



## **DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL**

### **RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Slab Limited
<b>RM Reference:</b>	RM170388
<b>Location:</b>	1153 Wanaka – Luggate Highway, Luggate
<b>Proposal:</b>	To subdivide Lot 4 Deposited Plan 24216 into 3 allotments and to identify residential building platforms on each lot.
<b>Legal Description:</b>	Lot 4 Deposited Plan 24216 held in Computer Freehold Register OT16B/226
<b>Operative Zoning:</b>	Rural General
<b>Proposed Zoning:</b>	Rural
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification:</b>	Public
<b>Commission:</b>	Commissioners David Whitney and Jane Sinclair
<b>Date of Decision:</b>	<b>14 December 2017</b>
<b>Decision:</b>	<b>Consent is GRANTED subject to conditions</b>

**BEFORE THE HEARING COMMISSIONERS AT WANAKA**

**In the Matter** of the Resource Management Act 1991

**And**

**In the Matter** of an application to the Queenstown Lakes District Council (QLDC) by **Slab Limited RM 170388** for a resource consent to subdivide a rural property into three allotments and to create a residential building platform on each allotment.

**DECISION OF THE COMMISSIONERS APPOINTED BY THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**Commissioners:** **David Whitney (Chair), Jane Sinclair**

**Hearing Date:** Thursday 2 November 2017 at Wanaka

**Appearances for the Applicant:** Mr Scott Freeman, Planning Consultant, Southern Planning Group Limited

Mr Stephen Skelton, Landscape Architect, Patch Limited

Mr Adam Fairmaid, director of Slab Limited and owner of the application site.

**Appearances for the Council:** Mr Tim Anderson, Resource Consents Planner at QLDC

Mr Richard Denney, consultant Landscape Architect, Denney Landscape Architecture

Ms Katrina Ellis, Resource Consents Team Leader at QLDC

## Introduction

1. This decision is made on behalf of the QLDC by Independent Hearings Commissioners David Whitney (Chair) and Jane Sinclair, appointed and acting under delegated authority pursuant to section 34A of the Resource Management Act 1991 (the Act).
2. This decision contains the findings on the application for resource consent RM 170388 by Slab Limited (the applicant) and has been prepared in accordance with section 113 of the Act.

## Decision

3. Resource Consent is **GRANTED**, subject to conditions. The reasons are set out below.

## Site and Locality

4. The subject site is located at 1153 Wanaka-Luggate Highway (State Highway 6) and is legally described as Lot 4 DP 24216 as held in Computer Freehold Register Identifier OT 16B/226 in the Otago Land Registration District.
5. The site has an area of 21.9640 hectares more or less and is generally a rectangular shaped property located within the triangular shaped wedge of land that is contained by the Wanaka-Luggate Highway (State Highway 6) to the southwest, Shortcut Road (State Highway 8A) to the north and Church Road to the southeast. An existing residential dwelling, implement shed and vehicle access to State Highway 6 are located in the western corner of the site.
6. The site forms part of the river terrace lying south and above the Clutha River. The site consists of a relatively flat paddock that is predominately pastoral in appearance and primarily used for the production of lucerne. The southwestern corner of the site which contains the existing buildings is elevated above the remainder of the site on a terrace, and this area contains domestic vegetation.

7. The Council's consultant landscape architect, Mr Denney, has described the receiving environment in paragraphs 8 to 12 of his report dated 14 August 2017 and this description is considered accurate.

### **Summary of the proposal**

8. A number of amendments were made to the application at the hearing, in response to issues raised in the context of Mr Anderson's section 42A planning report and associated officer's reports. This description of the proposal incorporates these amendments.
9. Consent is sought to subdivide a 21.96 hectare rural property to create three new allotments ranging in size from 1.72 hectares to 18.22 hectares, with each allotment containing a new residential building platform, residential curtilage area and structural landscaping.
10. The details of the proposal are further set out below.

### *Proposed Lot 1*

11. Proposed Lot 1 is 1.72 hectares in area and contains the existing dwelling, implement shed and established landscaping. It is proposed to create a residential curtilage area and a 1000m<sup>2</sup> residential building platform located around the existing dwelling. The existing vehicle access crossing point to the site will be maintained.
12. A revised landscape plan prepared by Patch Limited for Lot 1 and Lot 3 dated 3 November 2017 was submitted after the hearing adjourned, and this plan reduced the size of the residential curtilage area on Lot 1 from 8900m<sup>2</sup> to 4400m<sup>2</sup>. The reduced residential curtilage area now excludes the driveway and the majority of the existing conifer planting on Lot 1. The landscape plan has also been amended to extend the proposed 10m deep strip of native planting located adjacent to the State Highway 6 boundary on proposed Lot 3 to include part of Lot 1. It is intended that the existing conifer stand located within both Lots 1 and 3 can be removed once the proposed 10m deep strip of native vegetation reaches a height of 4m.

13. The revised landscape plan for Lot 1 also now indicates the tree species to be retained within this allotment.

*Proposed Lot 2*

14. Proposed Lot 2 is 2.02 hectares in area and is located in the northern corner of the site. It is proposed to create a new 1000m<sup>2</sup> residential building platform to be accessed by a proposed 10m wide right of way in favour of proposed Lot 3 from State Highway 8A. The proposal includes a residential curtilage area and structural landscaping on Lot 2 which has been revised to include:

- Additional northern boundary planting to fill in the gaps between the existing Eucalyptus trees with Pittosporums, and
- Additional northeastern boundary planting to strengthen the planting near the existing boundary, and to the west of the proposed right of way.

15. The applicant has also volunteered conditions to be subject to a consent notice to the effect that the land between the residential curtilage area and the boundaries shall be maintained in pastoral use and appearance; and to reduce the maximum height of any future dwelling located on the residential building platform on Lot 2 to 5.5m.

*Proposed Lot 3*

16. Proposed Lot 3 is 18.22 hectares in area and it is proposed to create a new 1000m<sup>2</sup> residential building platform, an associated residential curtilage area of 3700m<sup>2</sup> and structural landscaping to the south of the residential curtilage area in Lot 3. It is proposed that the remainder of Lot 3 be retained in its pastoral use and appearance. A new vehicle crossing is proposed from the Wanaka – Luggate Highway to service the residential building platform on Lot 3.

17. Consent was originally sought for a maximum building height of 7.0m as measured from original ground level for any future building located on the residential building platform on Lot 3. The applicant has since amended the proposal such that the 7.0m maximum height is to be measured from the lower eastern edge of the platform, which has an RL of 285.35.
18. In addition to the above changes, a number of other building design controls and other restrictions have been volunteered in the application to assist with mitigating landscape and visual effects on the surrounding environment, these include:
  - All future buildings shall be contained within the building platforms as shown on the survey plan,
  - The maximum building coverage within the building platforms shall not exceed 650m<sup>2</sup>,
  - Roof materials to include steel (corrugated or tray), slate or a green roof system, with colour to be in a dark recessive hue in a natural range of browns, greens and greys with a reflectivity value between 7 and 35%,
  - External wall cladding material to include local stone (schist), timber claddings left to weather or finished in clear stain, or painted 'Linea' weatherboard, or smooth plaster,
  - Exterior colours for all new buildings shall be earthy and recessive in a natural range of brown, greens and greys with a light reflectivity value of between 7 and 35%,
  - All domestic landscaping and structures shall be confined to the residential curtilage area, and
  - Controls on fencing, exterior lighting, structural landscaping, entry features and maximum height.
19. Full details of the proposal can be found in the assessment of environmental effects (AEE) for the application prepared by Mr Scott Freeman of Southern Planning Group Limited at Sections 4.2 to 4.4, and that document also sets out the proposed provision of services and access arrangements.

20. In the applicant's evidence a range of conditions were volunteered to mitigate effects. The Commission confirms that it has assessed the proposal on the basis of the application as amended in terms of the conditions offered by the applicant.

## **Planning and Assessment Framework**

### *Zoning*

21. The site is zoned Rural General as shown on Map 11 of the Queenstown Lakes District Council Operative District Plan (District Plan/Operative District Plan).
22. It was common ground that subdivision consent was required for a **discretionary activity** in terms Rule 15.2.3.3(vi) for a subdivision in the Rural General zone including the creation of three new residential building platforms.
23. The Commission noted that the AEE in Section 11 Conclusion referred to a land use consent being sought. The applicant confirmed at the hearing that this was an error.
24. In addition the Commission noted that the section 42A planning report at page 6 referred to a land use sought under Rule 5.3.3.3i(b) in regard to identification of the residential building platforms. The Commission considers that as the residential building platforms are being created as part of the subdivision that this rule is not applicable.

