



**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	<b>M GUTHRIE</b>
<b>RM reference:</b>	RM160571 - 26 Morven Ferry Road, Wakatipu Basin
<b>Proposal:</b>	Subdivision consent is sought to subdivide the site, comprising two lots, into 6 residential lots. Lots 4 and 6 will be amalgamated, and Lots 1 – 5 will contain a residential building platform.
<b>Legal Description:</b>	Lot 1 DP 344972 (CFR 184437) and Lot 2- 3 DP 344972 (CFR 184438)
<b>Zoning:</b>	Rural General (Operative District Plan) Rural (Proposed District Plan)
<b>Activity Status:</b>	Discretionary Activity
<b>Notification:</b>	24 August 2016
<b>Closing Date of Submissions:</b>	21 September 2016
<b>Commissioners:</b>	Commissioners A Henderson and J Caunter
<b>Date:</b>	<b>31 January 2017</b>
<b>Decision:</b>	<b>Consent is granted subject to conditions</b>

## UNDER THE RESOURCE MANAGEMENT ACT 1991

**IN THE MATTER OF** an application by M Guthrie to subdivide an existing site comprising two lots into 6 residential lots. Lots 1 - 5 will contain a residential building platform, and Lot 6 is to be amalgamated with Lot 4.

Council File: RM160571

### DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS COMMISSIONERS A HENDERSON AND J CAUNTER, HEARING COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT

#### The Proposal

1. We have been given delegated authority to hear and determine the application by M Guthrie by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. The application (RM160571) has been made by M Guthrie to subdivide the site, comprising two lots, into 6 residential lots. Lots 4 and 6 are to be amalgamated. Lots 1 – 5 will contain a residential building platform, including one around an existing dwelling.
3. A detailed description of the proposal was provided in Section 2.2 of the Resource Consent Application prepared by John Edmonds and Associates. Key elements of the proposal are reproduced below:
  - Proposed Lot 1 will contain an existing residential dwelling and three pre-1900 buildings. A residential building platform will be located around the existing dwelling only. No curtilage area is proposed around the existing development.
  - Proposed Lots 2 to 5 will be vacant allotments, each containing a residential building platform.
  - Proposed Lot 6 will be amalgamated with proposed Lot 4. No residential building platform is proposed on this Lot.
  - Design controls are proposed and will be applied to each of the proposed building platforms with the exception of proposed Lot 1 (containing the existing residential dwelling).
  - The proposal involves earthworks for the purposes of establishing access as well as landscape mounding.
  - Landscaping is proposed on proposed Lots 2, 3 and 5. Details of the proposed landscaping is included in the Landscape Assessment Report, prepared by Baxter Design Group Limited, and attached as *Appendix 2*. The description of this assessment is adopted for the purposes of this report.
  - Power and telecommunication supply will be provided to each proposed allotment. Wastewater disposal and water supply will be achieved via onsite means.

- Access to proposed Lots 3, 4 and 5 will be achieved via a legal unformed road that bisects the site. Access to proposed Lot 2 will be achieved via a separate access and vehicle crossing directly from Morven Ferry Road. Access to proposed Lot 1 (the existing dwelling) will remain as existing off Morven Ferry Road.
- The applicant has not proposed any conditions or covenants to retain any existing vegetation or paddocks for rural purposes.

### Site Description

4. A detailed description of the site and receiving environment within which the application sits can be found in paragraphs Section 2.1 of the Applicant's AEE. No parties disputed the description of the site or receiving environment, and we are therefore content to rely upon them, noting that the descriptions accord with our impressions from our visit to the site and surrounding area.

### Notification and Submissions

5. Notification of the application on 24 August 2016 drew one submission in opposition to the proposal. The submission was received from the Arrow Irrigation Company, and is summarised in the following table:

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Arrow Irrigation	NA	<p>Neither opposed nor supportive of the proposal.</p> <ul style="list-style-type: none"> <li>• Concerns regarding risk of flooding to any buildings downslope of an existing irrigation race during storm events or due to damage to the race via earthworks.</li> <li>• Concerns around safety for children and pets due to increased domestication in close proximity to the open water race.</li> </ul>	That the water race be piped.

6. We were advised at the hearing that this submission had subsequently been withdrawn.

### The Hearing

7. A hearing to consider the application was convened on 17 November 2016 in Queenstown. In attendance were:
- (a) The Applicant, Mr M Guthrie, represented by Mr Graeme Todd (Counsel), Mr Stephen Skelton (Landscape Architect) and Ms Bridget Allen (Planner); and
  - (b) Council Officers, being Mr Jake Woodward (Planner), Mr Alan Hopkins (Engineer) and Mr Richard Denney (Consultant Landscape Architect).

8. We had the benefit of a section 42A report prepared by Council's planner, Mr Jake Woodward. Based upon his assessment of the application, Mr Woodward recommended that the application be declined for reasons including:
- The proposal involves a level of density that will detract from the open space and pastoral character of the area. The concentration of residential activities in this area will increase the level of domestication to a point which will detract from the rural landscape values and character of the area as viewed from public vantage points including the junction of the main highway and Morven Ferry Road and the Crown Range Road.
  - There is no conclusive evidence to comfortably determine that proposed Lot 4 is not at risk from contamination from HAIL activities.
  - The proposal is contrary to a number of objectives and policies of the operative and proposed District Plans on the basis that the proposal involves intensification of a rural environment where the rural amenities and landscape character will be compromised.
  - The proposal does not represent sustainable management in terms of Part 2 of the Act.

### **Summary of Evidence Heard**

9. Evidence for this hearing was pre-circulated, and the Applicant's experts all provided a summary of their evidence at the hearing. We have read all of the material, and the following is a brief outline of the submissions and evidence presented. This summary does not detail everything that was advanced at the hearing, but captures the key elements of what we were told. The material generally reinforced the matters included in the application and submissions.

### **Applicant**

10. **Mr Todd** noted that only the Applicant and Mr Rogers used the legal road that runs through the site. Mr Rogers is 1 of 4 that have provided written approval. There is no evidence that any other party uses the road. Mr Todd referred us to the Assessment Matters for visual amenity landscapes and outstanding natural landscapes where it is noted that we are entitled to consider the present use and practicalities and likelihood of the use of unformed legal roads for access. Mr Todd submitted that there is no likelihood of any use by any other party and there is therefore no need to assess views or effects on any party from that road.
11. **Mr Todd** considered that the site is visible to a limited extent, and on that basis, the development is appropriate subject to appropriate controls. He considered that the photographs provided by Mr Denney supported this position. He considered that the site is different and displays different characteristics to other sites in the Morven Ferry enclave. The site is constrained by Morven Ferry Hill, and written approval has been obtained from neighbouring properties. Mr Todd considered that the application was a landscape case, and considered that overall the site has the ability to absorb the proposal. Mr Todd noted that the Applicant volunteered conditions to protect the curtilage areas in front of Lots 1 and 5, creating a 50m depth along Morven Ferry Road that would be kept free of development.
12. **Mr Guthrie** discussed the history of the site, and noted his understanding that the hawthorn hedges along the frontage of the site had been there for over 100 years. He noted that since he had purchased the property in 1980, the Morven Ferry area has been extensively subdivided for rural residential living. He considered that the scale of the development proposed would be complementary to the size of other rural residential allotments in the vicinity. Mr Guthrie indicated that extensive plantings had been undertaken over time on the property, and that the Applicants were not challenged by proposals to undertake further planting on the site. He considered that the majority of the visual effects of any development on the site would only be able to be experienced from within the site.

13. **Mr Stephen Skelton** spoke to his landscape evidence, in which he concluded that the proposal struck a delicate balance between the retention of pastoral character and the siting of appropriate residential development into discrete pockets of land on the site. He considered that the mature planting and historical node of residential development that distinguishes the site and breaks it down into discrete units would ensure that the proposed development had low visibility and would not further fragment the landscape. He considered that the higher valued areas of pasture would be retained in their open character, and the values of the Outstanding Natural Landscape would experience a low to negligible effect. His evidence concluded that the proposal would not cross a threshold with respect to the landscape's ability to absorb change.
14. Mr Skelton considered that some planting could be done prior to development of the site. It would be better to plant younger trees to give them time to grow. The mounding on Lot 3 would assist in mitigation. He considered that Lot 5 had the greatest potential for visibility, and that the platform had been moved back to retain more pasture. He considered that views may be available during winter through the hedge, but overall considered that the pastoral experience would be retained.
15. **Ms Bridget Allen** provided planning evidence on the application, and identified the following changes that the Applicant made to the proposal following the receipt of the section 42A report:
- Additional trees that are to be retained have been identified on the landscape plan;
  - A condition is proposed that if any tree located within the legal road bisecting the site needs to be removed, it will be replaced as a row of trees within the adjoining lot.
  - The building platform and curtilage on Lot 5 has been set back further from Morven Ferry Road, and reduced in size to provide for more open space between the platform and the road. The platform has been reduced from 1,000m<sup>2</sup> to 750m<sup>2</sup>, and the curtilage around Lot 3 has been reduced so as to not extend beyond the ridge line.
  - Additional landscape plans have been provided for Lot 3, including additional mitigation planting for the driveway.
  - The Master Plan appended to Mr Skelton's evidence shows the portions of the Arrow irrigation Race that are to be piped.
16. Overall, Ms Allen concluded that:
- A portion of the site is identified as a HAIL site. No activity such as building platforms, their curtilage or earthworks are located within this area and she therefore considered that the NES does not apply, contrary to Mr Woodward's view.
  - The proposal is part of the existing Morven Ferry enclave and is appropriate in regard to landscape effects, will not result in over domestication, and is not out of keeping with the density existing in the surrounding environment.
  - The adverse effects of the proposal are insignificant.
  - The proposal is not inconsistent with the relevant Objectives and Policies of the Operative and Proposed District Plans, although the latter should be given little weight.
  - The proposal is consistent with Part 2 of the Act.

