



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Lake Wakatipu Station Limited
RM reference:	RM181032
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to identify a new residential building platform (1000m² in area) with a domestic curtilage area, landscaping, design controls for future development, access and infrastructure; to undertake earthworks within a significant natural area to upgrade the access; and to provide a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu; and</p> <p>Application under s348 of the Local Government Act 1974 (LGA) to create a new Right of Way easement over Section 1 SO 21572 in favour of Te Rūnanga o Ngāi Tahu to provide access to a nohoanga site within adjacent Department of Conservation land (Section 9 Block V Coneburn SD).</p>
Location:	1370 Kingston Road, Queenstown Rural
Legal Description:	Section 1 Survey Office Plan 21572 held in Record of Title OT15B/636
Operative Zoning:	Rural General
Proposed Zoning;	Rural
Activity Status:	Discretionary
Notification Decision:	Volunteered Public Notification
Delegated Authority:	Andrew Woodford, Senior Planner
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	11 October 2019

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Annexure 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Andrew Woodford, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Section 2 of the Section 42A (S42A) report prepared for Council (attached as Annexure 2) provides a full description of the proposal, the site and surrounds and the consenting history.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 8 November 2018.

No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Werner Murray, Principal Planner, on **7 October 2019**.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6 of the S42A report outlines S104 of the Act in more detail.

The application is subject to Part 2 of the Act which is addressed in Section 9 of the S42A report.

3.1 RELEVANT PLAN CONSIDERATIONS

OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General under the Operative District Plan and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity consent under Rule 5.3.3.3 (xi) as the proposal breaches the Site Standard 5.3.5.1(v)(a)(i) in regard to the volume of earthworks being greater than 1000m³ and / or 50m² in any one hectare. The proposed earthworks include 100m³ cut over an area of 500m² within the area of significant indigenous vegetation. Council's discretion is restricted to their effect on nature conservation values and the natural and the natural character of the rural environment.

For the avoidance of doubt, the following rules are relevant to the application but are treated as inoperative under s86F of the RMA:

- A **discretionary** activity pursuant to Rule 5.3.3.3i(b) for the identification of a building platform of not less than 70m² in area and not greater than 1000m² in area. It is proposed to identify a residential building platform of 1000m² on the western part of the site.
- A **restricted discretionary** activity consent as the proposal breaches the Site Standard 5.3.5.1(vi) as the north western corner of the of the proposed building platform breaches the 15m setback from internal boundaries.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3(a) for a breach of Site Standard 22.3.3(i) in regard to the volume of earthworks being greater than 1000m³. The proposal includes approximately 1,497m³ of earthworks. Council's discretion is restricted to:
 - (i) The nature and scale of the earthworks
 - (ii) Environmental protection measures
 - (iii) Remedial works and revegetation
 - (iv) The effects on landscape and visual amenity values
 - (v) The effects on land stability and flooding
 - (vi) The effects on water bodies
 - (vii) The effects on cultural and archaeological sites
 - (viii) Noise.

PROPOSED DISTRICT PLAN

Council notified its decisions on Stage 1 of the Proposed District Plan (Stage 1 Decisions Version 2018) on 5 May 2018. Council notified decisions on Stage 2 of the Proposed District Plan on 21 March 2019 (Stage 2 Decisions Version 2019). A Consolidated Appeals Version was finalised in July 2019.

The subject site is zoned Rural under the Proposed District Plan and the proposed activity requires resource consent for the following reasons:

Rules that are treated as operative under s86F:

- A **discretionary** activity pursuant to Rule 21.4.10 for the identification of a building platform not less than 70m² and not greater than 1000m². It is proposed to identify a residential building platform of 1000m² on the western part of the site.
- A **restricted discretionary** activity pursuant to Rule 21.5.1 for setback from internal boundaries. The north western corner of the proposed building platform breaches the 15m setback from internal boundaries.
- A **restricted discretionary** activity pursuant to Rule 25.4.2 for 2 earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2. it is proposed to undertake earthworks greater than 1000m³. The proposal includes approximately 1,497m³ of earthworks. Council's discretion is restricted to:

- 25.7.1.1 Soil erosion, generation and run-off of sediment.
- 25.7.1.2 Landscape and visual amenity.
- 25.7.1.3 Effects on infrastructure, adjacent sites and public roads;
- 25.7.1.4 Land stability.
- 25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.
- 25.7.1.6 Cultural, heritage and archaeological sites.
- 25.7.1.7. Nuisance effects.
- 25.7.1.8 Natural Hazards.
- 25.7.1.9 Functional aspects and positive effects.

Rules that have legal effect under s86F but are not yet treated as operative due to appeals are:

- A **restricted discretionary** activity pursuant to Rule 21.7.3 for any building where the ground floor area exceeds 500m². It is proposed to enable future development within the proposed platform that may exceed 500m². Council's discretion is restricted to: external appearance, visual prominence from public and private locations, landscape character, visual amenity and privacy outlook and amenity from adjoining properties.
- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.21 which provides that no more than 300m³ of cleanfill shall be transported by road to or from an area subject to Earthworks. In this instance, approximately 729m³ of cut to waste earthworks are proposed to be transported offsite.

The matters of discretion for the above rules are noted as follows:

- Soil erosion, generation and run-off of sediment.
- Landscape and visual amenity.
- Effects on infrastructure, adjacent sites and public roads.
- Land stability.
- Effects on water bodies, ecosystem services and biodiversity.
- Cultural, heritage and archaeological sites.
- Nuisance effects.
- Functional aspects and positive effects.

- A **discretionary** activity pursuant to Rule 33.5.3.2 whereby the earthworks within a Significant Natural Area may be more than 50m² in any one hectare. The proposed earthworks include 100m³ over an area of 500m² within a Significant Natural Area.

Overall, the application is considered to be a **discretionary** activity under Operative and Proposed District Plan provisions.

3.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The site includes a yard that was used for the transportation of stock to and from Halfway Bay Station. This yard was for holding stock to transport them on and off the site. All of the farming activities occurred at Halfway Bay Station on the other side of Lake Wakatipu. Based on the applicant's review of Council records and advice from e3 Scientific, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

5. ASSESSMENT

5.1 ACTUAL AND POTENTIAL EFFECTS (s104(1)(A))

Actual and potential effects on the environment have been addressed in Section 8.2.2 of the S42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- The proposed platform will increase domestication within the site, and will result in adverse effects on the Outstanding Natural Landscape and margin of Lake Wakatipu. Having considered the proposal and the findings of the landscape and engineering assessments, the adverse effects of the proposed development in regard to visibility, domestication and landscape values are acceptable and can be appropriately mitigated.
- Subject to imposed conditions, the site can be adequately accessed and serviced for residential use.

5.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.3 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the District Plan or Proposed District Plan. A summary of conclusions of that report are outlined below:

- The proposal can be undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values and rural amenities. Associated earthworks can be undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment, including the Significant Natural Area.
- The proposed development in the Outstanding Natural Landscape will not result in more than minor adverse effects on landscape quality, character and visual amenity. The application will ensure that the natural character of lakes and rivers and their margins is protected and maintained and will enhance public access.
- The proposal has regard to the cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins, and will ensure that indigenous biodiversity is protected, maintained and enhanced.

5.3 KĀI TAHU KI OTAGO NATURAL RESOURCE MANAGEMENT PLAN 2005

As outlined in detail in Section 8.4 of the S42A report, overall the proposed development is in accordance with the Kāi Tahu ki Otago Natural Resource Management Plan.

5.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9 of the S42A report.

6. DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Annexure 1 (RM181032)* of this decision imposed pursuant to Section 108 of the RMA.

7. DECISION ON APPLICATION TO CREATE NEW RIGHT OF WAYS PURSUANT TO SECTION 348 OF THE LGA

Consent is **granted**, subject to the conditions outlined in *Annexure 1* of this decision imposed pursuant to Section 348 (2) of the LGA, for the creation of the following ROW Easements;

- Right of Way Easements A, B and X on Section 1 SO 21572 in favour of Te Rūnanga o Ngāi Tahu;
- Pedestrian Right of Way Easements X and Y on Section 1 SO 21572 in favour of Queenstown Lakes District Council;
- Right to Park Easement Z on Section 1 SO 21572 in favour of Queenstown Lakes District Council.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required.

Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

You are responsible for ensuring compliance with the conditions of this resource consent found in Annexure 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

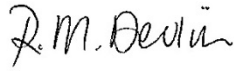
Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact the Roz Devlin by email: roz.devlin@qldc.govt.nz.

Report prepared by

Decision made by



Rosalind Devlin
CONSULTANT PLANNER

Andrew Woodford
PRINCIPAL PLANNER

ANNEXURE 1 – Consent Conditions

ANNEXURE 2 – Section 42A Report

ANNEXURE 1

CONSENT CONDITIONS

LAND USE CONDITIONS

General Conditions

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

Patch, dated 30 November 2018:

- 'Wakatipu Homestead – Masterplan, ref PA18169'
- 'Wakatipu Homestead – Site Plan, ref PA18169'

CFMA:

- 'Section 1 SO 21572 Proposed Access Earthworks, 01_01 Rev B' dated 17.12.18
- 'Section 1 SO 21572 Proposed Access Earthworks, 01_02 Rev B' dated 17.12.18
- 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A' dated 27.06.19
- 'Proposed Rights of Way Over Section 1 SO 21572, 04_02 Rev A' dated 27.06.19

stamped as approved on 10 October 2019

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. Prior to any works commencing on site the Consent Holder shall complete the Short Form Environmental Management proforma:

<https://www.qldc.govt.nz/planning/resource-consents/guidelines-for-environmental-management-plans/>

At all times during the works, environmental management measures onsite shall be installed and carried out in accordance with this document.

5. Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works program in accordance with the requirements detailed on pages 9 and 10 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
6. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements detailed on page 8 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
7. The EMP shall be accessible on site at all times during work under this consent.
8. In accordance with page 9 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*, where any Environmental Incident where the EMP has failed leading to any adverse environmental effects offsite occurs the Consent Holder shall report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.

Public car park and trail

9. Within 12 months of consent being issued, the consent holder shall complete the following:
- a) The provision of a public car park area and pedestrian/cycle trail access down to the lakefront, including (8) onsite parking spaces within the site. This shall provide adequate space for turning and manoeuvring in compliance with Council standards.
 - b) The consent holder shall provide to Council's Monitoring Officer specifications of signage at both ends of the trail and proposed signage locations: at the entry location off SH6 and at the lake edge. The signage shall clearly indicate the provision of public use for the car park and trail and provide information on the degree of accessibility of the trail, estimated times and destination points. Once approved by Council, the signage shall be installed in approved locations and maintained thereafter.
 - c) A Computed Easement Plan shall be submitted to Council for approval showing details of any necessary easements to legalise pedestrian and vehicle access. This shall include:
 - (i) A right of way easement in gross shall be provided in favour of Council for the public car park off State Highway 6.
 - (ii) A pedestrian right of way easement in gross shall be provided in favour of Council for the public trail from the car park to Wye Creek and Lake Wakatipu foreshore.

Once approved by Council, the easements shall then be registered on the Record of Title for the site. A covenant shall also be registered on the title in accordance with Condition (5) below advising that these easements cannot be cancelled or varied without prior written approval from Council.
 - d) The consent holder shall construct the trail to achieve the SNZ Handbook HB8630 and Track Construction and Maintenance Guidelines Department of Conservation 2006 designs.

The Consent Holder is welcome to seek guidance from Council Parks and Reserves when finalising the trail design and signage.
 - e) The consent holder shall be responsible for maintenance of the car park and trail for a minimum 2 year period from the date the assets are formed.
 - f) The consent holder shall provide to Council Parks and Reserves as-builts with specifications of the car park and trail formation and location.

Ongoing Conditions/Covenants

10. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Record of Title for the site providing for the performance of the following condition on an ongoing basis:
- a) A covenant shall be registered on the title advising that the easements created pursuant to Condition (9) above shall not be cancelled or varied without prior written approval from Council.

Landscaping

11. Prior to construction of a residential unit within the approved building platform, an amended landscape plan shall be submitted to Council's Monitoring Officer for certification. Council may appoint a landscape specialist to certify the plan. The amended plan shall be based on the submitted 'Landscape Management Plan – Wakatipu Homestead' and shall include details of: plant species, methods of ground preparation for planting, plant numbers, planting density, and plant sizes at the time of planting.

Engineering

General conditions

12. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

13. 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 GeoSolve geotechnical report, titled "1370 Kingston Road," dated June 2018, reference number 132009 and who shall supervise the excavation/fill procedures and any retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability
14. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by the New Zealand Transport Agency or its network management consultant, Aspiring Highways, for certification and acceptance if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to the State Highway road reserve.
15. 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. 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.
16. Silt traps shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into nearby waterways Wye Creek or Lake Wakatipu.
17. 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 (12), to detail the following requirements:
 - a) The provision of a water supply to the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of an access way to the building platform that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.

- c) Where the access is located adjacent to land which drops away to a height exceeding 1m at an angle of greater than 45° within 2m of the edge of the carriageway, edge demarcation and/or protection shall be provided to ensure vehicular/pedestrian safety. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and approved by Council prior to installation. A PS4 producer statement shall be provided to Council following construction.
- d) The provision of a public pedestrian access linkage through the site to Lake Wakatipu in accordance with scheme plan by Clark Fortune McDonald & Associates titled 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A and 04_02 Rev A' dated 27.06.19. The access shall achieve SNZ Handbook HB8630 and Track Construction and Maintenance Guidelines Department of Conservation 2006 designs. The access shall be delineated with edge marker posts at 50m intervals. Provision shall be made for stormwater disposal from the carriageway.
- e) The provision of a gravel public car park area and vehicle access down to the lake front, including a minimum of (8) onsite parking spaces within the subject lot in accordance with scheme plan by Clark Fortune McDonald & Associates titled 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A and 04_02 Rev A' dated 27.06.19. The parking area shall provide adequate space for turning and manoeuvring in compliance with Council standards. The car park area and parking spaces shall not be required to be marked out. The car park area and vehicle access will be assessed by a QLDC Parks and Reserves representative after the 2 year maintenance period.
- f) Prior to commencing any work on the site the consent holder shall provide a PS1 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads

To be monitored throughout earthworks

- 18. No earthworks, temporary or permanent, are to breach the boundaries of Section 1 Survey Office Plan 21572 with the exception of works associated with the construction of approximately 13m the public shared pedestrian/cycle access track at the western extents of the subject lot.
- 19. Earthworks shall be undertaken in accordance with the earthworks plan by Clark Fortune McDonald & Associates, titled 'Section 1 SO 21572 Proposed Access Earthworks, 01_01 Rev B and 01_02 Rev B' dated 17.12.18.

Accidental Discovery Protocol

- 20. If the consent holder:

- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

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

Site work may only recommence following consultation with Council.

New Building Platform to be registered

- 21. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per Patch plan titled 'Wakatipu Homestead', Drawing reference. PA18169 dated 30/11/2018). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register Identifier 651809 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

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

- 22. Prior to the registration of the building platform on the title, the consent holder shall create the Right of Way easements in gross over Section 1 SO 21572, as shown on 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A and 04_02 Rev A' dated 27.06.19, in favour of Te Rūnanga o Ngāi Tahu pursuant to Section 348 of the Local Government Act 1974.
- 23. Prior to the registration of the building platform on the title, the consent holder shall create the Right of Way easements in gross over Section 1 SO 21572, as shown on 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A and 04_02 Rev A' dated 27.06.19, in favour of Queenstown Lakes District Council pursuant to Section 348 of the Local Government Act 1974.
- 24. Prior to the building platform being registered on the Computer Freehold Register, the consent holder shall complete the following:
 - a) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - b) The completion and implementation of all works detailed in Condition (17) above.
 - c) The legal right of way easements approved under the RM181032 s348 decision shall be registered on the Computer Freehold Register for the site.
 - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform.
 - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the building platform.
 - f) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Covenants

25. At the time that the building platform is registered on the Record of Title for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:
- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on the Record of Title for the site.
 - b) The landowner shall maintain the trail and car park for a period of two (2) years following practical completion of these areas. At the end of the first year of the maintenance period the landowner shall provide a report on the condition of the trail and car park to the Council Parks and Open Spaces Planning Manager. At the end of the two year maintenance period, the Council Parks and Open Spaces Planning Manager may require the Consent Holder to undertake any reasonable rehabilitation works if the trail and car park do not meet the required standards.
 - c) All future buildings at this location shall be designed and constructed with Specific Engineering Design (SED) foundations and ground improvements by a suitably qualified professional engineer in compliance with the RM181032 Geotechnical Report recommendations from GeoSolve Limited, titled '1370 Kingston Road, Queenstown', dated June 2018, reference number 132009.
 - d) The landowner shall maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the State Highway without prior NZ Transport Authority approval.
 - e) At the time a dwelling is erected on Sec 1 SO 21572, earthworks shall be carried out in accordance with the Geosolve report titled "1370 Kingston Road, Queenstown," reference number 132009 dated, June 2018.
 - f) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design a secondary level treatment system for onsite effluent disposal in compliance with AS/NZS 1547:2012 and shall maintain at least 50m set back between Lake Wakatipu and onsite land application disposal areas, unless otherwise approved under an Otago Regional Council consent. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
 - g) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
 - h) Prior to the occupation of the residential unit, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres for rural general zoned areas shall be maintained at all times as a static firefighting reserve within (55,000 litre combination of tanks. Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow

rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with 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 Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

Note: Fire and Emergency New Zealand considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new residential unit. Given that the proposed residential unit is approximately 15km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire Brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential dwelling(s).

Residential buildings

26. The approved residential building platform must be registered on the title prior to any building being constructed in the residential building platform.
27. Only one residential unit may be constructed on the site and shall be located within the approved residential building platform.
28. Prior to construction of any buildings within the approved residential building platform, building plans and a landscape plan for plantings within the curtilage area shall be submitted to Council's Monitoring Officer for Design Approval, and shall include proof of compliance with all the ongoing conditions/Covenant, including establishment of planting and earth mounding identified within the landscape plan certified under Condition (6) of resource consent RM181032.

29. Any building within the residential building platform shall meet the following design controls:

Building colour and material

- a) External wall claddings shall be limited to the following:
 - (i) Local schist or river stone;
 - (ii) Timber weatherboard or board and batten;
 - (iii) Steel; tray or profiled or similar.
- b) The roofing materials of all buildings shall be:
 - (i) Vegetated;
 - (ii) Steel; tray or profiled or similar;
 - (iii) Shingles;
 - (iv) Shakes.
- c) The colour of all materials shall be in the recessive tones of grey, green or brown with a light reflective value (LRV) of between 7% and 20%. If painted all surfaces shall have a matte finish.
- d) All external joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes shall be coloured to match the primary dwelling's materials and colour controls.
- e) All ancillary structures (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
- f) The exterior colour of all interior curtains, blinds or other window coverings on the west (lakefront) elevation of any buildings shall be consistent with the above colour controls. Alternatively, tinted glass may be used to ensure internal window coverings are dark and recessive.

Building Form and Coverage

- g) Buildings shall not exceed 5.5m in height above RL 316.5m, with the exception of chimneys or finials (not exceeding 1.1m in any direction) provided that the 5.5m maximum height is not exceeded by more than 1.5m.
- h) Buildings, including ancillary structures, shall not exceed 70% coverage (700m²) of the building platform.

Other Building Controls

- i) Glazing on building's western (lakefront) elevation shall be anti-reflective glass similar to GlareShield® which shall have a reflective value of less than 2% of incident light; or Buildings shall be constructed with eaves, overhangs or recessed windows of no less than 0.8m in depth on west (lakefront) elevations to reduce the effects of glare from glazing.
- j) Solar panels and satellite dishes shall only be installed on the roof where they are not visible from public roads, public walking tracks or Lake Wakatipu.

Landscape Controls

- k) Planting and earth mounding identified within the landscape plan certified under Condition (11) of resource consent RM181032 shall be fully implemented prior to construction of a building within the approved building platform and shall thereafter be maintained and irrigated in perpetuity in accordance with the certified plan. In addition:
 - (i) All plant stock shall be locally sourced indigenous species.
 - (ii) The consent holder shall undertake on-going maintenance and weed control program designed to ensure that adequate care of the planted material is undertaken through to establishment. The weed control program shall make provision for replacement of

newly planted trees and/or shrubs that die or decline, to a point that, in the opinion of the Council's Monitoring Officer, they are not of value, and must extend for a minimum of three years following completion of the first planting.

- (iii) Upon completion of the landscape work, the consent holder shall notify Council's Monitoring Officer in order to ensure compliance with the plan. Further monitoring at 12 and 24 months from the date of completion will take place to ensure that adequate maintenance has been undertaken.
- (iv) Any replacement trees and/or shrubs required must be of the same type, grade and size as that originally planted and all replacements must be planted either within the current (1 May to 31 August) planting season if practicable or the following planting season.
- (v) Prior to any clearing of any vegetation on the access path/cycleway or building platform any native vegetation, particularly plants hosting green mistletoe (*Ileostylus micranthus*) shall be replanted elsewhere on the site. This shall occur during the planting season (1 May to 31 August) and shall be carried out or supervised by a landscape specialist.
- (vi) All external lighting shall be down lighting only and not be used to highlight buildings or landscape features visible from beyond the property boundary. All external lighting shall be no higher than 1.2m above ground level and be limited to the curtilage and access area only. External lighting shall be directed away from the lake and foreshore.
- (vii) Planting within the curtilage area shall be composed of 70% (excluding lawn areas) naturally occurring indigenous species.
- (viii) All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, external lighting, swimming pools, tennis courts, play structures, vehicle parking, pergolas, and ornamental or amenity gardens and lawns shall be confined to the curtilage area and building platform as shown on the certified landscape plan under RM181032.
- (ix) All water tanks to be partially or wholly buried. If partially buried, tanks shall be of dark recessive colour which meets the building colour controls and/or visually screened by planting.
- (x) Any gates shall be to a height of no more than 1.2m and be constructed of natural materials such as unpainted timber, steel or schist stone. Gates shall be consistent with traditional rural elements and farm gateways and not be monumental in character.
- (xi) Any fences are to be standard rural character fence including dry stacked stone, timber post and rail and/or post and wire. All fences may reach a maximum height of 1.2m. Mesh fencing may be used for pest management purposes.
- (xii) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised and vegetated to blend into the natural landforms.
- (xiii) The surface of all access roads and driveways outside of the curtilage area shall be gravel or a dark colour local stone chip, dark chip seal, a dark coloured and textured concrete or a dark coloured or vegetated impermeable surface.
- (xiv) No concrete kerb and channel shall be used for the access road and driveway.

Advice Notes

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
2. To maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the state highway without prior New Zealand Transport Agency approval.
3. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

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

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to engineeringacceptance@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

S348 PEDESTRIAN AND VEHICULAR RIGHT OF WAYS CONDITIONS

The Queenstown Lakes District Council hereby consents to the granting or reserving of Right of Way Easements A, B and X on Section 1 SO 21572 in favour of Te Rūnanga o Ngāi Tahu, Pedestrian Right of Way Easements X and Y on Section 1 SO 21572 in favour of Queenstown Lakes District Council, Right to Park Easement Z on Section 1 SO 21572 in favour of Queenstown Lakes District Council under section 348 of the Local Government Act 2017, subject to the following conditions:

1. That the activity be undertaken in accordance with the application for the creation of the Right of Way easements as shown on the following plans (**stamped as approved on 10 October 2019**);
 - 'Proposed Rights of Way Over Section 1 SO 21572, 04_01 Rev A' dated 27.06.19
 - 'Proposed Rights of Way Over Section 1 SO 21572, 04_02 Rev A' dated 27.06.19
2. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

3. 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 relation to the formation of the ROW and installation of the stormwater sumps 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 these works undertaken.
4. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for the following ROW easement areas:
 - a) 6m wide vehicular right of way easements from the public car park to Section 9 SO 22367 and Section 11 SO 22059, and
 - b) 6m wide vehicular right of way easement from the State Highway to the public car park, and
 - c) Public right to park easement over the car park, and
 - d) Public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu.

All ROW easement areas shall include the provision for stormwater disposal and any traffic signage or pavement markings. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail all engineering works.

5. A Computed Easement Plan shall be submitted to Council for approval showing details of any necessary easements in regard to the following:
 - (i) 6m wide vehicular right of way easements from the public car park to Section 9 SO 22367 and Section 11 SO 22059, and
 - (ii) 6m wide vehicular right of way easement from the State Highway to the public car park, and
 - (iii) Public right to park easements over the car park, and
 - (iv) Public pedestrian right of way easements over the access road and access track, from the public carpark area "Z" through to Lake Wakatipu.

The easement instruments shall clearly demonstrate maintenance obligations imposed or inferred on the QLDC. Once approved by Council the easements shall then be registered on the Computer Freehold Register for the site.

6. Prior to the issue of the s348 certificate for the 6m wide vehicular right of way easements from the public car park to Section 9 SO 22367 and Section 11 SO 22059 the consent holder shall complete the following:
 - a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017
 - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
 - d) Implementation of works in Condition (4).
7. Within 3 months of the date of issue of the s348 certificate for the 6m wide vehicular right of way easements from the to the public car park to Section 9 SO 22367 and Section 11 SO 22059 the consent holder shall complete the following:
 - a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.
8. Prior to the issue of the s348 certificate for the 6m wide vehicular right of way easement from the State Highway to the public car park the consent holder shall complete the following:
 - a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017

- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
 - d) Implementation of works in Condition (4).
9. Within 3 months of the date of issue of the s348 certificate for the 6m wide vehicular right of way easement from the State Highway to the public car park the consent holder shall complete the following:
- a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.
10. Prior to the issue of the s348 certificate for the public right to park easement over the car park, the consent holder shall complete the following:
- a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017

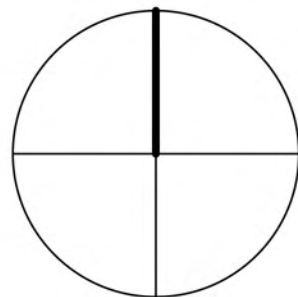
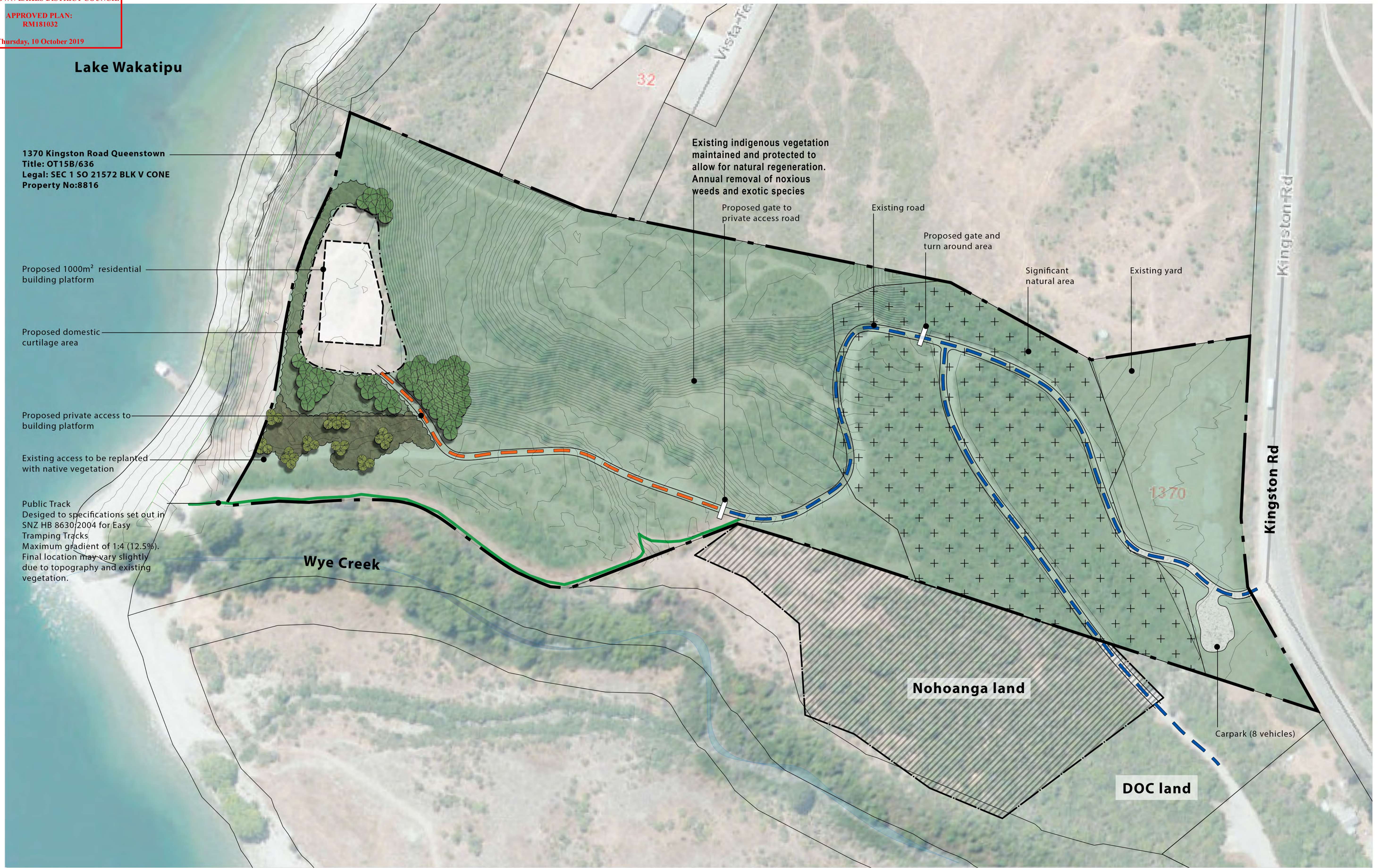
- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
- d) Implementation of works in Condition (4).

