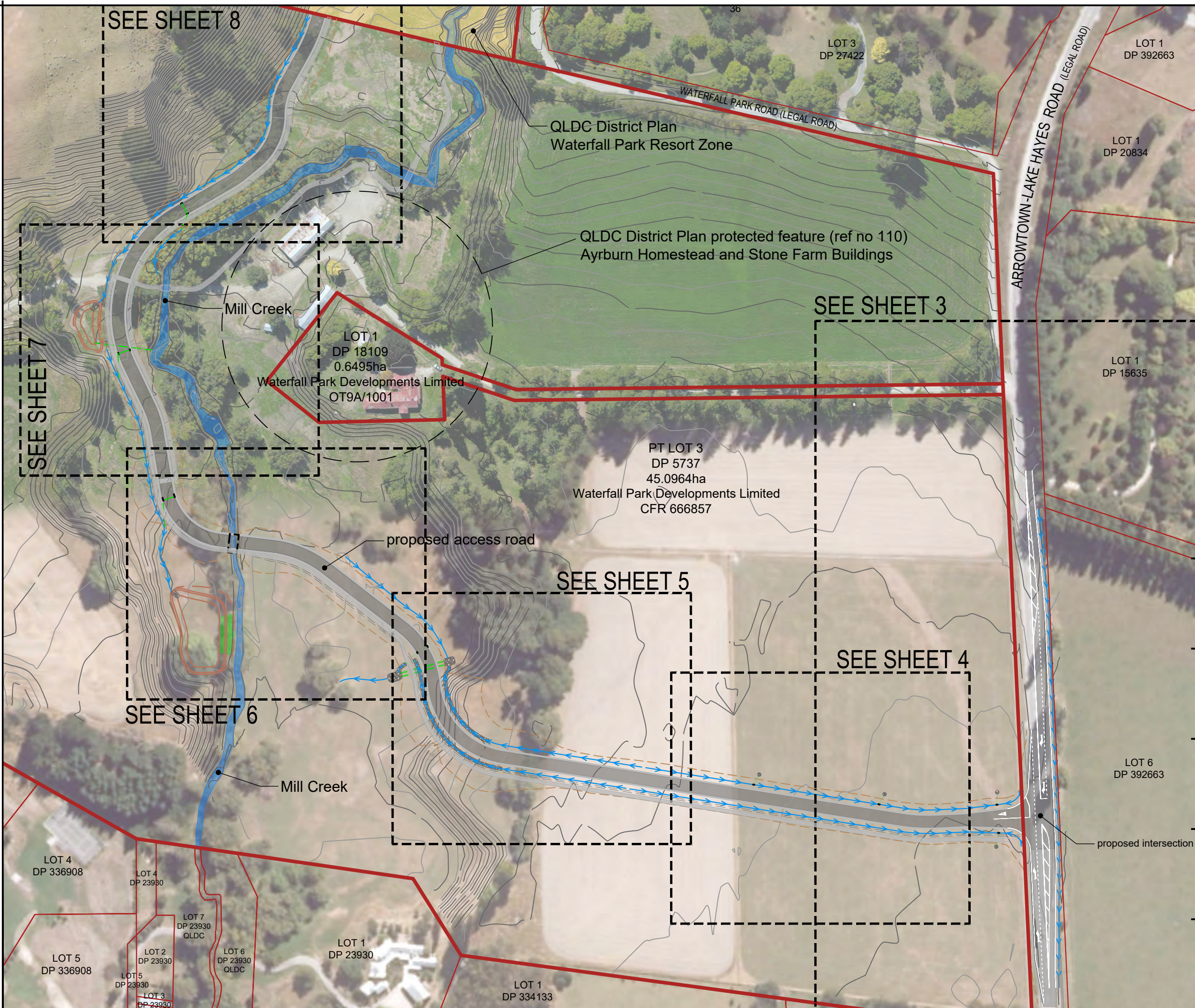
Riparian Planting


23. The consent holder shall implement the riparian planting along the margins of Mill Creek in accordance with the following:
- a) The planting shall be in the locations and density as set out on the plan "New Access Road to Waterfall Park Planting and Lighting Plan" prepared by Baxter Design Group dated 11 April 2018.
 - b) The planting shall have a minimum width of 2m and an average width of 3m, including the upper and lower bank zones.
 - c) A grass strip of minimum width 1m shall be provided between the riparian planting and stock fencing installed under Condition 18.
 - d) The planting shall be carried out within the planting season following construction of the road and bridge.

- e) The planting shall be monitored and maintained thereafter for a period of five years and shall remain in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. The maintenance shall include weed and pest control.

Advice Notes

1. Registered professionals shall prepare all necessary documentation to enable the certification to be lodged with Land Information New Zealand.
2. The consent holder is advised that if the road is vested in future all stormwater systems and ponds associated with the road would also need to be vested.





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM17/1280

Friday, 1 June 2018

NOTES:

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 - Hazard registers, ground conditions or suitability for development
 - 'Ground level' as defined by the QLDC District Plan
 - Service connections to utility services
- This plan includes information from site surveys undertaken by Paterson Pitts Group (Sep 2017) and CFM (2016/2017)
- Coordinates and bearings are in terms of Geodetic Datum 2000, Mount Nicholas Circuit grid projection
- Levels are in terms of MSL (Dunedin Vertical Datum 1958)
- The origin of levels is C1PV (IT IX DP 12678) RL: 348.66m
- Existing contours shown - 0.5m contour interval
- Refer to the relevant CFRs and title plans for registered easements, covenants and interests


0m 40m 80m 120m

SCALE BAR

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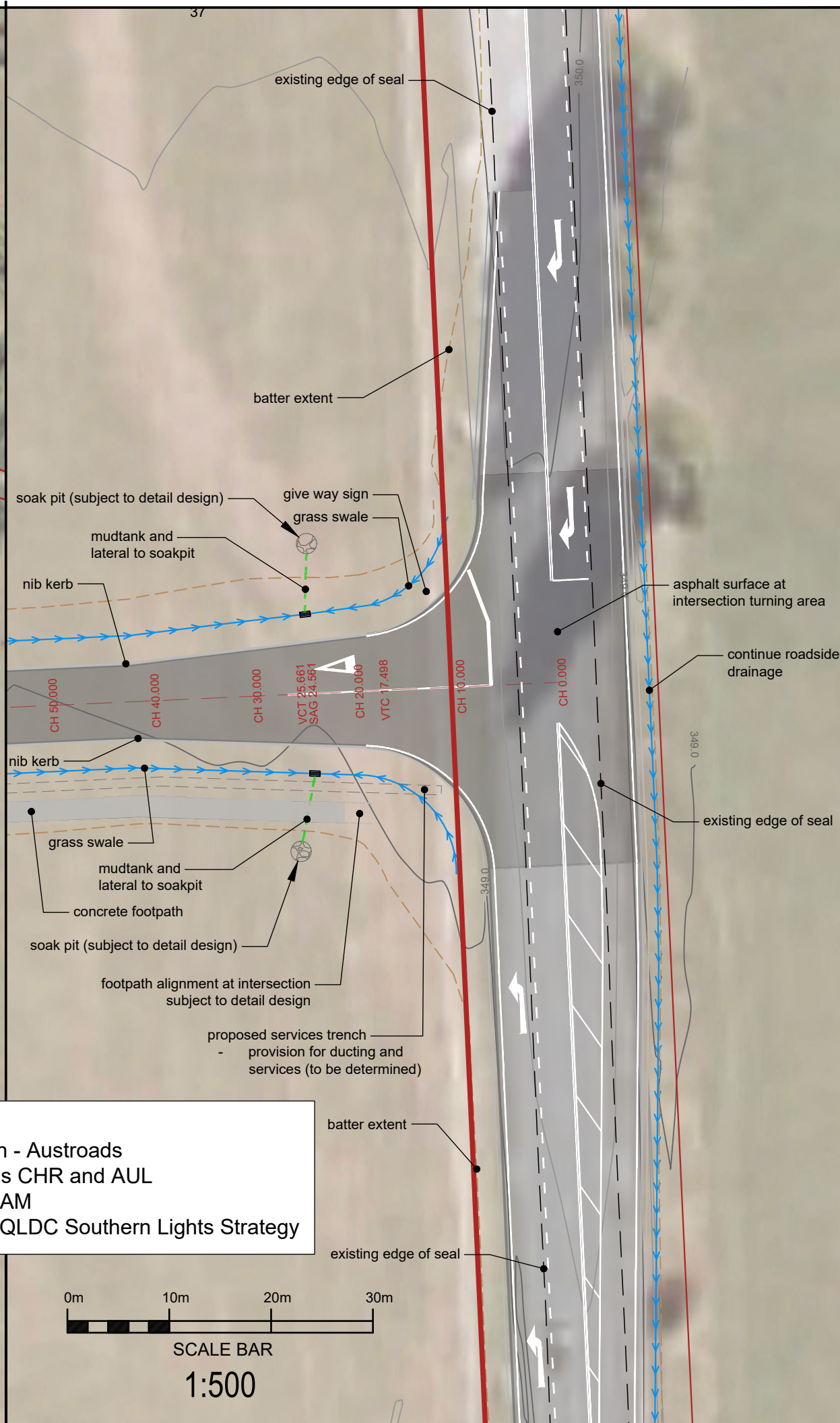
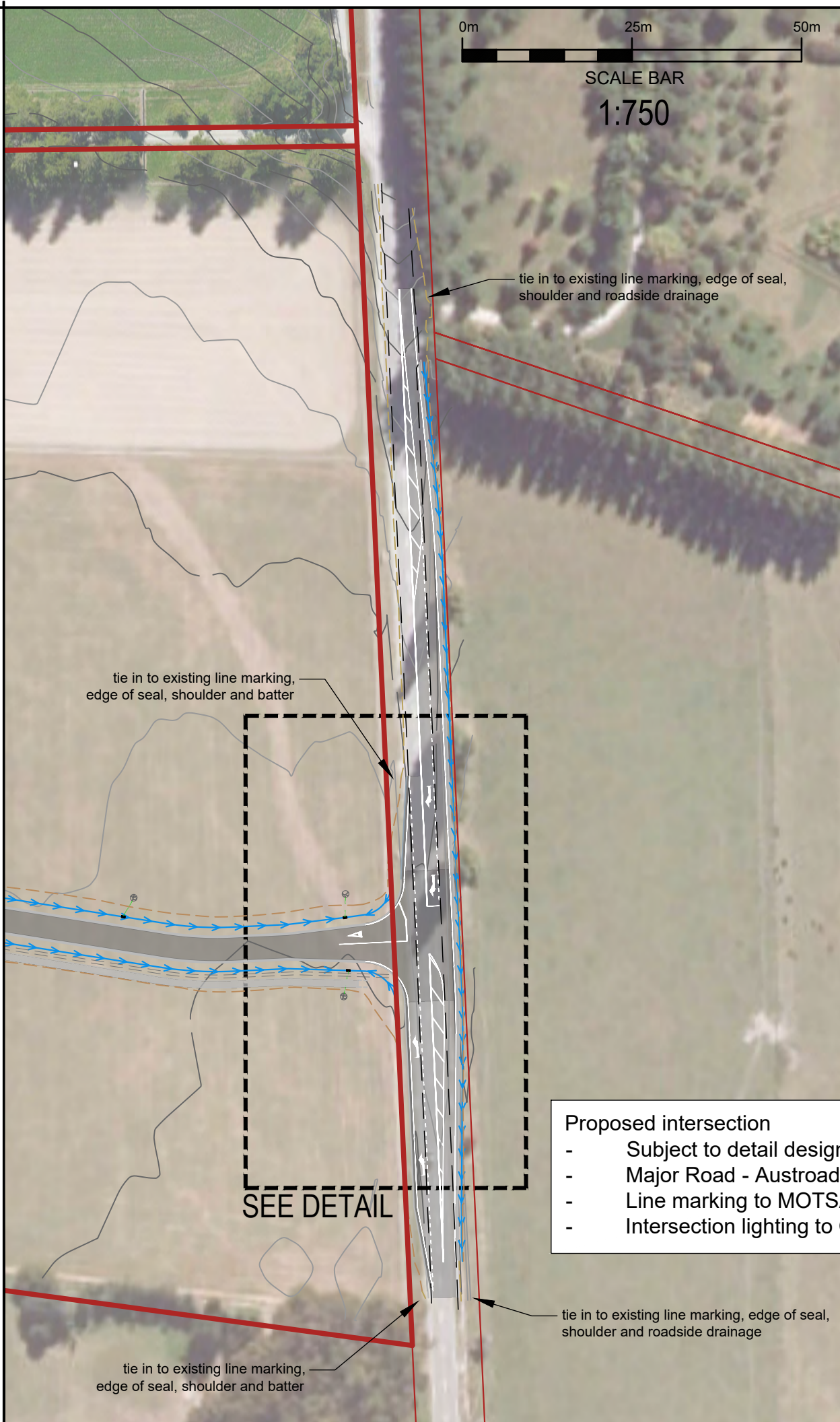
Client/Location:

Waterfall Park Developments Ltd
Sec 69 Blk VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:


**Proposed Access Road
Overview Sheet Layout**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:2000
Drawn by:	SJP		
Checked by:	SJW		
Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 15	Sheet No:	2
		Revision No:	D
		Date Created:	20/04/2018



Proposed intersection

- Subject to detail design - Austroads
- Major Road - Austroads CHR and AUL
- Line marking to MOTSAM
- Intersection lighting to QLDC Southern Lights Strategy



QUEENSTOWN LAKES DISTRICT COUNCIL

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Friday, 1 June 2018

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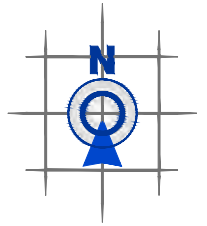
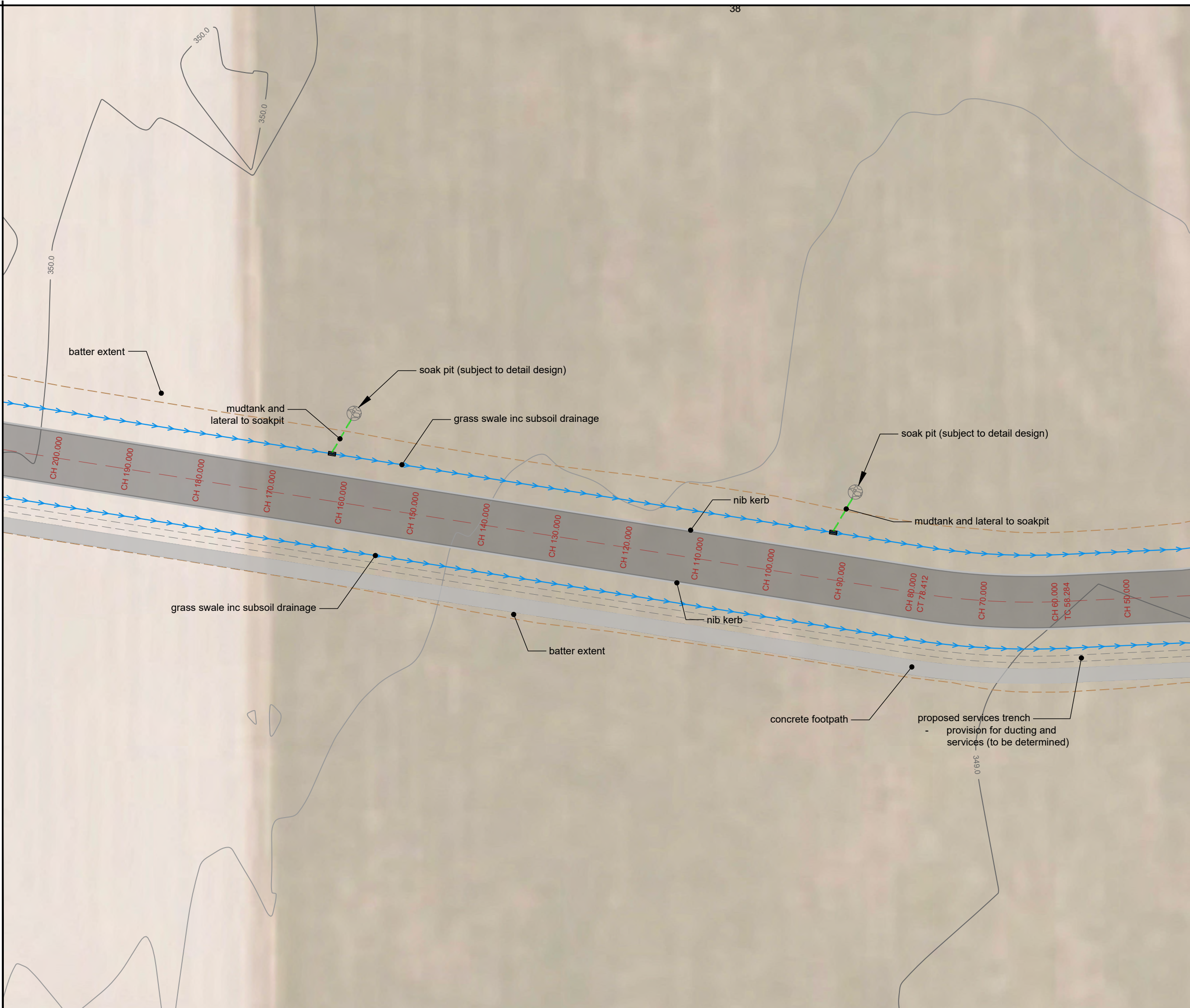
Client/Location:

Waterfall Park Developments Ltd
Sec 69 Blk VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:

Proposed Access Road Intersection Detail

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	As shown
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	3
		Revision No:	B
		Date Created:	9/10/2017