#### **Officers**

17. **Mr Alan Hopkins** noted that easements may be required to provide for the location of the proposed access, depending on where they sat in relation to the existing paper road. He considered this could be covered in standard conditions of consent. In relation to Lot 5, Mr

Hopkins noted that the Council's hazard maps have not identified any hazards that may affect the site, and that there are no large boulders present on the slopes that would indicate that there are any issues with rockfall. He did not consider there would be any need for a further geotechnical report.

18. **Mr Richard Denney** considered the site to be a marginal site, and challenging from a landscape perspective. He considered that the degree of visibility of the development is small, and that the real issue is the effect on landscape character. Domestication effects arise even if development cannot be seen. He considered that the site has some ability to absorb development, and considered that Lots 1 and 3 could be approved, and Lot 2 removed with a subsequent reconfiguration of the curtilage areas to consolidate open space. He also considered that a condition of consent could require that planting be to a specified height prior to the removal of vegetation on Lot 3.
19. **Mr Jake Woodward** stood by his recommendation in the section 42A report, and agreed with Mr Denney that a curtilage area was appropriate. He considered that a discretionary activity consent was required under the NES, as the subdivision relates to the entire site. He acknowledged that the changes to the proposal were an improvement, and considered that the removal of Lots 2 and 4 would be of benefit. He agreed it would be helpful to have planting at a certain height before commencing building or development on the site.

#### **Applicant's Right of Reply**

20. **Mr Todd** provided a Right of Reply, and addressed the following matters:
- There is no issue with a condition regarding landscaping on Lot 3. There is no urgency to build which gives time to plant the site.
  - Removal of Lots 2 and 4 makes little sense as they will not be visible outside the site.
  - The pastoral character of the surrounding visual amenity landscape will not be adversely affected. The level of development in this area has reduced the pastoral character and the other existing sites do not have the same heavily treed characteristic as the subject site.
  - The site is different, and that is why it is challenging. Over domestication, while potentially an issue, is addressed by the written approvals provided. Density effects are mitigated by the limited visibility.
  - The Commissioners are entitled to consider the existing hedges. They have been there for 100 years and there is no reason to suggest they require removal. After the hearing, the Applicant provided survey information that confirmed that much of the hedge was within road reserve, and reiterated the draft condition that if any of these trees were removed, they were to be replaced within the Applicant's site by a row of trees.
  - The proposal is not out of character with the remainder of the area, and consent can be granted for these reasons.

#### **Further Information Request**

21. Following the adjournment of the hearing, we requested additional information from the Applicant in relation to the proposed landscaping on Lot 3 and the timing associated with it. The Applicant responded to this request and volunteered a series of conditions as follows:
- *Within six months of granting of consent, pines will be cleared from the proposed planting areas on Lot 3.*

- *In the first planting season following the granting of consent, the planting shown as Planting Area A and Context Planting in the Baxter Design, Lot 3 Planting Plan shall be undertaken.*
- *The Planting Area B as shown on the Baxter Design, Lot 3 Planting Plan shall be undertaken in the first planting season following the construction/upgrading of the proposed road.*
- *Three years following the successful establishment of Planting Area A and the Context Planting as shown on the Baxter Design, Lot 3 Planting Plan, all remaining pines on site may be cleared or selectively felled so long as the outcome does not result in reducing the canopy cover to a point where the ground appears bare or the platform and curtilage area is readily visible from the Crown Range Road or State Highway 6 near Arrow Junction (noting the RBP will not be visible from SH6).*
- *The cleared area of pines may be revegetated in appropriate vegetation as shown on the Baxter Design, Vegetation Management Plan or maintained in grazed or mown pasture.*
- *All planted vegetation shall be irrigated and kept free of pests and woody weeds. If any plant should die or become diseased it will be replaced with the same species or a similar appropriate indigenous species.*

### **District Plan Provisions**

#### Proposed District Plan

22. Section 86[b](1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. An exemption to this is section 86[b](3) in which case a rule has immediate legal effect in certain circumstances including if the rule protects or relates to water, air or soil.
23. The Proposed District Plan (“PDP”) was notified on 26 August 2015. Pursuant to Section 86[b](3) of the RMA, a number of rules that protect or relate to water have immediate legal effect. None of these rules are relevant to this application, and by extension we therefore conclude that there are no rules in the Proposed District Plan that are relevant to our consideration of this application.

#### The Operative District Plan

24. The subject site is zoned **Rural General** under the Queenstown Lakes District Plan (the **District Plan**).
25. The purpose of the Rural General Zone as described on Page 5-9 of the District Plan is as follows:
- The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:*
- *protects and enhances natural conservation and landscape values;*
  - *sustains the life supporting capacity of the soil and vegetation;*
  - *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
  - *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*
26. The relevant provisions of the District Plan that require consideration can be found in Chapter 4 (District Wide), Chapter 5 (Rural Areas) and Chapter 15 (Subdivision, Development and Financial Contributions).

27. We agree with Mr Woodward that the proposal requires the following consents:
- A **discretionary activity** resource consent pursuant to Rule 15.2.3.3(vi) for a subdivision in the Rural General Zone and the identification of residential building platforms. The proposal involves subdividing three existing allotments (currently held under two Computer Freehold Registers) into six allotments (to be held under five Computer Freehold Registers) and the identification of a Residential Building Platform on each of the five allotments.
28. Overall, we agree that the application is required to be assessed as a discretionary activity.

#### **Relevant Statutory Provisions**

29. This application must be considered in terms of Sections 104 and 104B of the RMA.
30. 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. Considerations of relevance to this application are:

- 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.*

31. Following assessment under Section 104, the application must be considered under Section 104B of the RMA. Section 104B states:

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

32. Sections 108 and 220 empower us to impose conditions on land use and subdivision consents respectively.
33. Section 104(3)(b) requires that we have no regard to effects on people who have given written approvals to the application. This is particularly relevant in this application as written approval has been obtained from the following parties:

<b>Person (owner/occupier)</b>	<b>Address (location in respect of subject site)</b>
William King Allen and Frances Louise Allen	49 Morven Ferry Road
Kevin Thomas Dunlop and Sandra Anne Dunlop	55 Morven Ferry Road
Dennis Malcolm Rogers and Jennifer Mary Rogers	24 Morven Ferry Road



Andrew Turner (Private Property Farms Ltd)	2881 Lake Hayes-Arrow Junction
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34. Pursuant to section 104(3)(a)(ii) of the Act, any effects on these properties have not been considered.
35. In reaching this decision we note that we have taken into account all of the information provided with the application, the section 42A report and appended assessments, and the evidence presented at and subsequent to the hearing. We undertook a site visit on 17 November 2016 and are satisfied this enabled us to obtain a sufficient understanding of the site and surrounding environment. We have also considered the provisions of the relevant plans, and Part 2 of the Act.

**Permitted baseline, existing environment and receiving environment**

36. All subdivision and new buildings require resource consent in the Rural General Zone. As identified in the section 42A report, permitted activities in the Rural General zone are restricted to matters such as farming activities. We agree that there is no applicable permitted baseline for this application.

**Assessment**

37. Planning evidence was provided by Mr Woodward for the Council via the section 42A report, and by Ms Bridget Allen for the Applicant. No other party provided expert planning evidence. Mr Denney and Mr Skelton agreed that most of the site was located in a visual amenity landscape, and the slopes of Morven Hill, including Lot 3, were in an outstanding natural landscape.
38. We address the relevant effects in in the order in which they were addressed in the section 42A report.

***Visual Amenity Landscape***

39. With the exception of the part of the site generally located on Morven Ferry Hill, the proposal is located within a visual amenity landscape. We have considered the proposal in light of the relevant Assessment Matters and comment briefly on these below.

Visibility of Development

40. Potential views of the site are available from three areas, being the legal road bisecting the site, Morven Ferry Road and the Crown Range Road. The Applicant's evidence, backed by Mr Todd's submissions, was that there is no public use of the road, and it is only used by the Applicant and Mr Rogers, an adjoining owner who has provided written approval to the application. We accept Mr Todd's submissions in this respect that we need not consider effects on other parties from this road given there is no likelihood of any use of the road by any other party.
41. The site is largely screened from view from Morven Ferry Road by existing mature vegetation. We were told that some of this vegetation has been present for over 100 years, and that it is unlikely to require removal. We note that some of this vegetation is located on road reserve, rather than the Applicant's site, and it cannot therefore necessarily be relied upon for mitigation of visual effects. The Applicant has volunteered a condition in this respect to the effect that should any of the trees along the Morven Ferry Road boundary of the site or the legal road within the site be removed, they are to be replaced by a row of planting within the Applicant's site.

42. Having visited the site and surrounding area, and considered the effect of the existing trees and location of the building platforms, we are satisfied that the visual effects of the proposal will not be significant when viewed from Morven Ferry Road. We note that the Applicant's amended proposal sets the building platform on Lot 5 further back from the road, maintaining an area of open space along the frontage of the site. This is consistent with other developments in the area, many of which do not have extensive vegetation along their frontages.
43. We have also considered the visibility of the development from the Crown Range Road. From this road, over 2 km distant, the site forms part of the wider valley landscape, and while the location of the a site is visible, we consider that the existing topography and vegetation patterns within the site and the adjacent area will assist in reducing any visual effects from this vantage point. From this road, the overall amount of development within the Morven Ferry Road area is evident, and as we discuss later, we are of the view that this development takes the Morven Ferry area to a point where further development is likely to exceed the landscape's ability to absorb any further change.