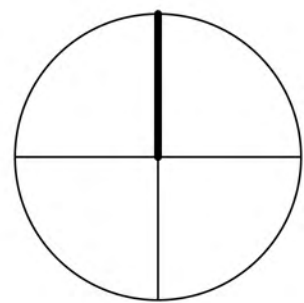
11. Within 3 months of the date of issue of the s348 certificate for the public right to park easement over the car park, the consent holder shall complete the following:
 - a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.
12. Prior to the issue of the s348 certificate for the public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu, the consent holder shall complete the following:
 - a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017
 - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
 - d) Implementation of works in Condition (4).
13. Within 3 months of the date of issue of the s348 certificate for the public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu, the consent holder shall complete the following:
 - a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.

Advice Note:

1. Registered professionals shall prepare all necessary documentation to enable the certification to be lodged with Land Information New Zealand.





QUEENSTOWN LAKES DISTRICT COUNCIL

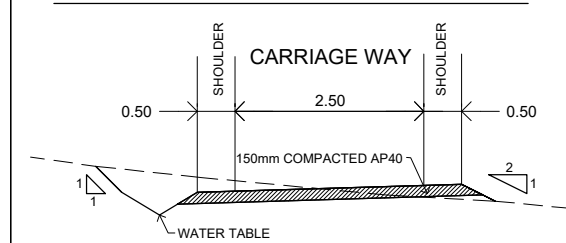
LAKE
WAKATIPU

APPROVED PLAN:
RM181032
Thursday, 10 October 2019

SECTION 13
BLOCK V CONEBURN SD
(CONSERVATION PURPOSES NZGZ 1993 p 2628)

LOT 15
DP 474749

TYPICAL CROSS SECTION



LEGEND:

- ROAD CENTERLINE
- EDGE OF GRAVEL
- WATER TABLE
- - - CUT BATTER
- - - FILL BATTER
- EDGE OF EXISTING ACCESS
- WYE CREEK SNA BOUNDARY
- MAJOR CONTOUR (2.0m)
- MINOR CONTOUR (0.5m)

LOT 1
DP 474749

PROPOSED
BUILDING
PLATFORM

OIT XX SO 18765
RL = 335.53m

ACCESS 2
PRIVATE
(3.5m WIDE GRAVEL)

CHIMNEY

SECTION 1
SO 21572
5.5967Ha
CT:-OT15B/636

EXISTING ACCESS

AREA(A)
DP 460549

CROWN LAND
BLOCK V CONEBURN SD
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

CROWN LAND
SOUTH WAKATIPU SURVEY DISTRICT
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

ACCESS 1
PUBLIC
(3.5m WIDE GRAVEL)

LARGE STUMP

AREA(B)

DRAFT - SUBJECT TO CLIENT APPROVAL AND RC

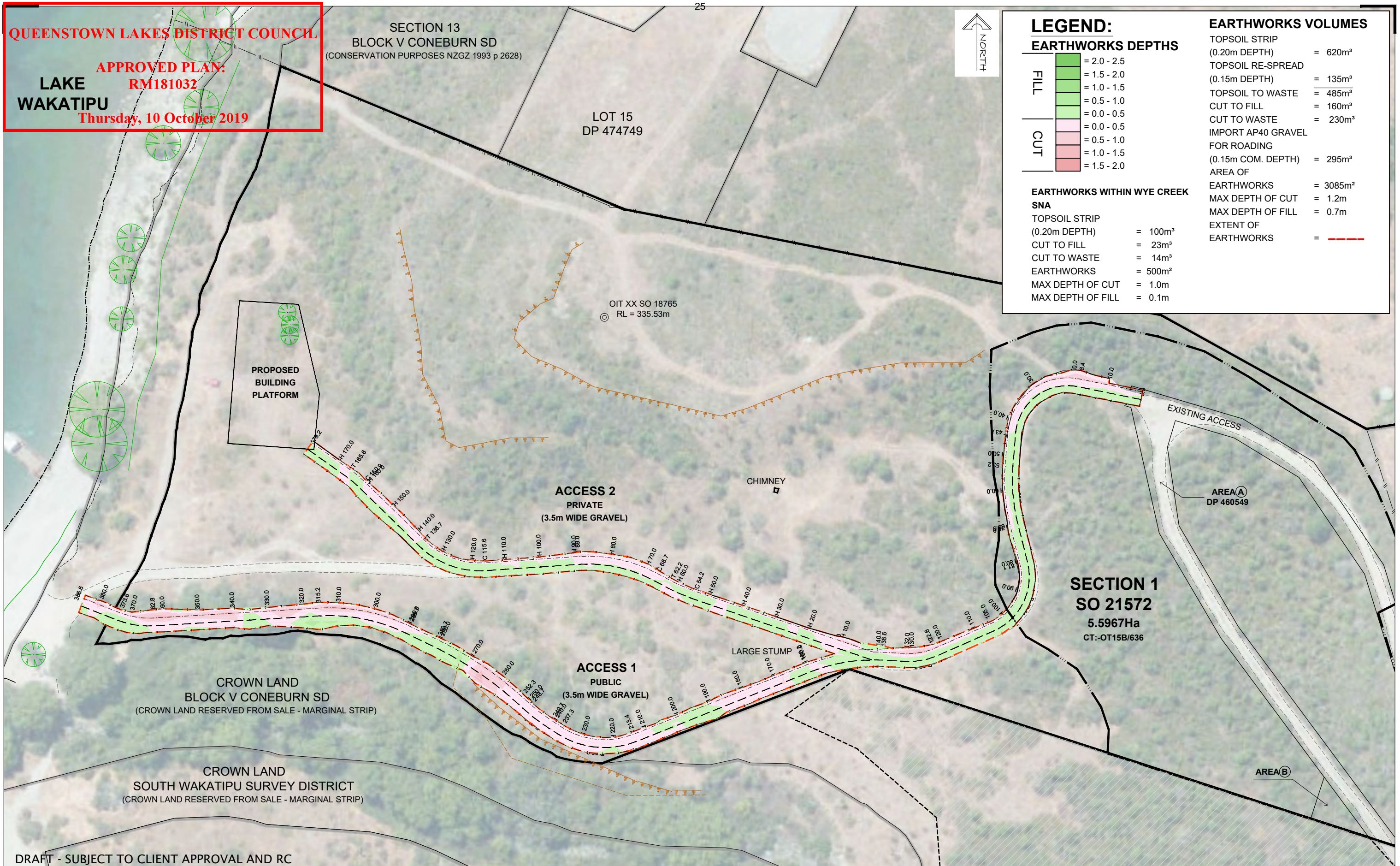
Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz
21 Reece Crescent, P.O.Box 550, Wanaka
Tel. (03)443-4448, Fax (03)443-4445, Email admin@cfma.co.nz
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	22.03.18	ACCESS ROAD REALIGNED	HK
B	17.12.18	NOHOANGA LAND & ROW ADDED	HK

SECTION 1 SO 21572 PROPOSED ACCESS EARTHWORKS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
LAKE WAKATIPU STATION LTD	CSL		02.12.13	12564	01_01
	Drawn	Signed	Date	Scale	
	HK		16.06.16	1:500 @ A1 1:1000 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
	M&W		02.04.16	Mt Nic 2000 & MSL	B



DRAFT - SUBJECT TO CLIENT APPROVAL AND RC

Rev.	Date	Revision Details	By
A	22.03.18	ACCESS ROAD REALIGNED	HK
B	17.12.18	NOHOANGA LAND & ROW ADDED	HK

S:\JOBS\12500\12564\acad\12564 01 REV B Access Earthworks.dwg Plotted: 17.12.2018

SECTION 1 SO 21572 PROPOSED ACCESS EARTHWORKS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
LAKE WAKATIPU STATION LTD	CSL		02.12.13	12564	01_02
Notes:	Drawn	Signed	Date	Scale	
All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	HK		16.06.16	1:500 @ A1 1:1000 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
	M&W		02.04.16	Mt Nic 2000 & MSL	B

QUEENSTOWN LAKES DISTRICT COUNCIL

LAKE APPROVED PLAN:
WAKATIPU RM181032

Thursday, 10 October 2019

SECTION 13

BLOCK V CONEBURN SD

(CONSERVATION PURPOSES NZGZ 1993 p 2628)

LOT 15
DP 474749

LOT 1
DP 474749

SECTION 1
SO 21572
5.5967Ha
CT:-OT15B/636

PROPOSED
BUILDING
PLATFORM

UPGRADED ACCESS TO HOUSE

APPROX. LOCATION OF WALKING TRACK

AREA Y
2.5m WIDE

AREA A

AREA X

AREA W

AREA B

CARPARK
LOCATION
AREA Z

KINGSTON
ROAD
(SH 6)

NOHOANGA LAND

CROWN LAND
BLOCK V CONEBURN SD
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

CROWN LAND
SOUTH WAKATIPU SURVEY DISTRICT
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

SCHEDULE OF PROPOSED EASEMENTS IN GROSS

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
Right of way	A, B, X	Section 1 SO 21572	Te Runanga o Nagi Tahu
Right of way	W	Section 1 SO 21572	Queenstown Lakes District Council
Right of way (Pedestrian)	X, Y		
Right to park	Z		

DRAFT - SUBJECT TO CLIENT APPROVAL AND RC

Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz
21 Reece Crescent, P.O.Box 550, Wanaka
Tel. (03)443-4448, Fax (03)443-4445, Email admin@cfma.co.nz
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	27.06.19	Easement W added	HK

PROPOSED RIGHTS OF WAY OVER
SECTION 1 SO 21572

Client	Surveyed	Signed	Date	Job No.	Drawing No.
LAKE WAKATIPU STATION LTD	CSL	Signed	02.12.13	12564	04_01
Drawn	Signed	Date	Scale	1:600 @ A1 1:1200 @ A3	
HK	Signed	21.03.19			
Designed	Signed	Date	Datum & Level	Rev.	
			Mt Nic 2000 & MSL	A	

QUEENSTOWN LAKES DISTRICT COUNCIL

LAKE APPROVED PLAN:
WAKATIPU RM181032

Thursday, 10 October 2019

SECTION 13

BLOCK V CONEBURN SD

(CONSERVATION PURPOSES NZGZ 1993 p 2628)

LOT 15
DP 474749

LOT 1
DP 474749

SECTION 1
SO 21572
5.5967Ha
CT:-OT15B/636

PROPOSED
BUILDING
PLATFORM

UPGRADED ACCESS TO HOUSE

APPROX. LOCATION OF WALKING TRACK

AREA Y
2.5m WIDE

AREA A

AREA X

AREA W

KINGSTON
ROAD
(SH 6)

AREA B

CARPARK
LOCATION
AREA Z

NOHOANGA LAND



SCHEDULE OF PROPOSED EASEMENTS IN GROSS

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
Right of way	A, B, X	Section 1 SO 21572	Te Runanga o Nagi Tahu
Right of way	W	Section 1 SO 21572	Queenstown Lakes District Council
Right of way (Pedestrian)	X, Y		
Right to park	Z		

CROWN LAND
BLOCK V CONEBURN SD
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

CROWN LAND
SOUTH WAKATIPU SURVEY DISTRICT
(CROWN LAND RESERVED FROM SALE - MARGINAL STRIP)

DRAFT - SUBJECT TO CLIENT APPROVAL AND RC

 **Clark Fortune McDonald & Associates**
Licensed Cadastral Surveyors - Land Development - Planning Consultants

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Rev.	Date	Revision Details	By
A	27.06.19	Easement W added	HK

PROPOSED RIGHTS OF WAY OVER
SECTION 1 SO 21572

Client	Surveyed	Signed	Date	Job No.	Drawing No.
LAKE WAKATIPU STATION LTD	CSL	Signed	02.12.13	12564	04_02
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ANNEXURE 2 COUNCIL'S S42A PLANNING REPORT

FILE REF: RM181032

TO Hearings Commissioner

FROM Rosalind Devlin, Consultant Planner

SUBJECT Report on a Publicly Notified Consent Application

SUMMARY

Applicant: Lake Wakatipu Station Limited

Location: 1370 Kingston Road, Queenstown Rural

Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to identify a new residential building platform (1000m² in area) with a domestic curtilage area, landscaping, design controls for future development, access and infrastructure; to undertake earthworks within a significant natural area to upgrade the access; and

Application under s348 of the Local Government Act 1974 (LGA) to create Right of Way easements over the site in favour of Te Rūnanga o Ngāi Tahu; and to create Right of Way easements over the site in favour of Council to provide a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu.

Legal Description: Section 1 Survey Office Plan 21572 held in Record of Title OT15B/636

Operative Zoning: Rural General

Proposed Zoning: Rural;
Wāhi tūpuna #26 Wye Creek and #38 Lake Wakatipu / Wye Creek (Nohoanga)

Public Notification Date: 8 November 2018

Closing Date for Submissions: 6 December 2018

Submissions: 5

- No submissions have been received in opposition to the application:
- 3 submissions have been received in support of the application:
- 2 submissions have been received neither in support or opposition to the application.

RECOMMENDATION

(1) That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. Subject to the imposition of conditions of consent, the actual and potential effects of the proposed residential building platform are acceptable. The proposed development will result in adverse landscape effects that will be mitigated by landscaping and appropriate design controls. Subject to imposed conditions, the site can be adequately accessed and serviced for residential use.
2. The proposal takes into account the principles of Te Tiriti o Waitangi and the relationship of Māori and their culture and traditions by creating a Right of Way easement in favour of Te Rūnanga o Ngāi Tahu to access a nohoanga site within adjacent Department of Conservation land (Section 9 Block V Coneburn SD).
3. The proposal provides for enhanced opportunities for public access to Wye Creek and the margin of Lake Wakatipu by creating a Right of Way easement over the site in favour of Council for a public car park and walking track through the site.
4. The proposal is consistent with the relevant objectives and policies of the Operative District Plan and proposed District Plans for the following reasons:

The proposal provides for future residential development that can be accessed and serviced in an appropriate location where adverse effects on the Outstanding Natural Landscape can be mitigated by landscaping and design controls. The proposed platform provides for rural living opportunities on a site that can accommodate increased domestication. Earthworks and disposal of waste associated with the new building platform will avoid adverse effects that would be incompatible with the values held by Manawhenua.
5. The proposal promotes the overall purpose of the RMA.

1. INTRODUCTION

My name is Rosalind Devlin. I am a Consultant Planner for the Queenstown Lakes District Council. I have been engaged to provide planning services for the Council since 2015. I have worked as a planner in the Queenstown Lakes District since 2007 and elsewhere since 1999. I hold the qualifications of a Bachelor of Science (Geography, 1996) and a Master of Regional and Resource Planning (1998) from the University of Otago, Dunedin. I am a full member of the New Zealand Planning Institute (2006).

I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

2. PROPOSAL AND SITE DESCRIPTION

Land use consent is sought to establish a new residential building platform (1000m² in area) with a domestic curtilage area, landscaping, design controls for future development, access and infrastructure; to undertake earthworks within a significant natural area to upgrade the access.

The applicant has also applied under s348 of the Local Government Act 1974 (LGA) to create a Right of Way easement over the site in favour of Te Rūnanga o Ngāi Tahu to provide access to a nohoanga site within adjacent Department of Conservation land (Section 9 Block V Coneburn SD); and to create a Right of Way easement in favour of the Council over the site for a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu.

The applicant has provided a detailed description of the proposal, the site and locality in Section 1.0 – 2.3.5 of the report entitled “Assessment of Effects on the Environment, Wakatipu Station Limited, Residential Building Platform”, dated July 2018, prepared by Bridget Allen of John Edmonds & Associates, and submitted as part of the application (hereon referred to as the applicant’s AEE and attached as *Appendix 1*). This description is adopted for the purpose of this report, with the following additions:

Appendix 1 includes an addendum to the applicant’s AEE entitled “S348 ROW Application Local Government Act, Addendum to RM181032, Wakatipu Station Limited” dated 17 December 2018.

I refer the Commission to paragraphs 1.1 to 3.2 of Ms Renée Davies’ (Council’s Consultant Landscape Architect) report which provides a detailed description of the site and surrounding environment which is adopted and forms part of this report.

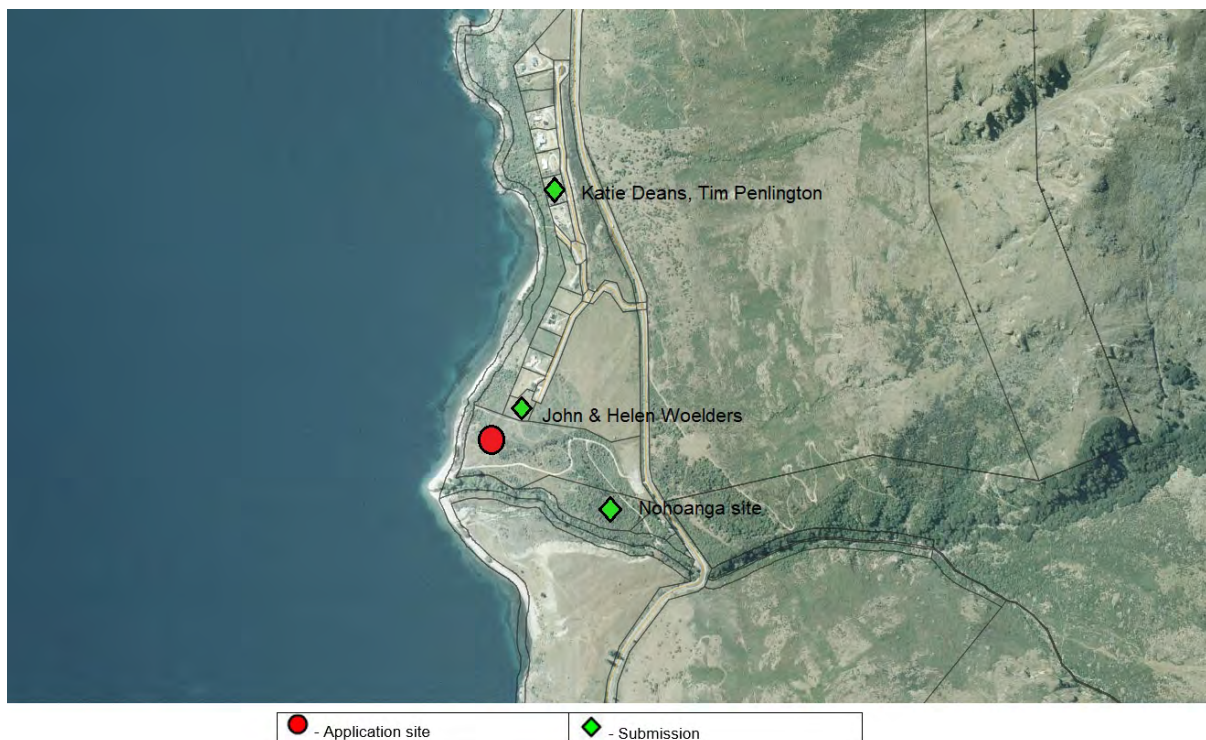
3. SUBMISSIONS

3.1 SUBMISSIONS

A copy of the submission received can be found in *Appendix 2* and is summarised below:

Name	Location of Submitters’ Property	Summary of Submission	Relief Sought
Queenstown Trail Trust	N/A	The Trust is seeking public access linking the Wye Creek recreation area to a potential future lakeside trail between Jacks Point and Kingston	If consent is granted, conditions for the provision of a trail easement would provide a vital option to access the lakeside trail and a future pedestrian bridge crossing Wye Creek.
Katie Deans	13 Drift Bay Road	Support with reasonable consideration of conditions	Grant consent with conditions: Emergency access for Wye Creek residents.

			<p>Move the platform against the hill away from the lake.</p> <p>Mounding on north boundary aspects.</p> <p>More planting on the north and lake aspect.</p> <p>Consideration to historical farming use.</p>
Tim Penlington	13 Drift Bay Road	Support with reasonable consideration of conditions	<p>Grant consent with conditions:</p> <p>Mounding and landscape planting on north boundary to soften building's impact.</p> <p>Move the platform away from the lake edge towards the east.</p> <p>Emergency access for Wye Creek residents.</p> <p>Honour the historic use of Wye Creek by Cecil Peak and Halfway Bay farmers.</p>
Te Rūnanga o Ngāi Tahu	Nohoanga site	Supportive on the basis that continued vehicle access is provided to the nohoanga site	<p>Grant consent with conditions:</p> <p>Right of Way easement to be included in consent conditions and created before the building platform is laid.</p>
John & Helen Woelders	32 Vista Terrace	Support provided specific conditions are imposed	<p>Grant consent with conditions:</p> <p>Preventing windows in NE corner.</p> <p>Preventing helicopter landings/take-offs to/from the property.</p> <p>Existing and proposed vegetation located between platform / curtilage to be retained and maintained.</p>



4. CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded.

Person (owner/occupier)	Address (location in respect of subject site)
Barbara Kipke	Vista Terrace, Lot 1 DP 474749 (the largest property adjoining the northern boundary of the site)
Otago Fish and Game	Interest in public access to the lake foreshore for fishing
Department of Conservation	Marginal strip and adjoining Conservation land with nohoanga site
New Zealand Transport Agency	Interest in access off State Highway 6

A copy of the written approvals can be found in *Appendix 3*.

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General under the Operative District Plan and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity consent under Rule 5.3.3.3 (xi) as the proposal breaches the Site Standard 5.3.5.1(v)(a)(i) in regard to the volume and area of earthworks in significant indigenous vegetation being greater than 1000m³ and / or 50m² in any one hectare in any continuous 5 year period. The proposed earthworks include 100m³ over an area of 500m² within the area of significant indigenous vegetation. Council's discretion is restricted to their effect on nature conservation values and the natural and the natural character of the rural environment.

For the avoidance of doubt, the following rules are relevant to the application but are treated as inoperative under s86F of the RMA:

- A **discretionary** activity pursuant to Rule 5.3.3.3i(b) for the identification of a building platform of not less than 70m² in area and not greater than 1000m² in area. It is proposed to identify a residential building platform of 1000m² on the western part of the site.
- A **restricted discretionary** activity consent as the proposal breaches the Site Standard 5.3.5.1(vi) as the north western corner of the of the proposed building platform breaches the 15m setback from internal boundaries.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3(a) for a breach of Site Standard 22.3.3(i) in regard to the volume of earthworks being greater than 1000m³. The proposal includes approximately 1,497m³ of earthworks. Council's discretion is restricted to
 - (i) The nature and scale of the earthworks
 - (ii) Environmental protection measures
 - (iii) Remedial works and revegetation
 - (iv) The effects on landscape and visual amenity values
 - (v) The effects on land stability and flooding
 - (vi) The effects on water bodies
 - (vii) The effects on cultural and archaeological sites
 - (viii) Noise.

PROPOSED DISTRICT PLAN

Council notified its decisions on Stage 1 of the Proposed District Plan (Stage 1 Decisions Version 2018) on 5 May 2018. Council notified decisions on Stage 2 of the Proposed District Plan on 21 March 2019 (Stage 2 Decisions Version 2019). A Consolidated Appeals Version was finalised in July 2019.

The subject site is zoned Rural under the Proposed District Plan and the proposed activity requires resource consent for the following reasons:

Rules that are treated as operative under s86F:

- A **discretionary** activity pursuant to Rule 21.4.10 for the identification of a building platform not less than 70m² and not greater than 1000m². It is proposed to identify a residential building platform of 1000m² on the western part of the site.
- A **restricted discretionary** activity pursuant to Rule 21.5.1 for setback from internal boundaries. The north western corner of the proposed building platform breaches the 15m setback from internal boundaries.
- A **restricted discretionary** activity pursuant to Rule 25.4.2 for 2 earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2. The proposal includes approximately 1,497m³ of earthworks. Council's Council's discretion is restricted to:

- 25.7.1.1 Soil erosion, generation and run-off of sediment.
- 25.7.1.2 Landscape and visual amenity.
- 25.7.1.3 Effects on infrastructure, adjacent sites and public roads;
- 25.7.1.4 Land stability.
- 25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.
- 25.7.1.6 Cultural, heritage and archaeological sites.
- 25.7.1.7. Nuisance effects.
- 25.7.1.8 Natural Hazards.
- 25.7.1.9 Functional aspects and positive effects.

Rules that have legal effect under s86F but are not yet treated as operative due to appeals are:

- A **restricted discretionary** activity pursuant to Rule 21.7.3 for any building where the ground floor area exceeds 500m². It is proposed to enable future development within the proposed platform that may exceed 500m². Council's discretion is restricted to: external appearance, visual prominence from public and private locations, landscape character, visual amenity and privacy outlook and amenity from adjoining properties.
- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.21 which provides that no more than 300m³ of cleanfill shall be transported by road to or from an area subject to Earthworks. In this instance, approximately 729m³ of cut to waste earthworks are proposed to be transported offsite.

The matters of discretion for the above rules are noted as follows:

- Soil erosion, generation and run-off of sediment.
- Landscape and visual amenity.
- Effects on infrastructure, adjacent sites and public roads.
- Land stability.
- Effects on water bodies, ecosystem services and biodiversity.
- Cultural, heritage and archaeological sites.
- Nuisance effects.
- Functional aspects and positive effects.
- A **discretionary** activity pursuant to Rule 33.5.3.2 whereby the earthworks within a Significant Natural Area may be more than 50m² in any one hectare. The proposed earthworks include 100m³ over an area of 500m² within a Significant Natural Area.

Overall, the application is considered to be a **discretionary** activity under Operative and Proposed District Plan provisions.

5.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The site includes a yard that was used for the transportation of stock to and from Halfway Bay Station. This yard was for holding stock to transport them on and off the site. All of the farming activities occurred at Halfway Bay Station on the other side of Lake Wakatipu. Based on the applicant's review of Council records and advice from e3 Scientific, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

5.3 LOCAL GOVERNMENT ACT 1974

Application is made under s348 of the Local Government Act 1974 (LGA) to create Right of Way easements over the site in favour of Te Rūnanga o Ngāi Tahu; and to create Right of Way easements over the site in favour of Council to provide a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu.

6. STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application and submissions received. Considerations of relevance to this application are:

- Actual and potential effects on the environment; and
- Operative and Proposed District Plans

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9 of this report outlines Part 2 of the RMA in more detail.

Overall, the application is for a Discretionary Activity, as such the application must be considered under Section 104B which provides for the consent authority to grant or refuse consent, and in granting consent may impose conditions under Section 108.

7. INTERNAL REPORTS

The following reports have been prepared on behalf of QLDC and are attached as appendices.

7.1 LANDSCAPE ARCHITECT'S REPORT

The landscape assessment was prepared by Ms Renee Davies, Council's Consultant Landscape Architect (*Appendix 4*) with respect to effects of the additional platform in terms of rural character, visibility, and domestication of the landscape. Ms Davies' key concerns are with respect to ensuring visibility of a future building is reduced, and proposed landscape treatment.