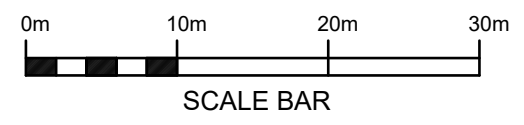


**QUEENSTOWN LAKES
DISTRICT COUNCIL**

**APPROVED PLAN:
RM171280**

Friday, 1 June 2018

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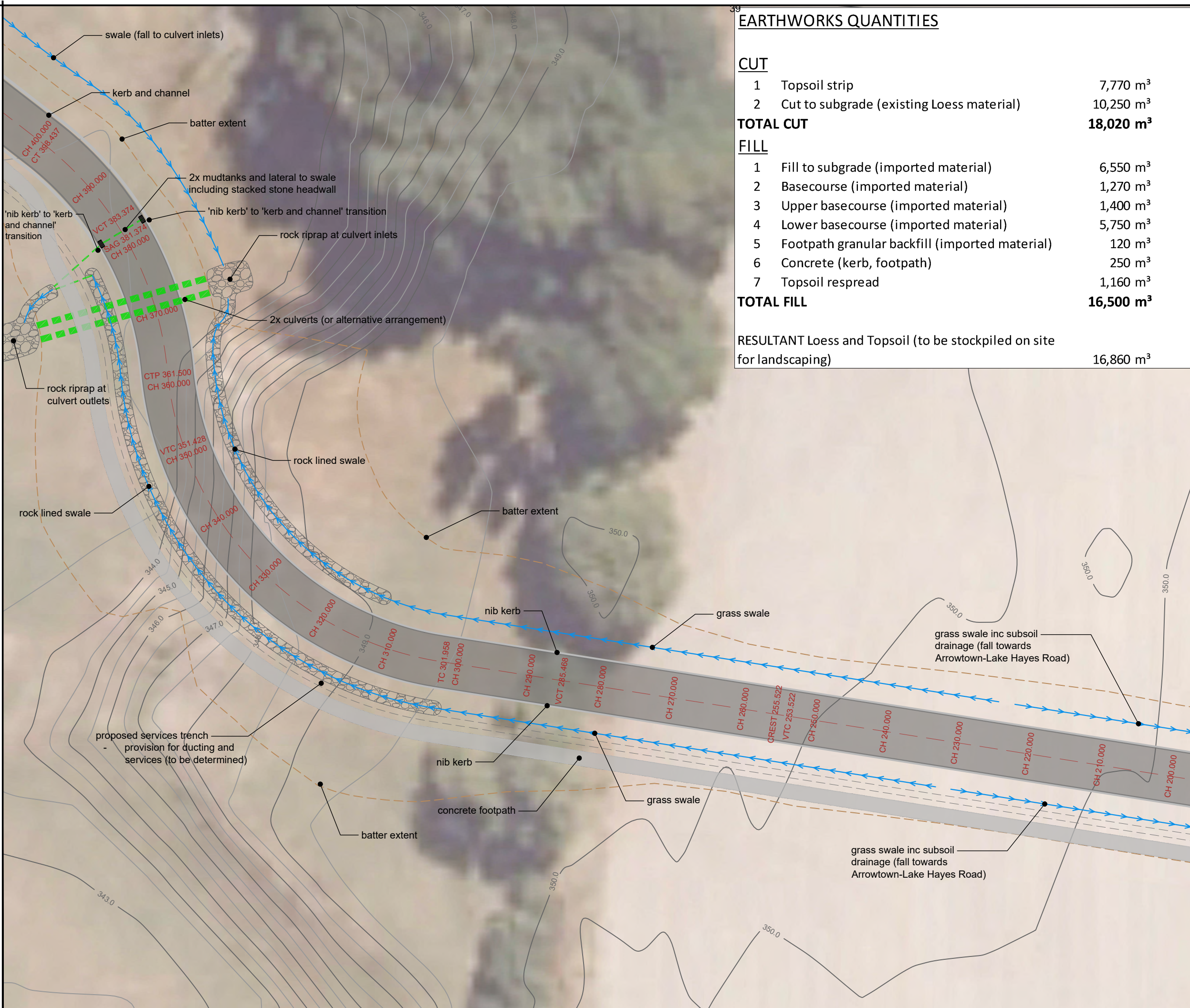
Client/Location:

Waterfall Park Developments Ltd
Sec 69 Blk VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:


**Proposed Access Road
CH45.0 - CH205.0**

Surveyed by:	PPG	Original Size: A3	Scale: 1:500	
Designed by:	SJP		DO NOT SCALE	
Drawn by:	SJP			
Checked by:	SJW			
Approved by:				
Job Ref:	Q6388 - 15	Sheet No: 4	Revision No: B	Date Created: 9/10/2017



EARTHWORKS QUANTITIES

CUT		
1	Topsoil strip	7,770 m³
2	Cut to subgrade (existing Loess material)	10,250 m³
TOTAL CUT		18,020 m³
FILL		
1	Fill to subgrade (imported material)	6,550 m³
2	Basecourse (imported material)	1,270 m³
3	Upper basecourse (imported material)	1,400 m³
4	Lower basecourse (imported material)	5,750 m³
5	Footpath granular backfill (imported material)	120 m³
6	Concrete (kerb, footpath)	250 m³
7	Topsoil respread	1,160 m³
TOTAL FILL		16,500 m³
RESULTANT Loess and Topsoil (to be stockpiled on site for landscaping)		16,860 m³



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171280

Friday, 1 June 2018

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0m 10m 20m 30m

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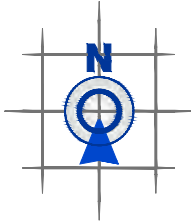
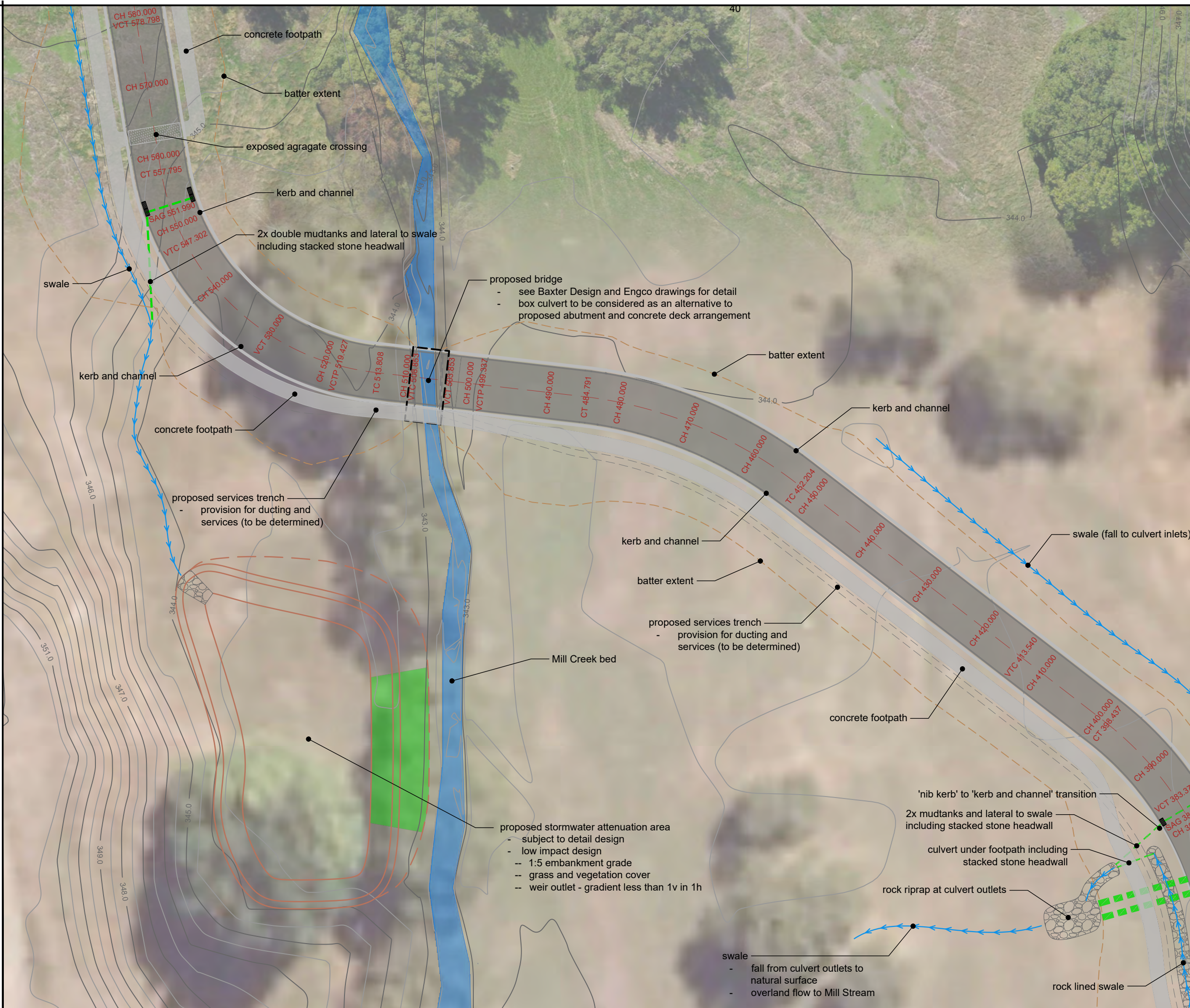
Client/Location:

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DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:

**Proposed Access Road
CH195.0 - CH405.0
and Earthworks Quantities**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:500
Drawn by:	SJP		
Checked by:	SJW		
Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 15	Sheet No:	5
		Revision No:	B
		Date Created:	9/10/2017

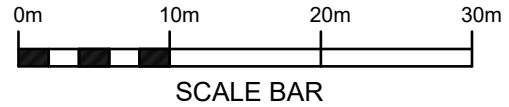


QUEENSTOWN LAKES
DISTRICT COUNCIL

APPROVED PLAN:
RM171280

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 - The origin of levels is C1PV (IT IX DP 12678) RL: 348.66m
 - Existing contours shown - 0.5m contour interval
 - Refer to the relevant CFRs and title plans for registered easements, covenants and interests



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Client/Location:
Waterfall Park Developments Ltd
Sec 69 Blk VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

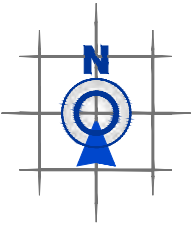
Purpose/Drawing Title:
**Proposed Access Road
CH380.0 - CH580.0**

