

APPLICATION AS NOTIFIED

**M & S Lawn
(RM211203)**

Submissions Close

15th December 2022

FORM 12

File Number RM211203

QUEENSTOWN LAKES DISTRICT COUNCIL

PUBLIC NOTIFICATION

Notification of an application for a Resource Consent under Section 95A of the Resource Management Act 1991.

The Queenstown Lakes District Council has received an application for a resource consent from:

Martin Lawn and Suzanne Lawn

What is proposed:

Application for a 2 lot subdivision with the associated creation of one residential building platform

The location in respect of which this application relates is situated at:

108 Eastburn Road, Crown Terrace, Queenstown

The application includes an assessment of environmental effects. This file can also be viewed at our public computers at these Council offices:

- 74 Shotover Street, Queenstown;
- Gorge Road, Queenstown;
- and 47 Ardmore Street, Wanaka during normal office hours (8.30am to 5.00pm).

Alternatively, you can view them on our website when the submission period commences:

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#public-rc> or via our edocs website using RM211203 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Wendy Baverstock, Consultant Planner who may be contacted by phone at 027 220 2203 or email at wendy@isleland.co.nz.

Any person may make a submission on the application, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that –

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

If you wish to make a submission on this application, you may do so by sending a written submission to the consent authority no later than:

15th December 2022

The submission must be dated, signed by you and must include the following information:

- a) Your name and postal address and phone number/fax number.
- b) Details of the application in respect of which you are making the submission including location.
- c) Whether you support or oppose the application.
- d) Your submission, with reasons.
- e) The decision you wish the consent authority to make.
- f) Whether you wish to be heard in support of your submission.

You may make a submission by sending a written or electronic submission to Council (details below). The submission should be in the format of Form 13. Copies of this form are available Council website:

https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other_forms

You must serve a copy of your submission to the applicant (Martin Lawn and Suzanne Lawn, info@conceptbuilders.co.nz) as soon as reasonably practicable after serving your submission to Council:

Scott Freeman
scott@southernplanning.co.nz
Southern Planning Group
P O Box 1081
Queenstown

QUEENSTOWN LAKES DISTRICT COUNCIL



(signed by Andrew Woodford pursuant to a delegation given under
Section 34A of the Resource Management Act 1991)

Date of Notification: 17th November 2022

Address for Service for Consent Authority:

Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300

Phone
Email
Website

03 441 0499
rcsubmission@qldc.govt.nz
www.qldc.govt.nz



APPLICATION FOR RESOURCE CONSENT OR
FAST TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 of the Resource Management Act 1991 (Form 9)

PLEASE COMPLETE ALL MANDATORY FIELDS* OF THIS FORM.

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application may not be accepted for processing.



APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

*Applicant's Full Name / Company / Trust: **Martin & Suzanne Lawn**
(Name Decision is to be issued in)

All trustee names (if applicable):

*Contact name for company or trust: **Martin Lawn**

*Postal Address: **108 Eastburn Road, Crown Terrace, Queenstown**

*Post code:

*Contact details supplied must be for the applicant and not for an agent acting on their behalf and must include a valid postal address

*Email Address: **info@conceptbuilders.co.nz**

*Phone Numbers: Day

Mobile: **027 561 6209**

*The Applicant is:

☐

Owner

☐

Prospective Purchaser (of the site to which the application relates)

☐

Occupier

☐

Lessee

Other - Please Specify:



Our preferred methods of corresponding with you are by **email** and **phone**.
The **decision** will be sent to the Correspondence Details by **email** unless requested otherwise.



CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect please fill in your details in this section.

*Name & Company: **Scott Freeman (Southern Planning Group)**

*Phone Numbers: Day **03 409 0140**

Mobile: **021 335 998**

*Email Address: **scott@southernplanning.co.nz**

*Postal Address: **P O Box 1081
Queenstown**

*Postcode:



INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf.
For more information regarding payment please refer to the Fees Information section of this form.

*Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant:

☒

Agent:

☐

Other - Please specify:

Email:

☒

Post:

☐

*Attention: **Martin Lawn**

*Postal Address: **108 Eastburn Road, Crown Terrace,
Queenstown**

*Post code:

*Please provide an email AND full postal address.

*Email: **info@conceptbuilders.co.nz**



OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name:

Owner Address:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf.

*Please select a preference for who should receive any invoices.