7.2 ENGINEER'S REPORT

The engineering report was prepared by Mr Mike Pridham, Council's Resource Management Engineer (*Appendix 5*) with respect to access, parking and manoeuvring, earthworks, servicing, and natural hazards.

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.

8. ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Landscape Classification
- (ii) Effects on the Environment guided by Assessment Criteria (but not restricted by them)
- (iii) Objectives and Policies Assessment
- (iv) Other Matters (precedent, other statutory documents)

8.1 LANDSCAPE CLASSIFICATION

The applicant's landscape architect, Mr Steve Skelton (Patch) has assessed the site as part of the Wakatipu Basin Outstanding Natural Landscape (ONL (WB)) but disagrees with the classification of it being part of the Wakatipu Basin.

Ms Davies considers that the site should be considered as being within the ONL (WB). Irrespective of this, the Patch landscape and visual assessment assesses the application site under the relevant assessment criteria for the ONL (WB) and Ms Davies consider that this is appropriate (paragraph 3.1 of her landscape assessment).

The assessment of Ms Davies has been accepted and adopted for the purposes of my assessment, and therefore the analysis below is based upon the site and development area forming part of the ONL (WB).

8.2 EFFECTS ON THE ENVIRONMENT

8.2.1 The Permitted Baseline

When determining the actual and potential effects of an application for resource consent, the 'permitted baseline' may be considered. A consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect. In this case the identification of building platforms within the Rural zone (PDP) requires consent, therefore there is no applicable permitted baseline in regard to establishing a platform. In regard to earthworks, 1000m³ of earthworks may be undertaken as a permitted activity, provided that all applicable standards are met (contiguous area, erosion and sediment controls, height of cut 2.4m and fill 2m, batter slopes 65 degrees, distance to boundary, 10m setback from water bodies, no more than 300m³ of cleanfill transported from the site). The permitted baseline in regard to earthworks is considered to be relevant and will be applied.

8.2.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

- *Landscape effects*
- *Transport effects*
- *Earthworks effects*
- *Infrastructure effects*
- *Natural Hazards effects*
- *Significant Natural Areas effects*
- *Cultural effects*
- *Recreational effects*
- *Positive effects*

The relevant assessment matters are found in Sections 4 (*District Wide Issues*), 5 (*Rural Areas*) and 22 (*Earthworks*) of the Operative District Plan, and Chapters 3 (*Strategic Direction*), 6 (*Landscapes*), 21 (*Rural*), 25 (*Earthworks*), and 33 (*Indigenous Vegetation*) of the Proposed District Plan, and have been taken into consideration in the assessment below.

The Assessment of Effects provided within Sections 5.2 – 5.11 of the applicant's AEE is considered accurate and is adopted for the purposes of this report, along with the following summary that takes into consideration assessments prepared by the Council's Consultant Landscape Architect and Resource Management Engineer.

Landscape

The Patch report recommended moving the proposed building platform to a location further north to reduce the visibility of built form on adjacent nohoanga land and conservation land. The movement north has meant that there is slightly more encroachment into the 15m internal setback of the proposed building platform and domestic curtilage area. Ms Davies supports the movement of the proposed building platform to this location and agrees that it reduces the visibility of the proposed building. Ms Davies also considers the setback infringement would not increase the level of visibility compared with a platform or curtilage area behind the 15m internal setback. I accept these findings.

Ms Davies considered views from the Drift Bay public road, and considered the visual effects would be moderate in the short term and would reduce to low in the medium – long term as proposed mitigation planting establishes. Ms Davies noted that a building within the platform would also be visible from the public picnic area and walkway entry further north along the foreshore before Jack's Point at Carlin Creek, but considered that the visual effects for these viewing audiences would be low-moderate in the short term and then this would reduce to low or no effect in the medium to long term as mitigation planting, in particular proposed mountain beech establish and screen the built form. I accept this assessment.

Ms Davies considers that effects on the openness of landscape, visibility of development, and cumulative effects of development on the landscape will be low to moderate in the short term and reduce to a range between no effect and low effect in the medium to long term. Ms Davies concludes that the proposal will result in improved ecological outcomes and positive effects in regard to public access. I accept these findings.

In response to submissions regarding visual amenity and privacy:

- Mounding and landscape planting on north boundary to soften building's impact; the amended landscape and planting plans provide for retention of vegetation and additional plantings.
- Move the platform against the hill away from the lake; the platform has been moved as close as possible to this hillslope.
- More planting on the north and lake aspect; the amended landscape and planting plans include plantings to the north of the platform.
- Preventing windows in the NE corner; the position of the platform ensures that elevations containing windows will not be visible from adjoining properties to the northeast. The proposed design controls ensure that only part of a roof might be visible.
- Existing and proposed vegetation located between platform and curtilage to be retained and maintained; the amended landscape and planting plans provide for retention of vegetation and additional plantings.
- The house at 32 Vista Terrace (John and Helen Woelders) is situated at RL 330m. The proposed platform will be at RL 316.5m and 80-90m from the house at 32 Vista Terrace, with established vegetation in between the sites. Views from 32 Vista Terrace over the site towards the lake and mountains will be maintained, with views of future buildings within the platform partly screened by existing vegetation and very likely fully screened when the vegetation grows further.

In response to Ms Davies' recommendations, the applicant submitted an amended set of plans that:

- Include a detailed landscape and construction plan for the public pedestrian and cycleway access.
- Include details of: plant species, methods of ground preparation for planting, plant numbers, planting density, and plant sizes at the time of planting.
- Specify an on-going maintenance and weed control program designed to ensure that adequate care of the planted material is undertaken through to establishment.

Amended plans have been submitted but not been certified; however, and Ms Davies' recommendations are therefore adopted as conditions of consent requiring a certified landscape plan, along with congoing conditions of consent in regard to landscaping being undertaken prior to commencement of building within the platform.

Given all of the above, and provided the landscape plans as submitted or amended are certified, I consider that adverse effects in regard to landscape will be no more than minor.

Transport

Mr Pridham is satisfied that the public parking area will be of an appropriate size and recommends details be provided for engineering review, and a two year maintenance period once works are complete. Mr Pridham notes that the existing access is NZTA approved and recommend that NZTA's advice note be attached as a covenant on the title:

To maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the state highway without prior NZTA approval.

Mr Pridham recommends conditions of consent regarding the installation of suitable pedestrian and vehicular access ways including the installation of a safety barrier in accordance with NZS4404 amendments 3.3.4.

Given all of the above, I consider that adverse effects in regard to parking and access will be no more than minor.

Earthworks

The proposed earthworks for the access way curves from the upper terrace of the section to run alongside the southern boundary of the property down towards the lake frontage. Mr Pridham notes that earthworks to form the proposed public access way breaches the lot boundary by about 13m. As noted in Section 4 of this report, the adjoining landowner, the Department of Conservation, has provided their written approval for the proposal, including earthworks associated with forming the track. As such, adverse effects arising from breaches of the site boundaries to form the trail will be less than minor.

Mr Pridham is satisfied that the proposed earthworks can be undertaken in accordance with the applicant's geotechnical assessment and plans, and recommends conditions in regard to a silt trap, supervision from a geotechnical engineer, foundations and ground improvements by a suitably qualified professional engineer, site management, traffic management plan, and revegetation. Mr Pridham's assessment and recommendation are accepted.

Given all of the above, I consider that adverse effects in regard to earthworks will be no more than minor.

Services

An infrastructure review was prepared by Fluent Infrastructure Solutions Ltd for the applicant. Mr Pridham has reviewed the report and is satisfied that:

- A water supply of 2100 litres per day can be achieved.
- On-site fire fighting water storage and arrangements can be provided.
- A suitable effluent disposal system can be implemented.
- Stormwater can be disposed of to ground by an on-site soakage pit.
- Underground electrical supply to the building platform is feasible.
- No details have been provided for wireless telecommunications (signal strength testing); however, underground connections are feasible.

Mr Pridham's assessment and recommendation are accepted. Overall, I consider that adverse effects in regard to services will be no more than minor.

Natural Hazards

The site is identified as being susceptible to 'debris dominated' alluvial fans and liquefaction 'possibly susceptible'.

Geosolve Ltd for the applicant has assessed the alluvial fans risk as low and associated with the deep gully which forms the Wye Creek channel, located 70m south of the building platform. Geosolve Ltd advise that the building platform is elevated above the Wye Creek channel level, and the State Highway bisects the top portion of the fan which in an event can help reduce the effects of debris on the application site. Mr Pridham accepts the expert advice from GeoSolve Ltd and makes no related recommendations.

In regard to liquefaction, Geosolve Ltd recommends mitigating this risk at the time of building construction, including specific foundation design and ground improvements to support the foundations. Mr Pridham recommends a covenant is registered on the title advising of the need for designs to be undertaken in accordance with the Geosolve Ltd report.

Mr Pridham's assessment and recommendation are accepted. Overall, I consider that adverse effects in regard to natural hazards will be no more than minor.

Significant Natural Area

Earthworks within the Significant Natural Area (#C24A; indigenous shrubland) are required to upgrade the access. The works will be relatively minimal and will not require clearance of indigenous vegetation.

The applicant's AEE notes that any green mistletoe, as identified within the site during consultation with the Department of Conservation, that need to be moved (for example within the area of the building platform of the accessways) will be replanted elsewhere on the site. The applicant's landscape package proposed to protect the Significant Natural Area and allow natural regeneration; annual removal of noxious weeds and exotic species; locally appropriate native plantings to the north and sought of the platform; and plantings to rehabilitate the existing (now redundant) access road to the lake that was used for farming activities.

Provided appropriate conditions are adhered to in regard to earthworks and plantings, it is considered that adverse effects on the Significant Natural Area will be no more than minor.

Culture

Currently the only access to the nohoanga site within the adjacent Conservation land is via the thickly vegetated and steeply undulating marginal strip along Wye Creek. In response to the Department of Conservation and Te Rūnanga o Ngāi Tahu, an easement for vehicle access to the nohoanga site will be provided through the concurrent s348 application (discussed in more detail in Section 10 below). The access will follow an existing easement that was created in favour of Pioneer Energy to access the Wye Creek power station.

I consider adverse effects in regard to culture to be nil. I consider that providing legal access from SH6 to the nohoanga site is a positive effect.

Recreation

As requested by Otago Fish and Game and the Queenstown Trails Trust, an easement for a public trail will be provided via the concurrent s348 application (discussed in more detail in Section 10 below). The easement will include a public car park off SH6, and a walking or cycling trail through the site to access Wye Creek and the lake edge. The formation of this trail will provide an opportunity for future connections to a lakeside trail and any future pedestrian bridge crossing Wye Creek.

The easements will be in gross in favour of Council. Council's Parks & Reserves have accepted the easements with recommended conditions in regard to formation and maintenance.

Adverse effects in regard to recreation are considered to be nil. It is considered that the creation of legal public access from SH6 through the site to Wye Creek and the lake is a positive effect.

Other matters

The applicant has responded to submitters' requests for conditions in regard to:

- Emergency access for Wye Creek residents; this request was later withdrawn by the submitters.
- Honour the historic use of Wye Creek by Cecil Peak and Halfway Bay farmers; this request was later withdrawn by the submitters. Any private agreements between the applicant and Halfway Bay Station or other farms is not relevant to this application.
- Preventing helicopter landings/take-offs to/from the property; the applicant confirmed that a helipad is not sought in this application, and the applicant was unaware of the unauthorised landings/take-offs that were observed by John & Helen Woelders during December 2018.

It is considered that all these matters have been resolved.

Summary of Effects

The proposed platform will increase domestication within the site, and will result in adverse effects on the Outstanding Natural Landscape and margins of Lake Wakatipu, and the Significant Natural Area. Having considered the proposal and the findings of the landscape and engineering assessments however, the potential adverse effects of the proposed development in regard to visibility, domestication and landscape values, and indigenous vegetation are considered acceptable and can be appropriately mitigated to an acceptable level. The application will result in positive effects in regard to cultural values and recreational access.

Subject to imposed conditions, the site can be adequately accessed and serviced for residential use.

8.3 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

The relevant objectives and policies are contained within Parts 4 (District Wide), 5 (Rural) and 22 (Earthworks) of the Operative District Plan and Chapters 3 (Strategic Direction), 6 (Landscapes), 21 (Rural), 25 (Earthworks), 33 (Indigenous Vegetation Biodiversity) and 39 (Wāhi Tūpuna) of the Proposed District Plan.

The assessment and objectives and policies identified at sections 6.2 – 6.3 of the applicant's AEE is generally comprehensive and is considered accurate, and is therefore adopted for the purposes of this report, along with the following additional assessment.

Operative Queenstown Lakes District Plan

The proposal can be undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values and rural amenities. Associated earthworks can be undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment, including the Significant Natural Area. The proposal recognises places of cultural and traditional importance to Kai Tahu.

Proposed Queenstown Lakes District Plan

The proposed development in the Outstanding Natural Landscape will not result in more than minor adverse effects on landscape quality, character and visual amenity. The application will ensure that the natural character of lakes and rivers and their margins is protected and maintained and will enhance public access.

The proposal has regard to the cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins, and will ensure that indigenous biodiversity is protected, maintained and enhanced.

The site is located within wāhi tūpuna areas #26 Wye Creek and #38 Lake Wakatipu / Wye Creek (Nohoanga). Earthworks and disposal of waste associated with the new building platform will be managed to avoid adverse effects that would be incompatible with the values held by Manawhenua. The proposed development will not result in the modification, damage or destruction of values held for the area, including mahika kai, wāhi taoka, and archaeological values. The proposed development will maintain and enhance nohoaka values by providing legal access to the nohoanga site.

Summary of Findings

Overall it is considered that the proposal is consistent with the relevant policies and objectives of Operative District Plan and the Proposed District Plan.

8.4 REGIONAL POLICY STATEMENT

The assessment at section 6.1 of the applicant's AEE is comprehensive and is considered accurate, and is therefore adopted for the purposes of this report.

Overall, I consider that the proposed development is consistent with the intent of the relevant objectives and policies of the Operative and Proposed Otago Regional Policy Statements.

8.5 KĀI TAHU KI OTAGO NATURAL RESOURCE MANAGEMENT PLAN

The objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NMRP) provide for Cultural Landscapes, including ensuring that nohoaka (nohoanga) sites are safe to use.

The proposal includes a Right of Way easement that will be provide ongoing legal access to the nohoanga site for Te Rūnanga o Ngāi Tahu. I consider that the proposal is aligned with the NMRP.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

As discussed throughout this report, I consider that the development proposed is appropriate based upon an assessment of the application against s104 matters and in particular, the relevant provisions of the District Plan.

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The following matters of national importance listed in Section 6 of the RMA are also considered relevant:

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*

Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (a) *kaitiakitanga:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*

- (d) *intrinsic values of ecosystems:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon*
- (i) *the effects of climate change*

It is concluded that the proposal will not result in adverse effects on the Outstanding Natural Landscape and the margin of Lake Wakatipu that would be more than minor.

Amenity values enjoyed by recreational users and public access will be enhanced by provision of a public car park and walking track through the site to Wye Creek and Lake Wakatipu.

The proposal includes mitigation measures to ensure that adverse effects on the area of significant indigenous vegetation are no more than minor.

The proposed development will result in no more than minor adverse effects on ecosystems due to the limited scale of the earthworks and proposed management and mitigation measures.

The proposal enables the applicant to provide for their economic, social and cultural wellbeing. Effects on natural and physical resources will be no more than minor and any potential adverse effects can be avoided or mitigated.

The proposal takes into account the principles of Te Tiriti o Waitangi and the relationship of Māori and their culture and traditions by enhancing access to a nohoanga site within adjacent land.

As outlined in section 8.2.2 above, the proposed development will result in adverse landscape effects, which on balance will be outweighed by the positive effects for recreational and cultural values. Therefore, I consider the proposal will be an appropriate development, and I consider the proposal does promote sustainable management.

10. S348 APPLICATION

It is proposed to grant right of way easements in favour of Te Rūnanga o Ngāi Tahu and Council as follows:

- Public car park marked "Z" on the proposed easement plan in favour of Council.
- Public vehicle access marked "Z" on the proposed easement plan in favour of Council; this provides access from the State Highway to the car park.
- Public pedestrian rights of way marked "X" and "Y" on the proposed easement plan in favour of Council; these provide walking or cycling access from the car park to Wye Creek and the Lake Wakatipu foreshore.
- Rights of way marked "A" "B" and "X" on the proposed easement plan in favour of Te Rūnanga o Ngāi Tahu; these provide vehicle access to the nohoanga site in adjacent Department of Conservation land.

Mr Pridham is satisfied that there is sufficient space for the proposed right of way easement areas and makes recommendations in regard to a Computed Easement Plan.

For the above reasons it is considered appropriate to grant the Right of Way easements subject to the recommended conditions.

11. RECOMMENDATION

For the reasons outlined above I recommend that consent be granted.

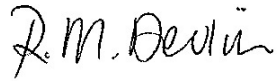
Subject to the imposition of conditions of consent, the actual and potential effects of the proposed development are acceptable. The proposal will result in adverse landscape effects, and positive effects by enhancing recreational and cultural values and access.

The proposal is consistent with the relevant objectives and policies of the District Plan.

The proposal promotes the overall purpose of the RMA and will have positive effects on the wellbeing of the community, and the relationship of Māori and their culture and traditions.

Report prepared by

Reviewed by



Rosalind Devlin

CONSULTANT PLANNER

Andrew Woodford

SENIOR PLANNER

Attachments:

Appendix 1	Applicant's AEE
Appendix 2	Summary of Submissions
Appendix 3	Written Approvals
Appendix 4	Landscape Report
Appendix 5	Engineering Report

Report Dated:

1 October 2019

APPENDIX 1 – APPLICANT’S AEE



Assessment of Effects on the Environment
Wakatipu Station Limited
RESIDENTIAL BUILDING PLATFORM

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT

Schedule 4 Clause 6 Matters

1. I attach in accordance with the fourth schedule of the Resource Management Act an assessment of the actual or potential effect on the environment of the activity. The proposal does not result in any significant adverse effects on the environment.
2. The activity does not include the use of hazardous substances and installations.
3. The following mitigation measures are proposed (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.

Standard and proposed conditions of consent will mitigate effects of infrastructure, earthworks and natural hazards. Landscaping treatments and design control conditions will also mitigate the future development.

4. I attached within the AEE an assessment of any persons affected by the activity and any consultation undertaken.
5. If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

Not applicable.

6. If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

Not applicable.

7. A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

The information supplied is in accordance with the requirements of the Operative and Proposed District Plan. Poles have been erected on the corners of the proposed building platform.

LIST OF APPENDICIES

Appendix A	Computer Freehold Register
Appendix B	Site Plan and Landscape Plan
Appendix C	Landscape Report, Design Controls and Attachments
Appendix D	Earthworks Plans
Appendix E	Infrastructure Report
Appendix F	Geotechnical Report
Appendix G	Written Approvals & Correspondence
Appendix H	Relevant Objectives and Policies

DOCUMENT STATUS

Version	Purpose of Document	Prepared By	Reviewer	Review Date
Draft A	Internal Draft	BA	JF	20/06/2018
Draft B	Draft to Client	BA	DW	25/06/2018
FINAL	Lodgement	BA	–	30/07/2018

APPLICATION FOR RESOURCE CONSENT PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To:

Queenstown Lakes District Council – Planning & Development
PO Box 50072,
Queenstown 9348

Applicant:

Wakatipu Station Limited seeks consent to establish a residential building platform on the site and associated works such as earthworks for the access and landscaping.

Address for Service:

John Edmonds & Associates
PO Box 95
Queenstown

Attention: Bridget Allen

Email: bridget@jea.co.nz

Phone: 021-336-422

Address for Invoicing:

Wakatipu Station Limited
Private Bag 92142
Auckland, 1142

Attn: David Wylie

Email: 021 489 252

Phone: david.wylie@pier21.co.nz

1.0 INTRODUCTION

1.1 Overview

Consent is sought to establish a building platform, undertake earthworks to form the access and associated landscaping.

1.2 Consultation

This Assessment of Effects on the Environment report (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;

- A description of the proposal;
- Identification and assessment of relevant RMA statutory provisions; and
- A conclusion.

The applicant has consulted with various parties including DOC, Fish and Game, residents and members of the Wye Creek Water Company, Barbara Kipke and NZTA. Prior to this proposal that applicant was proposing a more intensive application involving a two-lot subdivision of the site. At this time the applicant consulted with Kai Tahu, Ngai Tahu and the local rūnanga.

It was identified that all parties were seeking access through the site to the foreshore. In response to this consultation the applicant has proposed a car parking area at the top of the site that will be screened by existing and regenerating native vegetation. A pedestrian and bike track will then provide access to the lakefront. A condition of consent is offered requiring an easement to be registered on the title in favour of QLDC to formalize this pedestrian and bike access.

The following table provides a summary of the approvals obtained found in **Appendix G**:

Approval Obtained	Site Address	Location in Proximity to the Activity
Barbara Kipke	The Kipke property is the largest property adjoining the northern boundary of the site	Approval Obtained
Fish and Game	Interested in accessing the foreshore for fishing	Approval Obtained
Department of Conservation	Marginal Strip and Conservation Land adjoining the site	Approval Obtained
NZTA	Accessed off State Highway 6	Approval Obtained

In accordance Section 95D the Council must disregard any effects on these parties.

A draft application was forwarded to Ngai Tahu. To date we haven't had a formal response. We have been advised informally that 5 of the Wye Creek residents support the application and are waiting on responses from the others.

It is anticipated that this application will be publicly notified and therefore it will be served on these parties.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Site Description

The subject site is located at 1370 Kingston Road, Wye Creek and is legally described as Section 1 Survey Office Plan 21572. This is held in Computer Freehold Register OT15B/636 (**Appendix A**). The site is 5.596 hectares in area more or less and is accessed from State Highway 6.

There are no instruments registered on the title that are relevant to this application. It is noted that the proposal will not interfere with the ROW easement in favour of 'Pioneer Generation' (RM120810).



Figure 1: Aerial of the Site (approximate boundaries shown in yellow)

The subject site consists of a series of distinct terraces. The highest point of the site adjoins the State Highway and then gradually descends towards Lake Wakatipu to the west and Wye Creek to the south.

The site was purchased by the current owners on the open market in 2012. The site was, until recently, held in the same ownership as Halfway Bay Station and used as a holding site to transport stock and materials across the lake via a barge and the existing accessway to connect to the roading network. Halfway Bay Station was sold to different owners and they have sought an alternative means of access across the lake.

The site includes naturally regenerating native vegetation and a portion of the site was scheduled as a Significant Natural Area (reference: C24A) in the PDP. The boundaries of the SNA (western and eastern boundaries) are aligned with the existing vehicle access through the site.

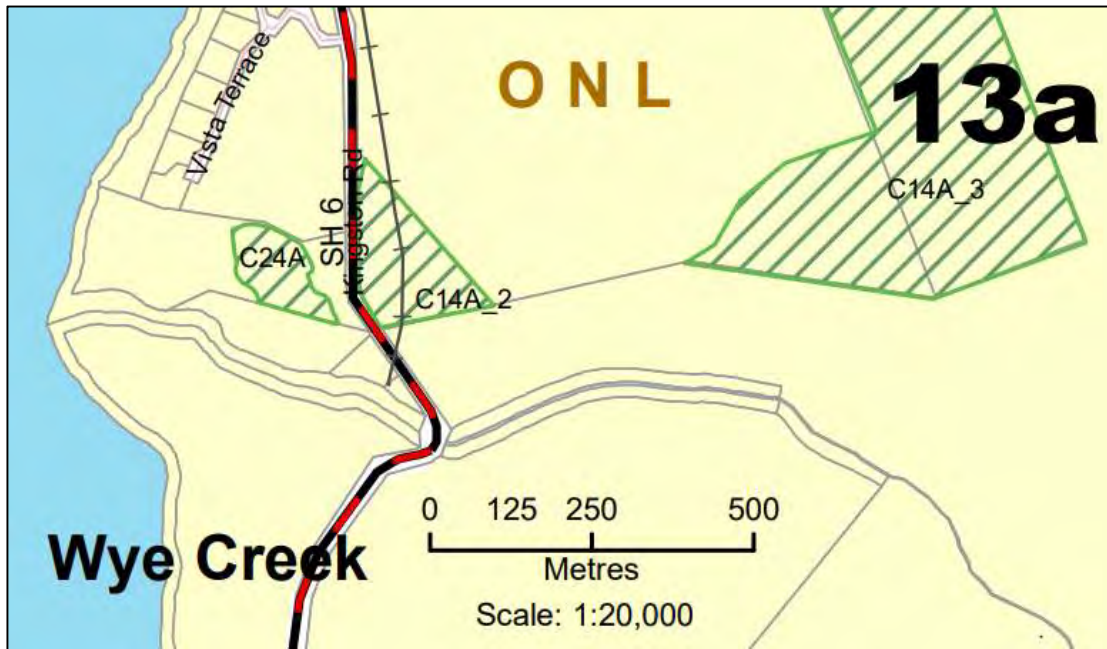


Figure 2: SNA area C24A (Source: PDP Decisions Version Map 13)

The description / dominant indigenous vegetation of this SNA is described as:

Shrubland dominated by bracken fern and *Pittosporum tenuifolium*, but also including tutu, *Coprosma propinqua*, *Griselinia littoralis*, manuka, *Hebe salicifolia*, matagouri, mistletoe sp., *Carmichaelia* sp., and *Cordyline australis*.

There are remnants of a stone chimney on site (on a lower terrace approximately half way between the highway and the lake). A letter to Council dated 19 October 1992 states that the hut was constructed 60-70 years ago and was used as a musterers hut. Consequently, it would have been constructed between 1922-1932 and is therefore not deemed an 'archaeological site' under the Heritage NZ Pouhere Taonga Act 2014.

The site is zoned Rural General in the Operative District Plan (ODP) and is classified as an Outstanding Natural Landscape – District Wide ('ONL – DW'). Under the Proposed District Plan the site is zoned Rural with a landscape category of Outstanding Natural Landscape.

The following natural hazards are registered on the site:

- Alluvial Fan – regional scale – debris dominated and active
- Liquefaction risk – possibly susceptible

2.2 Neighbouring Environs

The site adjoins a marginal strip to the south and west, with a conservation area that includes a nohoanga site also located to the south (refer Figure 3 below).

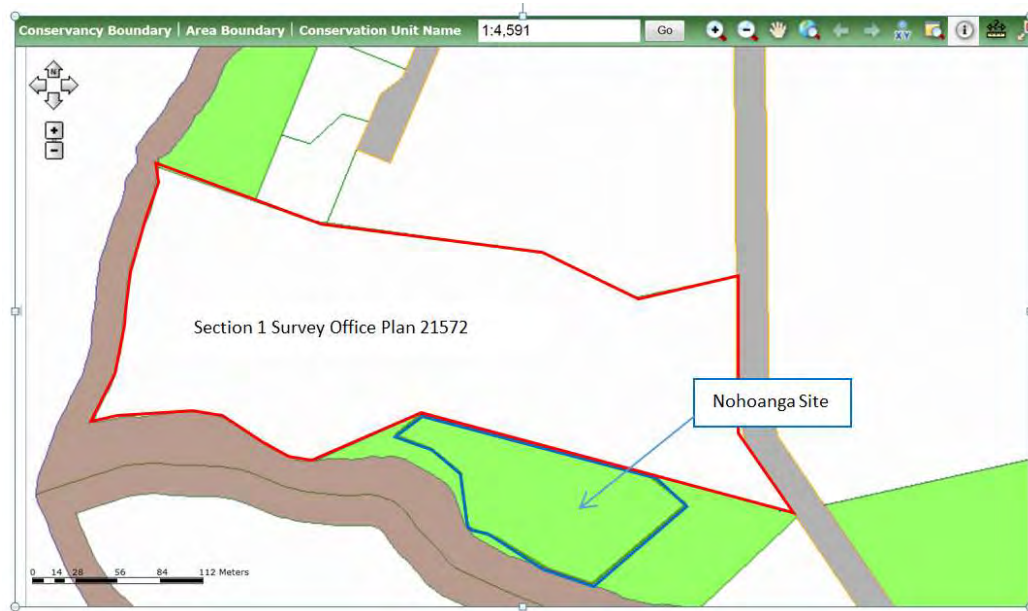


Figure 3: Conservation Land (Marginal Strip shown in brown, Conservation Areas shown in green, approximate site boundaries shown in red)

The existing Wye Creek subdivision is located to the north of the site and includes 16 lake side lots most of which have been developed with single residences. Pioneer Energy Limited own and operate a small hydro station to the south east adjoining the State Highway.