#### Effects on Natural and pastoral Character

44. We agree with Mr Skelton that proposed Lots 2 and 4 will not 'cut off' any portion of open space as viewed from Morven Ferry Road. All areas outside of the building platforms and curtilage areas will be retained as open space, and we note that by increasing the distance between the building platform on Lot 5 and Morven Ferry Road, the land between the road and any development will also be retained as open space. Notwithstanding the presence of the mature vegetation along the Morven Ferry Road boundary of the site, this large setback is consistent with other developments in the area.
45. As identified by Mr Skelton, the density of housing introduced will be similar to that in the surrounding area, which is also characterised by dwellings surrounded by large areas of open pastoral space. We are satisfied that the proposal can be absorbed into the site without having any significant effects on the natural or pastoral character. In reaching this view, however, we are cognisant of the level of development in the wider Morven Ferry area. Whilst the development at present does not detract from the pastoral nature of the area, we consider that further development in the area has the potential to erode the remaining pastoral character of the area that presently assists in absorbing development and maintaining the pastoral nature of the area, particularly when viewed from Morven Ferry Road and the Crown Range Road. While we are satisfied that the present proposal is appropriate, we consider that it will result in an overall level of development in the area such that any further development is likely to lead to an over-domestication of the landscape.

#### Form and Density of Development

46. We agree with Mr Skelton's view that apart from views from the Crown Range Road, no more than one dwelling will be visible at any one time. We accept Mr Skelton's view that the open space between Lots 1 and 5 and Morven Ferry Road provides an open, pastoral context in which to establish the residential development, and that the level of development introduced is similar to that already existing in the wider area.

#### Cumulative Effects

47. We have considered the landscape evidence of both Mr Denney and Mr Skelton, and we note that Mr Denney acknowledged that some development could be absorbed on the site. Having visited the site, we agree with Mr Todd's submission that removing one or two lots would not make any difference on the basis that the development is not highly visible outside the site. We agree with this view, and agree with Mr Skelton's evidence that the surrounding landscape, which includes large areas of open space with intermittent dwellings, can absorb the development proposed due largely to the retention of large areas of open space on this site, and the proposed locations of the building platforms. We do consider, however, that this proposal reaches but does not cross the capacity of the landscape's ability to absorb change,

particularly taking into account the current level of built and consented development in the Morven Ferry area.

#### Rural Amenities

48. The proposal will not adversely affect the amenity of adjoining properties or the surrounding area. We note in this regard that written approvals have been obtained from the surrounding property owners.

#### ***Outstanding natural Landscape***

49. There was no dispute that part of the site, including proposed Lot 3, is located within an Outstanding Natural Landscape. We were told that the proposed District Plan has located the ONL line in a different position, and that the Applicant has challenged this through the submission process. The new line would not change the landscape categorisation of the building platform on Lot 3, and we were not asked to make a determination of where the line should sit, nor do we have the legal jurisdiction to do so. The following assessment considers the ONL Assessment Matters as they relate to the part of the site that it currently located within the ONL in the Operative District Plan.

#### Effects on Openness of landscape

50. The proposed platform on Lot 3 is located in a discrete part of the site, elevated above the valley floor. While the general location of Lot 3 will be visible from public places, the building platform will not be visible from Morven Ferry Road. The Applicant has proposed a landscape planting regime that will assist in vegetation being established prior to development on the Lot, and we are satisfied that the building platform will be reasonably difficult to see from public places. We consider it important to require appropriate landscape planting be undertaken on the site both prior to development and in association with a proposed building. Overall we are satisfied that the topography of Lot 3 largely mitigates the potential for adverse effects of the development of the Lot.

#### Visibility of Development

51. Visibility of the development on Lot 3 will be limited due to its elevated location above Morven Ferry road. While the site will be visible from the Crown Range Road, we accept Mr Skelton's view that the landscaping proposed will work in association with the distance from which it can be viewed to ensure that the development will not adversely affect the overall appreciation of the landscape.

#### Visual Coherence and Integrity of the Landscape

52. We agree that the proposed design controls for development on Lot 3, and the landscaping proposed, will assist in the development being absorbed within the landscape, and the integrity of the ONL will be maintained.

#### Nature Conservation Values

53. Both Mr Denney and Mr Skelton agree that the site does not contain any significant ecological values, and the proposal will not introduce any wilding or pest species. We accept this view, and agree that there will be no adverse effects on any nature conservation values.

#### Cumulative Effects

54. We do not consider that a dwelling on proposed Lot 3 will give rise to any adverse cumulative effects. The site is secluded, to use Mr Skelton's phrase, and the location of the platform and its curtilage within a depressed area of the site will result in a building being nestled into the site. We do not consider that the development will result in a degradation of the natural values of the landscape.

### Positive Effects

55. The proposal includes the removal of existing wilding conifers on the site and their replacement with native species. Other positive effects will generally accrue to the Applicant.

### ***Traffic Generation and Vehicle Movements, Parking and Access***

56. In his engineering report appended to the section 42A report, Mr Hopkins addressed the various transportation related matters associated with the proposal. We note that he is satisfied that the existing access complies with the relevant Council standards in terms of construction and sightlines and does not require any form of upgrade to serve the proposed development. We also note that Mr Hopkins is satisfied that the proposed location of the access to Lot 2 is suitable and that subject to appropriate conditions of consent, will be constructed in accordance with Council's standards. We accept this advice.
57. Mr Hopkins considered that the existing unformed road that is located predominantly within the legal road reserve that bisects the site is not formed to an appropriate standard to service the level of development proposed. He recommends the upgrade of this road/access up to the point where this will service proposed Lot 3, and that the responsibility for maintaining this access should be placed upon the individual lot owners given that no other public benefit will be achieved as a result of this upgrade. We note that Mr Woodward accepted this advice, and we agree with his view that the maintenance obligation of this access should be held with the individual Lot owners.
58. The Applicant proposes to form new driveways from the lot boundaries to the proposed building platforms, and provided cut/fill plans for the proposed accesses and confirmed that grades can be achieved in accordance with Council standards. We accept Mr Hopkins' recommendation that prior to the commencement of works, detailed design plans for the provision of access ways to the building platform on Lots 2-5 should be provided for approval in accordance with Council standards.
59. The addition of four new dwellings on the site will increase the traffic using Morven Ferry Road. Mr Woodward observed that given the location of the site at the entrance of Morven Ferry Road, any increase in traffic will terminate well before heading past any other residential properties. We agree that any adverse effects arising from additional traffic movements will be minimal.

### ***Infrastructure***

60. There is no public infrastructure in place that provides reticulated water or wastewater services to Morven Ferry Road, and on-site provision must therefore be made. Potable water supply is to be provided from any existing bore, and each lot will have access to the bore protected by easements. On site disposal of storm water and waste water is proposed, the Applicant proposes a condition that at the time a dwelling is constructed, static firefighting supply will be provided on each lot in accordance with the requirements of the NZ Fire Service and PAS SNZ4509:2008. Mr Hopkins considered that these services, along with power and telecommunication reticulation, can be provided and that standard conditions of consent can ensure that they are done so in accordance with the Council's standards, noting that the conditions of consent will require confirmation to the Council of how the water supply will be maintained and operated on an ongoing basis.
61. On the basis of this advice, we are satisfied that appropriate services can be provided to the subdivision in accordance with the Councils standards.

### ***Earthworks***

62. The proposal involves earthworks for the purposes of establishing the access for proposed Lot 2 as well as to facilitate the establishment of landscape mounds throughout the proposed development sites. We note that Mr Hopkins raises no concerns with respect to the earthworks provided that recommended conditions of consent requiring appropriate sediment control measures and a site management plan are adopted. We accept this advice.

### ***Contaminated land***

63. The section 42A report identified that the applicant has submitted a PSI prepared by Opus Consultants Ltd, which concludes that the piece of land in which the proposed residential building platform and associated curtilage areas will be located are not subject to any present or historical HAIL activities. The PSI also acknowledges the location of a mobile sheep spray unit that has not been operational for approximately 35 years. In this regard, the PSI confirms that the site contains a piece of land which is classified as a HAIL site under the NES.
64. On this basis, Mr Woodward was concerned to ensure that proposed Lot 4 and associated curtilage area, being located within 100 metres of the identified HAIL piece of land, is not potentially subject to contamination. He considered that the lack of preliminary sampling means that the application does not provide a conclusive argument that there is no risk to human health on proposed Lot 4. In addition, it is difficult to understand how the 'piece of land' in terms of the boundaries has been determined.
65. In response, Ms Allen considered in her evidence that the s42A report incorrectly concluded that the land would have a low to medium risk to human health and that Lot 4 could be at risk from contamination.
66. Ms Allen considered that the Opus report provided with the application clearly identified the area of the site subject to the HAIL activities and that the risk within that area would be considered low to medium. She stated that the risk is confined to activities within the HAIL area, and tabled a further memorandum from Opus that confirmed any risk beyond the area identified as the piece of land subject to the HAIL area is highly unlikely to be of any risk to human health.
67. We also note that the building platform on Lot 4 is elevated above the HAIL area, and agree with the Opus memorandum that it is highly unlikely that there would be a risk to human health should the subdivision and land use change on Lot 4 occur with respect to any potential migration of contaminants. Any ground disturbance on Lot 4 is considered to be unlikely to pose a risk to human health. On this basis, given that the NES applies to subdivisions, we consider that it is appropriate to grant consent for a discretionary activity under the NES.