Details are the same as for invoicing



Applicant:

☐

Landowner:

☐

Other, please specify:

*Attention:

*Email:

[Click here for further information and our estimate request form](#)



DETAILS OF SITE // Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

*Address / Location to which this application relates:

108 Eastburn Road, Crown Terrace, Queenstown

*Legal Description: Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)

Lot 20 DP 561087

District Plan Zone(s): Rural Zone/Wakatipu Basin Rural Amenity Zone



SITE VISIT REQUIREMENTS // Should a Council officer need to undertake a site visit please answer the questions below

Is there a gate or security system restricting access by council?

YES

☐

NO

☐

Is there a dog on the property?

YES

☐

NO

☐

Are there any other hazards or entry restrictions that council staff need to be aware of?

YES

☐

NO

☐

If 'yes' please provide information below

Please contact the applicant to arrange a site visit



PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☒

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



CONSENT(S) APPLIED FOR // * Identify all consents sought

☐

Land use consent

☒

Subdivision consent

☒

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

If your consent qualifies as a fast-track application under section 87AAC, tick here to opt out of the fast track process

☐

BRIEF DESCRIPTION OF THE PROPOSAL //

* Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

*Consent is sought to:

To subdivide the site to create two allotments



APPLICATION NOTIFICATION

Are you requesting public notification for the application?

☒

Yes

☐

No

Please note there is an additional fee payable for notification. Please refer to Fees schedule



OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

➔ <https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>

You can address the NES in your application AEE OR by selecting ONE of the following:

☐

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m³ per 500m²). Therefore the NES does not apply.

☐

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



OTHER CONSENTS // CONTINUED

☐

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

☒

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

☒ Any other National Environmental Standard

☐

Yes

☒

N/A

Are any additional consent(s) required that have been applied for separately?

☒ Otago Regional Council

Consents required from the Regional Council (note if have/have not been applied for):

☐

Yes

☒

N/A



INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

To be accepted for processing, your application should include the following:

☒

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants
(Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).

☒

A plan or map showing the locality of the site, topographical features, buildings etc.

☒

A site plan at a convenient scale.

☐

Written approval of every person who may be adversely affected by the granting of consent (s95E).

☒

An Assessment of Effects (AEE).

An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.



We prefer to receive applications **electronically** – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.



FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable **prior to issuing of the decision**. Payment is due on the 20th of the month or **prior to the issue date – whichever is earlier**.



FEES INFORMATION // CONTINUED

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

LIABILITY FOR PAYMENT – Please note that by signing and lodging this application form you are acknowledging that the details in the invoicing section are responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by QLDC related to the enforcement of any debt.

MONITORING FEES – Please also note that if this application is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991.

DEVELOPMENT CONTRIBUTIONS – Your development, if granted, may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](#) and ask to speak to our duty planner.

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.



PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g RMJONES

Applications already submitted: Please use the RM# reference that has been assigned to your application, this will have been emailed to yourself or your agent.

Please note processing will not begin until payment is received (or identified if incorrectly referenced).

- I confirm payment by:
- ☒ Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZNZ22)
 - ☐ Invoice for initial fee requested and payment to follow
 - ☐ Manual Payment (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

*Reference **Lawn**

*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

\$3000 - Non-complying Activities (overall consent status)



(For required initial fees refer to website for Resource Consent Charges or spoke to the Duty Planner by phoning 03 441 0499)

*Date of Payment **11/21/20**

Invoices are available on request

APPLICATION & DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.



If lodging this application as **the Applicant:**

I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

OR:



If lodging this application as **agent of the Applicant:**

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant / Agent whose details are in the invoicing section is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.



I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

Signed (by or as authorised agent of the Applicant) **

Full name of person lodging this form **Scott Freeman**

Firm/Company **Southern Planning Group**

Dated **18-11-21**

**If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.



Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;

Information provided within the Form above

- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

- (3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
 - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
 - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));



ASSESSMENT OF ENVIRONMENTAL EFFECTS

Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
 - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
 - (b) an assessment of the actual or potential effect on the environment of the activity;
 - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
 - (d) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
 - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
 - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
 - (g) 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;
 - (h) 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).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
 - (a) oblige the applicant to consult any person; or
 - (b) create any ground for expecting that the applicant will consult any person.

CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
 - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
 - (b) any physical effect on the locality, including any landscape and visual effects;
 - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
 - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
 - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
 - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

UNDER THE FOURTH SCHEDULE TO THE ACT:

- An application for a subdivision consent must also include information that adequately defines the following:
 - (a) the position of all new boundaries:
 - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
 - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
 - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
 - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
 - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
 - (g) the locations and areas of land to be set aside as new roads.

Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
 - Water supply
 - Wastewater supply
 - Stormwater supply
 - Reserves, Reserve Improvements and Community Facilities
 - Transportation (also known as Roding)

[Click here for more information on development contributions and their charges](#)

OR Submit an Estimate request *please note administration charges will apply



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that 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.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

While it is not essential that your documents are named the following, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants & Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report

**RESOURCE MANAGEMENT ACT 1991****NOTIFICATION UNDER SECTION 95A – VOLUNTEERED PUBLIC NOTIFICATION**

Applicant:	Martin Lawn and Suzanne Lawn
RM reference:	RM211203
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for Subdivision Consent to create 2 lots with one residential building platform. Proposed Lot 1 is 2.63 hectares in area and will contain a designated residential building platform that will contain a future residential unit. Proposed Lot 20 is 40.64 hectares in area and will contain an existing residential dwelling and a number of accessory and farm related building.
Location:	108 Eastburn Road, Crown Terrace, Queenstown
Legal Description:	Lot 20 DP561087
Operative District Plan Zoning:	Rural General Zone
Proposed District Plan Zoning:	Rural Zone Wakatipu Basin Rural Amenity Area
Activity Status:	Non-complying

The applicant has requested that the application be publicly notified. Pursuant to section 95A(2)(a) of the Resource Management Act 1991, the consent authority must notify an application for a resource consent if so, requested by the applicant (section 95A(3)(a)).

It is therefore recommended that the application be publicly notified pursuant to section 95A(2)(a) of the Resource Management Act 1991.

1. PUBLIC NOTIFICATION

Section 2AA of the Resource Management Act sets out that *public notification* means the following:

- (a) giving notice of the application or matter in the manner required by section 2AB; and*
- (b) giving that notice within the time limit specified by section 95, 169(1), or 190(1); and*
- (c) serving notice of the application or matter on every prescribed person.*

1.1 PUBLIC NOTICE

Public notice of the application is to be given in the prescribed form by way of advertisement in The Mountain Scene.

1.2 SERVICE

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

- (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*

The applicant has requested public notification under section 95A(3)(a), therefore Section 95B(1), Steps 1-4 to determine Limited Notification are not relevant.

- (b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*
- (c) the regional council or territorial authority for the region or district to which the application or review relates:*

Otago Regional Council

Queenstown Lakes District Council Parks & Reserves Department (C/- Aaron Burt)

- (d) any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*

The iwi authorities to be served notice are as follows:

Aukaha

Te Runanga o Moeraki

Kati Huirapa Runanga ki Puketeraki

Te Runanga o Otakou

Te Ao Marama Inc

Ngai Tahu Group Management

Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:

NZ Fire Service

Queenstown Trails (all rural Wakatipu)

Arrow Irrigation Company (all rural Wakatipu)

Any other person whom the consent authority considers should have notice of the application is summarised in table 1 as follows:

<i>Owner details</i>	<i>Address</i>	<i>Legal Description</i>
<i>Kevin Barry Thomas Natalie Anne Thomas</i>	<i>34 Preservation Lane, Arrow Junction Queenstown 9371</i>	<i>Lot 7 DP 532665</i>
<i>Bryan Geoffrey Black</i>	<i>36 Preservation Lane, Arrow Junction Queenstown 9371</i>	<i>Lot 6 DP 532665</i>
<i>Brent O'Callaghan Jiayu Ding</i>	<i>45 Preservation Lane, Arrow Junction Queenstown 9371</i>	<i>Lot 8 DP 532665</i>
<i>Garry Felix Heynen Joanne Robyn Heynen John Miles Kenrick Brown</i>	<i>100 Preservation Lane, Arrow Junction Queenstown 9371</i>	<i>Lot 4 DP 532665</i>
<i>Bryan Scott McHerron Rpal Trustees 2008 Limited</i>	<i>104 Preservation Lane, Arrow Junction Queenstown 9371</i>	<i>Lot 3 DP 532665</i>
<i>Darryl Neal Smith Janine Lee Smith</i>	<i>106 Eastburn Road, Queenstown 9371</i>	<i>Lot 33 DP 561087</i>
<i>Royalburn Station Limited</i>	<i>412 Crown Range Road, Arrow Junction Queenstown 9371</i>	<i>Lot 2 DP 565314</i>

Table 1: Identification of Sites (including owners/occupiers who should have notice of the application)