The mouth of Wye Creek is a popular fishing spot and was previously listed on the Department of Conservation website as a camping spot.

2.3 Description of Activity

A land use consent is sought to identify a residential building platform on the lower portion of the site adjoining the foreshore of Lake Wakatipu. The building platform is proposed to be 1000m² in area with a defined curtilage area as shown on Homestead Site Plan and Site Plan (**Appendix B**). A set of design controls will control the overall bulk and location and landscape treatments of any future development within this building platform. These include a maximum height of 5.5m above a set RL which corresponds to the existing ground level, and that the footprint of any future building will be restricted to a maximum of 70% of the platform. A full set of these controls is attached to the Landscape Assessment (**Appendix C**). The applicant offers a covenant condition to register these design controls on the title.

Other works proposed include earthworks to alter the access and additional landscaping.

2.3.1 Access

Initial access to the site is via an existing formed accessway. This accessway follows the existing formation as it passes through the SNA area with cut and fill up to 0.5m in depth to improve the gradient. As the access approaches the lake a new access will be formed to access the south western corner of the proposed building platform. The area where the existing formation extends

to the lake front will be reinstated with planting as outlined in the Landscape Management Plan (**Appendix C**).

Previous consultation identified that various parties sought access to the shoreline. The applicant has provided an alternative pedestrian access in response to this feedback. The alternative access follows the existing access alignment through the upper portion of the site. The public access then deviates and hugs the southern boundary of the site. This access will provide pedestrian access to the lake front from a car parking area near the State Highway. Vehicles can park in this parking area and then access the lakefront by walking or biking. A condition of consent is offered that will require registration of this easement over this alternative access for ongoing pedestrian / bike access through the site. The portion of this access that isn't existing will be formed by the applicant.

2.3.2 Landscaping

The site includes an extensive amount of existing vegetation which is currently naturally regenerating. As shown on the Homestead Plan attached in **Appendix B**, the balance of the site (all of the area that is beyond the immediate platform area) will be managed so that it continues to regenerate. A Landscape Management Plan (LMP) is submitted as part of the Landscape Assessment. This plan will manage the site to restore and enhance the indigenous flora by controlling woody exotic species control pests and revegetate the portion of existing access that will be removed.

During consultation with the Department of Conservation it was identified that there is green mistletoe (*Ileostylus micranthus*) growing on host plants within the site. Any of these plants that need to be moved (for example within the area of the building platform of the accessways) will be replanted elsewhere on the site.

It is noted that the access through the SNA does not require the remove of ingenious vegetation as the access will follow the existing formation through this area.

In addition to this planting is proposed around the proposed platform and particularly to the east and the south of the platform to mitigate visual effects of a future building in this location. This planting is shown on the Homestead Site Plan (**Appendix B**) and uses indigenous species appropriate for the site.

Existing landscaping along the site boundary with the State Highway will screen the proposed car parking area. Once formed the landscaping around the car parking area will continue to grow and regenerate providing further screening.

2.3.3 Earthworks

Earthworks are proposed to shape the vehicle access to the proposed building platform and to form the alternative public access route. An earthworks plan prepared by Clarke Fortune and MacDonald & Associates (**Appendix D**) outlines the extent of the earthworks proposed. The maximum cut is 1.0m and the maximum fill is 0.1m. The total area of earthworks is 3085m². The total volume is 1440m³ (including roading material).

In addition to those works outlined above earthworks will be required to replant the existing portion of drive that will become redundant, including scrape and re-top soiling, these earthworks will include an area of 380m² and a volume of 57m³. The total volume will therefore be 1497m³ over an area of 3465m².

2.3.4 Services

An Infrastructure Report has been prepared by Fluent Infrastructure Solutions Ltd and is attached as **Appendix E**.

There are three options to obtain water. The first two options are via a surface water take from Wye Creek or Lake Wakatipu. The volume required would be within the permitted volumes under the Otago Regional Water Plan. If a structure is required for the water take this may need consent under the ORC Water Plan. Any consents required will be sought once consent is obtained from the Queenstown Lakes District Council and the method of take was confirmed. A concession from DOC would also be required to formalise an easement across the marginal strip.

The third option is to drill a bore within the property. Drilling a bore is a considerable cost to the applicant when there is no guarantee that consent for the building platform will be granted. Therefore, this method will be investigated further following a decision on the consent. Consent from the ORC may also be required and, as above, will be obtained if a bore is deemed the preferred source.

The applicant will accept a condition of consent that requires that the final method of water supply is provided to Council prior to any other works commencing on the site.

Wastewater will be disposed of via an onsite wastewater disposal system. A report from Geosolve attached in **Appendix F** finds the site is suitable for onsite disposal.

Aurora Energy have provided confirmation that the site can be supplied with electricity. Since this doesn't involve a subdivision a confirmation letter for telecoms is not provided however there are services in the area. The applicant would like the option to be able to service the site via wireless mobile telecommunications considering that many cable connections are redundant. A condition of consent can provide for an either / or scenario.

If the applicant doesn't wish to provide telecom connection, then a covenant condition is offered. Such a condition could read:

At the time a dwelling is erected on the lot, the owner for the time being shall provide electricity and telecommunication connections to the dwelling. Any cables shall be underground and in accordance with the network providers requirements. Alternatively, wireless Telecoms can be provided.

If the consent holder choses wireless telecommunications then at the time that the building platform is registered on the certificate of title, the consent holder shall also register the following as a covenant condition under s108(2)(d) of the Act to be complied with on an on-going basis:

No cable telecommunications connection (wire or fibre optic) has been provided to the lot and any reticulation that is subsequently installed shall be at the cost of the

lot owner for the time being and shall be underground and in accordance with the network provider's requirements.

Stormwater will be disposed of to ground and will be designed at the building consent stage.

2.3.5 Geotech and Natural Hazards

A geotechnical report prepared by Geosolve is attached in **Appendix F**. The site is subject to liquefaction and an alluvial fan hazard. The report identifies that risk from alluvial fan hazard is low. However, the liquefaction assessment indicates a risk of settlement and lateral spreading is present during a ULS design event and accordingly specific ground improvement and foundations design will be required to mitigate this. The applicant offers a covenant condition to be registered on the title identifying this and referencing the findings of this report.

This report concludes that residential development of the site is feasible provided that the recommendations of the report are followed.

3.0 DISTRICT PLAN REQUIREMENTS

3.1 District Plan Provisions

The site is zoned Rural General zone in the Operative District Plan and Rural in the Proposed District Plan.

3.2 Consents Required and Status of the Activity

Under the ODP the proposed activity requires consent for the following:

- A **Discretionary** activity consent pursuant to Rule 5.3.3.3(i)(b) for the identification of a building platform of not less than 70m² and not greater than 1000m² in area.
- A **Restricted Discretionary** activity consent as the proposal breaches the Site Standard 5.3.5.1(vi) as the north western corner of the of the proposed building platform breaches the 15m setback from internal boundaries.
- A **Restricted Discretionary Activity** for earthworks. The proposal breaches Site Standards 22.3.3(i) in regard to the volume of material being greater than 1000m³.
- A **Restricted Discretionary** activity consent as the proposal breaches the Site Standard 5.3.5.1(v)(a)(i) in regard to the volume of earthworks being greater than 1000m³ and / or 50m² in any one hectare. The proposal may breach the area of works within the SNA area.

The following consents are required under the Proposed District Plan as Council has notified the decisions for the Stage 1 chapters pursuant to Section 86B of the Act:

- A **Discretionary** consent for the identification of a building platform not less than 70m² and not greater than 1000m² pursuant to Rule 21.4.10.
- A **Restricted Discretionary activity** pursuant to Standard 21.5.1 for setback from internal boundaries. The north western corner of the of the proposed building platform breaches the 15m setback from internal boundaries.

- A **Restricted Discretionary activity** pursuant to Standard 21.7.3 for any building where the ground floor exceeds 500m². Discretion is restricted to: external appearance, visual prominence from public and private locations, landscape character, visual amenity and privacy outlook and amenity from adjoining properties.

Overall the proposal is a **discretionary** activity.

4.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Chapter 104 of the Resource Management Act 1991.

Subject to Chapter 2 of the Act, Chapter 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

104 Consideration of applications

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

(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.

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

Chapter 104(3)(a)(ii) requires that no regard be given to effects on persons who have given written approval to the application. In this case a written approval has been obtained from the neighbouring property as outlined in Section 1.2 above.

Following assessment under Chapter 104, the application must be considered under Chapter 104B of the Act. Chapter 104B states:

After considering an application for a resource consent for a discretionary activity or noncomplying activity, a consent authority –

a) may grant or refuse the application; and

b) if it grants the application, may impose conditions under Chapter 108.

4.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES) apply to the change of use of land. If any activity or industry on the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or is more likely than not to have been undertaken on the piece of land.

The method outlined in Section 6(2) of the regulations has been used to determine whether or not the piece of land is covered by the NES. This involves a review of the information held about the site by the Queenstown Lake District Council (QLDC) and Otago Regional Council.

The Otago Regional Council (ORC) has confirmed that its 'Database of Selected Landuses' does not include any record of activities with the potential to contaminate land associated with the site.

The site does include a yard that was used for the transportation of stock from Halfway Bay Station. This yard was simply for holding stock to transport them on and off the site. All of the farming activities occurred at Halfway Station on the other side of the lake. Glenn Davis from Davis Consulting Group (now e3 Scientific) was contacted and confirmed that a PSI wasn't required in this instance.

In summary, based on the information held by the QLDC and ORC, it is considered that the NES does not apply to this proposal.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Environment

Case law (e.g. *Lloyd v GDC*, W106/2005, and *Luggate Holdings Limited v QLDC* W081/2009) has established that the permitted baseline is broader than as stated in s104(2), and is comprised of the following three categories of activities:

- what lawfully exists on the site at present;
- activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent, and
- activities which could be carried out under granted, but as yet unexercised, resource consent.ⁱ

In this instance the permitted baseline includes earthworks of up to 1000m³ in volume over an area of 50m² per hectare within the SNA and 100m² of indigenous vegetation clearance

ⁱ Also reiterated throughout such references as "The RMA Quality Planning Resource"

5.2 Receiving Environment

Section 2.2 of this AEE outlined the activities and land ownership neighbouring the site.

The receiving environment includes the Wye Creek subdivision being 16 lake side lots to the north of the site and the small hydro station to the south east of the site adjoining the State Highway.

The receiving environment also includes the adjoining conservation area that includes a nohoanga site. The following provides some background on these entitlements:

The term 'nohoanga' (literally meaning a place to sit) traditionally refers to the seasonal occupation sites which were an integral part of the mobile lifestyle of Ngāi Tahu Whānui as they moved around Te Waipounamu (the South Island) in pursuit of food and other natural resources.

This traditional concept has been given contemporary effect as a result of the Settlement of the Ngāi Tahu Claim through the allocation of specific 'camping' sites to support mahinga kai activities.ⁱⁱ

The Wye Creek nohoanga site is currently listed as non-operative however if it becomes operative then Ngāi Tahu Whānui (tribal members) have temporary, but exclusive rights to occupy these sites for up to 210 days a year between 16 August to the 30 April each year. A maximum of 30 person per night are permitted on any nohoanga site.

Section 259(2) of the Ngai Tahu Claims Settlement Act 1998 outlines that the holder has the right to erect camping shelters or similar temporary dwellings during the periods that the right to occupy is being exercised. These must be removed at the end of the occupation.

The receiving environment includes the environment beyond the site as it currently exists, and also as it may exist in the reasonably foreseeable future. In this instance it is appropriate to include the development of all of the Wye Creek lots and the occupation of the nohoanga site.

5.3 Actual & Potential Effects

The following effects have been considered in respect of the proposed land use consents: • Positive Effects • Effects on Neighbours and Amenity Values • Landscape & Visual Effects • Effects on the SNA • Infrastructure Effects • Earthworks Effects • Natural Hazards

These are all relevant to the current proposal and discussed below.

5.4 Positive Effects

The proposal will result in the following positive effects:

- The proposal will provide an appropriate use of the site which on its own is too small to farm.

ⁱⁱ Reference; Ngai Tahu website: <http://ngaitahu.iwi.nz/environment/nohoanga/>

- The removal of stock from the site and the proposed Landscape Management of the site will ensure that the revegetation will be enhanced and continue in perpetuity (for the site as a whole - not just the area that is an SNA).
- The proposal will provide public access through the site and to the foreshore
- The proposal provides access to the nohoanga site. Currently the only access to the nohoanga site is via the thickly vegetated and steeply undulating marginal strip.

5.5 Effects on Neighbours and Amenity Values

The provision of access through the site is considered a positive effect for the adjoining nohoanga site and will enable occupants of this land to access their site and the waterfront without having to navigate the Wye Creek marginal strip.

On site consultation (for a previous two lot subdivision that had one building platform in this location) with Te Rūnanga o Ngāi Tahu identified that the site of the proposed building platform was generally appropriate as the topography of the site and the lower terrace, will predominantly screen the location when viewed from the nohoanga site. The proposed platform position has been moved towards the north to ensure that the majority is screened by the topography. The change is shown on the GIS and 3D desktop study of visibility attached in Appendix C. There is a small portion of the nohoanga site that doesn't contain vegetation that would otherwise screen these views. Planting is proposed directly to the south of the proposed building platform including a stand of beech trees that will mitigate these views and screen any future building on the site. It is unclear if there are any other adverse effects on the nohoanga site, previous consultation suggested that access was their main concern.

There are two directly adjoining neighbours to the north of the site. The land adjoining the boundary to the north east is owned by Barbara Kipke who has provided written approval to the proposal attached in **Appendix G**. Consequently, any effect on these persons must be disregarded. The other site is 32 Vista Terrace. This is the most southern site of the Wye Creek Subdivision. The house site is on the elevated terrace orientated towards Lake Wakatipu. The approved plans for the dwelling show that the most western and lowest part of the house sit at an RL of 330. The building platform proposed in this AEE is located on a lower terrace (RL of 316.5) and approximately 80-90m away at the closest point. Established vegetation also separates the sites. The very top of one of the poles can be seen between vegetation intermittently. Considering that the existing and established vegetation only needs to grow a few centimetres or bush out to totally screen the top of this pole it is considered that views of a future buildings will be fully screened from 32 Vista Terrace. This elevation change, existing screening and setback ensure that any effects to this neighbour may be discernible but are too small to result in adverse effect to their outlook, views or amenity. Any effect will be less than minor.

The site adjoins conservation land administered by the Department of Conservation. Previous consultation (for a two lot subdivision) identified that DOC sought access through the site which has been provided in response to consultation. The intention of the marginal strip is to provide access to the foreshore however there are no formed public access routes. This will result in improved access to the marginal strip and lakefront in perpetuity.

The applicant has also consulted with Fish and Game. Fish and Game also sought access to the Wye Creek mouth for access for fisherman. In response to the provision of an easement Fish and Game have provided written approval to the application which is attached in **Appendix G**.

In summary the provision of public access through the site is a positive effect for many of the neighbouring sites and interested parties. Any effects on neighbouring sites are considered to be minor or less. It is anticipated that the application will be served on these parties as part of the notification process.

5.6 Landscape and Visual Effects

Patch Landscape have prepared a Landscape Assessment (**Appendix C**). This report provides an assessment of landscape character and visual amenity effects of the proposal including the associated controls and plans. The report assesses the proposal against the Assessment matters listed in Section 5.4.2.2(2) of the ODP. The report finds that the proposal may be visible from the surface of the lake, a small portion of the foreshore, an elevated portion of the Wye Creek Track and a short length of SH6 (a corner of the proposed platform is visible for up to 100m at a viewing distance of approximately 600) This report concludes that if seen, the proposal will not be seen in isolation and will be seen in the context of the existing residential development within Drift Bay. The proposal will be seen as an extension to the existing residential patterns of the site and will appear subservient to the landscape's natural character. The report concludes that overall the proposal will have a very low adverse effect on the landscape character and visual amenity. I rely on this assessment.

5.7 SNA

The proposal may breach the area of earthworks within the SNA area. The area of earthworks will only occur on the existing formed access. It is unlikely that any clearance of vegetation will be required and if there is it will be well within the permitted activity for this site. Therefore, there are no adverse effects to this area. As mentioned above there will be positive effects due to the removal of stock and grazing which will allow for passive and active regeneration of the indigenous species, and the implementation of the Landscape Management Plan.

5.8 Infrastructure

Details of proposed infrastructure are provided in section 2.3.4 of this application. Although the means of water supply hasn't been confirmed yet the various options show that the site can be supplied with water and the Department of Conservation have provided written approval to the application and the option to seek a surface water take from the lake.

Supply and distribution of services have already been confirmed. The applicant proposes have the option to use wireless telephone and data connection. The proposed use of mobile telecommunications in place of a landline connection will generate negligible adverse effects. Current technology enables all the telecommunication services traditional provided via a cable connection to be utilised via wireless mobile technology.

Although all necessary telecommunication services can be provided through mobile connections, a future owner may, based on traditional development and associated infrastructure, expect cable telecommunications connections. To avoid the potential for a party to purchase the property

assuming a cable connection was available, it is recommended that a land covenant be registered alerting any future owner of the service status.

Overall it is considered that through the requirement to register a land covenant regarding the use of wireless, any adverse effects associated with this variation can be avoided.

Detailed designs of on-site wastewater systems, firefighting and stormwater will be submitted as part of future resource consent or building consent.

Standard conditions of consent will ensure that the proposal will not result in any adverse effects with regard to infrastructure.

5.9 Earthworks

The applicant volunteers' standard conditions of consent that includes a site management plan.

The Geosolve Report (**Appendix F**) identifies that the site presents some potential to generate silt runoff and this would naturally drain downslope. Effective systems for erosion control are runoff diversion drains and contour drains, while for sediment control, options are earth bunds, silt fences, hay bales, vegetation buffer strips and sediment ponds. Only the least amount of subsoil should be exposed at any stage and surfacing established as soon as practical.

The location and type of control measures adopted will need to be based on the construction methodology and programme of the earthworks contractor. This site management plan will be submitted to Council for approval. The site management and construction methodology will be a 'living' document able to be updated and approved by Council to ensure that it continues to be relevant during the construction phase. The relevant condition of consent should reflect this iterative approach.

These standard mitigation measures will ensure that any effects from earthworks will be insignificant.

5.10 Geotech and Hazards

As outlined in Section 2.3.5 the Geotech Report considered that residential development of the site is feasible providing that the recommendations of the report are followed. Appropriate conditions of consent will ensure that any effects from natural hazards will not be exacerbated and will be insignificant.

5.11 Summary of Effects

In summary it is considered that:

- The proposal will result in positive effects to the SNA, ecosystems and provision of public access.
- Recommended conditions of consent will ensure that any effects on servicing, access, natural hazards, and earthworks will be appropriately mitigated.
- The Patch Landscape Report concludes that any effects on the landscape will be very low. The proposal is appropriate for the site and will be viewed in the context of the neighbouring Wye Creek development.

- Neighbours approval has been obtained from Barbara Kipke, DOC, Fish & Game and NZTA so Council must disregard any effect on these persons pursuant to 95(D)(e). Any effect beyond these persons would be indiscernible or negligible.

6.0 SECTION 104(1)(B) CONSIDERATIONS

6.1 Regional Policy Statement

The objectives and policies contained within the Otago Regional Policy Statement (RPS) are relevant to the proposal. The full details of the relevant objectives and policies are found in **(Appendix H)**. Of particular relevance is Objective 4.4.3 which seeks to maintain and enhance mahika Kia and access to those traditional resources and Objective 5.4.4 to ensure that public access opportunities exist. The proposal is directly aligned with these objectives as the proposal provides enhanced access to the nohoanga site and the lakefront as well as public access through the site.

Objective 5.4.3 and relevant policies seek to protect the ONL's from inappropriate subdivision, use and development. As outlined in the assessment of effects above it is considered that the building platform will be appropriate, will be viewed in the context of the Wye Creek development and overall will be subservient to the landscape's natural character.

It is also appropriate to consider the Proposed Regional Policy Statement (PRPS). The PRPS was notified on the 23 May 2015 and Council issued its decision on 1 October 2016. This decision is subject to appeals and those objectives and policies that have been appeals are identified in **Appendix H**. These objectives and policies seek similar outcomes to the RPS such as protection of Outstanding Natural Landscapes, recognising and providing for Kai Tahu values, interests and customary resources and improving access however there are also relevant enabling provisions such as Policy 01.1.2 that provides for the economic wellbeing of people and policy 3.1.12 that encourages and supports activities which contribute to enhancing the natural environment by protection or restoring habitat for indigenous species, regenerating indigenous species, mitigating natural hazards, improving access to lakes and the margins, linking ecosystems and controlling pest species. Similarly, Policy 3.2.2 that seeks the management of significant vegetation and habitats. This proposal has been well considered to avoid effects on the SNA, mitigate natural hazards, provide an appropriate land use activity within an ONL that is separated from the nohoanga and neighbours whilst balancing the neighbour's interests and providing public access. The site is less visible than Wye Creek, and over time as the vegetation regenerates the visual effects will get less and the positive effects on the SNA and surrounding vegetation will increase.

Overall it is considered that the proposed development is consistent with the intent of the relevant objectives and policies of the Operative and Proposed Otago Regional Policy Statements.

6.2 Objectives and Policies of the Operative District Plan

The relevant objectives and policies are contained within Part 4 (District Wide), Part 5 (Rural Areas) and Part 22 (Earthworks) of the District Plan.

The relevant objectives and policies are attached in **Appendix H**. The most relevant are considered below.

Chapter 4 – District Wide**Objective 1 - Nature Conservation Values**

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

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Policy 1.2 To promote the long term protection of sites and areas with significant nature conservation values.

Policy 1.4 To encourage the protection of sites having indigenous plants or animals or geological or geomorphological features of significant value.

Policy 1.13 To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.

Policy 1.16 To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.

Although the proposal includes an activity within an ONL the landscape report has concluded that any effects on natural character will be very low and that the removal of stock and the implementation of the Landscape Management Plan will result in a significant positive effect on the natural character of the site. Consequently, it is considered that the proposal is aligned with the above.

Landscape and Visual Amenity – 4.2.5 Objectives and Policies

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

Policy 1 Future Development

- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

The proposed building platform is located in line with the existing Wye Creek development when viewed from the lake however is set down into the landscape further in response to the topography which acts to enclose the site. The proposal avoids, remedies or mitigates adverse effects on landscape and visual amenity values as outlined in the AEE above. The proposal is located in an area that can absorb change.

Policy 2 *Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)*

- (a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) To allow limited subdivision and development in those areas with higher potential to absorb change.*
- (d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*

The site is enclosed as the site of the building platform is surrounded in vegetation and set down into the landscape so is predominantly concealed by the wider area resulting in a high ability to absorb the proposed building platform as outlined in the landscape report attached in **Appendix C**. The views into the site from the State Highway are limited to a maximum of 100m as the road narrows for the one lane bridge at a viewing distance of approximately 600m. These views will be mitigated further by the proposed planting and as the revegetation continues due to the protection of indigenous species and the implementation of the landscape management plan.

Policy 8. *Avoiding Cumulative Degradation*

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

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

The proposed development will be viewed within the context of the Wye Creek development and will provide an obvious bookend to the development when viewed from the lake. Any domestication will be constrained to the building platform and curtilage area, and the remainder of the site will regenerate into natural vegetation cover. The proposal is sympathetic to the neighbouring development by continuing and further enhancing the indigenous vegetation and natural character of the area. The building platform is located at the lower end of the site, which when viewed from the lake enhances the natural character for the remainder of the site (by removing the stock yards and increasing the indigenous planting), ensuring a sympathetic development within this ONL.

Policy 9. *Structures*

To preserve the visual coherence of:

- (a) outstanding natural landscapes and features and visual amenity landscapes by:*
 - *encouraging structures which are in harmony with the line and form of the landscape;*

- *avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
- *encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
- *encouraging placement of structures in locations where they are in harmony with the landscape;*
- *promoting the use of local, natural materials in construction.*

The proposal is directly aligned with Policy 9 above. The design is located so that it is enclosed by the topography and will not break the line or form of any ridge or skyline. The buildings colour and materials will be recessive, and the driveway will be gravel local materials.

Takata Whenua – 4.3.4 Objectives and Policies

Kaitiakitanga (Guardianship): Recognition and provision for the role of Kai Tahu as customary Kaitiaki in the District.

Cultural Proprietary Rights: The use and interpretation of Tribal history remaining under the kaitiakitanga of iwi, Kai Tahu.

Waahi Tapu and Waahi Taoka: Recognition and protection of places of burial, other waahi tapu, and all waahi taoka, as places of cultural and traditional importance to Kai Tahu.

Mahika Kai: 1 The retention of the high quality of the mountain waters, and the retention and improvement of the water quality of the tributaries and water bodies of the District through appropriate land management and use. 2 The limitation of the spread of weeds, such as wilding trees

Policy 4.1 To recognise, by Council policy and decision-making, the importance of mahika kai to the culture and relationship Kai Tahu share with the indigenous resources traditionally gathered in the District.

Policy 4.3 To encourage the protection of indigenous ecosystems, by assisting in the provision of information to the community, recreationalists, land managers and local landholder groups concerning the location of significant areas of indigenous vegetation and habitat and the appropriateness of land management practices.

Policy 4.4 To encourage land uses and management practices which ensure the vegetation cover is maintained in order to assist in sustaining the life supporting capacity of the soil.

Policy 4.8 To maintain and enhance public access to the District's public forests and rivers and wetlands, having regard to their traditional importance as mahika kai.

Wai (Water): The management of the land resource and associated waste discharges in such a way as to protect the quality and quantity of water in the District to a standard consistent with the human consumption of fish, swimming and protects the mauri (life force) of the lakes and rivers.

Repo Rauo (Wetlands): The maintenance and enhancement of existing wetlands and their re-establishment, where practicable.

Ingoa Rarangi (Place Names): The continued and enhanced use of traditional Kai Tahu place names as an educational resource to explain the cultural and historical relationship of Kai Tahu to the environment.

Rakau (Trees): The protection of specific native trees that are of cultural importance to Kai Tahu.

Protection of Water Resources: 1 The collection, treatment, storage and disposal of wastes in a way that minimises the adverse effects on the natural resources of the District. 2 Minimising the quantities of waste requiring disposal within the District. 3 To continue to implement programmes to reduce the discharge of untreated or partially treated waste to lakes and rivers. 4 To avoid, remedy or mitigate the adverse effects of eutrophication.

The proposal will not offend the provisions above and is aligned with Objective 4 Mahika Kai and the relevant policies. As mentioned previously the proposal promotes and will increase the indigenous vegetation cover by protecting it and removing stock and provides public access.

Chapter 5 - Rural Areas

Objective 1 - Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies

- *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*
- *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District*
- *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change*

The proposal, while located within an ONL, has been considered by an expert landscape architect and is considered appropriate having regard to the matters stated in the policies above.

Objective 3 - Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

- *Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values*
- *Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties*

The residential activity is in keeping with the land use on those residential sites to the north and the proposal is well set back from neighbouring boundaries. Section 5.5 in the AEE above discusses the effects on neighbours and summarises that the effects on neighbouring rural amenity are mitigated by the separation distance, screening and orientation of the sites.

There are other relevant objectives and policies as attached in Appendix H such as those for Natural Hazards, Earthworks and Development. The proposal is consistent with these objectives and policies, and any associated adverse effects associated will be adequately mitigated.

In summary the proposal is in keeping with the Part 5 Objectives and Policies.

6.3 Objectives and Policies of the Proposed District Plan

The QLDC's Proposed District Plan was notified on 26 August 2015. Submissions closed on 23 October 2015, and further submissions closed on 18 December 2015. Decisions on Stage 1 have been released (but are subject to appeal). Accordingly, limited weighting should be given to these provisions.

The relevant objectives and policies are attached in **Appendix H**. The most relevant are considered below.

Chapter 3 - Strategic Direction

3.2.1 The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)

3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)

The proposal represents appropriate diversification of a site that is not large enough to be an economical farm and in a manner that will result in positive benefits to the conservation values of the site. The proposal has incorporated access through the site to the lake as a result of previous consultation with Te Rūnanga o Ngāi Tahu.