### *Relevant District Plan Provisions*

#### *The Operative District Plan*

25. The section 42A planning report and the AEE referred us to Part 4- District Wide Issues, Part-5 Rural Areas and Part-15 Subdivision, Development and Financial Contributions of the Operative District Plan. The Commission agrees that these are the relevant provisions that require consideration. The Commission considers that the relevant assessment matters are:

#### *5.4.2.2 (3) Visual Amenity Landscapes,*

*5.4.2.3 Assessment Matters General,*  
*15.2.3.6 Assessment Matters for Resource Consents,*  
*15.2.6.4 Assessment Matters for Resource Consents (i),*  
*15.2.7.3 Assessment Matters for Resource Consents,*  
*15.2.9.4 Assessment Matters for Resource Consents,*  
*15.2.11.4 Assessment Matters for Resource Consents,*  
*15.2.12.3 Assessment Matters for Resource Consents,*  
*15.2.13.2 Assessment Matters for Resource Consents,*  
*15.2.15.2 Assessment Matters for Resource Consents, and*  
*15.2.18.2 Assessment Matters for Resource Consents.*

*The Proposed District Plan*

26. The section 42A planning report and the AEE referred us to Chapters 6, 21, 27 and 28 of the Proposed District Plan, and in addition the AEE also directed us to Chapter 3. We consider that all these provisions are relevant albeit that limited weight can be place on the Proposed District Plan at this time.

*Relevant Regional Policy Statement*

27. The objectives and policies contained within the Otago Regional Policy Statement are relevant to the proposal. Section 8.7 of the section 42A planning report and Section 12 of the AEE sets out the relevant objectives and policies. While relevant we do not consider they provide any additional assistance to what is contained in the Operative District Plan.

*National Environmental Standard*

28. All parties agreed that the National Environmental Standard for Assessing and Managing Containments in Soil to Protect Human Health was not applicable. The Commission concurs with this assessment.

*Relevant Statutory Provisions*

29. Overall the Commission has considered this application for a subdivision as a discretionary activity. Mr. Anderson's section 42A planning report referred us to sections 104, 104B, 106, 108, 220 and Part 2 of the Resource Management Act 1991.



### **Application information**

30. The following information has been received and considered by the Commission in reaching its decision:

- (a) The application as notified on 6 July 2017 and the AEE titled “Resource Consent Application to Subdivide Land Located at 1153 Wanaka-Luggate Highway, Slab Limited, Wanaka-Luggate Highway, April 2017”, prepared by Southern Planning Group;
- (b) The supporting information attached to the application, which included, the Computer Freehold Register, legal instruments, plan of subdivision, landscaping plans, copies of the written approvals, correspondence regarding supply of electricity, telecommunication supply, preliminary letter from NZTA, landscape assessment, infrastructure feasibility report including access diagrams, water supply information, site and soil assessment and test pit logs and a geotechnical assessment,
- (c) The section 42A planning report dated 10 October 2017, prepared by Mr Tim Anderson, reporting planner for QLDC,
- (d) The appendices to the section 42A planning report, which included a landscape assessment report dated 14 August 2017 prepared by Mr Richard Denney, consultant landscape architect for the QLDC, and an engineering report dated 26 November 2017 prepared by Ms Lynette Overton, resource management engineer at QLDC, and
- (e) Amendments made to the application at the hearing including documentation confirming the amendments received from Mr Freeman on 3 November 2017. These amendments include an email setting out the revised changes to the landscape plans including reduced curtilage area for Lot 1, extended roadside vegetation strip for Lot 1, additional planting for Lot 1, additional planting on the northern and northeastern boundaries of Lot 2, a volunteered consent notice to retain pastoral character for Lot 2, reduced height for Lot 2, and a maximum height measured from RL 285.35 for Lot 3. Attached to this email were revised landscape plans prepared by Patch Limited for Lot 2 and Lots 1 and 3, both dated 3 November 2017.

31. The reporting officer, Mr Anderson recommended that resource consent be granted pursuant to section 104 of the Act for the following reasons:

*1. It is considered that the adverse effects of the activity have the potential to be more than minor. However, having considered the proposal, in my opinion any potential adverse effects of the proposed development can be generally contained within the site by topography and landscaping. The proposed lots can be serviced, the effects of the proposed subdivision can be appropriately mitigated, and the location of the proposed building platforms maintain landscape values with respect to the VAL. No persons are adversely affected by the proposal that have not provided their written approval to the proposal.*

*2. The development does not give rise to any adverse effects in terms of potential loss of rural character, cumulative effects and precedent effects that are beyond a threshold that would be contrary to the relevant objectives and policies. The proposal is not contrary to the relevant objectives and policies of the District Plan, Proposed District Plan, or Otago Regional Policy Statement that seek to avoid, remedy or mitigate adverse effects.*

*3. Overall the proposal would generally be consistent with the relevant objectives and policies of the District Plan. For these same reasons, the proposal does promote sustainable management and is aligned to Part 2 of the RMA.*

#### **Notification, submissions and affected party approvals**

32. The application was publicly notified on 6 July 2017. Submissions closed on 3 August 2017 and one submission in opposition of the application was received from the Upper Clutha Environmental Society Inc. (UCESI).

33. This submission was summarised in the section 42A planning report as follows:

- The proposal does not represent sustainable management (Part 2 of the RMA),
- Adverse effects from the proposal are not avoided, remedied or mitigated,
- The proposal will result in adverse effects on visual amenity, amenity, natural landscape values, cumulative effects, domestication effects and traffic effects,

- The proposal is contrary to or inconsistent with District Plan provisions including the objectives, policies, assessment matters and rules.
34. The relief sought by the submitter is to decline consent in the application in its entirety.
  35. The Commission has considered the submission lodged in response to the application.
  36. Written approvals were received from the following parties:
    - (i) K S and J M Butson, Lot 7 DP24216,
    - (ii) G and C Cleland, 1203 Wanaka-Luggate Highway,
    - (iii) H and G Halliday, 110 Shortcut Road, and
    - (iv) W and C Wilson Family Trust, 112 Shortcut Road.
  37. Accordingly, any effects on the above parties have been disregarded in accordance with section 104(3)(a)(ii) of the Act.
  38. The section 42A planning report states that an affected party approval has been received from the New Zealand Transport Agency (NZTA), being the roading authority for State Highways 6 and 8A. The NZTA provided a preliminary letter stating that the Authority would consider giving written approval to the proposal providing certain conditions were accepted and formed part of the application. Although the applicant has volunteered that these conditions sought by the NZTA form part of the application, the Commission does not accept this preliminary letter from the NZTA as being an affected party approval.

### **Hearing and Site Visit**

39. We undertook a site visit on 2 November 2017, accompanied by Mr Anderson. We walked over the proposed allotments and viewed the property from the Wanaka-Luggate Highway, Shortcut Road and Church Road.
40. The hearing was held in Wanaka on 2 November 2017.

41. We adjourned the hearing on 2 November 2017, having heard all the evidence.

**Summary of the evidence heard**

42. The Commission had the benefit of the section 42A planning report prepared by Mr Anderson, an engineering report prepared by Ms. Overton, and a landscape report prepared by Mr Denney. The section 42A planning report was circulated prior to the hearing, and was taken as read.
43. Prior to the hearing, the applicant pre-circulated a statement of evidence from Mr Freeman, a planning consultant and director of Southern Planning Group; and from Mr Skelton, a consultant landscape architect and director of Patch Limited.
44. At the hearing, the Commission was assisted by Mr Anderson and Mr Denney. Ms Katrina Ellis, Team Leader Resource Consents, Wanaka was also present at the hearing; and Ms Charlotte Evans, Planning Support with the QLDC provided administrative support. Ms Overton was available by phone if required.
45. Prior to the hearing the Commission had an opportunity to consider the application and supporting material together with the submission.
46. An email from Mr Haworth (for UCESI) was tabled at the commencement of the hearing. While Mr Haworth was not in attendance at the hearing his email advised that the Society stands by its submission.
47. At the hearing the applicant was represented by Mr Freeman who introduced the application and the evidence to be led for the applicant. Mr Freeman's pre-circulated evidence was taken as read and he provided a verbal executive summary. In his evidence Mr Freeman agreed with the conclusions reached in the section 42A planning report and sought amendments to some of the recommended conditions.