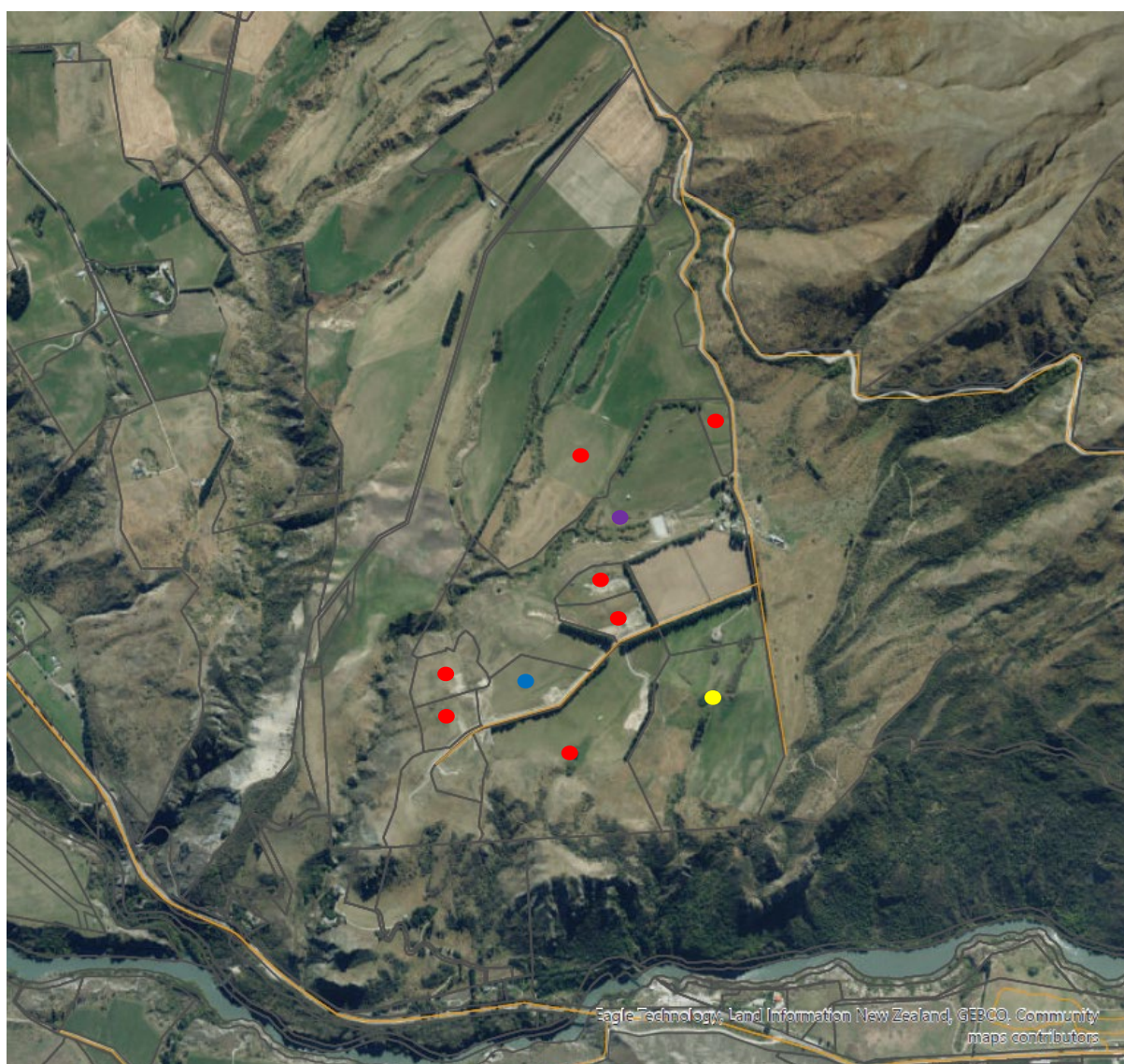


Figure 1 – aerial photograph identifying parties to be notified

Key:

- Subject site
- Properties to receive notice
- Written approval obtained
- Property owned by applicant therefore excluded

Report prepared by



Wendy Baverstock
CONSULTANT PLANNER

Decision made by



Andrew Woodford
SENIOR PLANNER

Attachments:

Appendix 1: Applicants AEE
Appendix 2: Subdivision scheme plans and landscaping concept plans
Appendix 3: Landscape peer review
Appendix 4: Engineering peer review
Appendix 5: Shade study and visibility analysis memo

Report Dated:

4 November 2022

APPLICATION FOR RESOURCE CONSENT TO UNDERTAKE A TWO ALLOTMENT SUBDIVISION

Martin & Suzanne Lawn

108 Eastburn Road, Crown Terrace, Queenstown

December 2021



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1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	108 Eastburn Road, Crown Terrace
Applicants Name:	Martin & Suzanne Lawn
Address for Service	Martin & Suzanne Lawn C/- Southern Planning Group PO Box 1081 Queenstown, 9348 scott@southernplanning.co.nz Attention: Scott Freeman
Site Legal Description:	Lot 20 Deposited Plan 561087
Site Area:	43.2714 hectares
Operative District Plan Zoning:	Rural General Zone
Proposed District Plan Zoning:	Rural Zone Wakatipu Basin Rural Amenity Zone
Brief Description of Proposal:	Resource consent to undertake a two lot subdivision with the identification of a new residential building platform.