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)

3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.

3.2.4.2 The spread of wilding exotic vegetation is avoided.

3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

These provisions apply to the district landscapes as a whole and in this context the proposal will not be inconsistent with these objectives. Natural values (including ONL values) will be protected from inappropriate development. A dwelling will be visible from the site when viewed from the lake however this will be viewed in the context of the Wye Creek development. The removal of stock and the revegetation of the site will enhance the natural character of the margins of the lake and public access will be provided for.

3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.

As outlined in the attached landscape report (**Appendix C**) the proposal will not result in more than minor effects on the landscape.

3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)

3.2.7 The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).

3.2.7.1 Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.

3.2.7.2 The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

The applicant has previously consulted with Te Rūnanga o Ngāi Tahu. The access provides pedestrian access to the nohoanga site which is currently not able to be accessed (other than through the overgrown and steeply undulating marginal strip) so is not expected to offend the interests of Te Rūnanga o Ngāi Tahu. It is anticipated the application will be served on Te Rūnanga o Ngāi Tahu.

Policies:

3.3.18 Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)

There will be no adverse effects to the SNA as only a permitted amount of vegetation will be removed, if any; and all earthworks will be mitigated to protect the existing vegetation. Significant positive effects will result from the removal of stock, the implementation of the landscape management plan and the regeneration of the remaining area of site.

3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

The proposal will result in an effect to the natural character of the site by proposing a dwelling in close proximity to the foreshore. This will be mitigated by planting, design controls, and that the proposal is not isolated but will be viewed in the context of the receiving environment. The natural character of the remainder of the site and the margins of the lake will be improved by the removal of the stock and farming activities and the revegetation and planting proposed.

3.3.33 Avoid significant adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)

3.3.34 Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)

3.3.35 Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. (relevant to S.O.3.2.7.1 and 3.2.7.2)

As outlined in Section 5.5 of the AEE above the placement of the building platform has been chosen to be separated and screened from the nohoanga site. The indigenous vegetation throughout the site will be enhanced and it is therefore considered that the adverse effects on the nohoanga site will be mitigated.

Chapter 5 - Tangata Whenua

These policies and objectives are similar to those in the operative plan that have been addressed above. The plan identifies matters of significance and the implementation methods. In regard to nohoanga sites the methods will be the identification of sites within the District Plan and corresponding provisions to preserve the use of and access to the site. In this instance the access to the nohoanga site is via the marginal strip and not on private land. The applicant has however offered alternative public access through the application site.

Chapter 6 - Landscapes

The majority of the policies and objectives are similar to those in the operative plan that have been addressed above.

Policy 6.3.12 Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).

This policy is a reiteration of Section 1.5.3(iii) of the ODP. The proposal will be reasonably difficult to see from adjoining public roads. The future dwelling will be visible from the lake (and an elevated portion of the Wye Creek Track) however will be viewed in the context of Wye Creek and the surrounding receiving environment, and will be partially screened by the proposed vegetation. The future building will be located against the backdrop of the vegetated slope behind, which softens the overall development. For these reasons, it is considered that the proposal can be absorbed. The proposal isn't fully aligned with the above policy due to some visibility from the lake but is not considered contrary to the policy as a whole due to its ability to be absorbed.

Chapter 21 – Rural

21.2.1 Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies:

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

The proposal is directly aligned with the above. The proposal is an alternative use of the site that will maintain the landscape and enhance conservation values. The building platform location is well setback from neighbouring properties.

There are other relevant objectives and policies attached in Appendix H such as those for Natural Hazards, Earthworks and Significant Natural Areas. The proposal is consistent with and not contrary to these objectives and policies for the reasons outlined above.

The proposal is consistent with any of the objectives and policies of the PDP.

In summary the proposal is consistent with the objectives and policies and is therefore not contrary to either the ODP or the PDP.

7.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The lack of certainty surrounding the PDP provisions may require the need to apply an overall broad judgement. Part 2 details the purpose of the Act: to promote the sustainable management of natural and physical resources. The proposal carefully balances the sensitivities of the landscape and surrounding interests to provide an alternative use of the site while avoiding, remedying or mitigating the adverse effects of the activity on the environment.

The enhanced revegetation of the site will safeguard the life supporting capacity of air, water, soil and ecosystems pursuant to Section 5(b) of the Act. The proposal will result in a useable site by way of providing a residence, providing for the applicant's social economic well-being. The access through the nohoanga and the location of the building provides and protects the cultural well-being of the surrounding area. The alternative is that the site remains unoccupied, unmaintained, and that the risk of the introduction of foreign plant species and pests increases.

In summary, the proposal is consistent with Section 5. The proposed development is designed in such a way to avoid (where possible), remedy and mitigate adverse effects on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

Section 6 matters include the preservation of the natural character of lakes and their margins and their protections from inappropriate use and development and the protection of outstanding natural landscape from inappropriate use and development. As outlined in the AEE above it is considered that this is an instance where the proposal is appropriate in an ONL and can be absorbed in this location. The lake margin will continue to be protected for the duration of construction and earthworks, and permanently afterwards. Environmental protection measures will be in place to protect water quality, erosion and avoid any damage to the water margin.

In Environment Court case Wakatipu Environment Society Incorporated vs QLDC (C180/99), the court conceded that "Just because an area is or contains an outstanding natural landscape does not mean that development is automatically inappropriate". In the assessment above, the reasons why the proposed development is not inappropriate have been extensively traversed. The ONL will be protected from inappropriate development and is enhanced by revegetation of indigenous species to blend in with the neighbouring sites and the wider natural area.

The provision of access through the site recognises and provides for Maori and their cultural use of the nohoanga and makika kai. This access may enable this site to become operative whilst also providing public access to the lake in accordance with Section 6(d).

Public access along the lake margin is maintained and enhanced through this proposal. Once constructed, the consent holder will be present to ensure no obstacles exist along the margins, and to ensure the on-going maintenance of the areas, allowing the public access to continue to be enjoyed.

The risk of natural hazards has been identified and mitigated through specific foundation design as recommended by a suitably qualified experienced geotechnical practitioner.

In summary the proposal achieves the principles set out in Section 6 and protects physical and natural resources, and the matters of national importance relevant to the proposal.

In regard to the other matters in Section 7, as assessed in full above, the proposal will enable the efficient use and development of natural and physical resources under section 7(b) - the servicing and water supply provision to the buildings is within the realms of that anticipated by the ORC and QLDC; and the effects on the landscape are acceptable. The proposal will maintain and enhance amenity values of the site and surrounding area as described in the assessment above, pursuant to section 7(c). It will maintain and enhance the quality of the environment through landscape enhancements and eradication of farm stock under section 7(f) and protect the finite characteristics of the ONL and other natural and physical resources in accordance with section 7(g).

Section 8 and the principles of the Treaty of Waitangi include consultation with iwi. Initial consultation was undertaken, and it is anticipated that this application will be serve on Te Rūnanga o Ngāi Tahu to determine whether there are any effects that haven't been addressed. It is noted Lake Wakatipu is the subject of a Statutory Acknowledgement under the Ngai Tahu Claims Settlement Act 1998. All adverse effects on the natural and physical resources associated with the lake have been avoided, remedied or minimised.

In summary, it is considered the principles of the Treaty of Waitangi have been taken into account throughout this development. Weighing up the minor adverse effects against the net positive effects it is considered that that the proposal promotes sustainable management whilst avoiding, remedying, or mitigating the adverse effect on the environment.

5.0 SUMMARY

Wakatipu Station Limited (the applicant) is seeking consent to identify a building platform and associated access, earthworks and landscaping.

The resource consent application is to be assessed as a discretionary activity. On the basis of the assessment above, I conclude that the resource consent can be granted on the basis that:

- a. The proposal will result in positive effects on the environment;
- b. Any adverse effects on the environment are minor or less;
- c. The proposal is consistent with the objectives and policies of the Operative District Plan and Proposed District Plan; and
- d. The proposal does not offend any aspect of Part 2 of the RMA and is consistent with the concept of sustainable management.

Overall the proposal is an appropriate use of the site and resource consent should be granted subject to the proposed conditions.

S348 ROW Application
Local Government Act
Addendum to RM181032
Wakatipu Station Limited

17 December 2018

ADDENDUM TO RM181032 – S348 CERTIFICATE

To: Queenstown Lakes District Council – Planning & Development
PO Box 50072,
Queenstown 9348

RM181032 – Wakatipu Station seek a S348 Certification to give effect to an agreement reached between the applicant and Te Runnanga o Ngai Tahu

The agreement included a ROW across the applicant's land to provide vehicle access to the Nohoanga site. To give effect to this the applicant needs a S348 Certificate under the local Government Act. In our opinion it makes more sense to include this within the current application RM181032.

This would provide an easement in gross in favour of Te Runanga o Ngai Tahu over Section 1 SO 21572 and over the same area as the Pioneer Generation Ltd ROW (Attachment 1). We would also include a small area (shown in red in Figure 1 below) to connect to the nohoanga site.

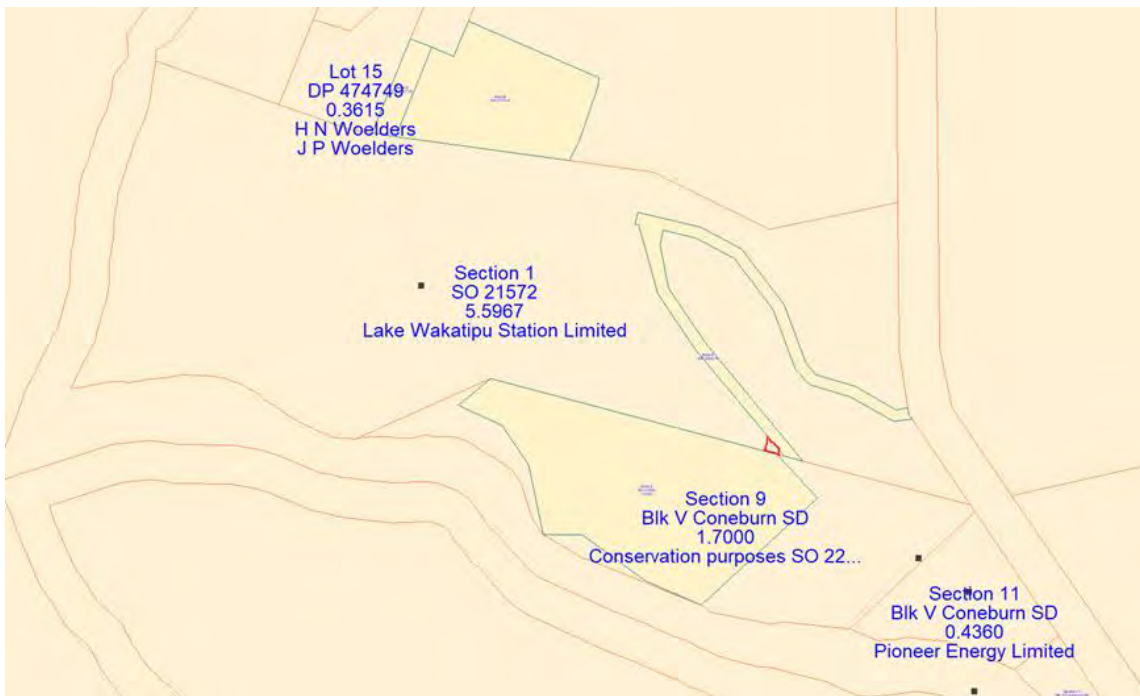


Figure 1: Right of way over the existing access and the area in red in the above to provide access.

The applicant accepts the following condition of consent (or similar):

Prior to the registration of the building platform on the title, the consent holder shall create a ROW easement in gross over Section 1 SO 21572, as shown on CFM Proposed Access Earthworks Plan Rev B in favour of Te Runanga o Ngai Tahu pursuant to Section 348 of the Local Government Act 1974.

It is considered that this is within scope of the original application and simply gives effect to the agreement that has been reached between the parties.

The land which the easement is to be created over is legally described as Section 1 DP 21572 and is held within Computer Freehold Register (CFR) OT15B/636. The right of way is created in favour of Te Runanga O Ngai Tahu which is Crown land being a portion of Section 9 Block V Coneburn SD.

The ROW plan (**Attachment 2**) shows the proposed easement. As mentioned above this easement is to provide vehicle access. No physical changes are proposed.

Statutory Requirements:

Section 348 of the Local Government Act 1974 (LGA), prescribes the following:

Powers of council with respect to private roads and private ways

- (1) *Except with the prior permission of the council, no person shall lay out or form any private road or private way or grant or reserve a right of way over any private way, in the district.*

The access is existing, approval is sought for the legal grant of right of way necessary over the existing formed accessway.

APPENDIX 2 – SUMMARY OF SUBMISSIONS

Sub #	Date Received	Name	Email Add	Support or Oppose	Wishes to speak @ Hearing	Late Submission
1	19.11.18	Queenstown Trail Trust	mark.williams@queenstowntrail.org.nz	Seek Changes	Yes	
2	26.11.18	Katie Deans	katiedeans@gmail.com	Support	Yes	
3	27.11.18	Tim Penlington	timpenlington@hotmail.com	Support	No	
4	05.12.18	Te Rūnanga o Ngāi Tahu	Sophie McGregor	Seek Changes	No	
5	05.12.18	John & Helen Woelders	hnwoel@live.com.au	Support	No	

<u>POSITION:</u>	
Oppose	0
Support	3
Seeks Changes	2
Not Indicated	0
	<hr/>
	5
Late Submissions	
<u>WISHES TO SPEAK AT HEARING:</u>	
Yes	2
No	3
Not indicated	0
	<hr/>
	5

Form 13: Submission
ON A RESOURCE CONSENT APPLICATION

To: Queenstown Lakes District Council

YOUR DETAILS

Name: Mark Williams (on behalf of the Queenstown Trails Trust)
Phone: 03 4427563
Email Address: mark.williams@queenstowntrail.org.nz
Postal Address: PO Box 254, Queenstown 9348

APPLICANT DETAILS

Applicant's Name: Lake Wakatipu Station Limited
Application Reference Number: RM181032
Details of Application: Establish a new residential building platform
and public car park with pedestrian and cycling
access to Wye Creek and Lake Wakatipu

SUBMISSION

I neither support nor oppose the application.

I wish to be heard in support of my submission

SIGNATURE



.....
Mark Williams,
15 November 2018

MY SUBMISSION IS:

1. The Trust neither supports nor opposes the application.
2. The Trust supports the provision of new trail opportunities as part of new developments, for the benefit of the wider community.
3. The Trust is seeking public access linking the Wye Creek recreation area to a potential future lakeside trail between Jacks Point and Kingston
4. If consent is granted, conditions for the provision of a trail easement would provide a vital option to access the lakeside trail and a future pedestrian bridge crossing Wye Creek
5. The suggested trail route is highlighted in green on the attached plan, with the potential lakeside trail shown in red.

THE REASONS FOR SUBMISSION ARE:

The Queenstown Trails Trust advocates for the development of an integrated trail network throughout the Wakatipu basin to connect our communities, providing alternate modes of transport and recreational amenity for both locals and visitors.

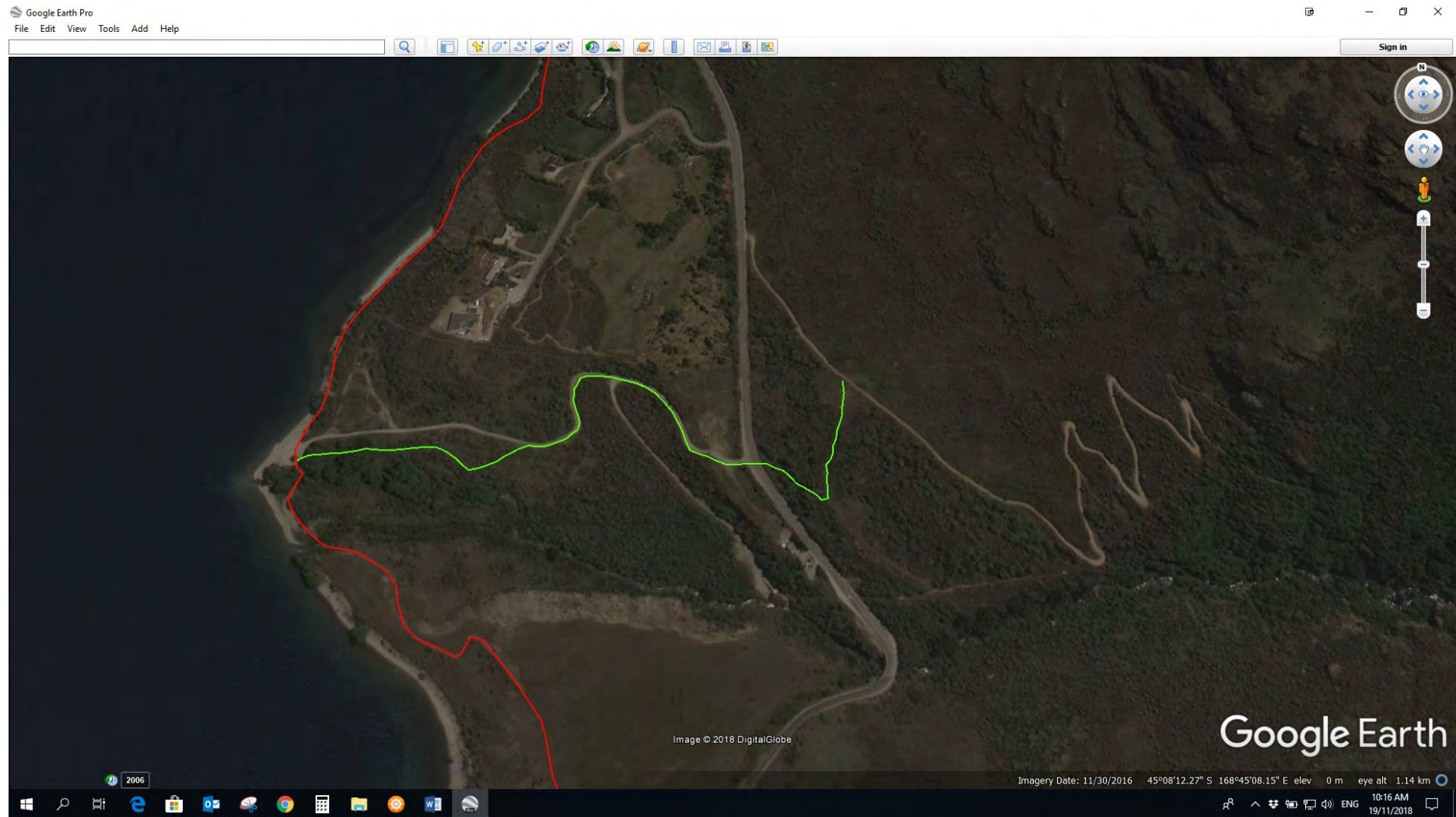
A copy of the Trust's 10 Year Plan 'Queenstown Trails for the Future' is available online at www.queenstowntrail.org.nz

The Trust has submitted to the Strategic Chapters of the District Plan, and all of the Stage 2 Chapters, and continues to be involved in ensuring that the District Plan includes opportunities for the continued development of the trail network.

MY SUBMISSION WOULD BE MET BY THE QUEENSTOWN LAKES DISTRICT COUNCIL MAKING THE FOLLOWING DECISION:

If consent is granted, that a trail route(s) be provided as an easement in favour of the Queenstown Lakes District Council, and the trail formed in accordance with the Council's trail standards, generally in the location shown on the attached diagram.

RM 181032 – Map of connection to Wye Creek





TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by email and phone.

Name: KATIE DEANS

Phone Numbers: Work:

Home:

Mobile: 0274510309

Email Address: katedeans@gmail.com

Postal Address: P.O Box 222 3
WAKATIPU

Post code:

9349



APPLICANT DETAILS

Applicant's Name: LAKE WAKATIPU STATION LIMITED.

Application Reference Number: RM 181 032

Details of Application:

Application to establish a building platform
and undertake Earthworks

Location of Application:

1370 KINGSTON ROAD
QUEENSTOWN RURAL

SUBMISSION

☒ Support / ☐ Oppose the application☒ Do / ☐ Do not wish to be heard in support of my submission

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Katie Deans.

Date 26/11/18.

** If this form is being completed on-line you may not be able, or required, to sign this form.



MY SUBMISSION IS // The particular parts of the application I support or object to are:

I support the application with reasonable considerations of the conditions below



THE REASONS FOR MY SUBMISSION ARE:

As a Wye Creek Resident we are an affected party / (neighbour of the proposal.)



MY SUBMISSION WOULD BE MET BY THE QUEENSTOWN LAKES DISTRICT COUNCIL MAKING THE FOLLOWING DECISION // Include any conditions sought:

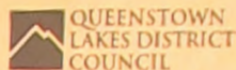
1. Emergency Access is obtained (in written form on the plan) for Wye Creek Residents
2. to move the Residential Building platform against the hill (back away from lake)
3. mounding on the north boundary aspects
4. move planting on the north and the lake aspect (especially if willows go).
5. Consideration to historical farming use.





FORM 13: SUBMISSION

ON A RESOURCE CONSENT APPLICATION



Resource Management Act 1991 Section 95, 96, 127(3), 136(4), 137(5)(c), 234(4) & 41D



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by email and phone.

Name: **TIM PENLINGTON**
 Phone Numbers: Work: **03 4421411** Home: **03 4422065** Mobile: **027 2229545**
 Email Address: **timpenlington@hotmail.com**
 Postal Address: **P.O. Box 2223 WAKATIPU.** Post code: **9349**



APPLICANT DETAILS

Applicant's Name: **LAKE WAKATIPU STATION Ltd.**
 Application Reference Number: **RM 181032**
 Details of Application:
Application to establish a building platform and Undertake Earthworks.

Location of Application: **1370 KINGSTON QUEENSTOWN RURAL.**



SUBMISSION

☒ Support / ☐ Oppose the application
☐ Do / ☒ Do not wish to be heard in support of my submission

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date **26/11/18**

** If this form is being completed on-line you may not be able, or required, to sign this form.



MY SUBMISSION IS // The particular parts of the application I support or object to are:

I support the application with reasonable consideration of the conditions below.



THE REASONS FOR MY SUBMISSION ARE:

As a Wye Creek Resident we are an affected party's Neighbour of the Proposed Wakatipu Homestead development.



MY SUBMISSION WOULD BE MET BY THE QUEENSTOWN LAKES DISTRICT COUNCIL MAKING THE FOLLOWING DECISION // Include any conditions sought:

- 1) Mounding and landscape planting on the Northern boundary sufficient to soften the Buildings Impact.
- 2) Move the Residential Building Platform away from the lake edge towards the EAST.
- 3) Emergency access is obtained in written form for Wye Creek Residents.
- 4) Significant Lakeside Landscape Planting to ameliorate the proposed building
- 5) HONOR The historic use of Wye Creek by the Cecil Peak & Hoffway Bay Farmers.





Te Rūnanga o NGĀI TAHU

4 December 2018

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Emailed to: rcsubmission@qldc.govt.nz

Tēnā koe

RE: Submission – RM181032

Please find attached a submission lodged on behalf of Te Rūnanga o Ngāi Tahu to resource consent application RM181032 made by Lake Wakatipu Station Limited to create a new residential building platform (1000m² in area) with a domestic curtilage area; to undertake earthworks within a significant natural area to upgrade access; and to provide a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu. Lake Wakatipu Station is located at 1370 Kingston Road, Wye Creek, Queenstown.

We trust the information contained within the submission is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact Sophie McGregor on 021867147 or via email at Sophie.Mcgregor@ngaitahu.iwi.nz.

Naku noa, nā

Kara Edwards
General Manager
Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

Cc Bridget Allen, John Edmonds & Associates (Bridget.Allen@jea.co.nz)
Susie Geh, Department of Conservation (Sgeh@doc.govt.nz)

Te Rūnanga o Ngāi Tahu
15 Show Place, Addington, Christchurch 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

Form 13

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Name of submitter: Te Rūnanga o Ngāi Tahu.

This is a submission on the application from Lake Wakatipu Station Limited (RM181032) for a resource consent to create a new residential building platform (1000m² in area) with a domestic curtilage area; to undertake earthworks within a significant natural area to upgrade the access; and to provide a public car park and public walking and cycling access to Wye Creek and Lake Wakatipu. The building platform and associated works will occur at 1370 Kingston Road, Wye Creek, Queenstown.

1. The submission relates to the whole of the application as outlined in **Appendix A**.
2. Te Rūnanga o Ngāi Tahu does **not** wish to be heard in support of its submission
3. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Te Rūnanga o Ngāi Tahu.

Kara Edwards
General Manager
Te Ao Tūroa
Te Rūnanga o Ngāi Tahu
P O Box 13-046
CHRISTCHURCH

4 December 2018

Address for service:

Sophie McGregor
Environmental Advisor
Te Ao Tūroa
Te Rūnanga o Ngāi Tahu
Email: Sophie.Mcgregor@ngaitahu.iwi.nz
Phone: 021867147

Appendix A

INTRODUCTION

1. This submission is made on behalf of Te Rūnanga o Ngāi Tahu (Ngāi Tahu).

Papatipu Rūnaka

2. The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnaka as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.
3. The proposed activities will occur within the takiwā of Te Rūnanga o Moeraki, Kati Huirapa ki Puketeraki, Te Rūnanga o Ōtākou, Waihōpai Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Hokonui Rūnaka.

Te Rūnanga o Ngāi Tahu

4. Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu whānui. It is a body corporate established under section 16 of the TRoNT Act. Section 15(1) of the TRoNT Act states:
Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu whānui.
5. In paragraph 7 of section 6 of the Settlement Act (recording the Crown's apology) Ngāi Tahu is recognised "*as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu whānui.*" It has therefore been clearly affirmed in statute that Te Rūnanga o Ngāi Tahu is the sole representative of Ngāi Tahu whānui, the iwi that is tangata whenua within the Ngāi Tahu Takiwā.
6. The attention of Queenstown Lakes District Council is respectfully drawn to the special status of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu notes that this submission should not be treated as a single submission, in the manner customarily adopted, but should be accorded the status and weight due to the tribal collective, Ngāi Tahu whānui, which it represents.
7. There are currently over 60,000 members of Ngāi Tahu whānui whose names are registered on the roll in accordance with section 8 of the TRoNT Act and this number continues to grow.
8. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui "for all purposes", Te Rūnanga o Ngāi Tahu accepts and respects the right of individuals and Papatipu Rūnaka to make their own submissions.

Nohoanga Entitlement

9. Nohoanga entitlements were granted through the Settlement Act for Ngāi Tahu Whānui to camp on campsites established adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources. The camping entitlements provide Ngāi Tahu whānui with a means of experiencing the landscape as their tupuna did, and promoting customary practices associated with mahinga kai.
10. Ngāi Tahu tribal members have the right to exclusively occupy nohoanga entitlements for part of the year and to erect camping shelters or similar temporary dwellings on nohoanga during the statutory occupation period.
11. Te Rūnanga o Ngāi Tahu hold a nohoanga entitlement over part of the conservation land adjoining Lake Wakatipu Station (the Applicant's) site to the south (as shown on Map 1). The Wye Creek entitlement is listed in Schedule 95 of the Settlement Act.

GENERAL POSITION

Background

12. As stated above, Te Rūnanga o Ngāi Tahu hold a nohoanga entitlement over part of the conservation land adjoining the Applicant's site. Currently an unsealed road through the Applicant's property enables vehicle access to the conservation land (as shown on Map 2). Ngāi Tahu is aware that the Applicant is likely to limit access to this unsealed road in the future through the installation of a locked gate. The Department of Conservation does **not** have any formal agreement with the Applicant for the use of their unsealed road to access the conservation land .
13. Ngāi Tahu has been in discussions with the Department of Conservation to determine how access for Ngāi Tahu whānui to the nohoanga entitlement will be maintained if Ngāi Tahu whānui are unable to access the nohoanga site through the Applicant's land. Ngāi Tahu and the Department of Conservation discussed the potential for a new access way to be created directly from the State Highway onto the conservation land. The New Zealand Transport Agency (NZTA) was contacted to determine if a new access way off the State Highway would be supported. NZTA advised they would not support a new access way being provided off the State Highway at this location for traffic safety reasons.
14. To be able to utilise the entitlement for its intended purpose, Ngāi Tahu requires continued vehicle access to the nohoanga site. Consequently, to secure long term vehicle access to the nohoanga entitlement for Ngāi Tahu whānui, Ngāi Tahu asked the Applicant if they would be agreeable to a right of way access agreement with themselves which would allow Ngāi Tahu whānui to utilise their unsealed road in a controlled manner.