48. Mr Freeman called evidence in support of the application from the applicant's landscape architect, Mr Skelton, who presented a verbal executive summary covering the landscape context, character and amenity, visibility, form and density, cumulative effects and proposed planting. In Mr Skelton's opinion the existing poplars, Eucalyptus and other groups of rural character trees provide context and screening for proposed Lot 2 such that this part of the proposal will not be prominent or detract from views and the expanse of open space will remain dominant. In Mr Skelton's opinion development of Lot 2 will have very low to negligible adverse effects as he considers that proposed Lot 2 is located close to development on the adjoining Halliday property; and that this was an appropriate way to approach rural development as it concentrates residential activities, while retaining more open areas, which are more sensitive to change.
49. In response to questions, Mr Skelton agreed that the proposed planting and landscape treatment on Lot 3 in the vicinity of the proposed residential building platform adjacent to Wanaka–Luggate Highway could be extended into Lot 1 to ensure consistency and to achieve visual mitigation; that areas of Lot 2 outside of the curtilage area would benefit by open space protection secured by a consent notice; and that enhanced planting between the existing trees located on the external boundaries in the vicinity of Lot 2 would assist with mitigating visual effects.
50. Mr Freeman concluded that the actual and potential effects will be minor and that the proposal will not exceed a threshold in terms of the ability of the site to absorb the changes associated with the proposal. Mr Freeman suggested amendments to the recommended conditions.

51. In response to questions on mitigating or avoiding cumulative effects, Mr Freeman agreed that open space protection on proposed Lot 2 would be appropriate, however he did not offer open space protection or a restriction on no further subdivision or building for the balance area of proposed Lot 3. Mr Freeman was of the opinion that the open space area of Lot 3, proposed to be retained as part of the application, provided the mitigation for the creation of proposed Lot 2; however he did not volunteer conditions to be part of a consent notice to protect the open space, preferring that any future proposals for subdivision and development be considered on their own merits that would include an assessment of cumulative effects. In regard to questions on the proposed curtilage area of Lot 1, Mr Freeman agreed that a reduction in size would be appropriate and that an amended plan would be submitted. In response to issues raised in regard to the building platform of Lot 3, Mr Freeman agreed that it would be appropriate to amend the proposed maximum height so that the 7.0m was measured from the lower eastern edge of the building platform from an RL of 285.35.
52. The applicant, Mr Fairmaid, was present but gave no evidence.
53. The planning, landscape and engineering reports were taken as read, and Mr Denney and Mr Anderson were invited to comment following the presentation of the applicant's evidence.
54. Mr Denney acknowledged that the applicant had agreed to a reduced curtilage area for proposed Lot 1, and that structural landscaping on Lot 3 would be carried through to Lot 1. In regard to development of Lot 2, Mr Denney was of the opinion that the character will change. He considered that the consented subdivision on the adjoining 'Halliday' property was the "odd one out", and that assessing cumulative effects is difficult. Mr Denney was in agreement with Mr Skelton that the open space area retained as part of Lot 3 provides the mitigation for Lot 2.
55. Mr Anderson agreed that a condition to be subject to a consent notice for protection of open space on Lot 2 was appropriate, and that as a result of discussions, some of the recommended conditions would require amendment.

56. In the applicant's right of reply, Mr Freeman confirmed:
- That an amended landscape plan would be submitted showing a reduced curtilage area for Lot 1, that the landscaping strip on Lot 3 would be extended into Lot 1, and that conifers can only be removed once the mitigation planting has reached a certain height;
  - That the 7.0m maximum height for the building platform on Lot 3 be measured from an RL of 285.35;
  - That the existing trees located on the northwest boundary of proposed Lot 2 be enhanced by additional planting, and additional planting be carried out to the northeast of the residential building platform on Lot 2;
  - That no further planting outside the curtilage area for Lot 2 be allowed;
  - That the proposed maximum height for Lot 2 be reduced to 5.5m; and
  - That the applicant should have an ability to be able to apply for future resource consents, and that protecting the open space of Lot 3 should not be restricted by a condition subject to a consent notice, but rather the reasons for the current decision should clearly highlight the importance that Lot 3 provides in mitigating the adverse effects of Lot 2.
57. The hearing was adjourned pending receipt of an amended landscape plan, which was received by the Council on 3 November 2017.

### **The principal issues in contention**

58. A wide range of matters were traversed in the application, submission, section 42A planning report and supporting material, and during the hearing.
59. After analysis of the application and supporting evidence (including proposed mitigation measures and volunteered conditions), a full review of the section 42A planning report, consideration of the submission and the site visit, the Commission has determined that the proposed activity raises a number of issues that require consideration.

60. The principal issues of consideration are:
- (i) The extent to which the proposed activity will have adverse effects on the natural and pastoral character;
  - (ii) The extent to which the proposed activity will have adverse effects on the visibility of development;
  - (iii) The extent to which the proposed activity will have adverse effects on the form and density of development;
  - (iv) The extent to which the proposed activity will result in adverse cumulative effects;
  - (v) The extent to which the proposed activity will adversely impact on the rural amenity of the site and receiving environment;
  - (vi) Whether or not the proposal is contrary to, or inconsistent with the relevant objectives and policies of the District Plan; and
  - (vii) The extent to which the proposal will undermine the integrity of the District Plan and set a precedent for further subdivision within the immediate environment and/or the Rural General Zone generally.
61. Other relevant issues include effects on infrastructure, natural hazards, access and traffic; and lot sizes and dimensions.

**Main findings on the principal issues in contention**

62. The District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Sections 5–Rural Areas and Section 15-Subdivision, Development and Financial Contributions. Mr Anderson’s section 42A planning report and the evidence presented at the hearing assessed the effects of the activity in terms of the relevant assessment matters. This approach is appropriate and in this instance the Commission has assessed the actual and potential effects of the proposed activity having regard to the relevant assessment matters.
63. The Commission’s main findings on the principal issues in contention, and the reasons for the findings, are as follows:



## **EFFECTS ON THE ENVIRONMENT**

### **Permitted Baseline**

64. In the Rural General zone there is little that can occur as a permitted activity. Mr Anderson listed farming activities, limited earthworks and planting. In the context of this application we do not consider we need to consider the permitted baseline.

### **Effects on Landscape**

65. There was agreement between the landscape architects that the site is located in a Visual Amenity Landscape (VAL), and is in close proximity to the prominent natural feature of the Mata-au/Clutha River (Outstanding Natural Landscape) and its associated terraces.
66. The appropriate starting point is to consider the proposal against the Assessment Matters for Visual Amenity Landscapes set out in section 5.4.2.2(3) of the Operative District Plan. We will consider these in light of the guiding principal relating to existing vegetation set out in the beginning of that section.

### ***Effects on natural and pastoral character***

67. It was common ground between the landscape experts that the site is sufficiently distant within the context of the VAL to not compromise the open character of the Outstanding Natural Landscape or Feature of the Mata-au/Clutha River and its associated terraces. The Commission agrees with this conclusion.
68. It was also common ground that Lots 1 and 3 and their associated platforms have a higher ability to absorb development than proposed Lot 2. The Commission accepted that proposed Lots 1 and 3 have an established context of trees and domestication; and that the landform of the terrace separates the proposed platforms from the open flats of the terrace below.

69. Mr Denney raised concern with the proposed size of the domestic curtilage area for Lot 1 and recommended that this area be reduced to 3000m<sup>2</sup>, to only include the areas associated with the dwelling. In response to this issue, the applicant agreed that the area could be reduced to exclude the driveway and the majority of the area of conifers that extends to the State Highway road boundary. Mr Denney also recommended that the structural framework of trees for future protection and maintenance on the landscape plan for Lot 1 should exclude the wilding species and problem species such as birch.
70. In response to this, the applicant submitted a revised landscape plan that identifies the structural planting, the trees to be retained, and a reduced curtilage area.
71. Mr Denney concluded that adverse effects in regard to scale and nature of the development would compromise the Arcadian pastoral landscape to a small to moderate degree. With the amendments now proposed to the application, the Commission concurs with this assessment.
72. It was common ground that proposed Lot 2 is a more sensitive site. There was disagreement between the landscape experts on context, where Mr Denney was of the opinion that Lot 2 is located in an exposed open area with flat ground and limited established context. Mr Skelton's evidence was that the proposed platform was positioned close to an established residential activity with the existing trees providing structural context. Although there was disagreement, both landscape architects did agreed that the flat open pastoral landscape has significantly less ability to absorb development, and that the larger balance area of proposed Lot 3 with its retention of the open pastoral landscape, provides the mitigation for Lot 2.

73. No controls on the retention of open space or restriction of further subdivision and development on proposed Lot 3 were offered as part of the application. These issues were discussed in detail at the hearing, and as a result of concerns raised by the Commission, the applicant promoted a condition to be subject to a consent notice for the protection of open space on proposed Lot 2; and that no boundary planting occur to avoid highlighting the fragmentation of the lot from the surrounding landscape. Mr Denney also recommended a number of standard rural design controls regarding building colours, external building materials, maximum height, external lighting and landscape controls. Overall Mr Denney concluded that the proposed development would not represent over domestication of the landscape.
74. The Commission is satisfied that any effects with respect to natural and pastoral character will be no greater than minor, and that any such effects can be mitigated by adherence to appropriate conditions of consent.