Surveyed by:	PPG	Original Size: A3	Scale: 1:500
Designed by:	SJP		
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
		DO NOT SCALE	
Job Ref: Q6388 - 15		Sheet No: 6	Revision No: B
			Date Created: 9/10/2017

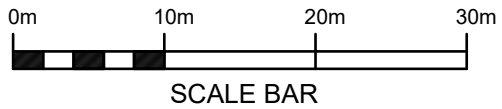
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RMI71280

Friday, 1 June 2018



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 - Service connections to utility services
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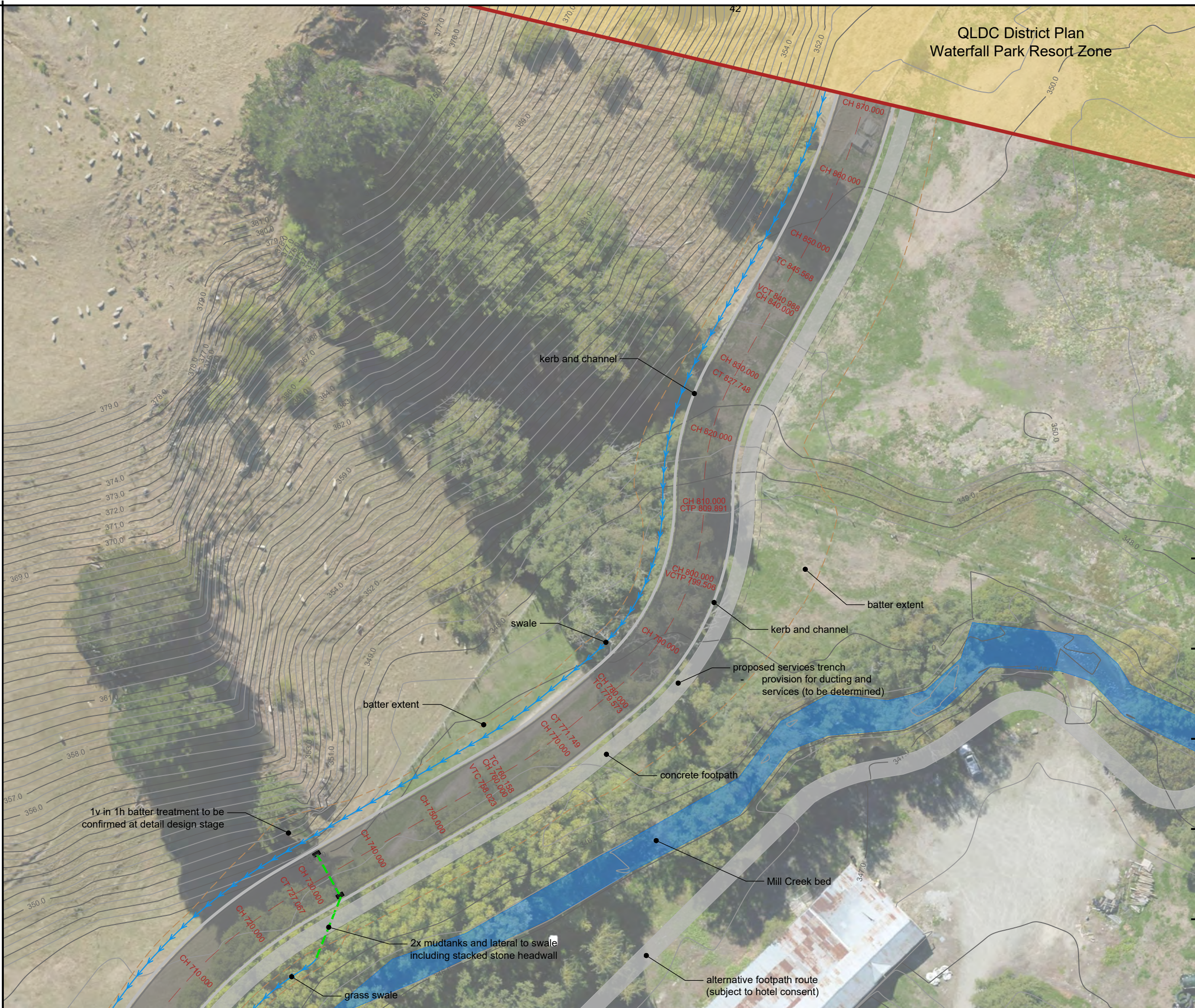
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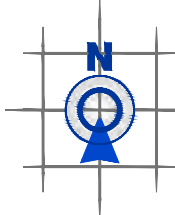
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Sec 69 Blk VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:
**Proposed Access Road
CH565.0 - CH715.0**

Surveyed by:	PPG	Original Size: A3	Scale:		1:500
Designed by:	SJP				
Drawn by:	SJP				
Checked by:	SJW				
Approved by:					
Job Ref:		Sheet No: 7	DO NOT SCALE		
Q6388 - 15			Revision No:	Date Created:	
			D	20/04/2018	





**QUEENSTOWN LAKES
DISTRICT COUNCIL**

**APPROVED PLAN:
RM171280**

Friday, 1 June 2018


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6. Existing contours shown - 0.5m contour interval
7. Refer to the relevant CFRs and title plans for registered easements, covenants and interests

0m 10m 20m 30m

SCALE BAR

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DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:

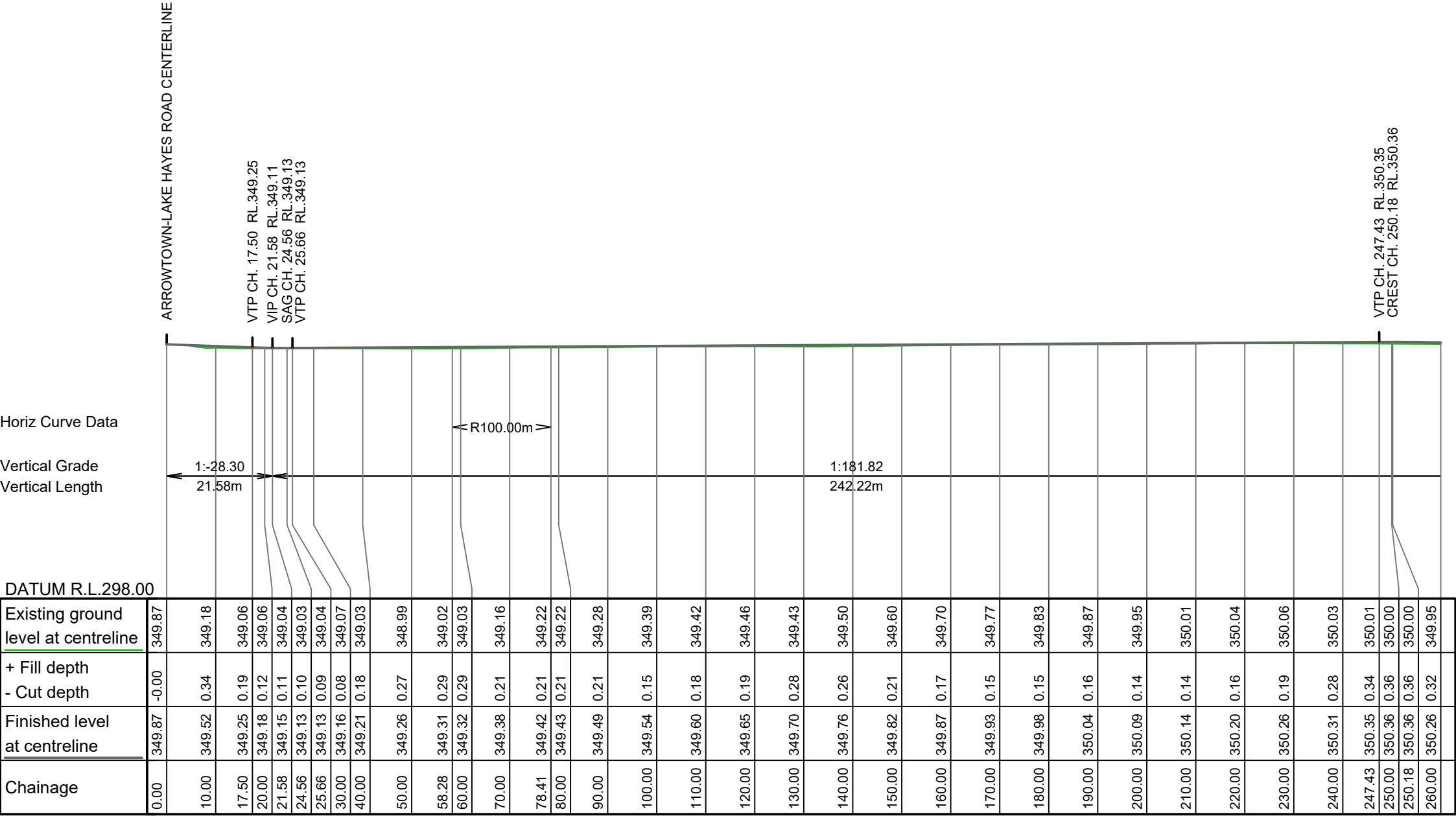
**Proposed Access Road
CH700.0 - CH870.0**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:500
Drawn by:	SJP		
Checked by:	SJW		
Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 15	Sheet No:	Revision No:
		8	D
			Date Created:
			29/01/2018