### ***Natural Hazards***

68. The section 42A report records that the withdrawal of the Arrow Irrigation Race submission came after the applicant's agreement to pipe the parts of the race traversing the property. We accept Mr Hopkins' advice that this appropriately addresses any flooding concern. We also accept Mr Hopkins' assessment that there will be no rockfall hazard affecting the site.

### ***Subdivision Design and layout***

69. We agree with Mr Denney's assessment that the boundaries of the proposed allotments will be consistent with the convoluted nature of the existing landscape context with an existing fragmented pattern of planting and so would not give rise to arbitrary lines within the landscape. We also consider that an appropriate area of open space is provided between Lots 1 and 5 to retain the pastoral character of the site.

### ***Positive Effects***

70. The positive effects of the proposal are largely related to the removal of the pines species on Lot 3, and their replacement with appropriate species.

### ***Summary of Effects***

71. Overall, having considered the evidence pre-circulated and presented at the hearing, the application and supporting reports, the submissions and the additional evidence provided subsequent to the hearing, we are satisfied that the adverse effects of the proposed activity will not be significant. We consider that conditions of consent can be imposed that will be sufficient to ensure that any adverse effects are appropriately avoided, remedied or mitigated. We record at this point that we also consider that this development will result in a threshold being reached whereby further development is unlikely to be able to be absorbed into the landscape in this part of the district.

### **Objectives and Policies of the Relevant District Plans**

72. We have considered the detailed assessments of the objectives and policies of the relevant Plans as set out in the Application, the section 42A report and the evidence of the planning experts.
73. Mr Woodward's assessment of the Operative and Proposed District Plans drew upon Mr Denney's landscape assessment, in which he originally considered that the proposal was unacceptable. Mr Denney and Mr Woodward both conceded at the hearing that the site could accommodate some development. To that end, we have considered their assessments in light of their view that some development is appropriate. We have also earlier expressed the view that we agree with Mr Todd that removing two lots would not achieve anything given that many of the effects are internal to the site. Given that we are satisfied that the effects of the proposal will not be significant, we prefer the planning evidence of Ms Allen in respect of the assessment of the relevant planning instruments. We acknowledge in this regard that Mr Woodward's view changed during the hearing such that he considered some development was appropriate.
74. We agree with Ms Allen's summation that the proposal is consistent with the Operative District Wide and Rural General Objectives and Policies, given that the proposal is located in an area where it can be absorbed into the landscape, and that any adverse effects on neighbouring properties can be mitigated by the existing and/or proposed landscaping. We also note that these neighbours have provided written approval and these effects can be disregarded.
75. We acknowledge that we are to have regard to the provisions of the Proposed District Plan. We consider that it can only be given minimal weight given that hearings have yet to be completed and decisions made. Notwithstanding this minimal weighting, we accept Ms Allen's view that the proposal is consistent with the relevant provisions within the Proposed District Plan.
76. Overall, we are satisfied that the proposal is consistent with the relevant Objectives and Policies of the relevant planning instruments.

### **Other Matters**

#### ***Precedent***

77. We are satisfied that there will not be a precedent arising from this proposal. The proposal is for a discretionary activity, and the subdivision has been designed to be accommodated within the particular topography of the site. We do not consider that this decision raises any precedent issues. As noted in earlier parts of this decision, we consider the threshold for development in this part of the district is likely to have been reached.

## Part 2 Matters

78. Section 5 states that the purpose of the Resource Management Act is “to promote the sustainable management of natural and physical resources”. “Sustainable management” means 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 wellbeing 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 effects of activities on the environment.
79. Section 6(b) considers the protection of outstanding natural landscapes for inappropriate subdivision and development to be a matter of national importance. We have considered the effects of the proposal on the portion of the site that is located within an ONL and are satisfied that the integrity of the ONL will not be adversely affected. We therefore consider that the proposal is consistent with section 6(b).
80. Section 7 requires that we have particular regard to a range of matters, including the efficient use of natural and physical resources (s7(b)), the maintenance of amenity values (s7c)), and the maintenance of the quality of the environment (s7(f)). We are satisfied that the evidence presented on behalf of the Applicant has demonstrated that these matters are appropriately addressed.
81. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
82. For the reasons set out in this decision, we consider the application is be consistent with relevant matters in Part 2 of the Act, and overall will achieve the purpose of the Act.

## Determination

83. Consent is sought to subdivide an existing site at 87 Morven Ferry Road, comprising two lots, into 5 residential lots. Each lot will contain a residential building platform, including one around an existing dwelling.
84. Overall, the activity was assessed as a discretionary activity under sections 104 and 104B of the Act.
85. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. We consider that the adverse effects of this application can be appropriately avoided, remedied or mitigated, and that the proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans.
86. Accordingly, we determine that consent be granted pursuant to sections 104 and 104B of the Act subject to the attached conditions which are imposed under sections 108 and 220 of the Act.
87. Dated at Queenstown this 31<sup>ST</sup> day of January 2017.



Andrew Henderson

For the Hearings Commission

## General Conditions

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

a) Landscape plans prepared by Baxter Design and detailed as follows:

Plan Title	Drawing / Issue No.	Date
Guthrie Morven Ferry Road Masterplan	2430	28 Nov 2016
Guthrie Morven Ferry Road Vegetation Management Plan	2430	27 Oct 2016
Guthrie Morven Ferry Road Lot 3 Planting Plan	2430	27 Oct 2016
Guthrie Morven Ferry Road Design Controls	2430	27 Oct 2016

b) Survey plans prepared by Clark Fortune MacDonald & Associates and listed in the following table. It is noted that the survey plans above have not been updated to include amendments to Lot 5 or the curtilage area of Lot 3. Please refer to the Baxter Design Group Masterplan listed above for the approved layout.

Plan Title	Drawing / Issue No.	Date
Lots 1-5 being a proposed subdivision of Lots 1-3 DP 344972	12036 02_01	19 Feb 2016
Proposed Earthworks	12036 04_01	12 July 2016
Proposed Earthworks-- Lot 3 Access	12036 04_02	19 Feb 2016

c) Opus Plan "Figure 4: Location of 'Piece of land' and development platforms nearby Ref 6-XZ297.00, dated July 2016

**stamped as approved on 31 January 2017** and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:  
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivisioncode-of-practice/>*



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

4. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council 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 Council's road reserve.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 2-5 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - b) The upgrading of the existing farm track to Lots 1 & 3-5 to comply with Council minimum standards. Specifically the surface shall be a minimum 3.5 m of 150 mm depth AP40 gravel, provision shall be made for overtaking, and provision shall be made for stormwater runoff and disposal.
  - c) The provision of a vehicle crossing to Lot 3-5 from the access upgraded under Condition 3b in terms of Diagram 2, Appendix 7 of the District Plan. This shall be surfaced in a minimum 150 mm depth of compacted AP40 gravel with provision made to continue any roadside drainage.
  - d) The provision of a vehicle crossing to Lot 2 from Morven Ferry Road to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes. Provision shall be made to continue any roadside drainage.
  - e) The formation of a vehicle access way (driveway) from the vehicle crossing accessing Lots 2-5 to the building platform on the lot, in accordance with Council's standards. The access way to the platform on Lot 3 shall include a suitable culvert to convey the expected 100yr flows from the ephemeral stream from the hill slopes above.

- f) The piping of the existing Arrow Irrigation Water Race through Lots 3-5 as shown on the Baxter Design Group Masterplan Ref: 2430 dated the 28 Nov 2016. The piping of the water race shall not alter its ability to capture flows from the ephemeral stream on Lot 3. Where required, this stream shall be redirected or piped to ensure the race capture these flows and flooding of the Lots will not occur.
- g) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

***To be monitored throughout earthworks***

- 8. No permanent batter slope within the site shall be formed at a gradient that exceeds 2 (horizontal) in 1 (vertical) except as otherwise designed by a suitably qualified and experienced professional.
- 9. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 10. No earthworks, temporary or permanent, are to breach the boundaries of the site.

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

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

***To be completed prior to issue of the s224(c) Certificate***

*Landscaping*

- 12. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, all mitigation planting and mounding as identified on the Baxter Design Landscape Plans identified in Condition 1(a) shall be fully implemented. All such areas shall also be fully irrigated.

*Engineering*

- 13. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision to the Subdivision Planner at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots) and Water (including private laterals and toby positions).

- b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The consent holder shall provide an "as-built" plan of the location of the piped water race to Council and The Arrow Irrigation Company. A copy of this will be placed on file with Council to inform any future ground works on the lots.
  - d) The completion and implementation of all certified works detailed in Condition (7) above.
  - e) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the water supply that clearly demonstrate compliance with the Drinking Water Standards for New Zealand 2005 (Revised 2008). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.co.nz/mohlabs/labmain.asp>).
  - f) In the event that the test results required in Condition 13(e) above show the water supply does not conform to the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Subdivision Planner at Council for review and certification. The water treatment report shall contain full details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:
    - i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.
- OR
- ii) A consent notice shall be registered on the relevant Computer Freehold Registers for the lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the dwelling an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM160571 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
  - g) The consent holder shall provide for the approval of the Subdivision Planner at Council evidence as to how the water supply will be monitored and maintained on an ongoing basis.
  - h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on Lots 2-5 and that all the network supplier's requirements for making such means of supply available have been met.