***Effects on visibility of development***

75. The Commission agrees with Mr Denney that the proposed residential building platform on Lot 2 will be highly visible from the upper part of Shortcut Road, and will also be visible from parts of Church Road. The Commission also accepted that when viewed from Shortcut Road future development on the residential building platform on Lot 2 would be seen in the context of the existing development located along Church Road.
76. The Commission agrees that the residential building platforms on Lot 1 and 3 would be visible from Church Road, the Wanaka-Luggate Highway and from Shortcut Road.

77. The Commission accepts that the existing conifers that are located on proposed Lots 1 and 3, although an undesirable species, provide visual mitigation and should be retained until such time as the proposed mitigation planting reaches a height of 4m within the 10m strip adjacent to the road boundary of the Wanaka-Luggate Highway. The Commission also acknowledges that the context includes the existing conifers located on the escarpment located on the western side of the highway.
78. The Commission accepts that in longer viewpoints the scale of future development will be a relatively small part of the broader landscape.
79. The Commission accepts that proposed residential building platform on proposed Lot 1 is located within the established context and will not be visually prominent. When combined with the proposed design controls and revised structural planting plan the residential building platform on Lot 1 will not be visually prominent such that it detracts from public and private views.
80. The Commission agrees that the residential building platform proposed on Lot 2 is located in a more sensitive location, and that when travelling along Shortcut Road future building and landscape domestication could be visually prominent. To mitigate adverse visual effects, Mr Denney recommended that the existing gum trees and poplar trees located on the northern and eastern external boundaries be individually identified on the landscape plan to ensure their retention and that additional evergreen planting is required to further mitigate visual effects. As a result of issues raised at the hearing, the applicant has offered to: reduce the maximum building height for any future dwelling on Lot 2 to 5.5m; to provide a revised landscape plan to identify additional planting between the Eucalyptus trees along the northern boundary and to strengthen the existing planting near the eastern boundary; and to volunteer a condition to be subject to a consent notice in regard to the retention of pastoral use outside the residential curtilage area of Lot 2. In addition to these changes the application proposes design controls and the retention of the balance area of Lot 2 in open space.

Taking on board these changes with respect to Lot 2, the Commission is satisfied that any adverse effects on visibility will be no more than minor.

81. The Commission concurs that the residential building platform on proposed Lot 3 is generally situated in the context of the existing residential dwelling on proposed Lot 1, and is separated from the highway by a small plantation of Douglas fir. Mr Denney identified an existing gap in the trees could result in a skyline breach occurring; and he considered that if these trees were not in this location the platform would be highly visible and would result in a substantial skyline breach. Mr Denney also raised an issue with the protection of the existing wilding and problem species of trees as part of the visual mitigation. In response to this issue, the applicant submitted a revised landscape plan identifying a 10m deep strip of native evergreen planting located along the boundary with the Wanaka-Luggate Highway to eventually replace the existing conifers; and that the existing conifers should be retained until the replacement planting reaches a height of 4m. In regard to the visual effects resulting from a 7.0m maximum height, the Commission identified that the land within the building platform drops to the east, with the western edge of the building platform being more elevated resulting in the highest potential building height when measured from original ground level. In response to this issue the applicant revised the height limit for Lot 3 to stipulate that the maximum height be measured from the lower eastern edge of the platform, being at RL 285.35. Taking on board these changes, the Commission is satisfied that any adverse effects on visibility with respect to Lot 3 will be no more than minor.

82. The Commission accepts that the platforms on Lots 1 and 3 form a cluster of development within an area with some capacity to absorb development. The Commission also accepts that the balance lot of the larger parcel of Lot 3 provides mitigation to the overall subdivision by maintaining a predominately open pastoral landscape despite the increased presence of small lots and rural dwellings. No mechanism was offered by the applicant to ensure the ongoing mitigation value of Lot 3 for the overall subdivision, however the applicant has since volunteered that land outside of the residential curtilage area of Lot 2 is to remain in pastoral use. The applicant also accepted the importance that the open space area of Lot 3 preforms as part of the application, as it provides mitigation for the adverse effects of Lot 2.
83. The Commission accepts that with the additional planting, proposed structural planting, avoidance of planting and fencing on new boundaries and planting to mitigate a potential skyline breach that any adverse visual effects can be avoided or mitigated. Accordingly, the Commission accepts that any adverse visual effects will be minor.

***Effects on form and density of development***

84. The Commission agrees that the Lot 1 and Lot 3 use the natural topography and existing vegetation to concentrate built form and landscape domestication within an area of the property with a higher potential to absorb development, whilst retaining the majority of the open flat field as one lot (Lot 3).
85. The Commission concurs with Mr Denney that Lot 2 is located in a more sensitive part of the landscape with less ability to absorb development, and that the larger Lot 3 provides mitigation as it contains a large area of open space. Effects of form and density were discussed at some length during the hearing and in response to issues raised, and the applicant offered conditions to be subject to a consent notice to retain the open space area outside the domestic curtilage area for Lot 2 and that no boundary planting occur between Lot 2 and 3 in order to avoid highlighting new boundaries.

86. The applicant understood the importance that the open space area of Lot 3 plays in regard to providing mitigation for Lot 2, and that any future development of this area would have to be very carefully considered. The Commission agrees with Mr Denney that residential development of a similar nature may be precluded as the cumulative effects may become unacceptably large, and furthermore additional development on Lot 3 would be difficult to support, as adverse cumulative effects would become more than minor.

***Cumulative effects***

87. The District Plan assessment matters in section 5.4.2.2(3)(d) are useful in assessing cumulative effects. These are concerned about whether development will give rise to cumulative effects on the natural and Arcadian pastoral character of the landscape, with particular regard to inappropriate domestication of the landscape. This directs consideration of:

- The nature and extent of existing development,
- Whether the development will lead to further degradation or domestication, such that it represents a threshold of the vicinity's ability to absorb development,
- Whether it will visually compromise the existing natural and Arcadian pastoral character,
- Whether it can be contained in a discrete landscape unit so as to control the spread of development that might occur adjacent to and in vicinity of the site,
- Whether it requires infrastructure consistent with urban landscapes to accommodate increased population and traffic, and
- Whether the potential to cause adverse cumulative effects is to be avoided, remedied or mitigated by way of controls on future building or landscaping.

88. The Commission agrees that the nature and extent of existing development within the vicinity varies from the wider surrounding landscape comprising of larger rural lots that contribute to the openness of the landscape, to within the triangle where the land is more fragmented and visually more complex with Rural Lifestyle type properties of varying sizes. The Commission accepts Mr Denney's assessment that the overall landscape as viewed from the Wanaka-Luggate Highway and Shortcut Road is of an open pastoral character typical of the open landscapes of the upper Clutha valley. The Commission also acknowledged Mr Skelton's assessment that the landscape is viewed in the context of the presence of industrial and rural residential type buildings and the urban areas of Luggate.
89. The Commission agrees with Mr Denney that the proposal will lead to further degradation and domestication of the landscape, in terms of breaking up the open pastoral landscape. However the existing vicinity's ability to absorb change is not at a threshold, although it is sensitive to change as it has a low ability to absorb development without changing the landscape. The Commission accepts that the proposed residential building platforms on Lots 1 and 3 are located within the existing context of a terrace face, established trees and landscape domestication associated with the existing dwelling, and that in general, this location has a higher ability to absorb development, subject to maintaining visual screening from the highway.
90. In regard to Lot 2, the Commission accepts that the lower flat terrace of the site has less ability to absorb development as it is located in a more sensitive environment and there is little to contain development as the land is flat and exposed to views. The Commission accepts that the existing Poplars and Eucalyptus trees on the sites northeastern and northern boundary do provide some structural context. Mr Denney has expressed concern that if Lot 2 was consented this could be a "catalyst for further subdivision". This issue was discussed at length during the hearing, and whether to avoid adverse effects it would be appropriate for the applicant to offer a restriction to protect the open space as a form of mitigation.



In response to questioning, the applicant offered open space protection for the area outside of the curtilage area on proposed Lot 2, but did not extend the volunteered restriction to Lot 3, preferring that this area be retained as open space as mitigation for Lot 2 as part of the application, but not subject to a consent notice restriction.