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APPROVED PLAN:
RM171280

Friday, 1 June 2018



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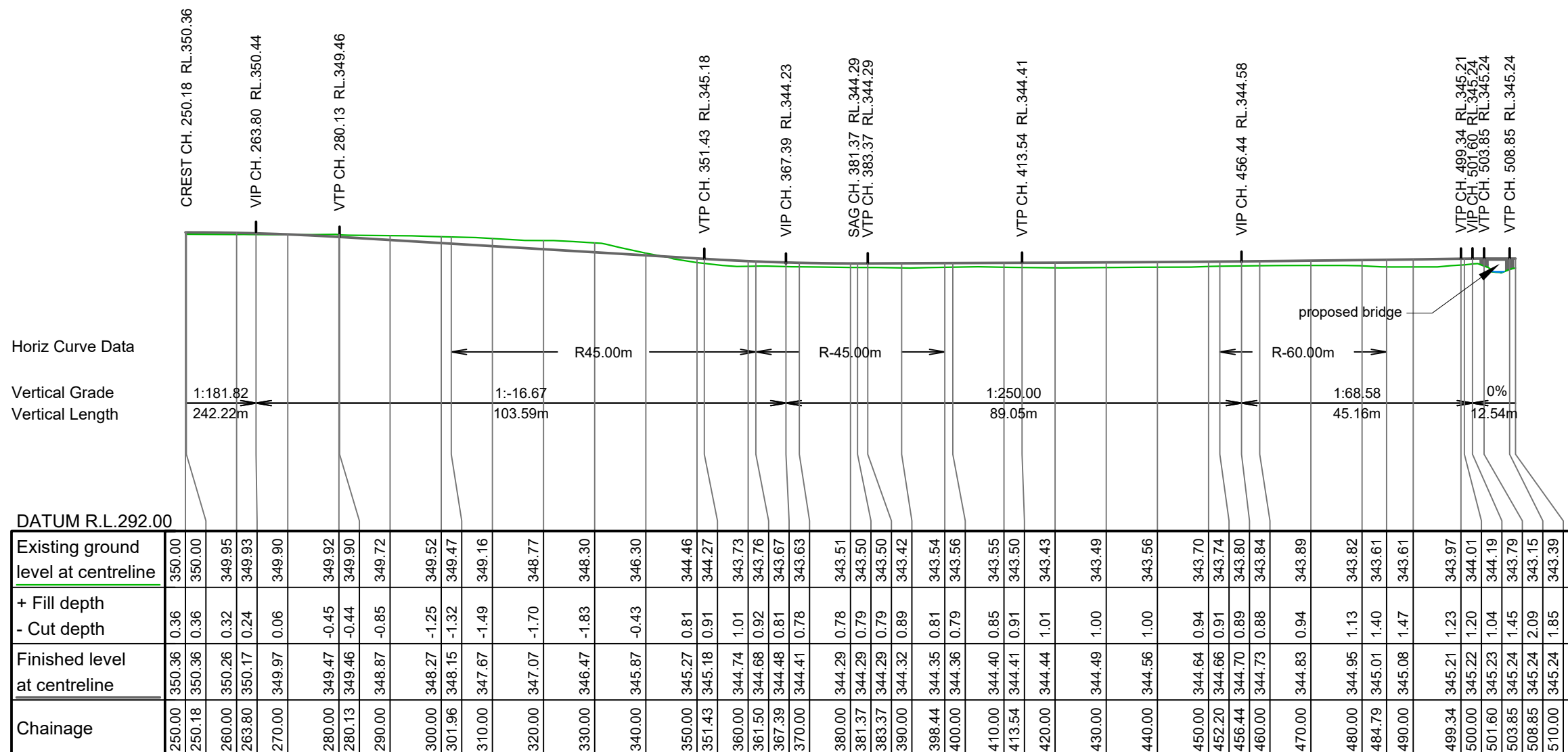
Purpose/Drawing Title:

**Proposed Access Road
Longsection
CH0.0 - CH260.0**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:1000
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	9
		Revision No:	B
		Date Created:	20/04/2018

**APPROVED PLAN:
RM171280**

Friday, 1 June 2018



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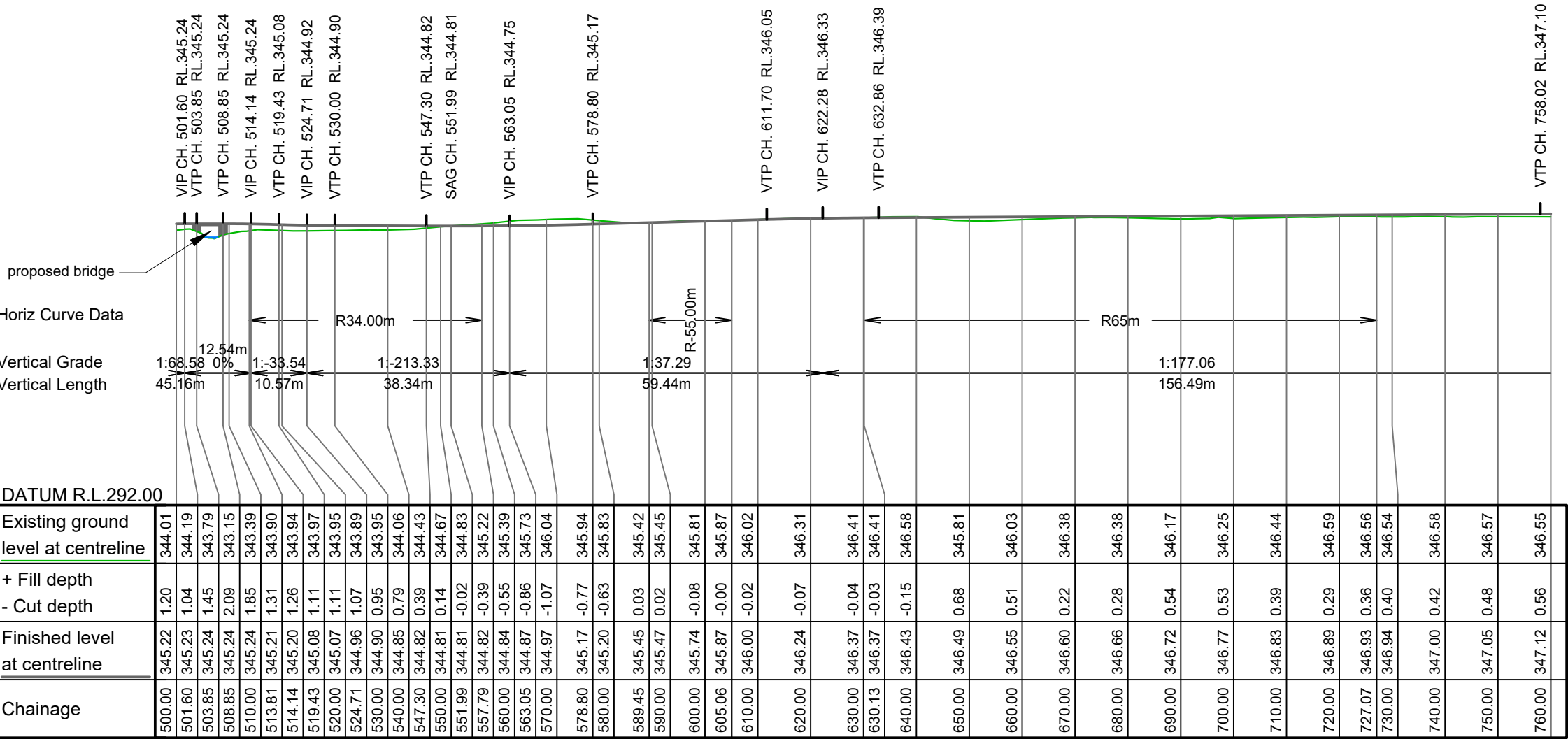
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Purpose/Drawing Title:

**Proposed Access Road
Longsection
CH250.0 - CH510.0**

Surveyed by:	PPG	Original Size:	A3	Scale:	1:1000
Designed by:	SJP				
Drawn by:	SJP				
Checked by:	SJW				
Approved by:					
Job Ref:		Sheet No:	Revision No:	Date Created:	
Q6388 - 15		10	B	9/10/2017	



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DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:

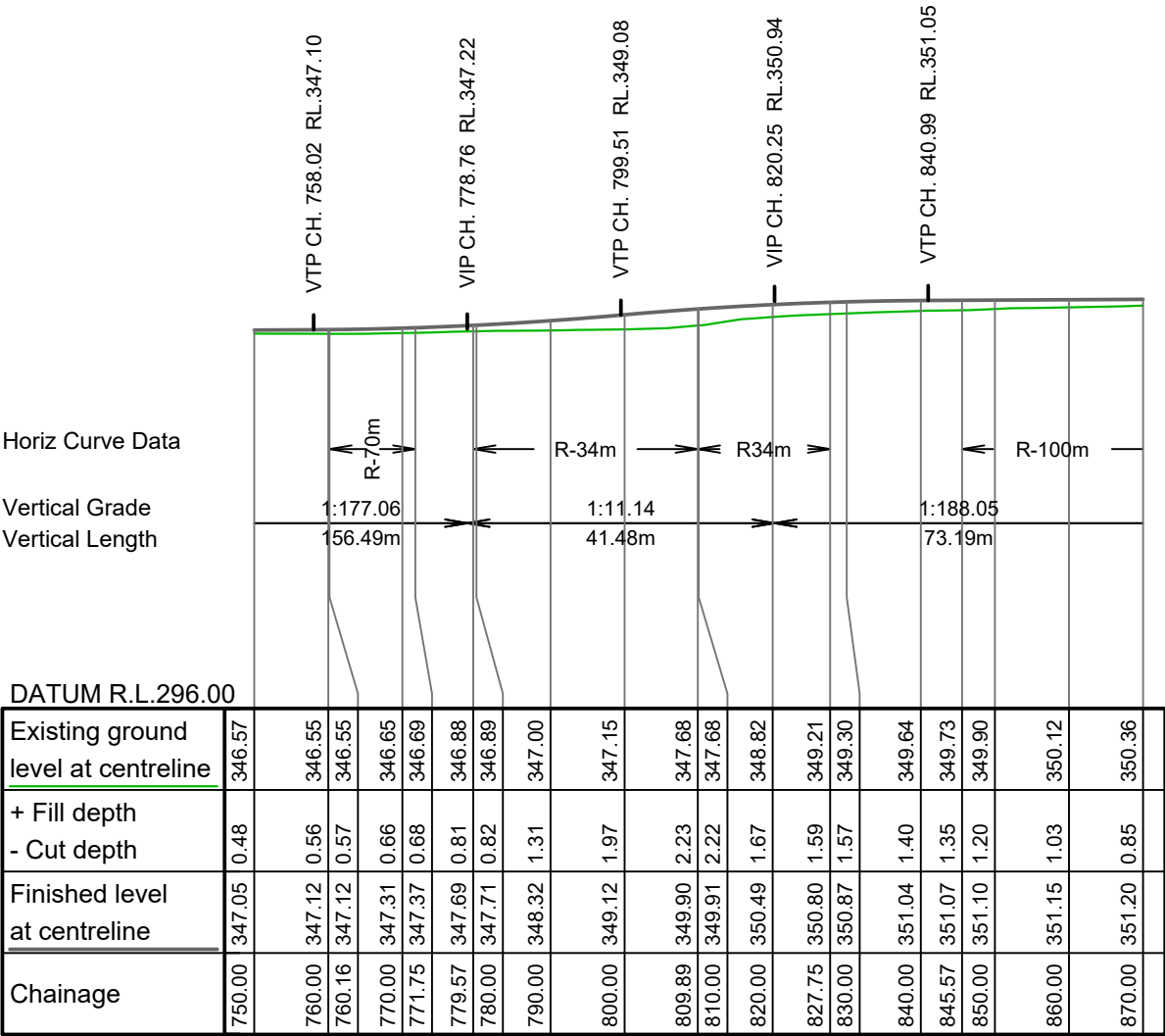
**Proposed Access Road
Longsection
CH500.0 - CH760.0**

urveyed by:	PPG	Original Size: A3	Scale: 1:1000	
esigned by:	SJP			
rawn by:	SJP			
hecked by:	SJW			
pproved by:				
Job Ref: Q6388 - 15		Sheet No: 11	Revision No: C	Date Created: 29/01/2018

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APPROVED PLAN:
RM171280

Friday, 1 June 2018



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DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:

Proposed Access Road

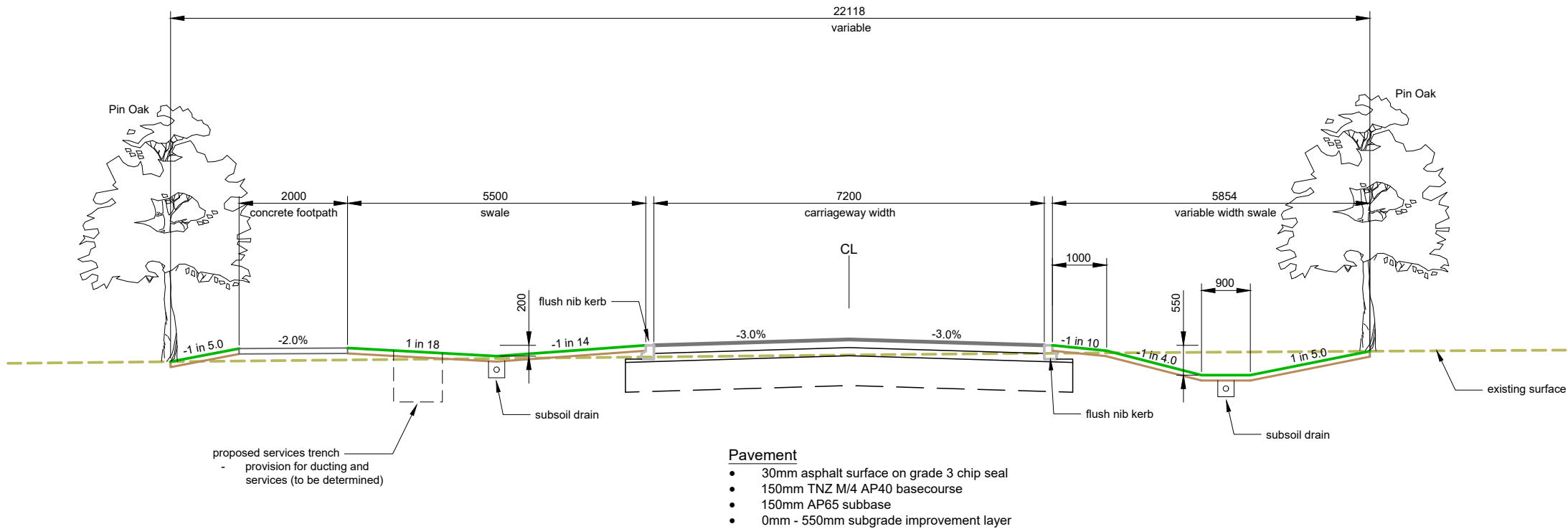
Longsection

CH750.0 - CH870.0

Surveyed by:	PPG	Original Size: A3	Scale: 1:1000	
Designed by:	SJP			
Drawn by:	SJP			
Checked by:	SJW		DO NOT SCALE	
Approved by:				
Job Ref:		Sheet No:	Revision No:	Date Created:
Q6388 - 15		12	C	29/01/2018

CH60.0

Scale 1:100



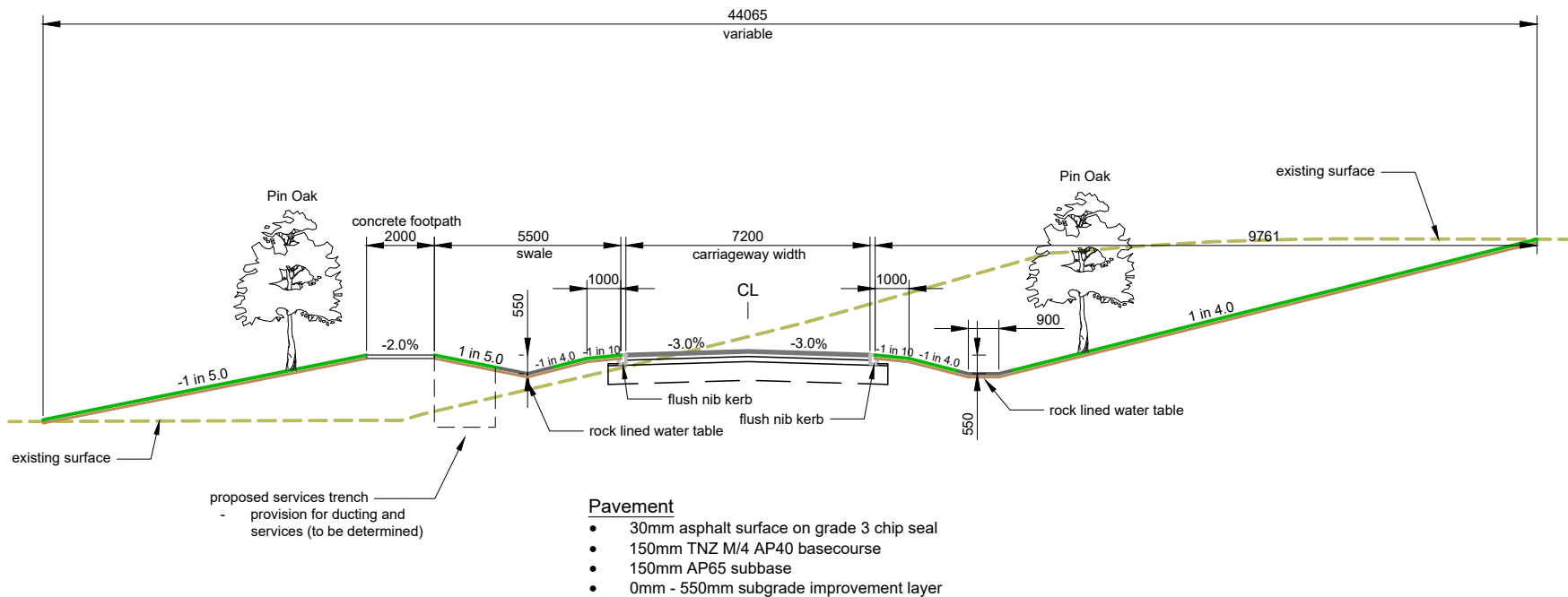
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APPROVED PLAN:
RM171280