- i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the building platform on Lots 2-5 and that all the network supplier's requirements for making such means of supply available have been met.
- j) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads and Water. The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- k) All exposed earthwork areas shall be top-soiled and grassed/revegetated.
- l) 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/Consent Notices**

#### *Engineering Consent Notice Conditions*

14. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) The ongoing maintenance of the access located within the Council paper road from Morven Ferry Road to Lots 1 & 3-5 is the responsibility of the lot owners and not QLDC.
  - c) At the time a dwelling is erected on Lots 2-5, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
  - d) At the time a dwelling is erected on Lots 2-5 the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The proposed wastewater system shall be subject to Council for prior to implementation and shall be installed prior to occupation of the dwelling.
  - e) At the time a dwelling is erected on Lots 2-5, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided.

Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service 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 QLDC's standards for rural roads (as per QLDC'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 Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method. The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

#### *Landscape Consent Notice Conditions*

15. If any tree to be retained (as identified on the Baxter Design Group Masterplan Ref 2430 dated 28 Nov 2016) located within the legal road that dissects the site, or along the Morven Ferry Road Boundary needs to be removed by a third party, dies or becomes diseased, then it will be replanted as a row of trees within the adjoining lot. The replacement tree(s) will be an appropriate rural character tree species that would reach a similar height of 3m or more. For example if the trees along the legal road adjoining Lot 5 need to be removed for any reason then a row of trees will be replanted inside and along that part of the road boundary of Lot 5 to achieve a similar effect.
16. On Lots 1 and 5 the land to the north east of the curtilage areas adjoining Morven Ferry Road (as identified on Baxter Design Group Masterplan Ref 2430 dated 28 Nov 2016) shall be maintained as open pasture. Management shall be by grazing or mowing (for hay or baleage) only. No buildings shall be constructed within this area nor shall trees be planted that are not present within the area at the date of commencement of this consent. This shall not preclude the construction of post and wire or post and netting fences for the management of stock.
17. Within six months of granting of consent, pines will be cleared from the proposed planting areas on Lot 3.
18. In the first planting season following the granting of consent, the planting shown as Planting Area A and Context Planting in the Baxter Design, Lot 3 Planting Plan shall be undertaken.
19. The planting shown as Planting Area B on the Baxter Design, Lot 3 Planting Plan shall be undertaken in the first planting season following the construction/upgrading of the proposed road.

20. No building shall occur on Lot 3 until a dense and consistent vegetative cover has been achieved to a height of 3m within the areas of planting shown on the Baxter Design Lot 3 Planting Plan Area A and has been certified by the Manager: Planning Practice at Council.
21. Three years following the successful establishment of Planting Area A and the Context Planting as shown on the Baxter Design, Lot 3 Planting Plan, all remaining pines on site may be cleared or selectively felled so long as the outcome does not result in reducing the canopy cover to a point where the ground appears bare or the platform and curtilage area is readily visible from the Crown Range Road or State Highway 6 near Arrow Junction (noting the RBP will not be visible from SH6).
22. The cleared area of pines referred to in Condition 21 may be revegetated in appropriate vegetation as shown on the Baxter Design, Vegetation Management Plan or maintained in grazed or mown pasture.
23. All planted vegetation shall be irrigated and kept free of pests and woody weeds. If any plant should die or become diseased it will be replaced with the same species or a similar appropriate indigenous species. All replacement trees are to be planted at a grade of no less than 1.5m in height.
24. Domestic structures, including but not limited to vehicle parking areas, pergolas, clotheslines, barbeque areas, garden sheds, pools, external lighting, lawns, domestic ornamental planting and gardens and any other domestic structures shall be contained within the curtilage area as defined on Baxter Design Group Masterplan Ref 2430 dated 28 Nov 2016.
25. All external lighting shall be located within the curtilage area, and be down lighting only and shall be located so as not to create light spill beyond the boundaries of the curtilage area. Lighting attached to buildings shall not exceed 3m in height above adjacent ground, and all other lighting not attached to a building shall be no higher than 1m above surrounding ground. Lighting shall not be used to highlight built form, landscape features or trees visible from beyond the property.
26. Any entranceway structures from the property boundary shall be to a height of no more than 1.2m, and shall be constructed of natural materials such as unpainted timber, steel or schist stone so as to not be visually obtrusive (monumental) and consistent with traditional rural elements and farm gateways.
27. Access drives shall be gravel of a local Wakatipu stone and exclude concrete kerb and channels to maintain the rural character, except that steep lengths of the Lot 3 driveway may be constructed in chip seal.
28. Fencing, including fencing around curtilage areas, shall be standard post and wire (including rabbit proof fencing), deer fencing or timber post and rail consistent with traditional farm fencing. Alternative fencing may be constructed within the curtilage area only.
29. The maximum height of any structure within the building platform above ground level shall be:  
  
Lot 2 - 7.0m  
Lot 3 – 5.0m  
Lot 4 – 7.0m  
Lot 5 – 5.0m

Where mono-pitch roofs are included on Lots 2 and 4, the building height shall be restricted to 5.5m above ground level.

30. The maximum building footprint within the designated building platform on Lots 2 – 5 is limited to 60% of the area of the building platform.
31. The following design controls shall apply to any buildings constructed on the building platforms within Lots 2,4 and 5:
- a) All exterior colours to have a LRV of less than 36% (this does not apply to soffits);
  - b) Roofs to be in a dark recessive colour with an LRV of less than 27%
  - c) No more than three colours proposed
  - d) Building cladding shall be limited to the following materials:
    - Natural Stone
    - Rendered plaster in a natural dark colour
    - Earth brick or clay brick in a dark or natural colour
    - Natural concrete
    - Coloursteel or similar (limited to no more than 30% of the primary buildings not including sheds or garages)
    - Steel tray
    - Timber board and batten or weatherboard
    - An alternative material that mimics weatherboard
  - e) Roofing materials shall be:
    - Colorsteel or similar (matt finish to avoid potential glare)
    - Vegetated / grassed
    - Cedar shakes or similar
    - Pressed metal tiles
    - Concrete tiles
    - Membranes
32. The following design controls shall apply to any buildings constructed on the building platform within Lot 3:
- a) All exterior colours to have a LRV of less than 22%
  - b) No more than three colours proposed
  - c) Building cladding shall be one of the following materials:
    - Natural Stone
    - Rendered plaster in a natural dark colour
    - Earth brick or clay brick in a dark or natural colour
    - Steel tray
    - Timber board and batten or weatherboard
    - An alternative material that mimics weatherboard
  - d) Roofing materials shall be:
    - Colorsteel or similar (matt finish to avoid potential glare)
    - Vegetated / grassed
    - Cedar shakes or similar
    - Pressed metal tiles
    - Concrete tiles

- Membranes

Change in cladding material to take place only at an internal corner. Buildings shall be a maximum of three materials.

*Site Contamination*

33. No person shall disturb any soil in the area identified as the HAIL site in the Opus Plan "*Figure 4: Location of Piece of land*" (**stamped as approved and attached to this decision**) from the Preliminary Site Investigation Report (July 2016) submitted with the application, that is located partially within Lots 3 and 4 (around the existing sheds on Lot 4), for any activity that may result in ingestion or inhalation of contaminants unless:

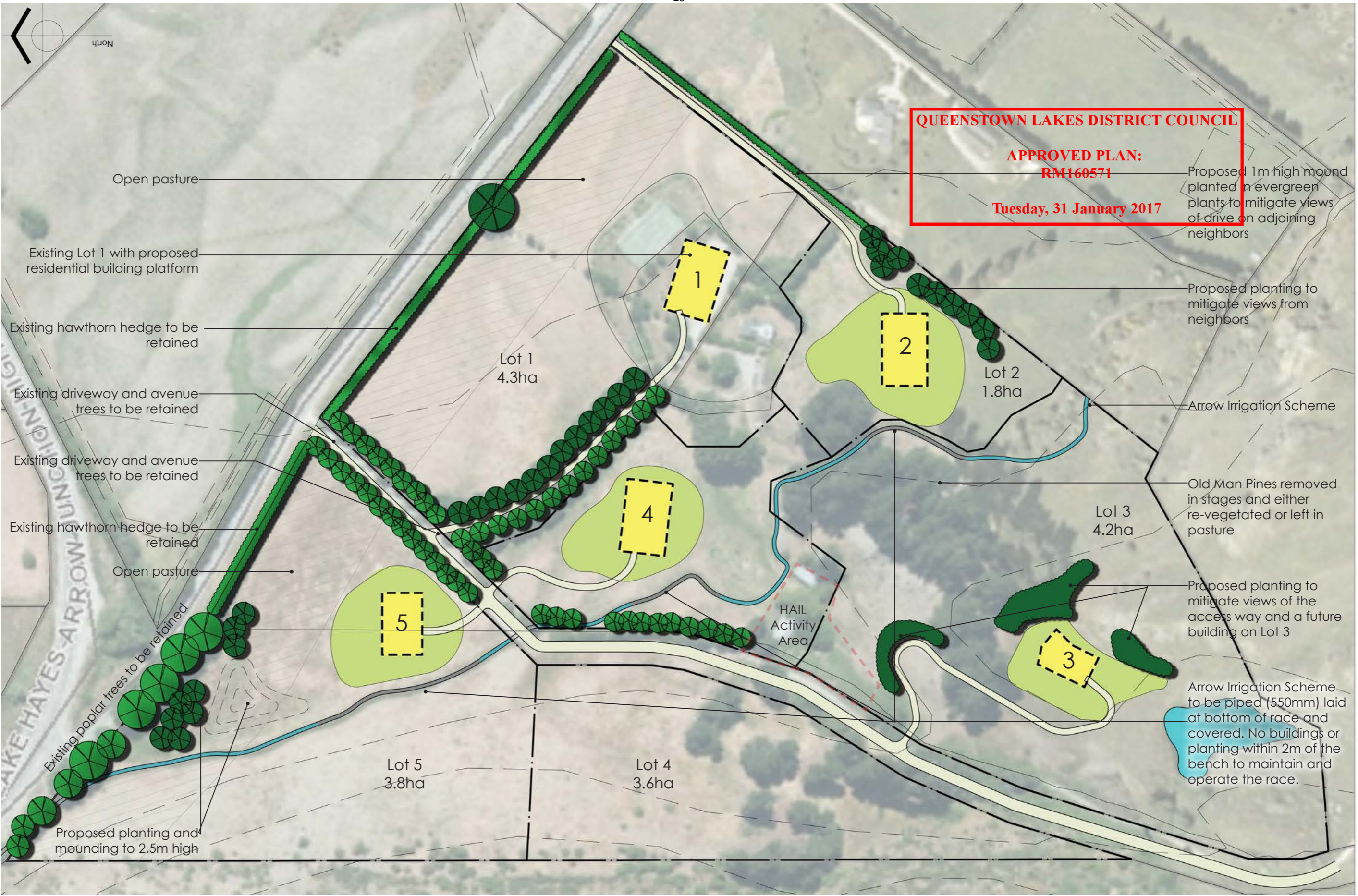
- A Detailed Site Investigation is completed, and
- The Detailed Site Investigation confirms that the area is not subject to contaminants in the soil above the soil contaminant standards in accordance with the National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health, and
- Any such report shall be submitted to council.