91. Although encouraged by the Commission, the applicant did not offer an open space or no further subdivision restriction for the balance area of Lot 3. As a consent notice was not offered, the Commission is unable to impose such a restriction and as such, has accepted that the open space of Lot 3 provides the mitigation for Lot 2. While each particular proposal has to be considered on its merits, the Commission is of the view that any subsequent subdivision of proposed Lot 3 may have the potential to result in adverse cumulative effects of a more than minor nature, and that any further proposal would have to be very carefully considered.
92. Other relevant mitigation offered as part of the application included protection and enhancement of the existing landscaping on the northern and northeastern boundaries, avoiding accentuating property boundaries that would highlight fragmentation, a post and wire fencing control and no lineal boundary planting.
93. It was common ground that the development would not result in the need for infrastructure consistent with urban landscapes.
94. The Commission has concluded that adverse cumulative effects would be minor.

***Effects on rural amenity***

95. The Commission accepts that proposed Lots 1 and 3 and residential building platforms thereon would maintain adequate visual access across open space and views of the landscape subject to adherence to the conditions of consent. The Commission considers that Lot 2 and its platform would reduce views across the landscape and increase the presence of built form and domestication but would be seen in the context of existing development and existing boundary planting.

In addition controls on fencing, open space retention on Lot 2, reduced building height and enhanced structural planting would reduce the potential blocking of views and retain openness.

96. The Commission accepts that the proposed development would not compromise the ability to undertake agricultural activities on surrounding land and will not require infrastructure consistent with urban landscapes.
97. The Commission is satisfied that any adverse effects on rural amenity will be no more than minor.

#### **Effects on Infrastructure**

98. Ms Overton's report confirms that the existing dwelling on Lot 1 is adequately serviced with telecommunications, electricity connections and onsite wastewater and storm water disposal.
99. Ms Overton's report also confirms that there is sufficient water to supply the proposed subdivision, that on-site waste water disposal is feasible, that fire-fighting supplies will be required for the additional lots and upgraded for the existing dwelling, that there are no issues on site that would preclude stormwater disposal, and that confirmation letters have been received from power and telecommunication suppliers. The Commission is satisfied that any effects with respect to the provision of infrastructure will be no greater than minor, and any such effects can be mitigated by adherence to appropriate conditions of consent.

#### **Hazards**

100. Ms Overton confirms that there are no known natural hazards identified on the site and that the geotechnical assessment submitted with the application confirms that the site is suitable for residential activity. Accordingly any hazard effects are considered to be less than minor.

### **Access and traffic safety**

101. The Commission is satisfied that any effects on the safe and efficient functioning of both State Highways 6 and 8A will be no greater than minor. The Commission acknowledges that the applicant is agreeable to the conditions promoted by the New Zealand Transport Agency with respect to mitigating any traffic effects on the State Highways.

### **Subdivision design, lot size and dimensions**

102. The relevant assessment matters are set out in Sections 15.2.3.6 and 15.2.6.4 and effects on rural character, landscape values and visual amenity have been discussed above.
103. The Commission accepts the conclusion reached by Mr Anderson in his assessment of Section 15.2.6.4(i) that although Lots 1 and 2 will be smaller than surrounding lots, with the inclusion of the larger Lot 3, the average lot size will not be inconsistent with surrounding lots and that the openness of Lot 3 will mitigate the effects of the smaller lots. The Commission concurs that effects will be no more than minor.

### **Nature conservation values**

104. The Commission accepts that the site is highly modified and does not include any formally identified nature conservation values of particular significance; and the Commission finds that any adverse effects in this context will be less than minor.

### **Summary of Effects on the Environment**

105. The Commission finds that overall any adverse effects of the proposal will be no more than minor. Adverse effects can be mitigated through the amended design of the proposal and by adherence to appropriate conditions of consent. The proposal is appropriate having regard to the relevant assessment matters being those contained in Section 5 and Section 15 of the Operative District Plan.

## **OBJECTIVES AND POLICIES OF THE DISTRICT PLAN**

### **Operative District Plan**

106. Relevant objectives and policies are contained in Section 4-District Wide Issues, Section 5-Rural Areas and Section-15 Subdivision, Development and Financial Contributions of the Operative District Plan. The relevant objectives and policies have been presented in Appendix 5 to the section 42A planning report and to a large extent the objectives and policies relate to matters discussed by us in our consideration of actual and potential effects above. It is neither desirable nor necessary, therefore, for the Commission to undertake a line by line analysis of every objective and policy, as this would involve a significant amount of repetition without materially advancing the Commission's analysis of the application.
107. The Commission considers that the most pertinent objectives relate to landscape and visual amenity.

### **Part 4**

108. Objective 4.2.5, Objective 1 relates to subdivision, use and development being undertaken in the District in a manner, which avoids, remedies or mitigates adverse effects on landscape and amenity values. The relevant policies relate to (1) Future Development, (4) Visual Amenity Landscapes, (8) Avoiding Cumulative Degradation, (9) Structures and (17) Landuse.
109. Policy 1 Future Development, seeks to avoid, remedy or mitigate adverse effects of subdivision on landscape that is vulnerable to degradation. The Commission agrees with Mr Denney that the proposal will lead to further degradation and domestication of the landscape, however the existing vicinity's ability to absorb change is not at a threshold, although it is sensitive to change. The Commission accepts that the proposed residential building platforms on Lots 1 and 3 have higher ability to absorb development, however the platform on Lot 2 has a low ability to absorb development without changing the landscape.

110. The assessment of effects has determined that the location of the proposed residential building platforms are appropriate, and that the proposal along with the proposed mitigation and recommended conditions will ensure adverse effects remain minor. The Commission is satisfied that the proposal broadly accords with this policy direction.
111. Policy 4 Visual Amenity Landscapes seeks to avoid, remedy or mitigate the adverse effects of subdivision and development which are highly visible from public places and visible from roads, to mitigate loss of or enhance natural character by appropriate planting and landscaping, and to discourage linear tree planting. The Commission accepts that the proposed platform on Lot 2 will be highly visible from parts of Shortcut Road and will be visible from Church Road. The Commission agrees that platforms on proposed Lots 1 and 3 will be visible from Wanaka-Luggate Highway, Church Road and parts of Shortcut Road. Additional planting to enhance the screening from Shortcut Road is proposed between the existing boundary Poplar and Eucalyptus trees and this will assist to mitigate any adverse visual effects.
- The openness of the site will be retained as visual mitigation and controls to avoid linear tree planting form part of the application. The Commission is satisfied that the proposal is consistent with this policy.
112. Density does not increase to a point where benefits of future planting and building are outweighed by adverse effects on landscape values or over domestication, and the proposal is consistent with encouraging sympathetic development of rural areas. The Commission agrees that the existing vicinity's ability to absorb change is not at a threshold, although it is sensitive to change and that the lower flat terrace of the site has a lower ability to absorb development. The Commission agrees that the residential building platforms on Lots 1 and 3 utilise an area of higher capacity to absorb development. The Commission is satisfied that the proposal broadly accords with this policy direction.

113. Policy 9 Structures seeks to preserve the visual coherence of (b) Visual Amenity Landscapes by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment, and (c) all rural landscapes by providing greater setbacks to maintain and enhance amenity values associated with views from public roads. Having regard to the proposal the Commission is satisfied that the proposal is aligned with this policy.
114. Policy 17 seeks to encourage land use, which minimises adverse effects on the open character and visual coherence of the landscape. The Commission considers that the proposal broadly aligns with this policy.
115. Other relevant objectives and policies have been taken into account and the Commission has concluded that the proposal can be undertaken with no more than minor adverse effects on general amenity values.

## **Part 5**

116. The objectives primarily relate to protecting landscape values, character/amenity values and natural resources of the rural environment while providing for farming related activities.
117. The relevant objectives are Objective 1 relating to character and landscape values with supporting policies being 1.1 to 1.4, and 1.6 to 1.8; Objective 2 relating to life supporting capacity of soil; and Objective 3 relating to rural amenity, in particular Policies 3.3 and 3.5.
118. The Commission accepts that the site is classified VAL and that a full assessment of the assessment matters in Section 5.4.2.2(3) has been carried out as part of the effects on the environment assessment.
119. The Commission accepts that the development will not result in adverse effects that are more than minor on character and landscape values, and that adequate visual access to open spaces and views across Arcadian pastoral landscapes from public roads and places will be maintained. Adherence to conditions will ensure that adverse effects on the natural and pastoral character and cumulative effects remain minor, and that a breach to the skyline by a future dwelling on Lot 3 will be avoided.

120. Objective 3 Rural Amenity seeks to avoid, remedy or mitigate adverse effects on rural amenity. The Commission is satisfied that the proposal is aligned with this policy.

### **Section 15 Subdivision, Development and Financial Contributions**

121. The relevant objectives are Objective 1 Servicing, Objective 2 Costs of Services and Objective 5 Amenity Protection. The Commission is satisfied that the subdivision can be adequately serviced and that, with adherence to conditions of consent, the proposal is aligned with these objectives and policies.