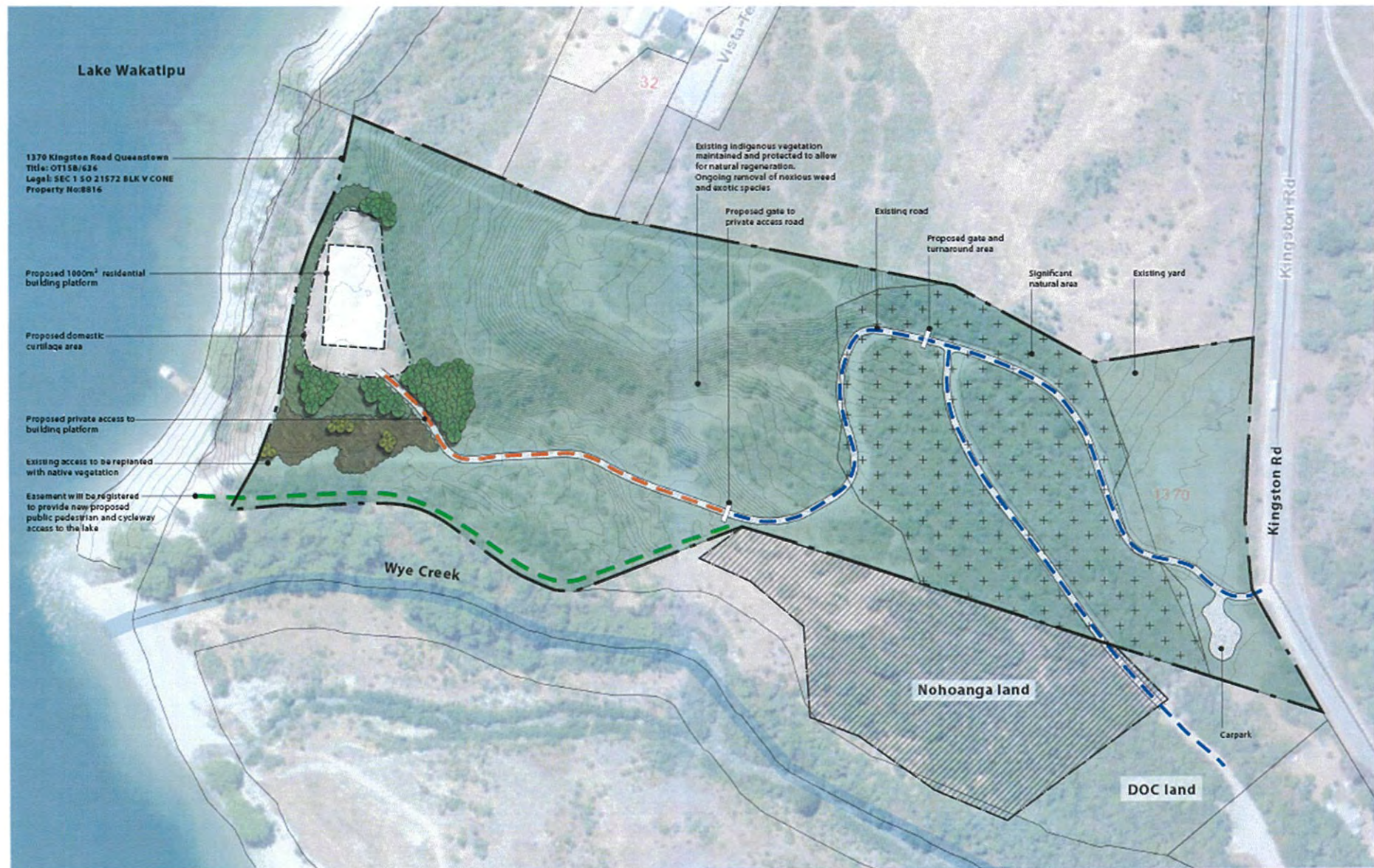
15. The Applicant agreed to amend their consent application to include the provision of a vehicle access easement in favour of Te Rūnanga o Ngāi Tahu for Ngāi Tahu whānui through their land as a condition of their current consent application. It was agreed that the vehicle access easement would be from State Highway 6 through the Applicant's property to the neighbouring conservation land (as shown as the black line on Map 2).

Position

16. Ngāi Tahu is supportive of the Applicant's proposal on the basis that vehicle access from State Highway 6 through the Applicant's property to the neighbouring conservation land (as shown as the black line on Map 2) becomes a condition on their consent. A 'Right of Way' easement condition to enable Te Rūnanga o Ngāi Tahu to provide controlled access for Ngāi Tahu Whānui to the Wye Creek Nohoanga Entitlement has been proposed by the Applicant. The Applicant and Ngāi Tahu have agreed that the consent condition will require the 'Right of Way' easement to be created **before** the building platform for the Applicant's new dwelling is laid.
17. Ngāi Tahu would like to thank the Applicant for agreeing to this right of way access agreement through their property. The right of way easement will allow vehicle access for Ngāi Tahu whānui to enable them to be able to camp on the nohoanga site.
18. Ngāi Tahu would also like to take this opportunity to acknowledge the generosity of the Applicant in proposing a public carpark, and a public walking and cycling track from State Highway 6, through their land, to Lake Wakatipu.

We wish the consent authority to make the following decision

17. To grant the Applicant's proposal with the 'Right of Way' condition for Te Rūnanga o Ngāi Tahu included in the consent conditions.
18. Ngāi Tahu does **not** wish to be heard in relation to this submission but is available to work with the Council and the Applicant to finalise the exact wording of this 'right of way' consent condition.



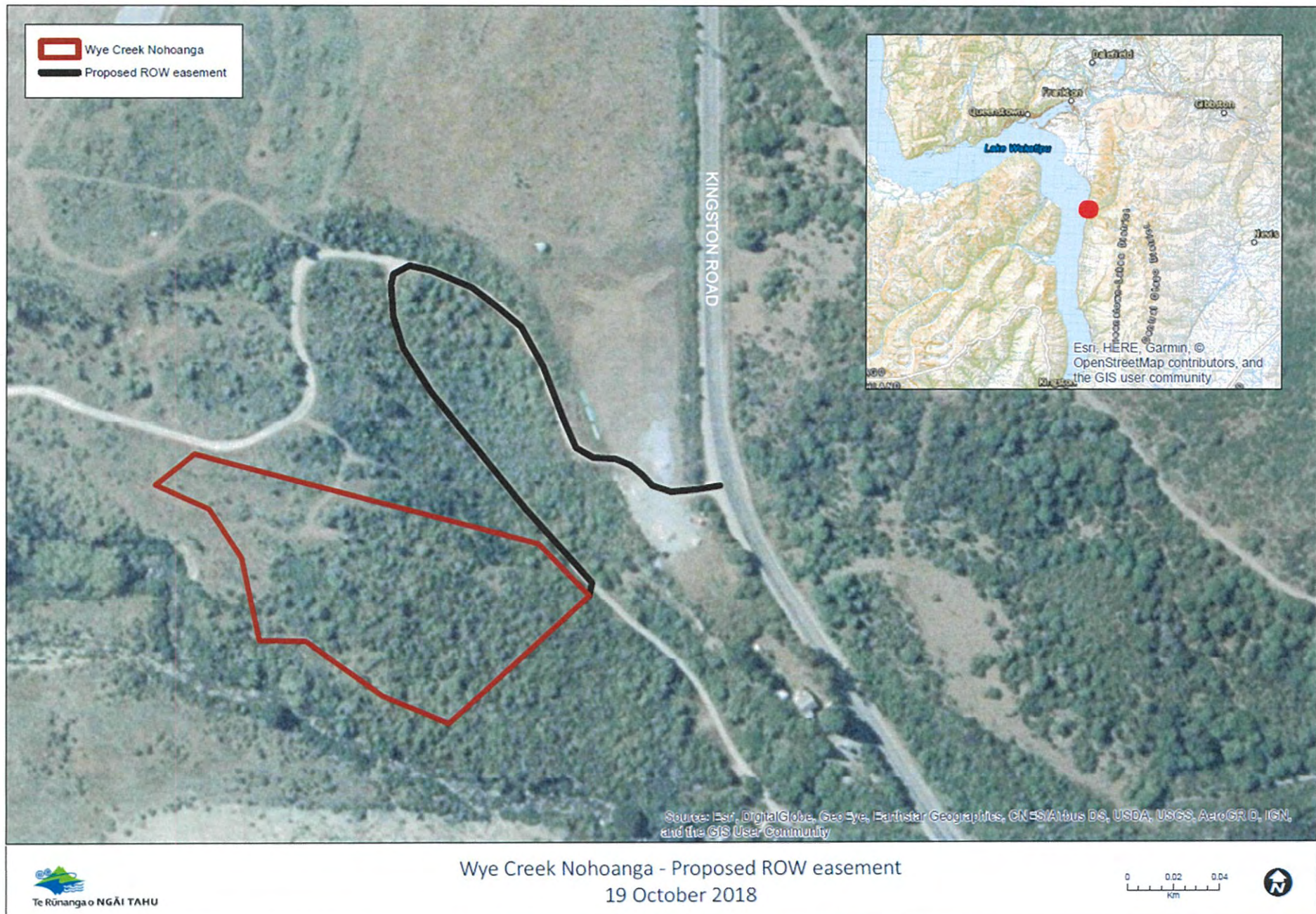
REFERENCE PA18189
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0 15 30 75m
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WAKATIPU HOMESTEAD
MASTER PLAN - 12.07.2018

Map 1: Map of Applicant's site in relation to the nohoanga site (taken from the Application – Homestead Site Plan)



Map 2: Location of Wye Creek Nohoanga Entitlement and proposed 'Right of Way' Easement over the Applicant's land



FORM 13: SUBMISSION

ON A RESOURCE CONSENT APPLICATION



Resource Management Act 1991 Section 95, 96, 127(3), 136(4), 137(5)(c), 234(4) & 41D



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by email and phone.

Name: JOHN & HELEN WOELDERS
 Phone Numbers: Work: Home: 034424916 Mobile: 0419722878 (AUS)
 Email Address: hnwoel@live.com.au
 Postal Address: P.O. Box 67 ARROWTOWN Post code: 9371



APPLICANT DETAILS

Applicant's Name: LAKE WAKATIPU STATION LIMITED
 Application Reference Number: RM 181032
 Details of Application:
 TO ESTABLISH A BUILDING PLATFORM
 AND UNDERTAKE EARTHWORKS
 QLDC
 05 DEC 2018
 Location of Application: 1370 KINGSTON ROAD QUEENSTOWN
 QUEENSTOWN



SUBMISSION

☒ I Support / ☐ Oppose the application
☐ I Do / ☒ Do not wish to be heard in support of my submission
 PROVIDED SPECIFIC CONDITIONS ARE IMPOSED OTHERWISE WE ARE OPPOSED TO THE PROPOSAL



SIGNATURE

Signature (to be signed for or on behalf of submitter) ** J.M. Woelders.
 Date 5.12.2018 J.M. Woelders.

** If this form is being completed on-line you may not be able, or required, to sign this form.



MY SUBMISSION IS // The particular parts of the application I support or object to are:

QLDC
05 DEC 2018
QUEENSTOWN



THE REASONS FOR MY SUBMISSION ARE:

GRANTING CONSENT WITH CONDITIONS:

1. PREVENTING WINDOWS IN THE NORTH EAST CORNER WHICH WOULD ENABLE LINE OF SIGHT TO OUR HOUSE
2. PREVENTING AND HELICOPTER LANDINGS/TAKE-OFFS ON /FROM THE PROPERTY
3. REQUIRING EXISTING AND PROPOSED VEGETATION LOCATED BETWEEN THE BUILDING PLATFORM / CURTILAGE TO BE RETAINED AND MAINTAINED.



MY SUBMISSION WOULD BE MET BY THE QUEENSTOWN LAKES DISTRICT COUNCIL MAKING THE FOLLOWING DECISION // Include any conditions sought:

1. ~~ONE~~ HOUSE POLE IS PARTIALLY VISIBLE FROM MULTIPLE ROOMS OF OUR DWELLING INCLUDING BEDROOM + ENSUITE - DEPENDING ON BUILDING PLANNING DESIGN WE WOULD NOT WANT TO SEE WINDOWS IN THE N.E. CORNER UNLESS FULLY SCREENED BY NATURAL VEGETATION ON NORTHERN ASPECT





MY SUBMISSION IS // The particular parts of the application I support or object to are:

WE SUPPORT THE APPLICATION SUBJECT TO
CONDITIONS BEING INCLUDED TO ADDRESS
OUR BELOW CONCERNS OTHERWISE WE
OPPOSE THE PROPOSAL



THE REASONS FOR MY SUBMISSION ARE:

WE ARE THE CLOSEST NEIGHBOURS
AFFECTED BY THIS PROPOSAL

QLDC

05 DEC 2018



MY SUBMISSION WOULD BE MET BY THE QUEENSTOWN LAKES DISTRICT
COUNCIL MAKING THE FOLLOWING DECISION // Include any conditions sought:

2. RECENTLY WE HAVE EXPERIENCED HELICOPTERS
COMING INTO LAND ON THE PROPERTY IN EXTREMELY
CLOSE PROXIMITY TO OUR LAKE FRONT LOUNGE,
BALCONY, BEDROOM & ENSUITE WE WOULD NOT WANT
ANY HELICOPTER TO LAND ON THE PROPERTY
3. WE WOULD WANT ALL EXISTING VEGETATION
BETWEEN THE PLATFORM / CURTIAGE TO BE
RETAINED AND MAINTAINED.



APPENDIX 3 – WRITTEN APPROVALS



Level 2, AA Centre,
450 Moray Place, Dunedin
PO Box 5245, Moray Place,
Dunedin 9058, New Zealand
T 64 3 951 3009
F 64 7 958 7220
www.nzta.govt.nz

26 July 2018

John Edmonds and Associates
c/- Bridget Allen
P.O Box 95
Queenstown 9300

Dear Bridget,

Land Use Application: 1370 Kingston Road, Wye Creek – Lake Wakatipu Station Ltd – Proposed New Dwelling

Thank you for submitting your client's proposal to the NZ Transport Agency for comment. As you will appreciate, millions of dollars are invested in the transport network each year and the Transport Agency has an interest in ensuring this investment is not compromised, including by ensuring land use and subdivision do not impact on the safety and efficiency of the transport network.

The NZ Transport Agency understands your client's proposal to be the erection of a new dwelling on a site currently vacant of development on the land legally described as Section 1 Survey Office Plan 21572 held in Computer Freehold Register OT15B/636. The site has access via Crossing Place 43 formed to the NZ Transport Agency Diagram C Standard. It is noted that this access also provides public parking and walking access to Lake Wakatipu as well as providing vehicle access to the Pioneer Generation Wye Creek Power Station.

Aspiring Highways on behalf of the NZ Transport Agency have undertaken an assessment of the access and consider that the entrance is built to a sufficient standard to accommodate the existing and proposed land use. As such, Aspiring Highways have recommended unconditional approval.

Please consider this letter as the NZ Transport Agency's unconditional approval for the land use application.

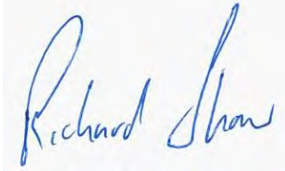
Advice Notice:

- 1) To maintain sufficient sightlines from the existing access, no planting should be undertaken within close proximity to the site boundary fronting the state highway without prior NZ Transport Agency approval.

Please be aware that this response is the Transport Agency's current view of the situation. If your application changes or is put on hold for any length of time, the Transport Agency may need to consider your application further.

Thank you for undertaking consultation with us. Please feel free to contact me if you have any questions or require further information.

Yours sincerely



Richard Shaw
Principal Planner, Consents & Approvals
DDI: 03 964 2809
Email: Richard.Shaw@nzta.govt.nz

Attachment 1 – Approved Site Plan



WAKATIPU HOMESTEAD
SITE PLAN

REFERENCE: 2558/SC29 - SCALE: 1:1500 AT A3 - 04 APRIL 2018

baxter
design



Department of
Conservation
Te Papa Atawhai

Our Ref: DOCCM-5531256

Date: 2nd November 2018

David Wylie
Bledisloe Property Group
By email to david@bledisloeproperty.com

Cc: Bridget Allen Bridget.Allen@jea.co.nz
Rosalind Devlin rosalind.devlin@gmail.com

Dear David,

Request for Approval: s95E Resource Management Act 1991
Application to establish a building platform and create a dual use pathway, Wakatipu Station at Wye Creek

I have considered your request for approval in terms of s95E of the RMA and am pleased to advise that I grant my approval as an affected person.

My approval is granted on the basis that the proposal is as described, is for the purposes described, and will have the effects on the Department of Conservation (Department's) interests as described in the application dated 26th June 2018, and additional information submitted to Ngai Tahu by email on 26th October 2018.

The applicant has agreed to a consent condition to create an easement in favour of Ngai Tahu for the purpose of accessing the nohoanga site within the Wye Creek Conservation Area.

This approval is limited to the likely adverse effects of the proposal on the Department's interests and should not be construed as approval to effects on the environment generally.

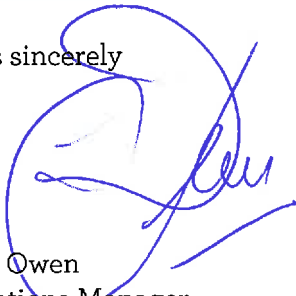
This approval is specific to the above application and is for the purposes of s95E of the RMA only. It is not indicative of any associated concession or other statutory approval which may be required from the Department in regard to this proposal.

This approval will be rendered null and void if the proposal to which it refers is changed between the date of this approval and its consideration by the consent authority without referral back to me for my further assessment.

Department of Conservation Te Papa Atawhai
Whakatipu-wai-Māori /Queenstown Visitor Centre
PO Box 811, Queenstown 9348,
www.doc.govt.nz

If you have any questions regarding this approval, please contact Susie Geh on 03 442 8508 or sgeh@doc.govt.nz

Yours sincerely



Geoff Owen
Operations Manager
Wakatipu Office
Pursuant to delegated authority.

Department of Conservation *Te Papa Atawhai*
Whakatipu-wai-Māori /Queenstown Visitor Centre
PO Box 811, Queenstown 9348,
www.doc.govt.nz



Te Rūnanga o NGĀI TAHU

2 November 2018

Rosalind Devlin
C/- Planning & Development
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Emailed to: Rosalind.devlin@gmail.com & services@qldc.govt.nz

Tēnā koe Rosalind,

RE: Support for Wakatipu Station Limited's resource consent application (RM181032)

I am writing to update you on discussions between Te Rūnanga o Ngāi Tahu and Wakatipu Station Limited (the Applicant) regarding controlled vehicle access across the Applicant's site at 1370 Kingston Road, Wye Creek, to enable Ngāi Tahu Whānui to access the Wye Creek Nohoanga Entitlement. I am pleased to advise that the Applicant has agreed to a consent condition being placed on their resource consent which requires the creation of a right of way easement for the above purpose, which will be generally in line with the plan attached to this letter. The Applicant has agreed to the easement being created before the building platform for the Applicant's new dwelling is laid.

On the basis of the vehicle access easement from State Highway 6 through the Applicant's property to the neighbouring conservation land becoming a condition of consent, Te Rūnanga o Ngāi Tahu wishes to advise Queenstown Lakes District Council of their support for the Applicant's resource consent application. Te Rūnanga o Ngāi Tahu is grateful to the Applicant for the agreement reached between themselves and also wishes to acknowledge the generosity of the Applicant in providing walking access to the general public from State Highway 6 through their land to Lake Wakatipu.

If you have any queries regarding the contents of this letter or the specific detail required for the easement consent condition, I can be contacted via phone on 021867147 or via email at Sophie.Mcgregor@ngaitahu.iwi.nz.

Nāku noa, nā

Sophie McGregor
Environmental Advisor
Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu
15 Show Place, Christchurch
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

cc Bridget Allen, John Edmonds & Associates
 David Wylie, Bledisloe Property Group
 Stevie-Rae Blair, Māori Environmental Advisory, Te Ao Marama Inc.
 Tania Richardson , Consents Officer, Aukaha
 Susie Geh, Department of Conservation

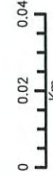


KINGSTON ROAD



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Wye Creek Nohoanga - Proposed ROW easement
19 October 2018





2 July 2018

John Edmonds & Associates Ltd
Level 2
36 Shotover Street
Queenstown, 9300

RE: Written Approval Request

Attention: Bridget Allen

Dear Bridget,

Thank you for providing details on the application to establish a residential building platform near Wye Creek, for the Otago Fish and Game Council (Fish and Game) to review as an affected party.

I can confirm that Fish and Game does provide unconditional written approval for the application. As described in the AEE, continued access to Wye creek and Lake Wakatipu are central to Fish and Game's decision to provide written approval for the application.

This written approval is based on the information outlined in the draft application provided and proposed plans, the latter of which is attached. Should the information in these applications change, Fish and Game must reconsider its affected party approval.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Paragreen'.

Nigel Paragreen
Environmental Officer







AFFECTED PERSON'S APPROVAL

FORM 8A



Resource Management Act 1991 Section 95

#

RESOURCE CONSENT APPLICANT'S NAME AND/OR RM #

Lake Wakatipu Station Limited



AFFECTED PERSON'S DETAILS

I/We Barbara Gruehl Kipke

Are the owners/occupiers of

LOT 1 DP 474749 as held in Certificate of Title 653381
Vista Terrace, QUEENSTOWN RURAL 9371



DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

Consent is sought for one residential building platform and associated landscaping earthworks and access.

at the following subject site(s):

1370 Kingston Road QUEENSTOWN RURAL 9371
SEC 1 SO 21572 BLK V CONEBURN SD as contained in OT15B/636



PLEASE TICK

I/We understand that by signing this form Council, when considering this application, will not consider any effects of the proposal upon me/us.



PLEASE TICK

I/We understand that if the consent authority determines the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.



WHAT INFORMATION/PLANS HAVE YOU SIGHTED



PLEASE TICK

I/We have sighted and initialled ALL plans dated and approve them.

2558-SK30 Homestead Site Plan 19/04/18 2558-sk29 site plan 04/04/18 and design controls



APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners / occupiers who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

A	Name (PRINT)	
	Barbara Kipte by Power of Attorney Adele May	
	Contact Phone / Email address	
	noel-adele-extra.co.nz	
	Signature	Date
	Adele May	14 th May 2018

B	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

C	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

D	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

Note to person signing written approval

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.





Design Controls – Wakatipu Homestead

Building Controls

Building colour and material

1. External wall claddings shall be limited to the following:
 - a. Local schist or river stone;
 - b. Timber weatherboard or board and batten;
 - c. Steel; tray or profiled or similar.
2. The roofing materials of all buildings shall be:
 - a. Vegetated;
 - b. Steel; tray or profiled or similar;
 - c. Shingles;
 - d. Shakes.
3. The colour of all materials shall be in the recessive tones of grey, green or brown with a light reflective value (LRV) of between 7% and 27%. If painted all surfaces shall have a matte finish.
4. All external joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes shall be coloured to match the primary dwelling's materials and colour controls.
5. All ancillary structures (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
6. The exterior colour of all interior curtains, blinds or other window coverings on the west (lakefront) elevation of any buildings shall be consistent with the above colour controls. Alternatively, tinted glass may be used to ensure internal window coverings are dark and recessive.

Building Form and Coverage

7. Buildings shall not exceed 5.5m in height above the set RL.



DM

BB

17. All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised and vegetated to blend into the natural landforms.
18. The surface of all access roads and driveways outside of the curtilage area shall be gravel or a dark colour local stone chip, dark chip seal, a dark coloured and textured concrete or a dark coloured or vegetated impermeable surface.
19. No concrete kerb and channel shall be used for the access road and driveway.

*DM*

8. Buildings, including ancillary structures, shall not exceed 70% coverage (700m²) of the building platform.

Other Building Controls

9. Glazing on building's western (lakefront) elevation shall be anti-reflective glass similar to GlareShield®;
or
Building shall be constructed with eaves, overhangs or recessed windows of no less than 0.8m in depth on west (lakefront) elevations to reduce the effects of glare from glazing.
10. Solar panels shall only be installed on the roof where they are not visible from public roads, public walking tracks or Lake Wakatipu.

Landscape Controls

11. All external lighting shall be down lighting only and not be used to highlight buildings or landscape features visible from beyond the property boundary. All external lighting shall be no higher than 1.2m above ground level and be limited to the curtilage and access area only. External lighting shall be directed away from the lake and foreshore.
12. Planting within the curtilage area shall be composed of 70% (excluding lawn areas) naturally occurring indigenous species.
13. All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, external lighting, swimming pools, tennis courts, play structures, vehicle parking, pergolas, and ornamental or amenity gardens and lawns shall be confined to the curtilage area and building platform as shown on the certified landscape plan.
14. All water tanks to be partially or wholly buried. If partially buried, tanks shall be of dark recessive colour which meets the building colour controls and/or visually screened by planting.
15. Any gates shall be to a height of no more than 1.2m and be constructed of natural materials such as unpainted timber, steel or schist stone. Gates shall be consistent with traditional rural elements and farm gateways and not be monumental in character.
16. Any fences are to be standard rural character fence including dry stacked stone, timber post and rail and/or post and wire. All fences may reach a maximum height of 1.2m. Mesh fencing may be used for pest management purposes.





APPENDIX 4 – LANDSCAPE REPORT

MEMO

File Ref: RM181032 – 1370 Kingston Road, Queenstown

To: Rosalind Devlin – Resource Management Planner

From: Renée Davies – Principal Landscape Architect, 4Sight Consulting



Date: 09 October 2018

Subject: Landscape Assessment Review

1 INTRODUCTION

- 1.1 An application has been received for resource consent for a proposed residential building platform with associated earthworks and creation of access road and landscape works on an existing site (Section 1 Survey Office Plan 21572 OT15B/636) at 1370 Kingston Road, Wye Creek adjacent to Lake Wakatipu. The site is 5.596ha in size and is accessed from State Highway 6.
- 1.2 The site is situated within an outstanding natural landscape-Wakatipu Basin (ONL-WB) as identified within both the Operative District Plan (ODP) (Appendix 8A-Map 3 Landscape Categorisation in the Wakatipu Basin) and Proposed District Plan (PDP). Although identified on the District Plan maps as being within the ONL (WB) the site sits directly adjacent to the indicative boundary line between the ONL (WB) and the ONL (DW). There are also adjoining marginal strip and conservation area (including a nohoanga site).
- 1.3 A landscape and visual assessment report (dated July 2018) has been undertaken for the proposed subdivision and has been prepared Patch Landscape Architects (Patch) and it is this report that is being reviewed on behalf of Queenstown Lakes District Council (QLDC).
- 1.4 Design and Building controls proposed as part of the application are as follows:

Building Controls

 - External wall claddings shall be limited to the following:
 - a. Local schist or river stone;
 - b. Timber weatherboard or board and batten;
 - c. Steel; tray or profiled or similar.
 - The roofing materials of all buildings shall be:
 - a. Vegetated;
 - b. Steel; tray or profiled or similar;
 - c. Shingles;
 - d. Shakes.

- The colour of all materials shall be in the recessive tones of grey, green or brown with a light reflective value (LRV) of between 7% and 27%. If painted all surfaces shall have a matte finish.
- All external joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes shall be coloured to match the primary dwelling's materials and colour controls.
- All ancillary structures (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
- The exterior colour of all interior curtains, blinds or other window coverings on the west (lakefront) elevation of any buildings shall be consistent with the above colour controls. Alternatively, tinted glass may be used to ensure internal window coverings are dark and recessive.
- Buildings shall not exceed 5.5m in height above the set RL.
- Buildings, including ancillary structures, shall not exceed 70% coverage (700m²) of the building platform.
- Glazing on building's western (lakefront) elevation shall be anti-reflective glass similar to GlareShield® which shall have a reflective value of less than 2% of incident light.

or

- Building shall be constructed with eaves, overhangs or recessed windows of no less than 0.8m in depth on west (lakefront) elevations to reduce the effects of glare from glazing.
- Solar panels shall only be installed on the roof where they are not visible from public roads, public walking tracks or Lake Wakatipu.