It is noted that any vegetable gardens, domestic gardens and play equipment are restricted to the curtilage area under condition 24 above.

**Advice Note:**







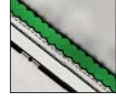

1. The consent holder is reminded the drinking water supply is to be monitored for compliance with the Drinking Water Standard for New Zealand 2005 (revised 2008) on a periodic basis and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the lot owners shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand are met or exceeded.
2. This consent triggers a requirement for Development Contributions. Please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
3. Works on the Arrow Irrigation water race will need to be coordinated with the Arrow Irrigation Company to ensure acceptance of design and that works do not impact on the provision of this supply to downstream users.







**Key**

-  Existing Poplar trees to be retained
-  Existing large evergreen tree to be retained.
-  Existing birch trees to be retained. If within road reserve and removed, an appropriate alternative trees will be planted within the site boundaries
-  Existing Douglas fir trees to be retained. May be removed and replaced with appropriate evergreen trees.
-  Proposed Mountain Beech trees (*Fuscospora cliffortioides*) at 1.5m high planted as shown. QTY 19.
-  Proposed indigenous mitigation planting (see planting plan)
-  Proposed planting atop mound along drive (see notes below).
-  Area of staged pine removal (see notes below).

**Notes:**

**Balance of land** to be in mown or grazed pasture.

**Existing pines** on Lot 3 to be removed in stages. This area to be maintained in mown or grazed pasture or re-vegetated in indigenous vegetation from the following list.

- |  |  |
|--|--|
| Black Beech, <i>Fuscospora solandri</i>          | Tree Daisy, <i>Oleria lineata</i>          |
| Mountain Beech, <i>Fuscospora cliffortioides</i> | Marbleleaf, <i>Carpodetus serratus</i>     |
| Broadleaf, <i>Griselinia littoralis</i>          | Lancewood, <i>Pseudopanax crassifolius</i> |
| Black Matipo, <i>Pittosporum tenuifolium</i>     | Mountain Flax, <i>Phormium cookianum</i>   |
| Lacebark, <i>Hoheria sextylosa</i>               | Mini Toe Toe, <i>Chionochloa flavicans</i> |
| Manuka, <i>Leptospermum scoparium</i>            | Hebe, <i>Hebe salicifolia</i>              |
| Tree Fuchsia, <i>Fuchsia excorticata</i>         | Snow tussock, <i>Chionochloa rigida</i>    |
| <i>Coprosma</i> sp.                              | Rock Daisy, <i>Pachystegia insignis</i>    |
| <i>Corokia cotoneaster</i>                       |  |

**Boundary planting** on the mound along south eastern boundary to be composed of the following species:

- Broadleaf, *Griselinia littoralis*
- Pittosporum tenuifolium*
- Coprosma* sp.
- Corokia cotoneaster*
- Tree Daisy, *Oleria lineata*
- Marbleleaf, *Carpodetus serratus*
- Lancewood, *Pseudopanax crassifolius*
- Mountain Flax, *Phormium cookianum*
- Mini Toe Toe, *Chionochloa flavicans*
- Hebe, *Hebe salicifolia*



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**Tuesday, 31 January 2017**

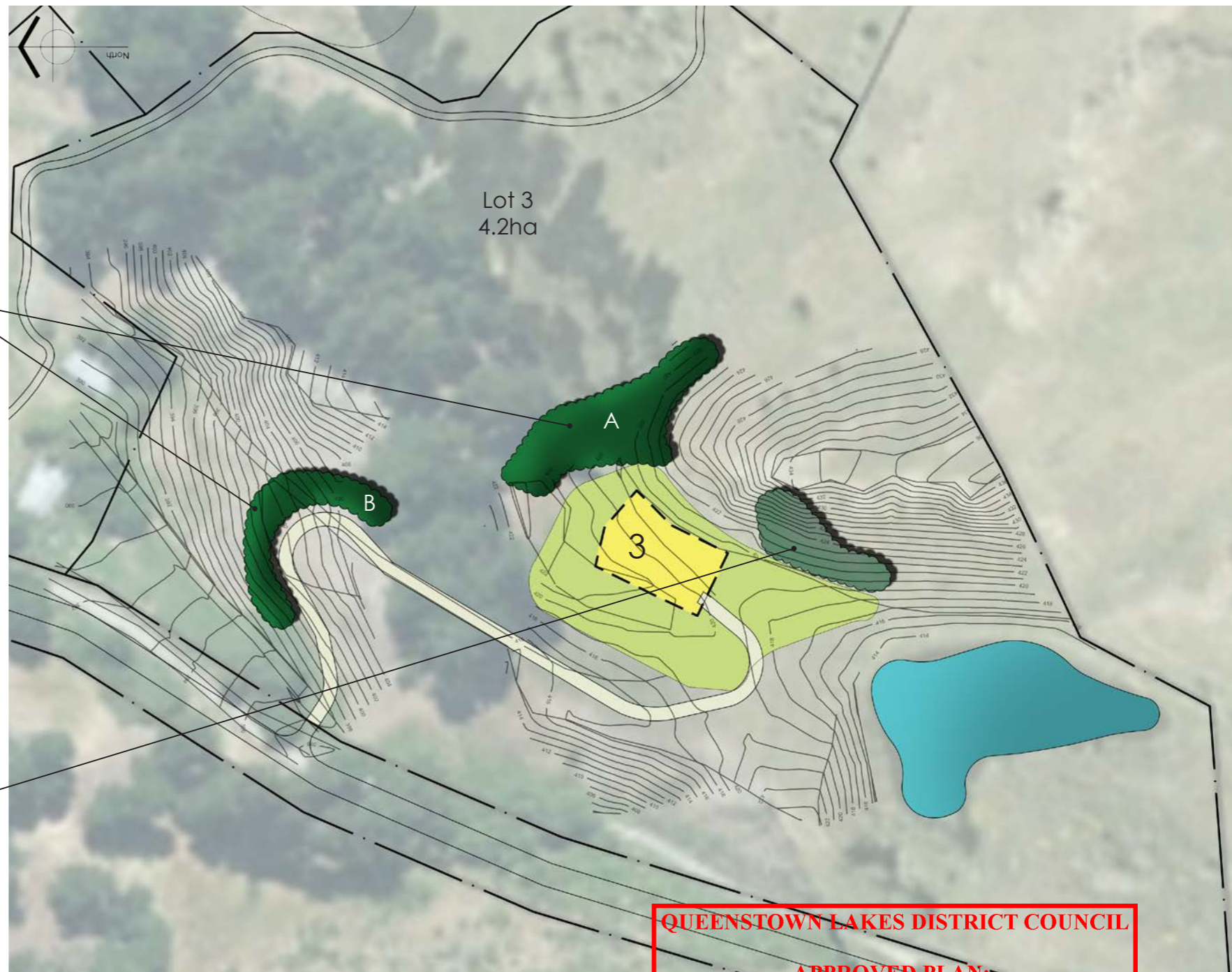
## Planting Schedule <sup>2</sup>

Screen planting A = 909m<sup>2</sup>, B = 521m<sup>2</sup>, Total : 1,430m<sup>2</sup>

Common Name	Botanical Name	Grade	Spacing	Percentage	Qty.
Mountain Beech	<i>Fuscopora cliffortioides</i>	Height of 1.5m	2m	40%	143
Broadleaf	<i>Griselinia littoralis</i>	PB8	2m	25%	89
Hebe	<i>Hebe Salicifolia</i>	PB12	1.5m	10%	63
Lacebark	<i>Hoheria sexstylosa</i>	PB12	1.5m	10%	63
Lancewood	<i>Pseudopanax crassifolius</i>	PB3	1.5m	5%	19
Small Leaved Tree Daisy	<i>Olearia lineata</i>	PB8	1.5m	10%	63

## Context Planting 421m<sup>2</sup>

Common Name	Botanical Name	Grade	Spacing	Percentage	Qty.
Coprosma	<i>Coprosma sp.</i>	PB4	1.5m	30%	56
Corokia	<i>Corokia cotoneaster</i>	PB4	1.5m	20%	37
Rock Daisy	<i>Pachystegia insignis</i>	PB4	1m	15%	63
Snow Tussock	<i>Chinochloa rigida</i>	PB4	700mm	5%	42
Mountain Flax	<i>Phormium cookianum</i>	PB4	1.5m	15%	28
Small Leaved Tree Daisy	<i>Olearia lineata</i>	PB4	1.5m	15%	28



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# Design Controls

## Overview:

The following controls will set the style and character of the site. They will ensure future buildings will be in character with the rural environment, will be appropriately recessive and that landscape treatments will be complimentary to the landscape.