### **Proposed District Plan**

122. The Proposed Queenstown Lakes District Plan was publicly notified on 26 August 2015 and the submission period closed on 23 October 2015, with a further submission period closing on 18 December 2015. Under the Proposed District Plan the site is zoned Rural with a Rural Landscape Classification. Both Mr Anderson and Mr Freeman provided detailed assessments of the relevant objectives and supporting policies and both were in agreement that relevant chapters included Chapters 6 Landscapes, 21 Rural, and 27 Subdivision and Development. In addition Mr Freeman's evidence included an assessment of Chapter 3 Strategic Direction and Chapter 28 Natural Hazards. The Commission accepts that all these provisions are relevant, albeit to the limited extent that the Proposed District Plan has weight. We conclude that the development proposed through this application will be consistent with the objectives and policies of the Proposed District Plan.

### **Regional Policy Statement and Proposed Regional Policy Statement**

123. The Regional Policy Statements (Operative and Proposed) are given effect to through the District Plan and the Proposed District Plan. The Commission has considered the relevant objectives and policies as set out in the section 42A planning report and in the applicant's evidence and concludes that the conclusions reached in terms of the District Plans are applicable also to the Regional Policy Statements.

### **Section 106**

124. Under section 106 the Commission may refuse consent or impose conditions relating to the provision of access and effects of natural hazards. The Commission accepts the conclusions reached by Ms Overton and Mr Anderson that, subject to conditions, suitable provision has been made for legal and physical access to each allotment, and that there are no identified natural hazards on site.

### **Other Matters**

125. The Commission considers that confidence in plan administration is a relevant consideration for this proposal. This matter is normally associated with non-complying activities. However, the Commission considers that in the context of subdivision in the Rural General Zone, that this is a relevant matter.

126. The Operative District Plan establishes a management regime to deal with residential subdivision and development in the Rural General Zone. Residential building platforms can be approved for a site and registered on the CFR (certificate of title) as part of a subdivision application. Once approved the erection of a dwelling is a controlled activity with control limited to external appearance, earthworks, access, landscaping and provision of services.

In this case, the Commission is of the view that granting this consent will not undermine confidence in District Plan administration as appropriate management of adverse effects has occurred, however the Commission is concerned that if further development on proposed Lot 3 occurs, that there is a risk of ad hoc development and incremental change to the landscape. While each particular proposal has to be considered on its merits, the concept of further subdivision and development of the balance area of Lot 3 may challenge the management regime designed to give effect to the objectives and policies of the plan and could have the potential to undermine confidence in the administration of the district plan, particularly given the basis on which this application is promoted.



## Part 2

127. With respect to Part 2 of the Act, we are satisfied that the proposal as modified will promote the sustainable management of natural and physical resources. Having considered all of the evidence before us we have concluded that the proposal will promote the purpose of the Act. We are satisfied that the proposal has appropriately avoided, remedied or mitigated any adverse effects.

## Overall Assessment

128. The Commission has concluded that subject to the conditions that have been volunteered and discussed at the hearing, that those adverse effects on natural and pastoral character, visual amenity, form and density and cumulative effects can be adequately mitigated to be no more than minor.
129. The Commission has concluded that the proposal is consistent with the relevant objectives and policies.
130. In exercising our delegation under section 34A of the Act, and having regard to the matters set out under sections 104, 104B, 106 and Part 2 of the Act, we have determined that consent for the discretionary activity being a subdivision at 1153 Wanaka–Luggate Highway be **granted** for the reasons set out above, and subject to the conditions set out in the attached Schedule.

**14 December 2017**



**David Whitney**



**Jane Sinclair**

**Appendix 1 – Consent Conditions**

## **APPENDIX 1 – CONSENT CONDITIONS**

### ***General Conditions***

1. That the development must be undertaken/carried out in accordance with the plans:
  - Plan of subdivision being plan 4344-1R-1C prepared by Aurum Survey, dated 30th January 2016
  - Slab Trust – Luggate, 'Landscape Plan Lot 1 and Lot 3', prepared by Patch Limited, dated 3 November 2017'
  - Slab Trust – Luggate, 'Landscape Plan Lot 2' prepared by Patch Limited, dated 3 November 2017',

**stamped as approved on 14 December 2017**, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd 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 works on-site***

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. At least 7 working days prior to commencing work within the State Highway, the consent holder shall submit an application to undertake works within the State Highway road reserve and appropriate traffic management plan to the New Zealand Transport Agency network management consultant, Aspiring Highways. A copy of the approved Traffic Management Plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

6. At least 5 working days prior to commencing work on site the consent holder shall advise the Manager of Resource Management Engineering at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition 5 and 8 shall be demonstrated.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. 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) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1 to 3 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - b) The formation of the right of way within Lot 2 and access to Lot 3 building platform, in accordance with Council's standards. This shall include:
    - i. The right of way and access in accordance with QLDC land Development and Subdivision Code of practice Table 3.2 Figure E1.
    - ii. The gradient of the access way shall not exceed 1:6.
    - iii. The carriageway shall have a metal carriageway with a minimum cross-fall of 4% to prevent storm water ponding on the carriageway surface.
    - iv. Passing bays shall be provided where necessary.
    - v. Drainage swales shall be provided for storm water disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the subgrade.

***To be monitored throughout earthworks***

9. 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.

***To be completed before Council approval of the Survey Plan***

10. Prior to the Council signing the survey plan pursuant to section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the survey plan and shall be duly granted or reserved.
  - b) The landscape plans dated 3 November 2017 shall be amended and resubmitted to the Manager, Resource Consents at Queenstown Lakes District Council for certification and shall achieve the following:
    - i. All existing wilding pine species and problem tree species such as birch (except for the existing trees in the 10m strip within Lot 1 and 3) shall be identified on the landscape plan as not protected by the plan and may be removed at any time.
    - ii. All existing individual poplar and gum trees within Lot 2 shall be clearly identified and species labeled on the landscape plan.
    - iii. An additional band of evergreen trees or shrubs shall be identified on the plan to be planted along the northwest boundary of Lot 2 along the length of the curtilage area parallel with that boundary. Planting shall be of evergreen species with green foliage typical of the rural landscape and/or indigenous species with a mature height of no less than 5m and planted at a density to achieve a closed canopy within 5 years and no less than a double staggered row in width.
    - iv. Planting around the domestic curtilage area of Lot 3 to achieve a dense evergreen mass to a height of no less than 7m to achieve visual screening of the building platform from the adjacent Wanaka-Luggate Highway.
  - c) Identify the residential building platforms as shown on the plan of subdivision on the survey plan.

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

11. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision to the Subdivision Planner at Council. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include all Roads (including right of ways and access lots), Water reticulation (including private laterals and toby positions).
  - b) A digital plan showing the location of all residential building platforms as shown on the survey plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

- c) The completion and implementation of all certified works detailed in Condition 8 above.
- d) The provision of a sealed vehicle crossing to Lots 2 and 3 in accordance with NZTA Diagram C standard.
- e) The consent holder shall provide a section 93 Government roading powers Act notice signed by the Minister of Transport confirming State Highway is road for the purpose of this subdivision.
- f) The consent holder shall provide written confirmation from the New Zealand Transport Agency's network management consultant Aspiring Highways, that the vehicle crossings to Lots 2 and 3 have been formed to NZ Transport Agency requirements.
- g) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of the private water supply associated with the subdivision.

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

- h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of Lots 2 and 3 created and that all the network supplier's requirements for making such means of supply available have been met.
- i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- j) All earth worked/exposed areas created by the subdivision shall be topsoiled and grassed/revegetated or otherwise permanently stabilised.

- k) Domestic water and firefighting storage is to be provided to the existing dwelling located on Lot 1. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

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

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

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

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

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

- l) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- m) Once certified, all planting shown on the certified landscape plan shall be fully implemented. All plants shall be planted at a grade no less than 1.2m in height at time of planting and shall have a slow release fertiliser and organic mulch installed for each plant. All plants shall have pest protection sleeves installed to deter rabbit and hare browsing and/or planted areas be fenced with rabbit proof fencing. An irrigation system shall be installed and operational for the first three years from the date of planting to ensure a quick and healthy establishment of all plants. All planting shall have been established and be in a healthy condition for a period of no less than 3 months from the date of planting prior to council certification inspection.

#### ***Ongoing Conditions/Consent Notices***

- 12. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to section 221 of the Act.
  - a) All lot owners are required to be part of the management entity as required by Condition 11g) of RM170388. This management entity shall be established and maintained at all times and ensure implementation and maintenance of the private water scheme.
  - b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
  - c) All future buildings shall be contained within the residential building platforms as shown on the approved survey plan.
  - d) Any residential dwelling proposed to be constructed on site must be designed, constructed and maintained to achieve a design noise level of 40 dB LAeq(24h) inside all habitable spaces within 100m of the highway.