Friday, 1 June 2018

CH340.0

Scale 1:200



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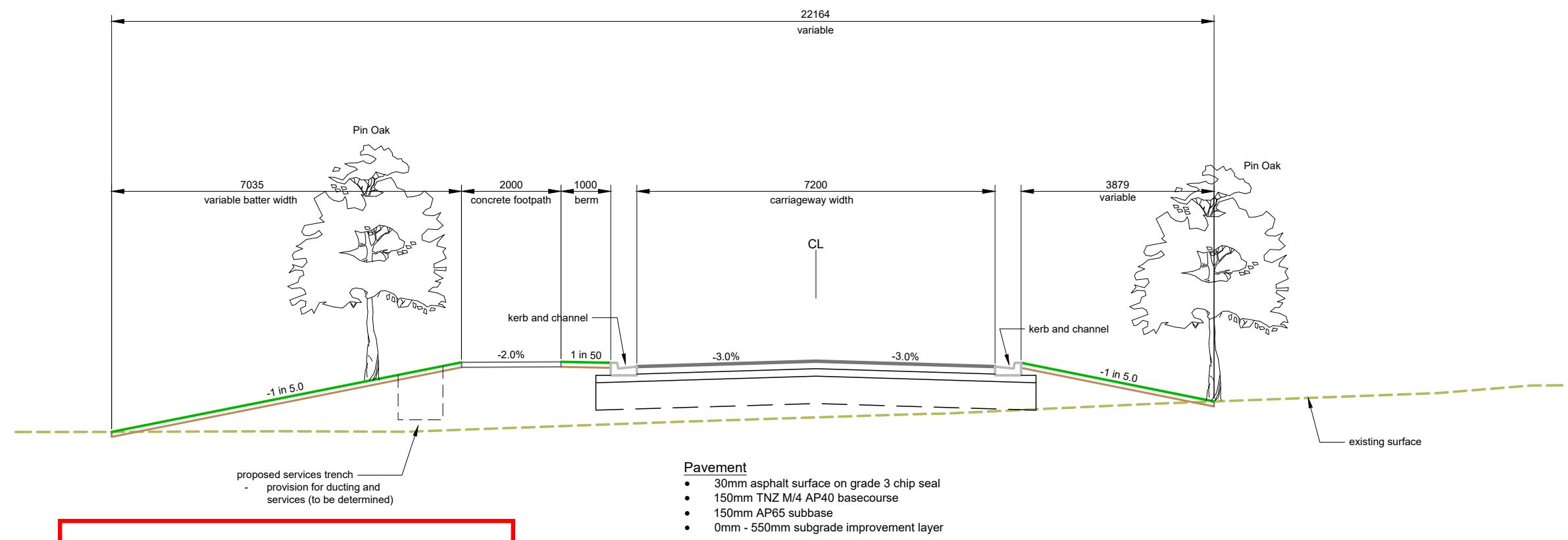
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Purpose/Drawing Title:
**Proposed Access Road
Typical Cross Sections**

Surveyed by:	PPG	Original Size:	Scale:	as shown
Designed by:	SJP			
Drawn by:	SJP			
Checked by:	SJW			
Approved by:				
Job Ref:		Sheet No:	Revision No:	Date Created:
Q6388 - 15				

CH480.0
Scale 1:100

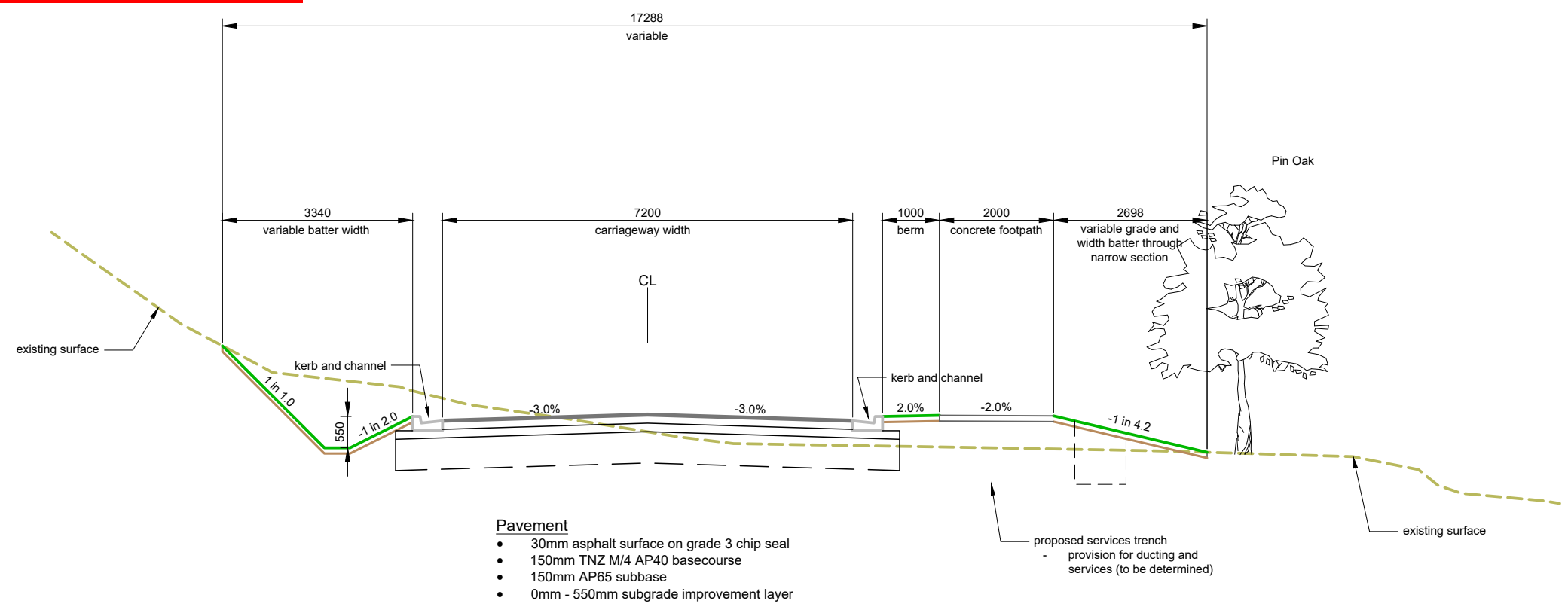


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APPROVED PLAN:
RM171280

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CH740.0
Scale 1:100



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Purpose/Drawing Title:
**Proposed Access Road
Typical Cross Sections**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	as shown
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	14
		Revision No:	D
		Date Created:	20/04/2018



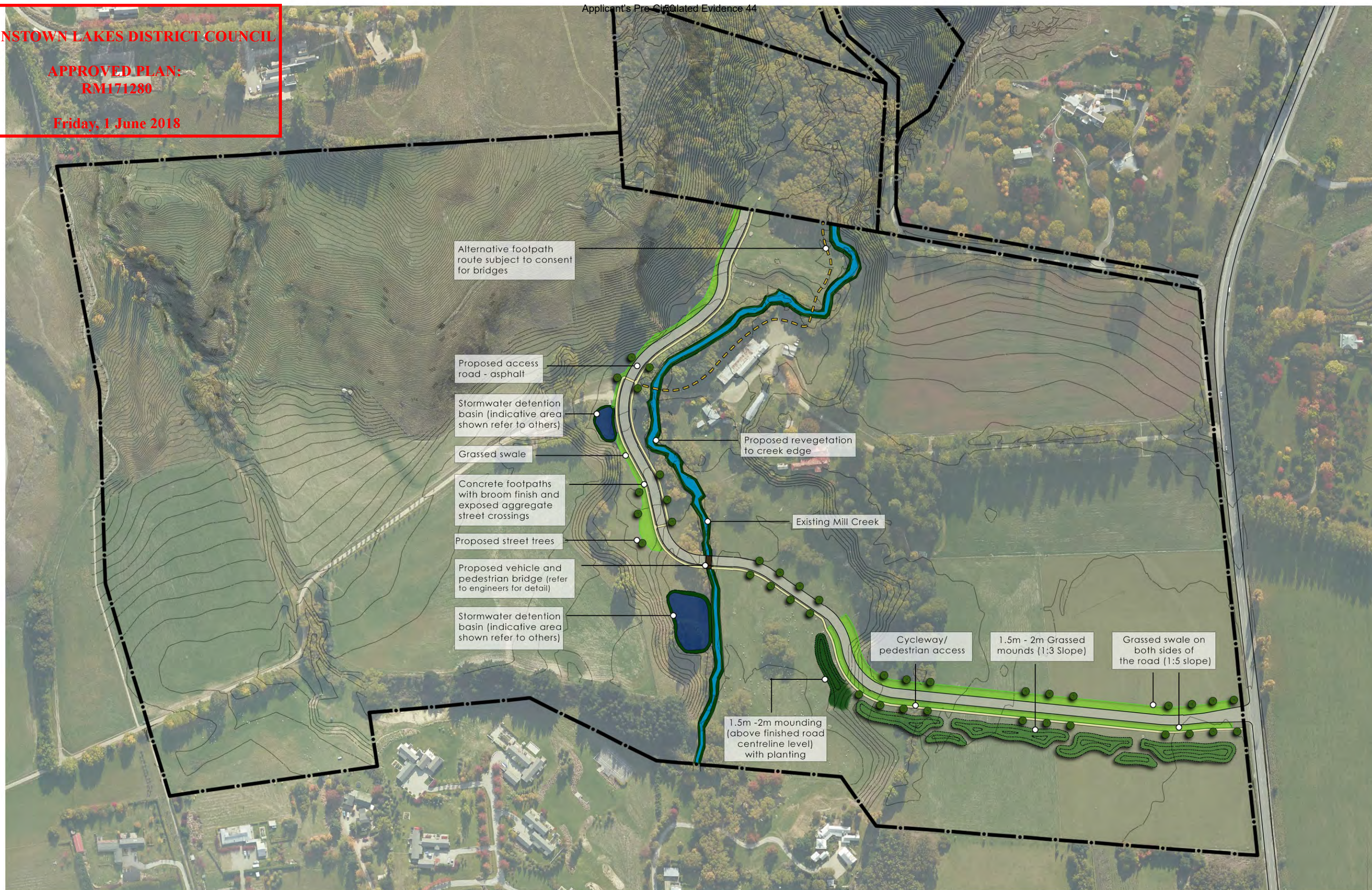
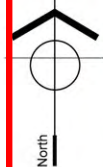
Applicant's Pre-Circulated Evidence 43