## Building Controls:

### Building height, form and scale

- All residential structures shall be contained within the Building Platform for each Lot.
- The maximum height of any structure within the building platform on **Lots 2 and 4** shall be 7.0m above existing ground level.
- The maximum height of any structure within the building platform on **Lot 3 and 5** shall be 5m above existing ground level.
- Where 'mono-pitch' roofs are included on **Lots 2 and 4**, the building height shall be restricted to 5.5 metres above existing ground level.
- The maximum building footprint within the designated building platform is limited to 60% of the area of the building platform.

### Building exterior materials:

#### Lots 2,4 and 5

Building cladding to be:

- Natural stone,
- Rendered plaster in a natural dark colour,
- Earth brick or clay brick in a dark or natural colour.
- Concrete,
- Colorsteel or similar (no more than 30 percent of primary buildings not including sheds or garage),
- Steel tray,
- Timber board and batten or weatherboard,
- an alternative material that mimics timber weatherboard.

#### Lot 3

Building cladding to be:

- Natural stone,
- Rendered plaster in a natural dark colour,
- Earth brick or clay brick in a dark or natural colour.
- Steel tray,
- Timber board and batten or weatherboard,
- an alternative material that mimics timber weatherboard.

Change in cladding material to take place only at an interior corner. Buildings be a combination of a maximum of three materials.

### Roofing:

- Colorsteel of similar,
- Vegetated / grassed,
- Cedar shakes (or similar),
- Pressed metal tiles,
- Concrete tiles,
- Membrane.



### Building exterior colours:

#### Lots 2,4 and 5

- All exterior colours to have an LRV of less than 36%.
- Roofs to be in a dark recessive colour with an LRV of less than 27%
- No more than three colours allowed.

#### Lot 3

- All exterior colours to have an LRV of less than 22% and be within the natural hues of browns, grays and greens
- No more than two colours allowed.

### Landscape Controls:

- All lot fencing shall be in post and wire or other typical rural fence only. Alternative fencing may be constructed within the curtilage area only.
- Entry and entrance gates off Morven Ferry Road shall be simple stone and / or timber, or post and wire gates. Entry gates shall be designed to fit in with the rural setting, and shall not be over 1.2m in height.
- There shall be no driveway or road lighting.
- Landscape lighting is permitted within 10m of the dwelling only and shall be down-lit, no more than 500mm in height.
- The driveways shall generally be constructed in gravel without a kerb and channel except that the steep lengths of the **Lot 3** driveway that has a gradient of 1 in 6 may be constructed in chip seal.

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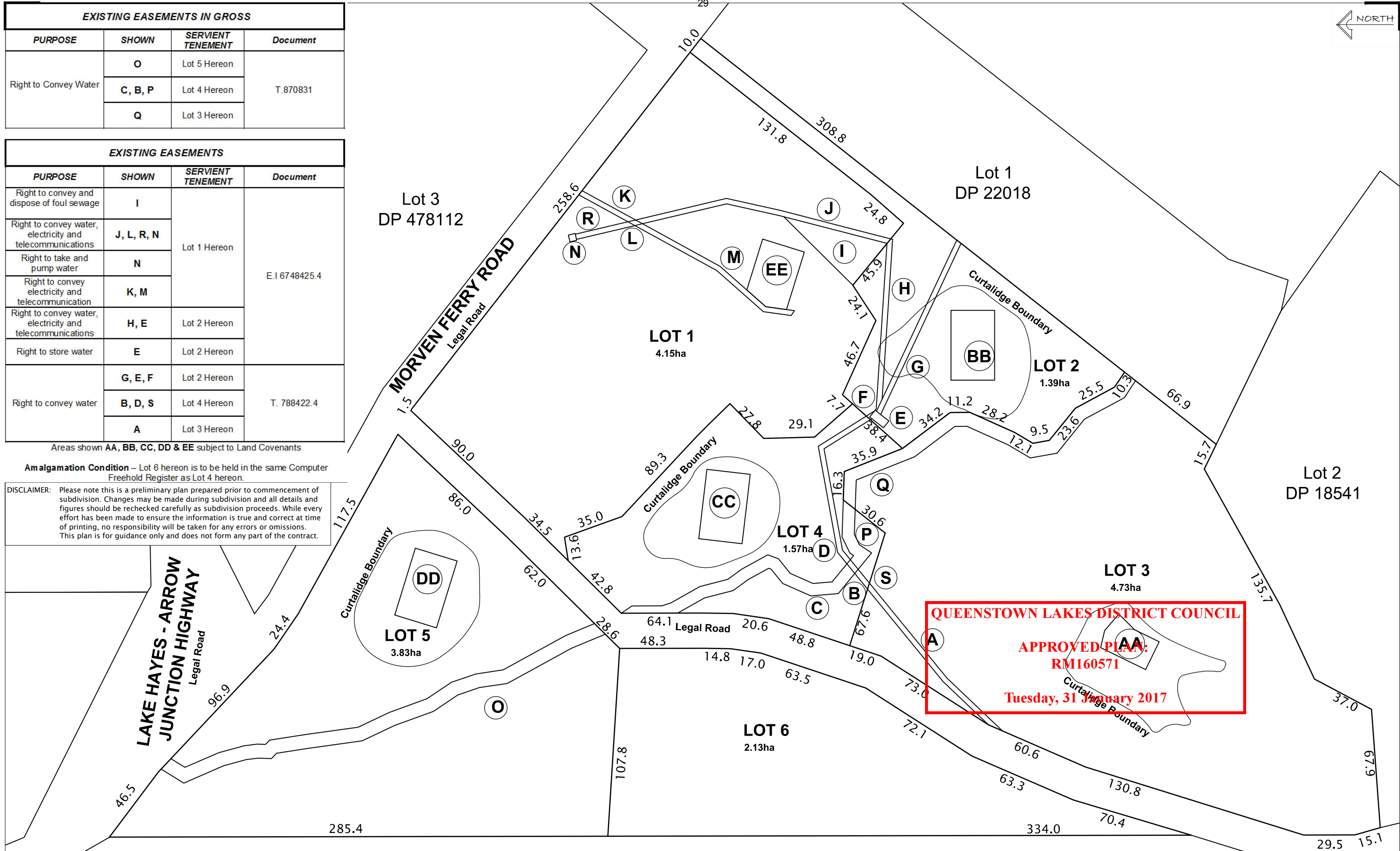
EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	Document
Right to Convey Water	O	Lot 5 Hereon	T.870831
	C, B, P	Lot 4 Hereon	
	Q	Lot 3 Hereon	

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	Document
Right to convey and dispose of foul sewage	I	Lot 1 Hereon	E.1 6748425.4
Right to convey water, electricity and telecommunications	J, L, R, N		
Right to take and pump water	N		
Right to convey electricity and telecommunication	K, M	Lot 2 Hereon	T. 788422.4
Right to convey water, electricity and telecommunications	H, E		
Right to store water	E	Lot 2 Hereon	
Right to convey water	G, E, F	Lot 2 Hereon	T. 788422.4
	B, D, S	Lot 4 Hereon	
	A	Lot 3 Hereon	

Areas shown AA, BB, CC, DD & EE subject to Land Covenants

**Amalgamation Condition** – Lot 6 hereon is to be held in the same Computer Freehold Register as Lot 4 hereon.

**DISCLAIMER:** Please note this is a preliminary plan prepared prior to commencement of subdivision. Changes may be made during subdivision and all details and figures should be rechecked carefully as subdivision proceeds. While every effort has been made to ensure the information is true and correct at time of printing, no responsibility will be taken for any errors or omissions. This plan is for guidance only and does not form any part of the contract.



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CLIENT REVIEW 2.03.16

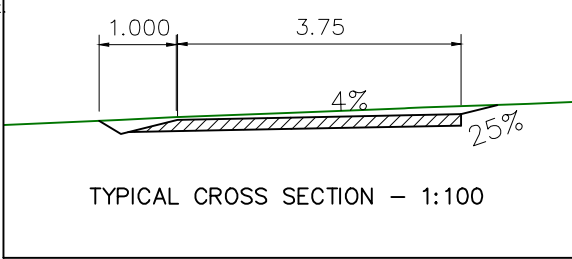

**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
 Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	16.5.16	Add Curtilage Areas	CRW