- e) At the time a dwelling is erected on Lots 1 to 3, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Civilised Ltd, dated 3/2/2017. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the dwelling.
- f) At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.
- g) The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.
- h) At the time that a dwelling is erected on Lots 1 to 3, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).
- i) At the time a dwelling is erected on Lot 1 to 3, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or equivalent). Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.
- j) The FENZ connection point/coupling must be located so that it is not compromised in the event of a fire.



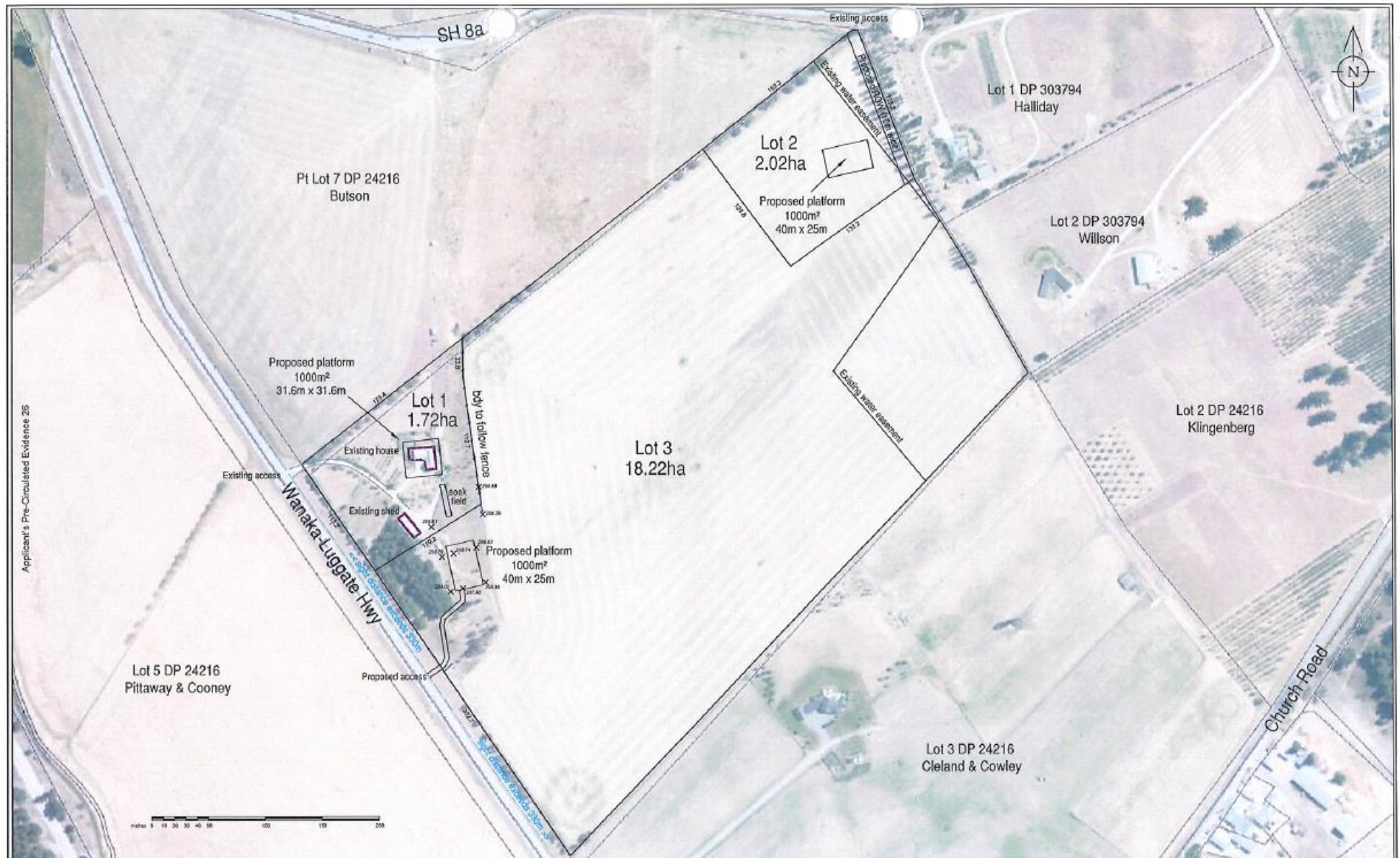
- k) The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by Council's standards for rural roads (as per Council's s Land Development and Subdivision Code of Practice). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.
- l) Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.
- m) The FENZ connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.
- n) Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

### ***Landscape and building design controls***

- o) There shall be no additional lineal planting such as hedgerows or shelterbelts, or mass planting to the northwest, northeast or southwest property boundaries of Lot 2 beyond that already identified on the certified landscape plan (RM170388) to avoid accentuating property boundaries within the landscape.
- p) All access drives from the property boundary through to the boundary of the domestic curtilage area around the consented residential building platforms shall not exceed 3.5m in width and be of a standard gravel farm access construction and exclude the use of any concrete kerbs or channels.
- q) Access drives up to the domestic curtilage area shall be gravel of a local grey coloured stone such as schist and exclude concrete kerb and channels.
- r) External lighting and avenue planting or any lineal formal elements such as pillars shall not be permitted anywhere along the access drive to ensure the natural and pastoral character of the landscape is retained.

- s) All water tanks shall be of dark recessive grey, brown or grey colour with a light reflectivity value of between 7% and 25%, and shall be located within the domestic curtilage area only.
- t) All lot and domestic curtilage boundary fences and internal fences outside the domestic curtilage area are to be standard farming post and wire (and/or wire mesh) fences, or deer fencing in keeping with traditional farm fencing.
- u) All vehicle gateways are not to be visually obtrusive (monumental) and shall be consistent with traditional farm gateways. Gates and gate supports shall be of timber or metal only and not to exceed 1.2m in height. Lighting shall not be installed at gateways.
- v) The maximum height for all buildings being located within the residential building platform within Lot 1 shall be 7.0 metres from original ground level.
- w) The maximum height for all buildings being located within the residential building platform within Lot 2 shall be 5.5m from the original ground level.
- x) The maximum height for all buildings located in the residential building platform within Lot 3 shall be 7.0m measured from an RL of 285.35.
- y) The maximum building coverage within the residential building platforms contained within Lots 1-3 shall not exceed 650m<sup>2</sup>.
- aa) All roof claddings shall be steel (corrugated or tray), slate, cedar shakes, or a 'green roof' system for all new buildings.
- bb) All roofing for new buildings shall be coloured in a dark recessive hue in the natural range of browns, greens and greys. All finished roof materials shall comply with a colour light reflectivity value (LRV) of between 7 and 20 %. For the avoidance of doubt, black is not an acceptable colour.
- cc) Exterior wall materials for all new buildings shall consist of one or more of the following: local stone (schist); timber claddings which are left to weather or finished in clear stain, or painted; 'Linea' weatherboard cladding systems or similar; or smooth plaster finish.
- dd) Exterior colours for all new buildings shall be earthy and recessive; in the natural range of browns, greens and greys; (in materials stated above) and have a colour light reflectivity value (LRV) of between 7 and 35 %. For the avoidance of doubt black is not an acceptable colour.
- ee) All existing trees and shrubs and new planting as shown on the certified Landscape Plans for Lots 1, 2 and 3 shall be maintained and irrigated as required in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced in the next available planting season.

- ff) All existing trees in the 10m strip to the southwest of the residential curtilage area identified on the certified Landscape Plan for Lot 1 and Lot 3 shall be retained until the replacement planting reaches a height of 4m. Once this height is achieved all conifers can be removed.
- gg) All planting shown on the certified landscape plan shall be maintained and irrigated (if required) in perpetuity and shall not be pruned or altered in any manner that reduces its visual screening of the residential building building platforms from the state highways. If any plant or trees die, it shall be replaced within the next available planting season.
- hh) All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, water tanks, external lighting, parking areas, caravans, boats, swimming pools, tennis courts, pergolas, sheds and amenity gardens and lawns shall be confined to the domestic curtilage area as shown on the certified landscape plan (RM170388).
- ii) All exterior lighting attached to any new building shall be no higher than 3m above ground level and all other exterior lighting shall be no higher than 1.2m above ground level. Exterior lighting shall be down lighting only and not directed towards the property boundary, and shall not be used as highlighting or accent lighting of any buildings or landscape elements including but not limited to trees, retaining walls or landform features. There shall be no light spill beyond the domestic curtilage area.
- jj) The area located outside of the residential curtilage area on Lot 2 shall be maintained in its pastoral use and appearance.