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COUNCIL

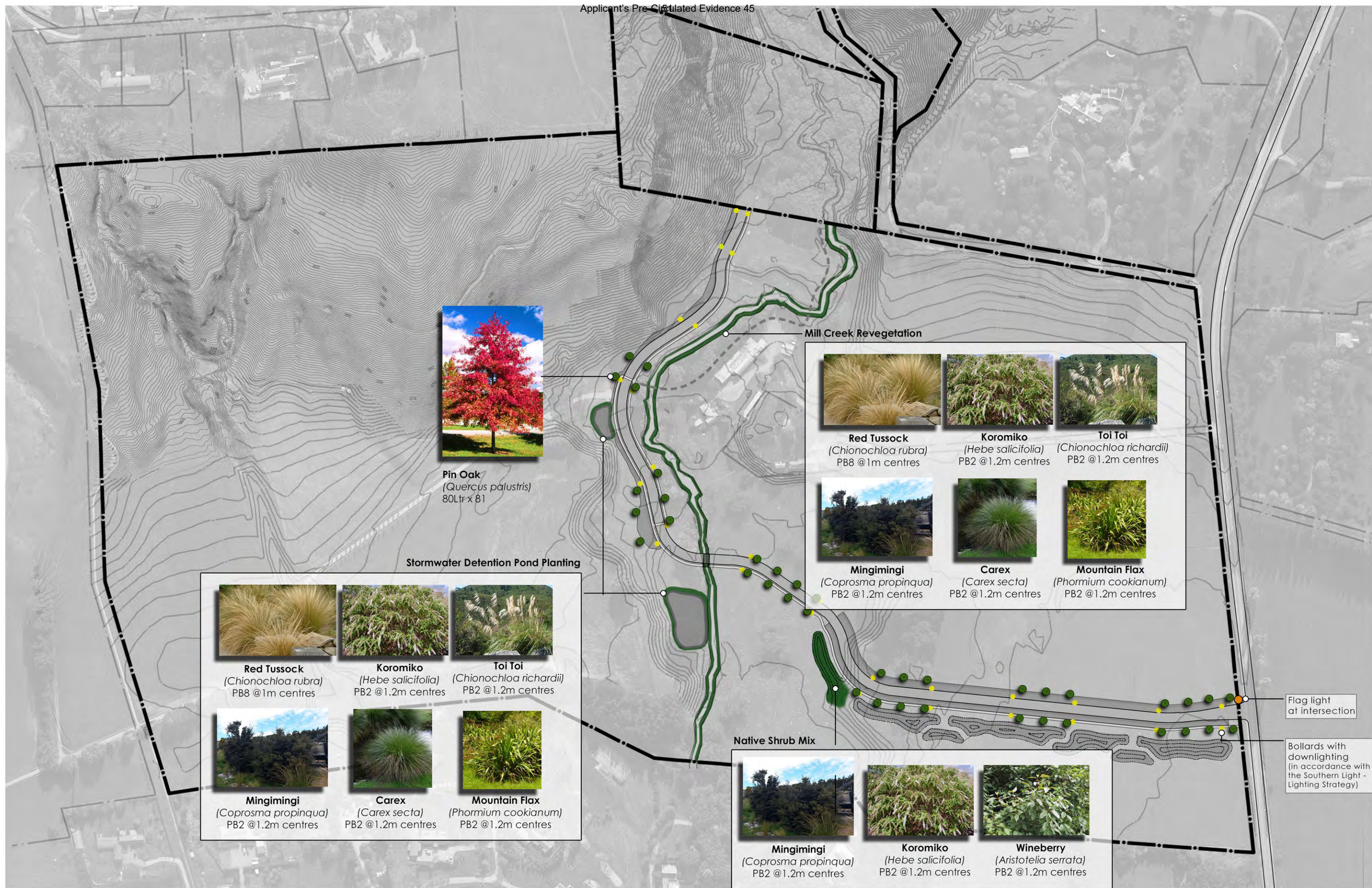
APPROVED PLAN:
RM171280

Friday, 1 June 2018





Applicant's Pre-Circulated Evidence 45





EXISTING VIEW FROM ARROWTOWN-LAKE HAYES ROAD LOOKING SOUTH



PROPOSED VIEW FROM ARROWTOWN-LAKE HAYES ROAD LOOKING SOUTH



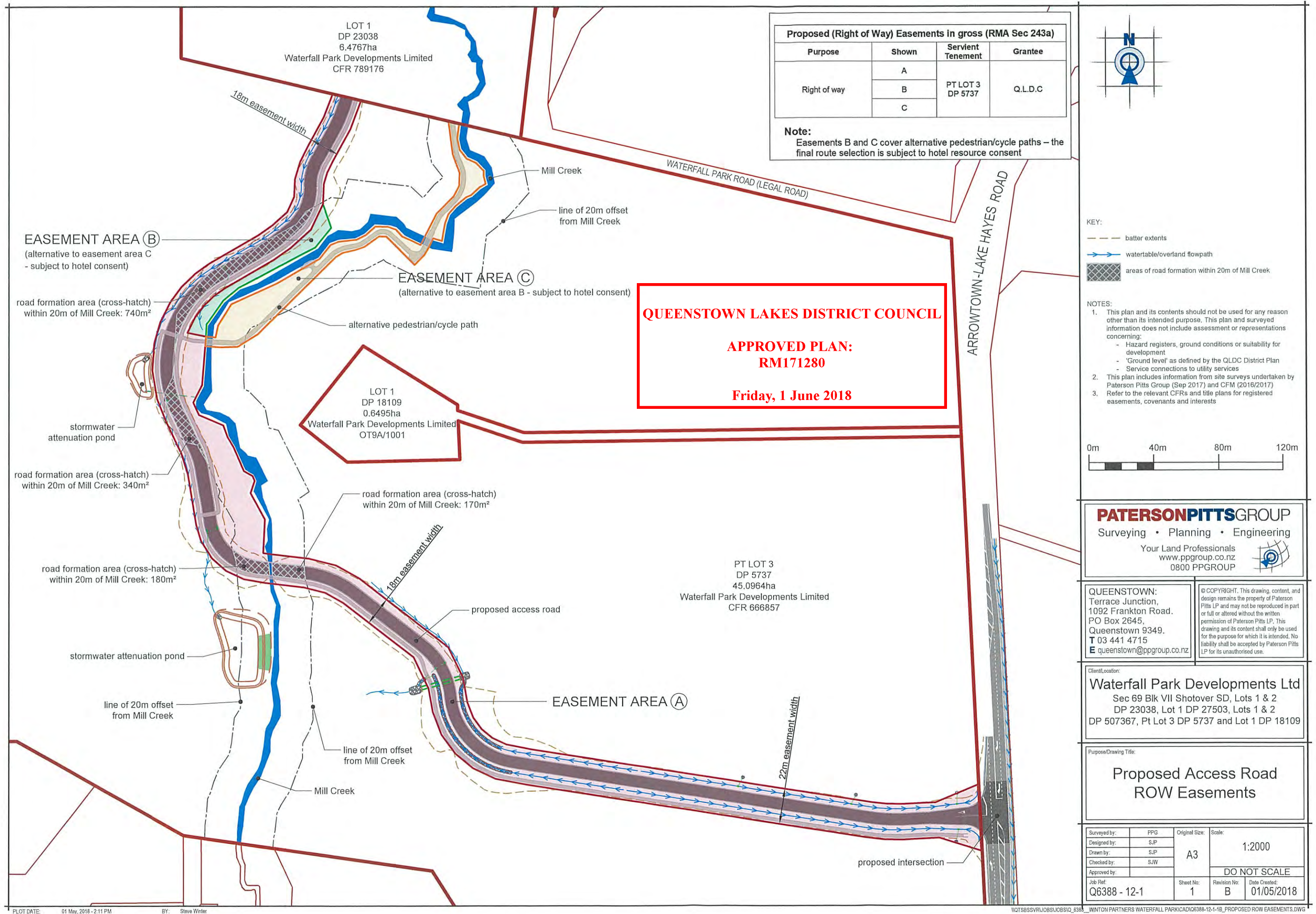


EXISTING VIEW FROM SOUTHERN FENCE LOOKING NORTH



PROPOSED VIEW FROM SOUTHERN FENCE LOOKING NORTH





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171280

Friday, 1 June 2018



J.

KEY

- existing parcel boundary (subject site)
- existing adjacent parcel boundary
- existing fence line
- Tree Protection Area

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 - Aerial photograph not geo-referenced and shown for context only

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Purpose/Drawing Title:
**Waterfall Park Access Road
Adjacent Parcel Information
and Tree Protection Areas**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:		A3	not to scale
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			DO NOT SCALE
Job Ref:	Q6388 - 16 - 6	Sheet No:	1
		Revision No:	A
		Date Created:	26/04/2018





Option 2

Planting mix of
Leyland Cypress and
Mountain Beech in
substantial groups that
overlap offset.

60% Leyland Cypress
@ 1.5m centres, PB35L

40% Mountain Beech
@ 2m centres, PB35L

Beadle Residence