Landscape Controls

- All external lighting shall be down lighting only and not be used to highlight buildings or landscape features visible from beyond the property boundary. All external lighting shall be no higher than 1.2m above ground level and be limited to the curtilage and access area only. External lighting shall be directed away from the lake and foreshore.
- Planting within the curtilage area shall be composed of 70% (excluding lawn areas) naturally occurring indigenous species.
- All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, external lighting, swimming pools, tennis courts, play structures, vehicle parking, pergolas, and ornamental or amenity gardens and lawns shall be confined to the curtilage area and building platform as shown on the certified landscape plan.
- All water tanks to be partially or wholly buried. If partially buried, tanks shall be of dark recessive colour which meets the building colour controls and/or visually screened by planting.
- Any gates shall be to a height of no more than 1.2m and be constructed of natural materials such as unpainted timber, steel or schist stone. Gates shall be consistent with traditional rural elements and farm gateways and not be monumental in character.
- Any fences are to be standard rural character fence including dry stacked stone, timber post and rail and/or post and wire. All fences may reach a maximum height of 1.2m. Mesh fencing may be used for pest management purposes.
- All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised and vegetated to blend into the natural landforms.
- The surface of all access roads and driveways outside of the curtilage area shall be gravel or a dark colour local stone chip, dark chip seal, a dark coloured and textured concrete or a dark coloured or vegetated impermeable surface.
- No concrete kerb and channel shall be used for the access road and driveway.

2 ASSESSMENT REVIEW

2.1 Site visit and Site Photographs

- 2.1.1 A site visit was undertaken on Saturday, 8th September 2018 by Renée Davies. All viewpoints identified in the Patch Landscape report were visited and photographs taken with GPS co-ordinates through ArcGIS as attached at Appendix A. Where appropriate photographs from viewpoints were also taken with 50mm lens as comparison for those provided in the report and additional viewpoints identified and photographs included.
- 2.1.2 It should be noted that the height pole locations that were in place when I undertook my site visit are in the more northerly building platform location compared to the Patch report viewpoint photograph pole locations (as these were noted in the report as being based on the original more southerly location).
- 2.1.3 This report provides a review of the Patch Landscape and Visual Effects Assessment, dated July 2018. The review evaluates the adequacy of the submitted assessment and specifically addresses the following aspects:
- Whether the assessment methodology is appropriate and robust;
 - Whether the analysis and classification of the landscape context of the site is robust and corresponds to the landscape attributes and values;
 - Whether any key issues or considerations have been missed in the assessment;
 - Whether the assessment has correctly interpreted the nature and magnitude of visual and landscape effects; and
 - Whether the conclusions of the assessment are credible and justifiable.

2.2 Assessment methodology

- 2.2.1 The assessment methodology provided is adequate for the proposal, the identified process is clear and logical and meets NZILA Best Practice Guidelines for Visual and Landscape Assessments.
- 2.2.2 The assessment of effects ranking used for this review is the same as that used in the Patch report – being the New Zealand Institute of Landscape Architects “Landscape Assessment and Sustainable Management” practice note. Appendix B provides the table of effects summary for that effects ranking and their relative RMA equivalent. The Patch report references this effects ranking but only references the level of effects in a few of the visibility summaries. The Patch report assumes mitigation planting established in the assessment of visibility effects. I have identified in this report a distinction between the level of effect in short term and medium to long term, due to the degree of mitigation that will be provided by the proposed indigenous planting.

3 ANALYSIS AND CLASSIFICATION OF THE LANDSCAPE CONTEXT OF THE SITE

- 3.1 The Patch report assesses the application as being part of the Wakatipu basin ONL and agrees with it being identified as part of an ONL but disagrees with the classification of it being part of the Wakatipu Basin. The current indicative boundary line of the Wakatipu Basin ONL is defined by the ridgeline of the Remarkables mountain range and then cuts down through the valley that runs past the site to Lake Wakatipu. I do not agree with the Patch assessment that the site should not be considered part of the ONL (WB). It appears that the ONL defining boundary line has been determined by the those areas that incorporate the lower slopes of the Remarkables mountain range and that are influenced strongly by the defining enclosure of the eastern side of the mountain range and not just the basin landscape itself. As such, I believe it is appropriate to consider the site as being within the ONL (WB). Irrespective of the above, the Patch landscape and visual assessment

assesses the application site under the relevant assessment criteria for the ONL (WB) and I consider that this is the appropriate assessment approach to be taken.

- 3.2 The description of the application site is consistent with what is present on site and the broader landscape context is described well.

4 IDENTIFIED ADDITIONAL ISSUES AND CONSIDERATIONS

- 4.1 In regards to visual effects, I agree with the Patch report that the proposal sits at a lower level in relation to the foreshore when compared to the other development adjacent within the residential development of Wye Creek. The Patch report identifies five viewing audiences. From the site visit undertaken, I consider that there are two additional viewing audiences which provide more distant views from the Wye Creek residential area and public walkway and reserves further along the foreshore near Jack's Point. Albeit that these are more distant views and with the building controls will ensure the proposed building will be recessive in the landscape, due to the location of the proposed building platform closer to the foreshore, the proposed building will be visible in the short term from these viewing audience, until the proposed mitigation planting has established. Additional viewpoint photographs are included in **Appendix A** for these viewing audience.
- 4.2 The Patch report has appropriately suggested the movement of the proposed building platform to a location further north to reduce the visibility of built form on adjacent nohoanga land and conservation land. The movement north has meant that there is slightly more encroachment into the 15m internal setback of the proposed building platform and domestic curtilage area. I support the movement of the proposed building platform to this location and agree that it reduces the visibility of the proposed building.
- 4.3 The Patch report has submitted a site plan (dated 17.07.2018) for the proposed development that provides an indication of proposed mitigation planting to surround the site and also a proposed domestic curtilage area. The proposed curtilage area extends to the front of the building and halfway into the 15m internal setback line as does the corner of the proposed building platform. This infringement into the 15m internal setback is not considered to increase the level of visibility of the proposed development compared to if the proposed building platform or curtilage area were restricted to behind the 15m internal setback.

5 INCONSISTENCY IN SUPPORTING IMAGERY/DIAGRAMS

- 5.1 The Patch report acknowledges that the height poles within the viewpoint photographs included in the report are located on the more southerly location. It is not considered that this will have any impact on the overall assessment of effects, as the proposed adjusted location further north is still within the general area identified by the height poles with the main difference being a reduction in the degree of visibility from the south where there is more natural character and sensitivity. The viewpoint photographs provided in **Appendix A** of this report show the height poles in the adjusted northerly position.

6 INTERPRETATION OF VISUAL AND LANDSCAPE EFFECTS

- 6.1 Two additional viewing audiences that have more distant views of the site are found from the Drift Bay public road and the public picnic area and walkway entry further north along the foreshore before Jack's Point at Carlin Creek. Albeit that these are more distant views, due to the location of the proposed building platform closer to the foreshore, the proposed building will be visible in the short term from these viewing audience, until the proposed mitigation planting has established. For the distant views from the public picnic area I believe that the visual effects for these viewing audiences would be low-moderate in the short term and then this would reduce to low or no effect in the medium to long term as mitigation planting, in particular proposed mountain beech establish and screen the proposed building form. For the Drift Bay public road I believe the

visual effects are moderate in the short term and would reduce to low in the medium – long term as proposed mitigation planting establishes.



Figure 1 - Photo viewpoint of additional viewing audience from Drift Bay Road (full A3 version provided in Appendix A)



Figure 2 - Photo viewpoint of additional viewing audience from picnic area at Carlin Creek (full A3 size version provided in Appendix A)

7 ASSESSMENT MATTERS SUMMARY

- 7.1 The following provides an outline of those aspects of the assessment matters relevant to this application and those areas where my opinion differs from the Patch report in consideration of assessment criteria from the ODP. If an assessment matter is not identified but relevant to the site it is not covered as I am in agreement with the summary provided by Patch.
- 7.2 (a) Effects on openness of landscape
- 7.2.1 The Patch report indicates a very low effect for the assessment criteria related to openness of the landscape. I agree that the proposed development will be well screened in the medium to long term once proposed mitigation planting is established and will have a very low effect. In the short term I believe the effects to be moderate as the proposed development will be visible and create a new element in the landscape, particularly in a location closer to the foreshore and off the existing main alignment of residential development to the north at Wye Creek. The proposed mitigation planting and the success of this will be an important element in ensuring the visibility is reduced in the medium to long term and as such I have recommended additional detail be provided before works starts to

ensure the appropriate methodologies are put in place for a high degree of success to be achieved with the proposed mitigation planting.

7.3 (b) Visibility of the development

- 7.3.1 As identified in Section 4, I believe there are two additional public viewpoints which has been identified in Section 6.1.
- 7.3.2 In general, I agree with the summation of the degree of visibility outlined in the Patch report for the other viewing audiences, however, although the Patch report acknowledges in paragraph 4.9 that the proposed development is located further down the terrace and closer to the mouth of the Wye Creek than other adjacent residential developments, I consider the visual effect of this lower location is more significant than acknowledged in the Patch report. This lower terrace location means the proposed building platform is located closer to the foreshore and sits outside and is distinct from the existing northern residential properties, thus making it more distinctive in the landscape and as such its visibility becomes more prominent from particular viewpoints (such as the lake and foreshore areas).
- 7.3.3 The different viewing audiences have different levels of effect. Overall, in my view the level of visibility ranges for the viewing audiences identified from no to moderate effect in the short term and reduces as a result of proposed mitigation planting to no to low effect. As such, the proposed mitigation planting becomes crucial to ensuring medium to long term visibility is reduced from a range between viewing audiences of no effect to moderate effect in the short term, down to a range between no effect and low effect in the medium to long term.
- 7.3.4 A Landscape Management Plan prepared by Patch has been submitted as part of the proposal and indicates a high level strategy for removal and control of plant and animal pests and the establishment of a successful indigenous ecosystem on site. This is supported also by the proposed site plan that provides an overview of a broad planting strategy for the site. Although I agree with the intentions and over-arching strategy put forward as part of this Landscape Management Plan and Site Plan, I believe that a more detailed planting plan with proposed plant numbers and associated ground preparation and planting approach be provided to ensure appropriate methodologies are being put in place to ensure success of the proposed mitigation planting. This also includes a more detailed weed control methodology for the site, given the extent of exotic weed infestation on site and the extent of proposed removal suggested in the Landscape Management Plan.

7.4 (d) Nature Conservation Values

- 7.4.1 The proposed development and associated intensions for improved ecological outcomes with replacement of exotic weed species with appropriate indigenous plant species will provide a positive effect on the natural character of the site. Not only will the proposed mitigation planting improve ecological and natural character values, but it provides an improved situation for the site to absorb visually the proposed built form and as such integrate more effectively within the broader landscape.

7.5 (e) Cumulative effects of development on the landscape

- 7.5.1 The proposed development is situated directly adjacent to an existing residential development area known as Wye Creek and located off Drift Bay Road (and Vista Terrace) both accessed from Kingston Road (SH6). I agree with the Patch report that considers the site is relatively contained given the Wye Creek valley to the immediate south of the site and that this natural feature forms a natural barrier to further development and contains the existing residential development to the north of this valley. Although I agree with the Patch report analysis that the proposed development will be subservient to the landscape (particularly once proposed mitigation planting has established), I believe that the proposed development has more effect on the broader landscape values than the existing adjacent residential development due to its location being closer to the foreshore and on a distinctly lower

terrace area than the other areas of built form. Although it has more effect, this effect is considered to be of a moderate level in the short term and will reduce to low in the medium to long term through mitigation planting.

- 7.5.2 While the proposed development will add an additional element of built form into the landscape and will further compromise the natural character to a small extent, these adverse effects are, in my opinion, adequately mitigated by existing indigenous planting and landform and proposed mitigation planting. I do not consider that the application would result in the medium to long term in any more than a low level of cumulative adverse effect on the visual coherence and natural character of the landscape.

(f) Positive Effects

- 7.5.3 I agree with the Patch report that overall the proposed development will provide positive effects in that there will be significant enhancements to natural character and ecological values associated with the proposed mitigation planting. In addition the proposal provides for a more defined public pedestrian and cycle access to the foreshore. This proposed access track has been located some distance from the proposed building platform to ensure that there is separation between the residential dwelling activities and the public use – ensuring that public feel comfortable with using the access to the foreshore and conflict between private and public use will be avoided.

7.6 Proposed District Plan Objectives and Policies

- 7.6.1 The objectives of Chapter 6 Landscapes in the PDP include management and protection of landscapes from the adverse effects of subdivision, use and development, including cumulative adverse effects. In relation to Rural Classification Landscapes, the objectives seek to ensure that subdivision, use and development is undertaken in a manner that does not degrade landscape character and or diminish visual amenity values. While I consider that proposed development within the ONL will have some short term effects that are moderate and as such will effect the quality, character and visual amenity of the landscape, the magnitude of such effects would be low in the medium to long term. In respect to adverse effects on natural character, I consider that these would be adequately mitigated by proposed mitigation planting and its inherent ecological restoration.

8 CONCLUSION

- 8.1 An application has been received for resource consent for the establishment of a residential building platform, associated curtilage area, accessway, earthworks, public access track and restoration planting on a 5.596ha area of land accessed from State Highway 6 in the Wye Creek area.
- 8.2 The proposed residential building platform is located on a lower terrace than other adjacent residential dwellings within the Wye Creek area and as such has a higher degree of prominence particularly when viewed from the north and foreshore, lake areas. Although it has a higher degree of prominence, the height restrictions and building controls will ensure the proposed development is recessive in the landscape and in time, once proposed mitigation planting is established, the visual effects will reduce ensuring the proposed development has a low effect.
- 8.3 The provision of formed public pedestrian and cycle access to the foreshore alongside the southern boundary is considered a positive effect, as is the proposed extensive restoration planting of indigenous native species,

that will over time blend with the extensive indigenous planting that has occurred with success in the northern Wye Creek residential area.

- 8.4 The proposed building and landscape controls submitted as part of the application are appropriate to the site. However, given the importance of proposed mitigation planting to ensuring a reduction in visual effect over time and positive contribution to natural character, further details should be submitted in relation to proposed mitigation planting and landscape management.

9 RECOMMENDATIONS

9.1 Should consent being granted, I recommend the following:

- 9.1.1 That all the proposed building and landscape controls outlined in the Patch report (and provided in Section 1.4 of this report are included as conditions of consent.
- 9.1.2 That a detailed landscape and construction plan for the public pedestrian and cycleway access shall be submitted to the Council for assessment and certification by the Team Leader [\[specify area\]](#) Monitoring within prior to works starting on site. This plan shall include details of location and design of appropriate signage at both ends of the walkway at the entry location off SH6 that clearly indicates the provision of public use for the walkway and that this sign provides information on degree accessibility of the walkway, estimated times and destination points.
- 9.1.3 A landscape plan for the site shall be submitted to the council for assessment and certification by the Team Leader [\[specify area\]](#) Monitoring within prior to works starting on site. The landscape plan shall include details of: plant species, methods of ground preparation for planting, plant numbers, planting density, and plant sizes at the time of planting. Plant stock will also need to be locally sourced indigenous species.
- 9.1.4 The landscape plan shall also specify an on-going maintenance and weed control program designed to ensure that adequate care of the planted material is undertaken through to establishment. The weed control program shall make provision for replacement of newly planted trees and/or shrubs that die or decline, [to a point that, in the opinion of the councils Team Leader [\[specify area\]](#) Monitoring, they are not of value] and must extend for a minimum of three years following completion of the first planting.
- 9.1.5 Councils Team Leader [\[specify area\]](#) Monitoring shall be notified by the consent holder upon completion of the landscape work in order to ensure compliance with the plan. Further monitoring at 12 and 24 months from the date of completion will take place to ensure that adequate maintenance has been undertaken.
- 9.1.6 Any replacement trees and/or shrubs required must be of the same type, grade and size as that originally planted and all replacements must be planted either within the current (1 May to 31 August) planting season if practicable or the following planting season.



Renée Davies

Principal Landscape Architect

4Sight Consulting Ltd

Appendix A:

Site Photos and Associated Notations



0 2000 6000m



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Scale 1:10,000 @ A3

Appendix A – Viewpoint Location Map RM181032 1370 Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP Location
Revision: V1.0
Drawn by: SH Checked by: RD



4SIGHT
CONSULTING



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Photograph taken with iPad camera on 08/09/2018
Approx. optimum viewing distance at A3: 550mm
Photo location: 45.13673457S 168.75376641E

Appendix A – Viewpoint 1
View of proposed building platform on terrace for
platform.
RM181032 1370 – Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP01
Revision: V1.0
Drawn by: SH Checked by: RD





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Photograph taken with iPad camera on 08/09/2018
Approx. optimum viewing distance at A3: 550mm
Photo location: 45.13725547S 168.75624318E

Appendix A – Viewpoint 2
View from observation point - partially visible.
RM181032 1370 – Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP02
Revision: V1.0
Drawn by: SH Checked by: RD





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Photograph taken with iPad camera on 08/09/2018
Approx. optimum viewing distance at A3: 550mm
Photo location: 45.13732688S 168.75832960E

Appendix A – Viewpoint 3

View from top gate.
RM181032 1370 – Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP03
Revision: V1.0
Drawn by: SH Checked by: RD

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Photograph taken with iPad camera on 08/09/2018
Approx. optimum viewing distance at A3: 550mm
Photo location: 45.15115669S 168.75341571E

Appendix A – Viewpoint 4
View from lay-by on SH.
RM181032 1370 – Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP04
Revision: V1.0
Drawn by: SH Checked by: RD



Height pole on site



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Photograph taken with Canon Digital SLR 50mm lens on
08/09/2018
Approx. optimum viewing distance at A3: 550mm
Photo location: 45.13028839S 168.75718354E

Appendix A – Viewpoint 5
View from 25 Drift Bay Road.
RM181032 1370 – Kingston Road

Date: 10th October 2018
Job No: AA4016
Dwg Ref: VP05
Revision: V1.0
Drawn by: SH Checked by: RD







Height pole on site



Appendix B:

Effects Ranking and Ranking Table

Report descriptor	RMA equivalent	Explanation
No effect	No effects	<p>No part of the proposal is discernible</p> <p>And/or – The proposal will have no effect on the character or key attributes of the receiving environment</p> <p>And/or – The proposal will have no effect on the perceived amenity derived from it</p>
Very low effect	Less than minor effect	<p>The proposal constitutes only an insignificant component of, or change to the wider view. Awareness of the proposal would have a very limited effect on the overall quality of the scene.</p> <p>And/or – The proposal will have a very low level of effect on the character or key attributes of the receiving environment.</p> <p>And/or – The proposal will have a very low level of effect on the perceived amenity derived from it.</p>
Low effect	Less than minor effects	<p>The proposal constitutes only a minor component of or change to the wider view. Awareness of the proposal would not have a marked effect on the overall quality of the scene</p> <p>And/or – The proposal will have a low level effect on the character or key attributes of the receiving environment</p> <p>And/or – The proposal will have a low level effect on the perceived amenity derived from it</p>
Low – moderate effect	Minor effects	<p>The proposal may form a visible and recognisable change or new element within the overall scene which may be noticed by the viewer, but does not detract from the overall quality of the scene</p> <p>And/or – The proposal will have a low to moderate effect on the character or key attributes of the receiving environment</p> <p>And/or – The proposal will have a low to moderate level of effect on the perceived amenity derived from it</p>
Moderate effect	Effects of some significance	<p>The proposal may form a visible and recognisable change or new element within the overall scene and may be readily noticed by the viewer and which detracts from the overall quality of the scene</p> <p>And/or – The proposal will have a moderate level of effect on the character or key attributes of the receiving environment</p>
High effect	Significant effects	<p>The proposal forms a significant and immediately apparent part of, or change to, the scene that affects and changes its overall character</p> <p>And/or – The proposal will have a high level effect on the character or key attributes of the receiving environment</p> <p>And/or – The proposal will have a high level effect on the perceived amenity derived from it</p>
Very high effect	Very significant effects	<p>The proposal becomes the dominant feature of the scene to which other elements become subordinate and it significantly affects and changes its character</p> <p>And/or – The proposal will significantly change the characteristics or key attributes of the receiving environment</p> <p>And/or – The proposal will have a significant effect on the perceived amenity derived from it</p>



APPENDIX 5 – ENGINEERING REPORT



ENGINEERING REPORT

TO: Rosalind Devlin

FROM: Michael Pridham

DATE: 11/07/2019

APPLICATION DETAILS	
REFERENCE	RM181032
APPLICANT	Lake Wakatipu Station Limited
APPLICATION TYPE & DESCRIPTION	Land Use consent to identify a residential building platform with associated earthworks, access, landscaping, to undertake earthworks within a Significant Natural Area, and to breach an internal boundary setback
ADDRESS	1370 Kingston Road, Queenstown Rural (near Wye Creek)
ZONING	Rural General
SITE AREA	5.596 Hectares
ACTIVITY STATUS	Discretionary
VALUATION NUMBER	-
Legal Description	Section 1 Survey Office Plan 21572

Application	Reference Documents	<ul style="list-style-type: none"> Geotechnical Report, GeoSolve Limited, titled "1370 Kingston Road, Queenstown", reference number 132009. Dated June 2018 AEE Report, John Edmonds & Associates, titled "Wakatipu Station Limited Residential Building Platform" Job number 13008 Infrastructure Review, Fluent Solutions, titled " Services Review 1370 Kingston Road, Queenstown" dated 17 January 2018 DOC Request for Approval" letter: Titled "s95 Resource Management Act 1991 Application to establish a building platform and create a dual use pathway, Wakatipu Station at Wye Creek, 26th June 2018." Dated 18 July 2018. "Regional Plan: Water for Otago", Otago Regional Council, dated 27 June 2018, updated 1 July 2018 reference number ISBN 978-0-908324-45-3
	Previous Relevant Consents	RM120810 – Resource consent to create new ROW in favour in of Pioneer Generation Ltd
	Date of site visit	15-08-18

Comments		
	Existing Use	Vacant sloping section owned by Wakatipu Station Limited
	Neighbours	Vista Terrace residential lots are located to the immediate north, undeveloped rural general land to the south, SH6 along the eastern boundary. A Significant Natural Area (SNA) borders the eastern and western boundaries.

Topography/Aspect	Located approximately 12km south of Frankton at the base of the Remarkables Mountain Range. The site is accessed off the main Kingston Highway (SH6) at Wye Creek and descends down about 20m in height towards Lake Wakatipu on moderately sloping ground. Wye Creek runs into Lake Wakatipu at the southern boundary of the site, about 70m from the proposed building platform.
Water Bodies	Wye Creek and Lake Wakatipu are respectively located to the south and western boundaries

Location Diagram



ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Parking	<p><u>Parking</u></p> <p>No dwelling is currently proposed under this consent. I am satisfied that the lot has sufficient space onsite for future parking provision associated with a future dwelling to be installed at the time a dwelling is proposed. I make no recommendations in regards to parking.</p> <p>The applicant has proposed a public parking area at the eastern extents of the property to service a proposed shared public pedestrian/cycleway access link through the site to Lake Wakatipu. This is understood to be low volume use and associated with NZ fish & game access. I am satisfied there is sufficient space onsite for such an area.</p> <p>I recommend details of proposed onsite car parking are provided for engineering review and acceptance prior to starting works with completion of car park construction works prior to registration of the building platform.</p> <p>I also recommend a condition prior to registration of the building platform detailing that the consent holder shall maintain the trail and car park for a period of two (2) years following practical completion of these areas.</p>	XX

		Means of Access	<p><u>Vehicle crossing</u></p> <p>An existing NZTA approved, sealed vehicle crossing point for the subject lot is located off the main Kingston Rd Highway in a 100km zone. The crossing is formed to NZTA diagram C standard and they confirm via APA that “...the entrance is built to sufficient standard to accommodate the existing and proposed land use. As such, Aspiring Highways have recommended unconditional approval.”</p> <p>The NZTA also provide the below advice note and I recommend including this as an ongoing covenant against CFR title plan for Section 1 Survey Office Plan 21572.</p> <p>1) <i>To maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the state highway without prior NZ Transport Authority approval.</i></p>	X
			<p><u>ROW Easements</u></p> <p>Legal access to the proposed public parking area, Nohoanga Land and Lake Wakatipu is detailed on a ROW scheme plan received in an RFI response from the Council planner on 22 March 2019. The plan titled “Proposed Rights of Way Over Section 1 SO 21572” dated 21/03/2019 Rev A, shows the following easements:</p> <ul style="list-style-type: none"> • A ROW in favour of Te Runanga o Nagi Tahu over parts marked “A” “B” and “X” • A vehicular ROW in favour of Queenstown Lakes District Council over part marked “W” • A public right to park easement over the car park area marked “Z” on the scheme plan. • Public pedestrian right of way easements over areas marked “X” and “Y” on the access road and track through to Lake Wakatipu <p>Please refer to the s348 section of this report below for a related assessment.</p>	X
			<p><u>Access</u></p> <p>An existing formed vehicle access extends about 190m from the State Highway. There is an estimated 10m drop off on the first right hand corner of the access way as you drive past the proposed public carpark area. The fall hazard is on the left hand side over the side of the bank of the access road.</p> <p>From chainage 140m the access branches with one leg providing public (pedestrian/cycle) access to the lake and the adjacent leg (180m long) providing vehicle access to the proposed building platform.</p> <p>I recommend conditions of consent regarding the installation of suitable pedestrian and vehicular access ways including the installation of a safety barrier in accordance with NZS4404 amendments 3.3.4.</p>	X

ENGINEERING	COMMENTS	Condition
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EARTHWORKS	Extent	Description	Proposed earthworks are required to shape vehicle access to the proposed building platform along with formation/shaping of the public access route down to the lakefront as shown on earthworks drawing by Clark Fortune McDonald & Associates titled "Section 1 SO 21572 Proposed Access Earthworks" drawing numbers 12564 01_01 & 01_02, dated 22.03.18.	
		Cut /Fill Volume (m ³)	427m ³ /183m ³ Cut to fill volumes on earthworks plans do not match proposal in AEE however I am satisfied conditions herein address this discrepancy.	
		Total Volume (m ³)	1497m ³ Total volumes exceed rural general allowance by 497m ³ .	
		Area Exposed (m ²)	3465m ²	
		Max Height Cut/Fill (m)	Cut height 1.0m, fill height 0.1m	
		Prox. to Boundary	<p>The proposed earthworks for the access way curves from the upper terrace of the section to run alongside the southern boundary of the property down towards the lake frontage.</p> <p>As shown on the Clark Fortune McDonald & Associates earthworks drawing, drawing number 12564 01_01 from CH373.6m the proposed public access way breaches the lot boundary by about 13m. While I am satisfied the works can be completed without any negative engineer effects to neighbouring land owner (land is owned by the Crown) it is noted that <u>Council planner may wish to further comment on this boundary breach.</u> I am otherwise satisfied that no works extend beyond the site boundaries.</p>	
		Prox. to Water	<p>Accessway earthworks are located alongside the southern boundary of the subjects section, neighbouring with Wye Creek. Building platform works are located in the western extents of the section elevated overlooking Lake Wakatipu.</p> <p>While I am satisfied all earthworks can be carried out without causing negative impacts to neighbouring properties, I recommend a related condition that silt traps shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into nearby waterways Wye Creek or Lake Wakatipu.</p>	X
	Stability	Geotech assessment by	Geosolve Ltd	
		Report reference	Reference number 132009	

		Report comment	<p>The geotechnical report prepared by Geosolve Limited, titled "1370 Kingston Road, Queenstown," reference number 132009 dated, June 2018 investigated the existing geological stratigraphy beneath the proposed building site and found layers of layers of beach gravel, alluvial gravel with lake sediments and glacial sediments from the surface down to 21.7m in depth. Ground water is expected at lake level 3-5m below the proposed building platform.</p> <p>In regards to earthworks stability the report provides the following recommendations for the applicants development:</p> <ul style="list-style-type: none"> • All temporary slopes for retaining wall construction should be battered at 1.5H:1V. Permanent slopes are provided on table 7.2 under recommendations for cut/batter slopes. • All unsuitable materials identified in foundation excavations, particularly those exposed to moisture should be undercut and replaced with engineered fill. Any which is to be utilised as bearing for foundations should be placed and compacted in accordance with NZS 4431:1989 and certification provided to that effect. • A geotechnical practitioner should inspect all excavations and additionally any seepage, spring flow or under runners that maybe encountered. • Any retaining walls should be designed by a chartered professional engineer, adopting the geotechnical parameters outlined above. • Foundations should be designed to bear on engineered fill, which will provide adequate bearing (100 kPa allowable) for 350mm wide by 350mm deep shallow footings. • The underlying geology has been assessed in terms of ground disposal, as well to rapidly drained. <p>I accept the above geotechnical assessment and recommendations, and all other recommendations given within the Geosolve report.</p>	
		Rock breaking	Unlikely to be required	
		Rock blasting	Unlikely to be required	
		Preconstruction survey	Not required	
		Retaining	No retaining is proposed for earthworks associated with the registration of the building platform. Retaining may be required as part of the dwelling construction however I satisfied this can be dealt with at the time of construction as part of the Building Consent process. No conditions are recommended.	