Note: Aerial image from QLDC Mapping Website

Note: Service easements may be required to cover lead in for individual allotments, primarily for water supply.

© COPYRIGHT This Drawing and its content remains the property of Aurum Survey Consultants Ltd. Any unauthorised use or reproduction in part or full is forbidden.

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM170388**

**Thursday, 14 December 2017**

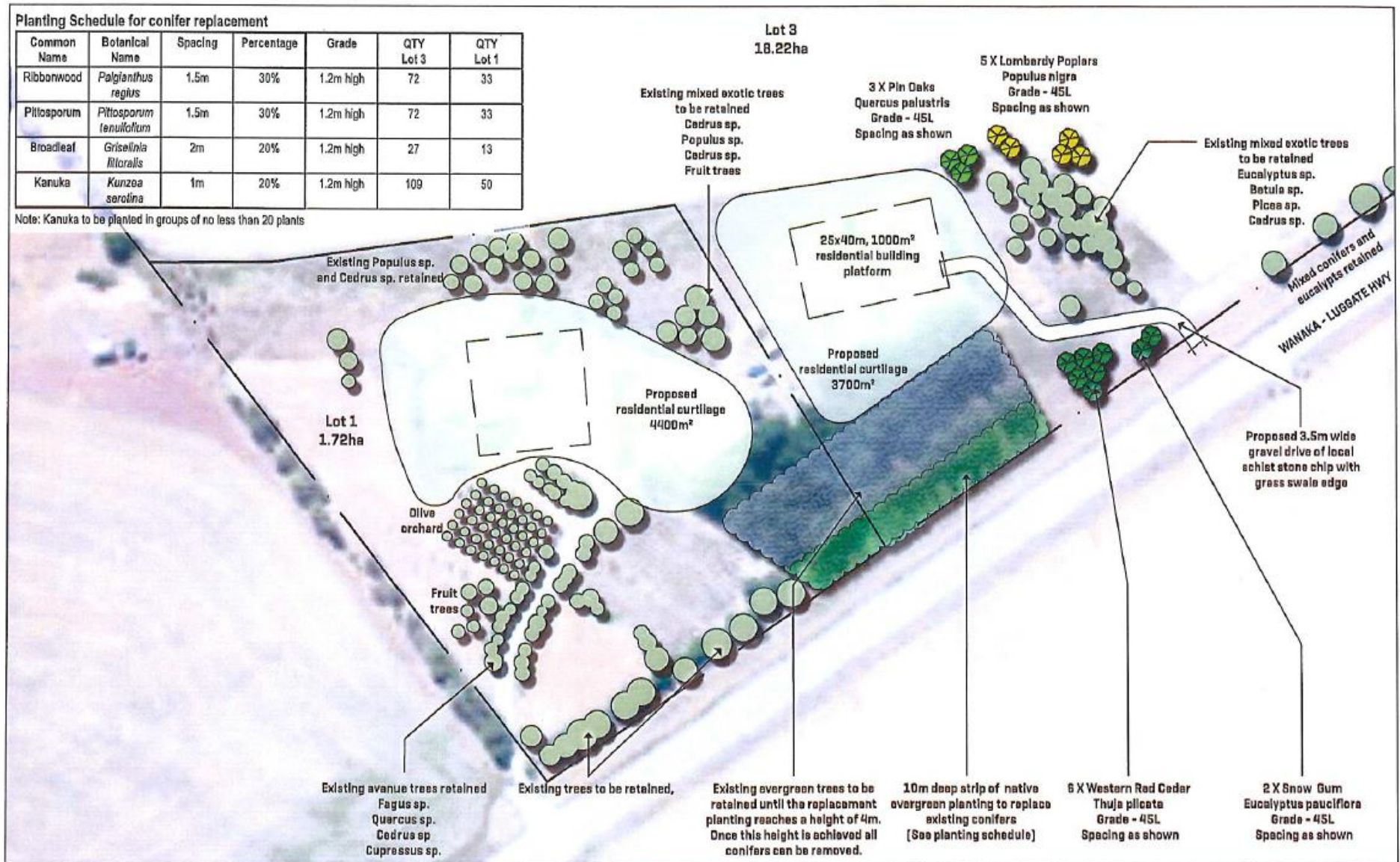
**PROPOSED SUBDIVISION  
LOT 4 DP 24216  
LUGGATE  
for ADAM FAIRMAID**

DATE: 30 Jan 2018	Scale: 1:3000	DRAWING & ISSUE No. 4344-1R-1C
BY: B McLeod	Original Plan A3	

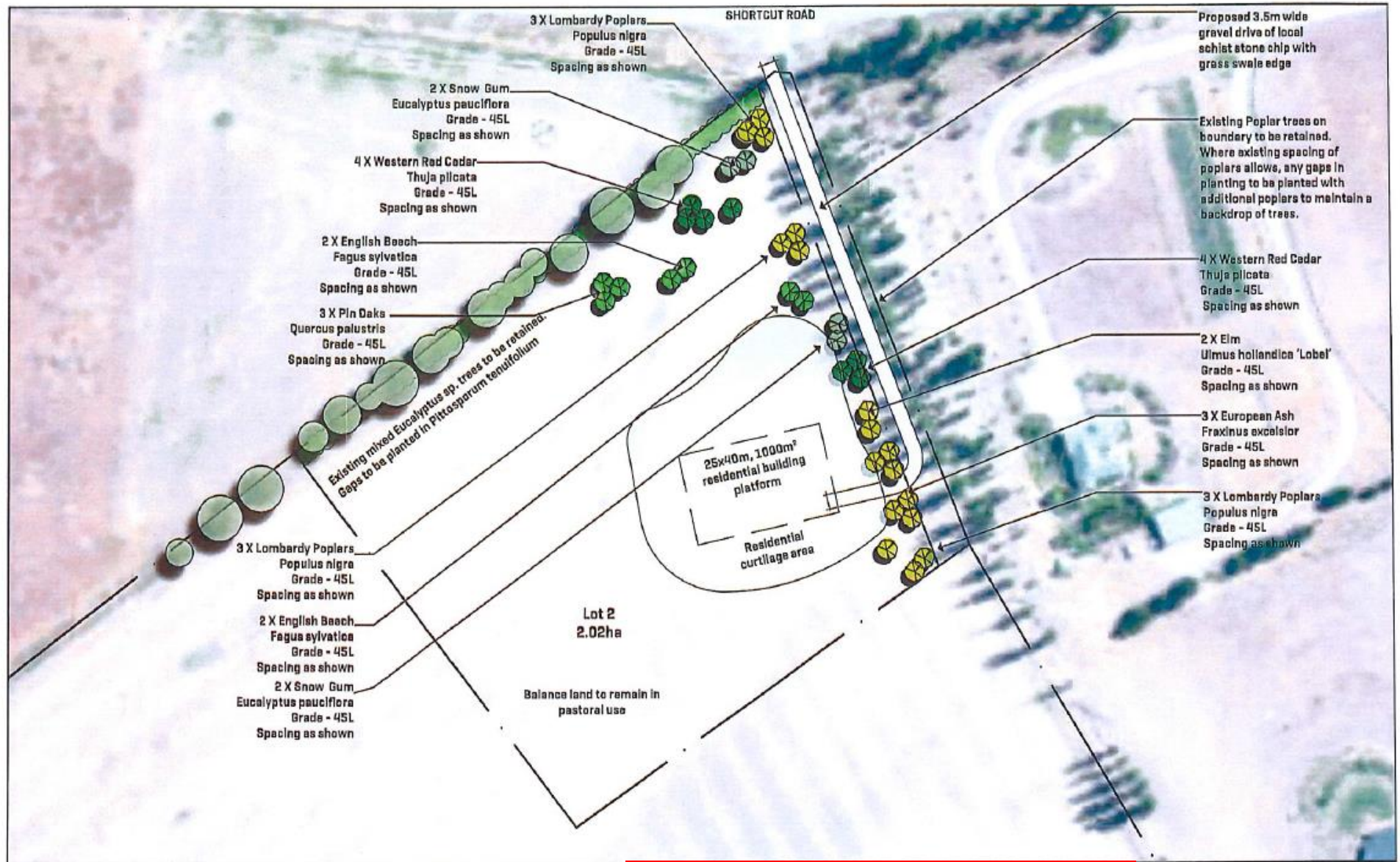
**AURUM SURVEY**

PO Box 2493  
Wakapu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz









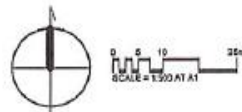
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170388

Thursday, 14 December 2017



Landscape - Reference : PA16119 IS07  
Scale: 1:1000 @ A3



SLAB TRUST - LUGGATE  
Landscape Plan Lot 2 - 3 November 2017