**LOTS 1 - 5 BEING A PROPOSED  
SUBDIVISION OF LOTS 1 - 3 DP 344972**

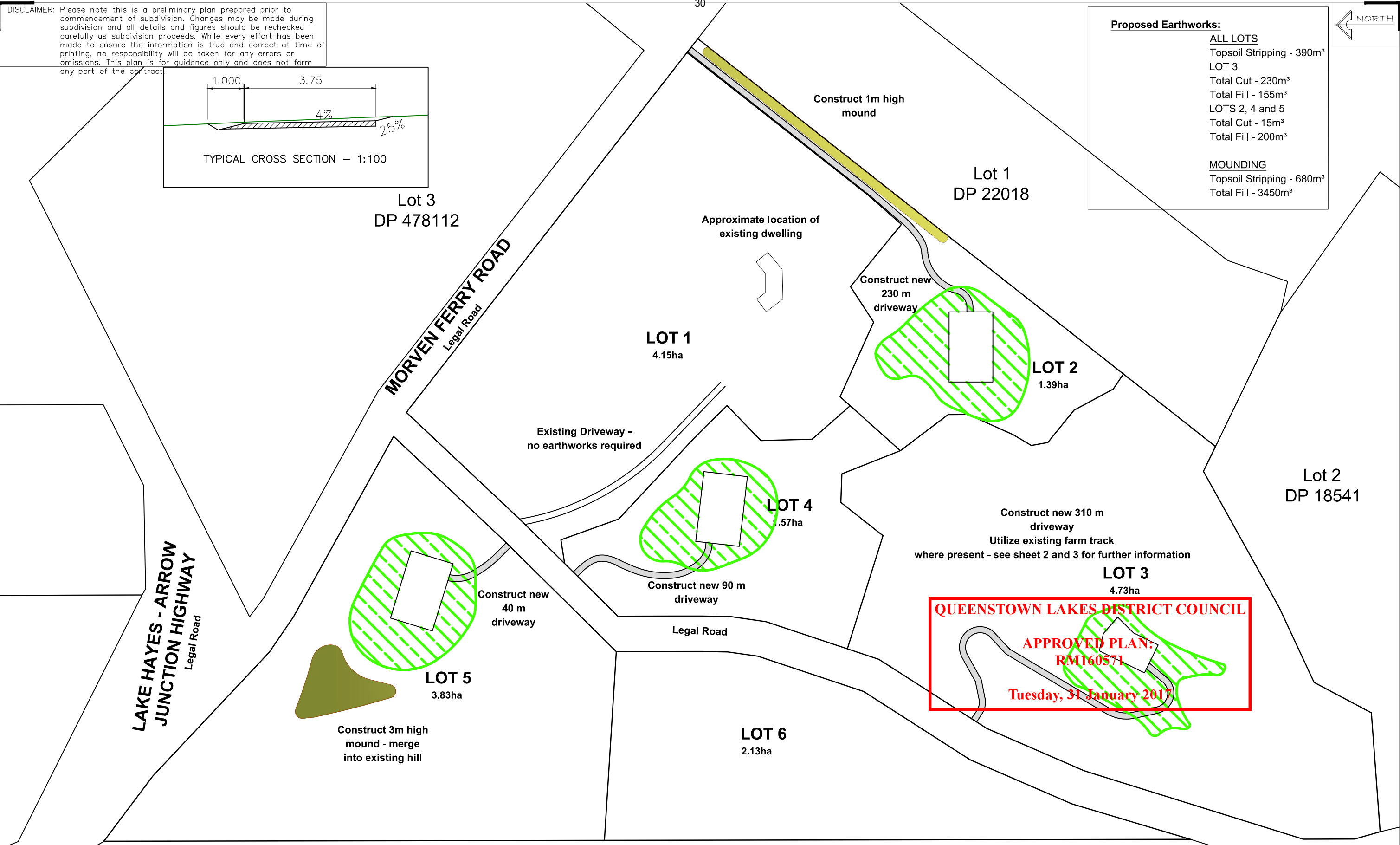
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M GUTHRIE				12036	02_01
	Drawn	Signed	Date	Scale	
	CRW		19.2.16	1:1000 @ A1	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000	A

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**Proposed Earthworks:**

<b>ALL LOTS</b>	
Topsoil Stripping	- 390m <sup>3</sup>
<b>LOT 3</b>	
Total Cut	- 230m <sup>3</sup>
Total Fill	- 155m <sup>3</sup>
<b>LOTS 2, 4 and 5</b>	
Total Cut	- 15m <sup>3</sup>
Total Fill	- 200m <sup>3</sup>
<b>MOUNDING</b>	
Topsoil Stripping	- 680m <sup>3</sup>
Total Fill	- 3450m <sup>3</sup>



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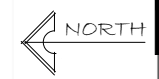
Rev.	Date	Revision Details	By
A	16.5.16	Add mounding	CRW
B	12.7.16	Add Lot 3 Access design	CRW

LOTS 1 - 5 BEING A PROPOSED  
 SUBDIVISION OF LOTS 1 - 3 DP 344972  
 PROPOSED EARTHWORKS

Client	M GUTHRIE	Surveyed	Signed	Date	19.2.16	Job No.	12036	Drawing No.	04_01
Drawn	CRW	Signed		Date		Scale	1:1000 @ A1		
Designed		Signed		Date		Datum & Level	Mt Nic 2000	Rev.	B

S:\JOBS\12000\12036\acad\12036\_03B\_Access.dwg Plotted: 12.08.2016

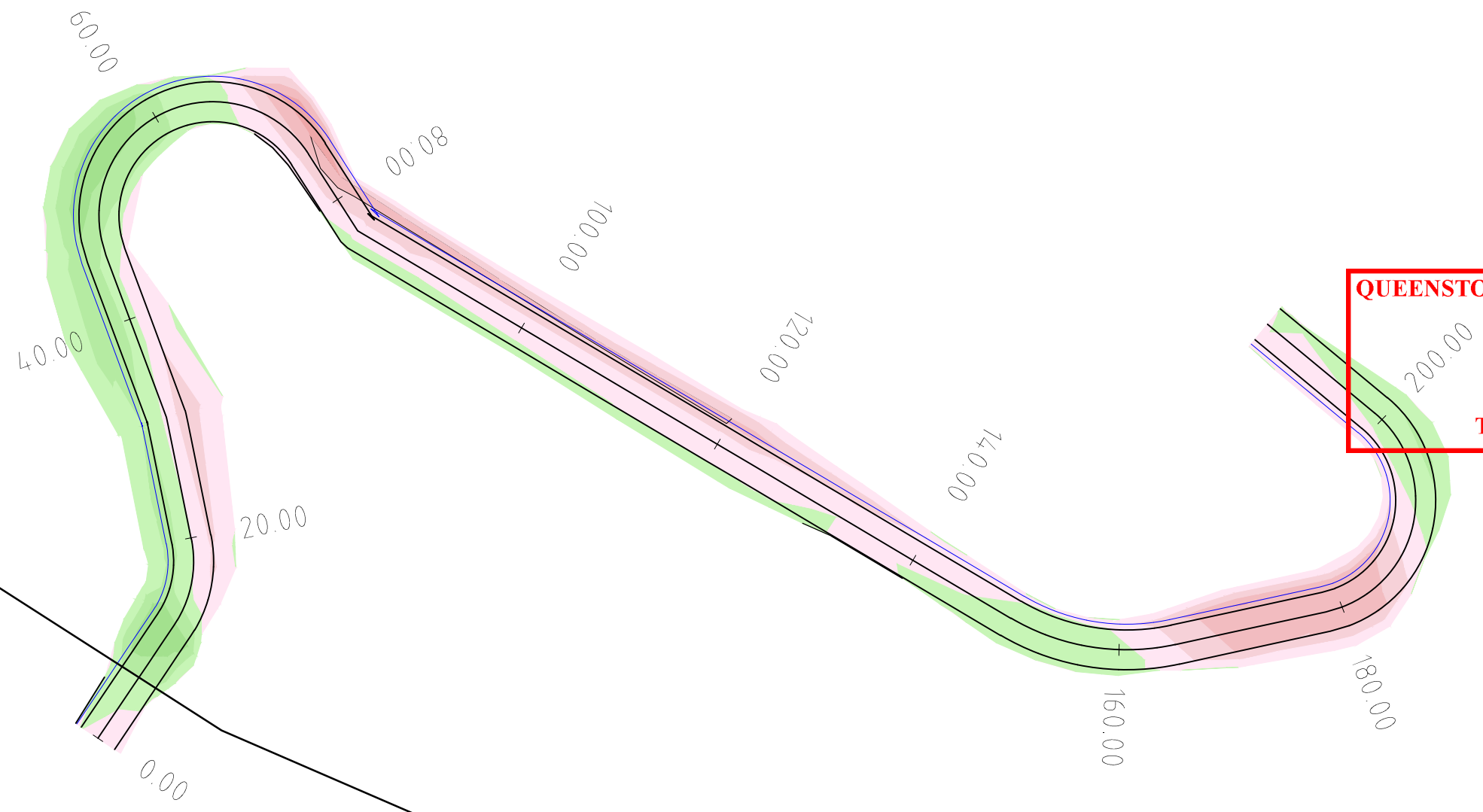
DISCLAIMER: Please note this is a preliminary plan prepared prior to commencement of subdivision. Changes may be made during subdivision and all details and figures should be rechecked carefully as subdivision proceeds. While every effort has been made to ensure the information is true and correct at time of printing, no responsibility will be taken for any errors or omissions. This plan is for guidance only and does not form any part of the contract.



### EARTHWORKS


- Below existing ground
  - 2m to -2.5m
  - 1.5m to -2m
  - 1m to -1.5m
  - 0.5m to -1m
  - 0m to -0.5m
- Above existing ground
  - 0m to 0.5m
  - 0.5m to 1m
  - 1m to 1.5m
  - 1.5m to 2m
  - 2m to 2.5m

**LOT 3**  
4.73ha



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Rev.	Date	Revision Details	By
A	16.5.16	Add moundings	CRW
B	12.7.16	Add Lot 3 Access design	CRW

LOTS 1 – 5 BEING A PROPOSED  
 SUBDIVISION OF LOTS 1 – 3 DP 344972  
 PROPOSED EARTHWORKS – Lot 3 Access

Client	Surveyed	Signed	Date	Job No.	Drawing No.
M GUTHRIE				12036	04_02
	Drawn	Signed	Date	Scale	
			19.2.16	1:250 @ A1	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000	B

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Figure 4: Location of 'Piece of Land' and development platforms nearby