Site Management	Recommendations on cut/batter slopes	<p>Cut Slopes</p> <p>The Geotechnical report prepared by Geosolve recommends the below slope angles for permanent and temporary batters which do not support a building based on the 3 different types of ground materials discovered onsite:</p> <p>Table 7.2 – Recommended batters for permanent cuts up to 3 m in height</p> <table><tr><th rowspan="2">Material Type</th><th colspan="2">Recommended Maximum Batter for Permanent Cuts 3 m High or less (horizontal to vertical)</th></tr><tr><th>Dry Ground</th><th>Wet Ground</th></tr><tr><td>Beach Gravels</td><td>2 : 1</td><td>3 : 1</td></tr><tr><td>Alluvial Deposits</td><td>1.5 : 1</td><td>3 : 1</td></tr><tr><td>Glacial Terrace Deposits</td><td>1.5 : 1</td><td>3 : 1</td></tr></table> <p>The report continued to advise temporary cuts in dry ground 3m or less in height should be formed to 1:5H:1.0V. Steeper gradients can be achieved with onsite supervision from a geotechnical engineer.</p> <p>Fill Slopes</p> <p>The GS report recommends a maximum 2H:1V batter slope for all fill slopes less than 3m in height, provided they are well drained. If any steeper slopes are required these should be assessed on a case by case basis.</p> <p>I accept these recommendations from Geosolve Ltd and recommend supporting condition to be monitored throughout earthworks that earthworks shall be undertaken in accordance with the earthworks plan by Clark Fortune McDonald & Associates, titled “Section 1 SO 21572 Proposed Access Earthworks” dated 16/06/2016. An ongoing covenant is also recommended at the time a dwelling in constructed earthworks shall be carried out in accordance with the Geosolve report titled “1370 Kingston Road, Queenstown,” reference number 132009 dated, June 2018.</p>	Material Type	Recommended Maximum Batter for Permanent Cuts 3 m High or less (horizontal to vertical)		Dry Ground	Wet Ground	Beach Gravels	2 : 1	3 : 1	Alluvial Deposits	1.5 : 1	3 : 1	Glacial Terrace Deposits	1.5 : 1	3 : 1	X
	Material Type	Recommended Maximum Batter for Permanent Cuts 3 m High or less (horizontal to vertical)															
		Dry Ground	Wet Ground														
	Beach Gravels	2 : 1	3 : 1														
	Alluvial Deposits	1.5 : 1	3 : 1														
	Glacial Terrace Deposits	1.5 : 1	3 : 1														
Fill certification/ specific foundation design required	The geotechnical report by Geosolve indicates that ground improvements as part of specific foundation design will need to be carried out to reduce the potential for liquefaction occurring and/or minimise the effects of liquefaction at the surface. An ongoing covenant is recommended detailing that all future buildings at this location shall be designed and constructed with Specific Engineering Design (SED) foundations and ground improvements by a suitably qualified professional engineer.	X															
Engineers supervision	Not required																
Uncertified fill covenant	Not required																
Schedule 2a Certificate	Based on the geotechnical report by Geosolve I am satisfied that residential development on the proposed building platform is feasible and in this situation schedule 2a certification is not required.																
Clean fill only	Not required																
Report reference	Appropriate conditions are recommended to ensure that the site management is undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice	X															

		Specific sedimentation management	As referred to within the proximity to water section, a condition is recommended that silt traps shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into nearby waterways Wye Creek or Lake Wakatipu.	X
		Specific stormwater management	Not required	
		Neighbours	<p>The applicant has proposed a shared public pedestrian/cycle access is constructed alongside the southern boundary of the section. The pedestrian/cycle access path will extend beyond the western boundary of the subject lot by approximately 13m. Neighbouring crown land being care of Department of Conservation.</p> <p>-DOC has approved the application to construct the public access and building platform as per "Request for Approval" letter: "s95 Resource Management Act 1991 Application to establish a building platform and create a dual use pathway, Wakatipu Station at Wye Creek, 26th June 2018" on the condition that any native vegetation which is removed is replanted elsewhere on the section. Any changes to proposed works will nullify this agreement.</p> <p>I am satisfied that the proposed earthworks are feasible <u>and appropriate</u> if the recommendations contained within the geotechnical report and DOC approval letter are followed. Along with continued consultation to affected neighbours, to minimise the risk of negative impacts on neighbouring sites resulting from the proposed works. I recommend a related condition of consent that all earth-works are to be contained within the boundaries of the subject lot (Section 1 Survey Office Plan 21572) with the exception of 13m of shared public cycle/pedestrian path construction at the western extents of the site.</p>	X
		Traffic management	During construction there is likely to be an increase in the amount of heavy vehicles entering the site however I anticipate that all excess cut material will be utilised for landscaping fill, removing any need to transport material off site. A TMP may however be required for electrical and telecommunication connections and a related condition is recommended.	X
		Construction crossing	Not required	
		Revegetation	A condition is recommended requiring earth worked areas to be revegetated prior to occupation of the dwelling.	X

SERVICES	Existing Services	<p>An infrastructure review has been prepared by Fluent Infrastructure Solutions Ltd on services to this property. There are various options available to the applicant for providing water supply to the proposed building platform. Currently no provision exists for disposing of wastewater therefore an approved onsite wastewater treatment and disposal system will need to be installed with the build along with a suitable stormwater dispersal system. Electricity supply has been confirmed via a letter from Aurora Energy. Telecommunications are available via a copper cable to the property off the road frontage. Each service is discussed in further detail below.</p>	
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Water	Potable	<p>QLDC GIS records show a reticulated 25mm HDPE water lateral running to the northern boundary of the section off a 100mm PE watermain from Vista Terrace. This lateral is assigned to Central Electric Limited who have a right to convey water through the applicant's property. In light of this, the lateral is not an option for this developments water supply.</p> <p>Three other options have been proposed within the Fluent Solutions (FS) Infrastructure report.</p> <p>Option 1, Surface water take from Wye Creek. Wye Creek flows within the boundaries land cared for by the Department of Conservation (DOC). A location just below the hydro structure, beside Kingston Road has been suggested, however an agreement would need to be obtained from DOC. Otago Regional Council (ORC) consent would also need to be provided for any water take structure constructed/ installed.</p> <p>Option 2, Surface water take from Lake Wakatipu. A location on the northern boundary, away from the stock yards and barge landing area is suggested. Similar to Option 1 agreement from the DOC will need to be obtained as well as ORC consent for any water to be taken from the Lake.</p> <p>Option 3, Bore hole within the property boundaries. The review suggests a location towards the uphill end, away from other services. The review indicates that a consent to drill and construct a bore hole from the ORC is likely to be required if this is the preferred option.</p> <p>I accept the recommendations detailed within the Fluent Solutions infrastructure review provide sufficient evidence that a water supply of 2100litres per day can be achieved. I recommend supporting conditions requiring detailed designs of water supply is submitted to council for engineering review and acceptance prior to starting works and a further condition requiring installation to the platform prior to platform registration.</p>	X
	Fire-fighting	<p>On site storage with a fire fighting connection point will be installed at the time a dwelling is proposed. 45,000L static fire fighting supply is required for Rural General Zone areas outside of the Wakatipu basin. As referred to in the infrastructure report by Fluent Solutions (FS) there is ample space onsite for a storage tank to be installed without complications.</p> <p>I accept the recommendations provided within the Fluent Solutions infrastructure report and recommend supporting conditions referring to fire fighting requirements for Rural General zoning.</p>	X

Wastewater from the proposed development will be treated by an on-site disposal system. A detailed engineered design will need to be undertaken at the time a dwelling is constructed. The design capacity will be dependent on the size of the future dwelling. Due to the close proximity of protected water ways to the applicants site a secondary treatment system is required. Design and construction of the waste water disposal system shall be in accordance with AS/NZS 1547:2012.



Fluent Solutions Report Figure 4: Potential Dispersal Area's

Effluent Disposal

X

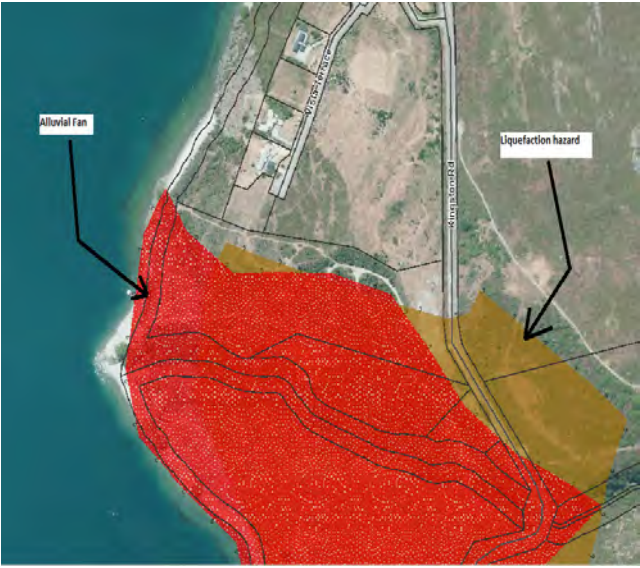
The effluent disposal location will need to be carefully considered within the design as the discharge point and dispersal field will need to be located a minimum of 50m away from protected waterways and any proposed domestic or livestock water bore systems.

The Fluent Solutions report suggests two options for locations of disposal fields onsite. The first position is located east of the building site. Existing land is vegetated and contours show a steep bank within this area. This area will require some surface scraping and levelling to ensure even distribution of treated effluent over the allocated area. The Second position is located south of the building platform. This land is flatter than the first however still gradually sloping towards waterways and closer to the proposed public and private access ways. Risk of water contamination exist as well as the potential for vehicles to track treated effluent. Both the proposed options are feasible provided suitable controls are implemented at the time a dwelling is proposed to manage the limitations listed above.

The Fluent Solutions infrastructure report identified permeable ground materials onsite which allow dispersal of treated effluent. The Daily Loading Rate (DLR) will be limited by the ability for the existing ground material to treat and retain nutrients.

I accept the recommendations provided within the Fluent Solutions infrastructure report and recommend a covenant is registered on the title requiring an onsite effluent disposal system to be constructed at the time of a future dwelling.


	Stormwater	<p>The Fluent Solutions (FS) infrastructure report indicates the existing ground conditions onsite allow the applicant to disperse stormwater to the ground. Capacity and location of soak pits will need to be considered in the final design along with the locations of the selected water supply option, waste water dispersal area and sediment runoff into Lake Wakatipu</p> <p>I accept the recommendations provided within the Fluent Solutions infrastructure report and I am satisfied that disposal of stormwater to an onsite soakage pit is feasible and the installation of the disposal system can be supervised as part of the Building Consent process at the time a dwelling is constructed. I make no recommendation relating to onsite stormwater disposal.</p>	
	Power & Telecoms	<p>The applicant has received a confirmation letter from Aurora Energy indicating underground electrical supply to the building platform is feasible.</p> <p>The applicant has expressed the desire to install wireless telecommunication connection to the building platform. No details have been provided demonstrating that wireless technology is suitable for this location, (ie signal strength testing etc.) Based on the existing requirements of the current District Plan, all developments require underground cable connection from the boundary to the building platform. FS infrastructure report suggests there will be no issue with connecting telecommunications underground through the local provider.</p> <p>I accept the recommendations provided within the Fluent Solutions infrastructure report and recommend a supporting condition that the applicant provides evidence of underground power and telecom connections installed to the proposed building platform in accordance with the standards of each respective Network provider prior to building platform registration.</p>	XX

<p>Natural Hazards</p>	<p>The Geotechnical report from GeoSolve refers to the following natural hazards identified within the subjects section on QLDC and ORC regional hazard mapping systems:</p> <p><u>Alluvial Fan, Debris-dominated – Location Approximate</u></p>  <p>An alluvial fan hazard risk is present within the applicant's site. Hazard mapping identifies the area as active, "debris-dominated" however the risk is assessed by Geosolve as low and associated with a deep gully which forms the Wye Creek channel. The Wye Creek Channel is located 70m south of the building platform.</p> <p>While the subjects site is located within the alluvial fan area it has been noted that the building platform is elevated above the Wye Creek channel level. Added to this the State Highway bisects the top portion of the fan which in an event can help reduce the effects of debris on the applicants property.</p> <p>I accept the expert advice from GeoSolve Ltd and make no related recommendations.</p> <p><u>Liquefaction – "Possibly Susceptible Area" (LIC 1 P)</u></p> <p>QLDC Natural Hazard database identifies the subject lot as being within an area possibly susceptible to liquefaction mapping identifies the area as "possibly susceptible" to liquefaction.</p> <p>Geosolve conclude that there is no risk of liquefaction during an SLS event but there is risk of liquefaction and minor lateral spread under a ULS earthquake event. Solutions to mitigate this risk at the time of dwelling construction include specific foundation design and ground improvements to support the foundations. I recommend a covenant is registered on the title advising of the need for designs to be undertaken in accordance with the Geosolve report.</p>	<p>X</p>
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PROJECT INFORMATION	Developers Engineering Representative	<p>The following components of the proposed development will require a developers engineering representative.</p> <ul style="list-style-type: none"> • Provision of a water supply to the building platform in accordance with Council's standards. • Earthworks 	
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TITLE	Covenants/consent notices	<p>I recommend inclusion of the following key encumbrances within a covenant attached to CFR title for section 1 Survey office plan 21572.</p> <ol style="list-style-type: none"> 1. Ongoing vegetation control at entrance to property off the main highway to maintain 170m line of sight distances in either direction. 2. All future buildings at this location shall be designed and constructed with Specific Engineering Design (SED) foundations and ground improvements by a suitably qualified professional engineer. 3. Earthworks shall be carried out in accordance with the Geosolve report titled "1370 Kingston Road, Queenstown," reference number 132009 dated, June 2018. 3.4. Onsite effluent disposal. 	X
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ENGINEERING	COMMENTS	Condition
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Section 348 Proposal	Access	Right to Park Easement Area	<p>Section 348 Right to Park Easement Area “Z”</p> <p>The applicant has proposed a public parking area marked “Z” on the proposed easement plan below:</p>  <p>The area is located on the south side of the existing vehicle crossing access off the Kingston Road (SH 6) within the boundary of Section 1 SO 21572. The proposed easement area is relatively flat in gradient and surfaced with loose gravel. The easement area is proposed to be granted in favour of Queenstown Lakes District Council and will service the public for access down to the Lake via a shared pedestrian track. The proposed easement area is to be constructed by the applicant then vested and maintained by Queenstown Lakes District Council. A letter from the NZTA dated 26 July 2018 has been obtained by the applicant granting approval for the existing vehicle crossing to provide public access to parking area and pedestrian track.</p> <p>Based on the above information and engineering site visit on the 15/08/18 I am satisfied there is sufficient onsite space for the proposed parking area and I make a related recommendation prior to commencement of work onsite that a Computed Easement Plan shall be submitted to Council for approval showing details of the public right to park easement over the car park area “Z”.</p>	X
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Public Right of Way Easement Area

Section 348 Public Right of Way Easement Area “W”

The applicant has proposed a public ROW over area marked “W” shown on the proposed easement plan below:



The easement extends across the northern frontage of the proposed parking area and will provide public vehicular access to the car park. The easement will be in favor of Queenstown Lakes District Council.

I am satisfied this is appropriate and I make a related recommendation prior to commencement of work onsite that a Computed Easement Plan shall be submitted to Council for approval showing details of the public ROW easement providing public access to the public car parking area.

Proposed Right of Way Easements Areas

S348 Right of Way Pedestrian Areas “X and Y”

The applicant has proposed a public right of way for pedestrian use over easement areas marked “X and Y” on the proposed easement plan below:



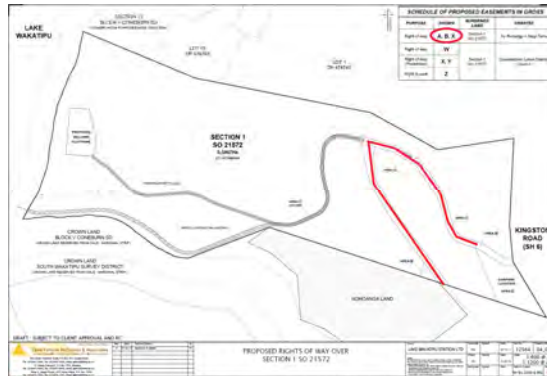
The proposed easement areas X and Y traverse over Section 1 SO 21572 from the northern extents of the section adjacent to the Kingston Road access to southern extents of the property to access the lake front. The proposed legal width of the track is 2.5m wide and surfaced with loose gravel. The ROW from the end of area W down to the lake front is to be constructed by the applicant then vested and maintained by Queenstown Lakes District Council as a pedestrian track.

Based on this information I am satisfied there is sufficient space onsite for proposed easement areas and I make a related recommendation prior to commencement of work onsite that a Computed Easement Plan shall be submitted to Council for approval showing details of public pedestrian right of way easements over the access road and access track, from the public carpark area “Z” through to Lake Wakatipu.

X

Section 348 Right of Way Areas “A, B and X”

The applicant has proposed a right of way easement in favour of Te Runanga o Nagi Tahu over easement areas marked “A, B and X” on the proposed easement plan below:



The proposed easement areas “A, B and X” loop from the NZTA approved vehicle crossing at the eastern extents of Section 1 SO 21572 off Kingston Road SH6 to access the neighbouring properties Section 9 SO 22367 and Section 11 SO 22059 lying adjacent to the southern boundary owned by Te Runanga o Nagi Tahu. The purpose of the easement is to provide vehicle access to Section 9 SO 22367 and Section 11 SO 22059. The proposed easement areas is to have a minimum legal width of 6m and is to be owned and maintained by Te Runanga o Nagi Tahu. There is an existing four wheel drive track in place over this easement area and no proposal has been made to upgrade this which I am satisfied with.

Based on this information I am satisfied that there is sufficient space for the proposed right of way easement areas marked A, B and X and I make a related recommendation prior to commencement of work onsite that a Computed Easement Plan shall be submitted to Council for approval showing details

1.0 Decision A - RECOMMENDED CONDITIONS FOR NEW BUILDING PLATFORM

General conditions

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

2. 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 GeoSolve geotechnical report, titled “1370 Kingston Road,” dated June 2018, reference number 132009 and who shall supervise the excavation/fill procedures and any retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for

ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability

3. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by the New Zealand Transport Agency or its network management consultant, Aspiring Highways, for certification and acceptance if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to the State Highway road reserve.
4. 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. 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.
5. Silt traps shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into nearby waterways Wye Creek or Lake Wakatipu.
6. 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 (1), to detail the following requirements:
 - a) The provision of a water supply to the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of an access way to the building platform that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
 - c) Where the access is located adjacent to land which drops away to a height exceeding 1m at an angle of greater than 45° within 2m of the edge of the carriageway, edge demarcation and/or protection shall be provided to ensure vehicular/pedestrian safety. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and approved by Council prior to installation. A PS4 producer statement shall be provided to Council following construction.
 - d) The provision of a public pedestrian access linkage through the site to Lake Wakatipu in accordance with scheme plan by Clark Fortune McDonald & Associates titled "Proposed Rights of Way Over Section 1 SO 21572" dated 21.03.19, Rev A. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum movement width. The access shall be delineated with edge marker posts at 50m intervals. Provision shall be made for stormwater disposal from the carriageway.
 - e) The provision of a public car park area and vehicle access down to the lake front, including (x) onsite parking spaces within the subject lot in accordance with scheme plan by Clark Fortune McDonald & Associates titled "Proposed Rights of Way Over Section 1 SO 21572" dated 21.03.19, Rev A. The parking area shall provide adequate space for turning and manoeuvring in compliance with Council standards. The car park area and vehicle access will be assessed by a QLDC Parks and Reserves representative after the 2 year maintenance period.
 - f) Prior to commencing any work on the site the consent holder shall provide a PS1 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads

To be monitored throughout earthworks

7. No earthworks, temporary or permanent, are to breach the boundaries of Section 1 Survey Office Plan 21572 with the exception of works associated with the construction of approximately 13m the public shared pedestrian/cycle access track at the western extents of the subject lot.
8. Earthworks shall be undertaken in accordance with the earthworks plan by Clark Fortune McDonald & Associates, titled "Section 1 SO 21572 Proposed Access Earthworks" dated 16/06/2016.

New Building Platform to be registered

9. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per Patch plan titled 'Wakatipu Homestead', Drawing reference. PA18169 dated 17/07/2018). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register Identifier 651809 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Computer Freehold Register

10. Prior to the building platform being registered on the Computer Freehold Register, the consent holder shall complete the following:
 - a) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - b) The completion and implementation of all works detailed in Condition (6) above.
 - c) The legal right of way easements approved under the RM181032 s348 decision shall be registered on the Computer Freehold Register for the site.
 - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform.
 - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the building platform.
 - f) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Covenants

11. At the time that the building platform is registered on the Computer Freehold Register for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:
 - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan
 - b) The Consent Holder shall maintain the trail and car park for a period of two (2) years following practical completion of these areas. At the end of the first year of the maintenance period the Consent Holder shall provide a report on the condition of the trail and car park to the Council

Parks and Open Spaces Planning Manager. At the end of the two year maintenance period, the Council Parks and Open Spaces Planning Manager may require the Consent Holder to undertake any reasonable rehabilitation works if the trail and car park do not meet the required standards

- c) All future buildings at this location shall be designed and constructed with Specific Engineering Design (SED) foundations and ground improvements by a suitably qualified professional engineer in compliance with the RM181032 Geotechnical Report recommendations from GeoSolve Limited, titled '1370 Kingston Road, Queenstown', dated June 2018, reference number 132009.
- d) The consent holder shall maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the State Highway without prior NZ Transport Authority approval.
- e) At the time a dwelling is erected on SEC 1 SO 21572, earthworks shall be carried out in accordance with the Geosolve report titled "1370 Kingston Road, Queenstown," reference number 132009 dated, June 2018.
- f) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design a secondary level treatment system for onsite effluent disposal in compliance with AS/NZS 1547:2012 and shall maintain at least 50m set back between Lake Wakatipu and onsite land application disposal areas, unless otherwise approved under an Otago Regional Council consent. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
- g) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
- h) Prior to the occupation of the residential unit, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres for rural general zoned areas shall be maintained at all times as a static firefighting reserve within (55,000 litre combination of tanks. Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with 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 Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

Note: Fire and Emergency New Zealand considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new residential unit. Given that the proposed residential unit is approximately 15km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire Brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential dwelling(s).

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
2. To maintain sufficient sightlines from the existing access, no planting should be undertaken in close proximity to the site boundary fronting the state highway without prior NZ Transport Authority approval.
3. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

2.0 **Decision B – s348 pedestrian and vehicular right of ways**

The Queenstown Lakes District Council hereby consents to the granting or reserving of Right of Way Easements A, B and X on Section 1 SO 21572 in favour of Te Runanga o Nagi Tahu, Pedestrian Right of Way Easements X and Y on Section 1 SO 21572 in favour of Queenstown Lakes District Council, Right to Park Easement Z on Section 1 SO 21572 in favour of Queenstown Lakes District Council under section 348 of the Local Government Act 2017, subject to the following conditions:

- 1 That the activity be undertaken in accordance with the application for the creation of the Right of Way easements as shown on the following plans (**stamped as approved on 21 03 2019**);

‘XX’
- 2 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council’s website via the following link:

<http://www.qldc.govt.nz>

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

- 3 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 relation to the formation of the ROW and installation of the stormwater sumps 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 these works undertaken.
- 4 Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for the following ROW easement areas:
 - a) 6m wide vehicular right of way easements from the to the public car park to Section 9 SO 22367 and Section 11 SO 22059, and
 - b) 6m wide vehicular right of way easement from the State Highway to the public car park, and
 - c) Public right to park easement over the car park, and
 - d) Public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu.

All ROW easement areas shall include the provision for stormwater disposal and any traffic signage or pavement markings. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail all engineering works.

- 5 A Computed Easement Plan shall be submitted to Council for approval showing details of any necessary easements in regard to the following:
 - i. 6m wide vehicular right of way easements from the to the public car park to Section 9 SO 22367 and Section 11 SO 22059, and
 - ii. 6m wide vehicular right of way easement from the State Highway to the public car park, and
 - iii. Public right to park easements over the car park, and
 - iv. Public pedestrian right of way easements over the access road and access track, from the public carpark area "Z" through to Lake Wakatipu.

The easement instruments shall clearly demonstrate maintenance obligations imposed or inferred on the QLDC. Once approved by Council the easements shall then be registered on the Computer Freehold Register for the site.

- 6 **Prior to the issue of the s348 certificate for the 6m wide vehicular right of way easements from the to the public car park to Section 9 SO 22367 and Section 11 SO 22059 the consent holder shall complete the following:**
 - a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for

the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017

- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
 - d) Implementation of works in Condition 4
- 7. Within 3 months of the date of issue of the s348 certificate for the 6m wide vehicular right of way easements from the to the public car park to Section 9 SO 22367 and Section 11 SO 22059 the consent holder shall complete the following:**
- a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.
- 8 Prior to the issue of the s348 certificate for the 6m wide vehicular right of way easement from the State Highway to the public car park the consent holder shall complete the following:**
- a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
 - b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:
- The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017*
- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
 - d) Implementation of works in Condition 4
- 9. Within 3 months of the date of issue of the s348 certificate for the 6m wide vehicular right of way easement from the State Highway to the public car park the consent holder shall complete the following:**
- a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
 - b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.
- 10 Prior to the issue of the s348 certificate for the public right to park easement over the car park, the consent holder shall complete the following:**

- a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
- b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017

- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.
- d) Implementation of works in Condition 4

11 Within 3 months of the date of issue of the s348 certificate for the public right to park easement over the car park, the consent holder shall complete the following:

- a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
- b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.

12 Prior to the issue of the s348 certificate for the public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu, the consent holder shall complete the following:

- a) A Licensed professional shall prepare all necessary documentation to enable the S348 certification's to be lodged and registered as an easement with Land Information New Zealand.
- b) The final wording of the easement instrument shall be reviewed and approved by Council's solicitors prior to registration. At Council's election either:
 - a. An additional encumbrance shall be registered to ensure that the ROW easement cannot be varied or cancelled without Councils approval; or
 - b. The easement instrument shall include the following acknowledgement:

The Grantor and Grantee acknowledge and agree that this instrument may not be surrendered or varied without consent from Queenstown Lakes District Council (or any replacement local authority). The Grantor and Grantee must obtain written consent from Queenstown Lakes District Council (or any replacement local authority) before surrendering or varying this instrument. This clause is for the benefit of, and is enforceable by, Queenstown Lakes District Council (or any replacement local authority) pursuant to section 12 of the Contract and Commercial Law Act 2017

- c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for the construction of the ROW and the installation of the stormwater sumps.

d) Implementation of works in Condition 4

13 Within 3 months of the date of issue of the s348 certificate for the public pedestrian right of way easements over the access road and access track, from the public carpark through to Lake Wakatipu, the consent holder shall complete the following:

- a) The easement instrument shall be registered contemporaneously with the s348 certification on the relevant Record of Title for the lots.
- b) The consent holder shall provide proof of registration with Land Information New Zealand for the s348 certification and related Easement Instrument on the Record of Title for the relevant lots under the Land Transfer Act 2017. This shall be provided to Council Subdivision Planner.

Prepared by:



Michael Pridham
LAND DEVELOPMENT ENGINEER

Reviewed by:



Steve Hewland
LAND DEVELOPMENT ENGINEER