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Record of Title
Appendix [B]	Legal Documents
Appendix [C]	RM161179 (ENV-2017-CHC-85) & RM19413
Appendix [D]	RM160880 & RM171236
Appendix [E]	RM180960
Appendix [F]	RM200240
Appendix [G]	Subdivision Plan
Appendix [H]	Landscape Assessment
Appendix [I]	Landscape Plan
Appendix [J]	Infrastructure Feasibility Report
Appendix [K]	Preliminary & Detailed Site Investigation
Appendix [L]	Geotechnical Assessment
Appendix [M]	Affected Persons Approval

.....
Scott Freeman
Resource Management Planner

13 December 2021

2.0 EXECUTIVE SUMMARY

Resource consent is sought for a two lot subdivision on the site located at 108 Eastburn Road, Crown Terrace, Queenstown.

Proposed Lot 10 is 2.63 hectares in area and will contain a designated residential building platform, that will contain a future residential unit. Proposed Lot 20 is 40.64 hectares in area and will contain an existing residential dwelling and a number of accessory and farm related buildings.

The site is zoned Rural General under the Operative District Plan (ODP) and is split zoned under the Proposed District Plan (PDP), being contained in the Rural Zone and the Wakatipu Basin Rural Amenity Zone (WBRAZ).

The proposal requires a discretionary activity resource consent under the ODP and a non-complying activity consent under the PDP.

Public notification of the resource consent application is volunteered.

As outlined in the sections below, the potential adverse effects of the proposed development are considered to be no more than minor (or less than minor).

The proposal is considered not to be contrary as a whole to the relevant objectives and policies of the ODP and PDP.

3.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

3.1 Site Description

The site is located on the southern end of the landscape feature that is called the Crown Terrace, and to the west of the Crown Range Road.

The Crown Terrace is a broadly expansive glacial terrace, with the Crown Range rising above this landform, while the Arrow River and Kawarau Gorge are located below the Crown Terrace. The Crown Terrace is gently sloping to the south-west and is punctuated with incised gullies and rolling topography where streams have slowly eroded their way into the glacial bedrocks and gravels.

The irregular shaped site is accessed from the Crown Range Road via Eastburn Road and then via a private road called Preservation Drive. The site has the physical address of 108 Eastburn Road.

The site contains an existing residential unit that is located at the eastern end of the site, in close proximity to Eastburn Road. There are a number of accessory and farm buildings that are located in the general area of the existing residential unit. A small farming building is located in the mid-section of the site, in close proximity to Preservation Drive.

The predominant land use on the site are grazed paddocks/crops, together with mature hedgerows. An incised gully feature follows the north-western boundary of site as it drains towards lower land.

3.2 Legal Description & Legal Documents

The site is 43.2714 hectares in area and is legally described as Lot 20 Deposited Plan 561087. The Record of Title is contained within **Appendix [A]**.

There are a number of legal documents which are registered on the Record of Title, with such documents being contained within **Appendix [B]**. These documents are as follows:

Land Covenant in Easement Instrument 5665130.4

The document relates to a private non-objection agreement.

Land Covenant in Covenant Instrument 11599983.4

The document relates to a private non-objection agreement.

Land Covenant in Covenant Instrument 11599983.5

The document relates to a private non-objection agreement.

Land Covenant in Covenant Instrument 11631697.15

This document deals with the operation of the Crown Range Homeowners Association.

Consent Notice 11949595.4

This document was created as part of the subdivision consent RM180960 (and subsequent resource consents, as addressed below). Consent Notice 11949595.4 will be addressed in further detail below.

3.3 Receiving Environment

The site and wider Crown Terrace predominately exhibits an elevated open pastoral character, with a series of older hedgerows dividing the open paddocks, punctuated by incised gully features and rolling topography.

Residential buildings are generally well screened from the Crown Range Road by mature vegetation and topography which retains a largely un-built and raw mountain character. The larger mature vegetation is generally exotic species based, while many gullies gain a mixture of exotic and native low lying species.

4.0 RESOURCE MANAGEMENT BACKGROUND

Based on the Council records, there are a number of background consents that are relevant to the proposal contained in this application.

4.1 RM161179 (ENV-2017-CHC-85) & RM19413

RM161179

RM161179 sought resource consent to undertake a subdivision to create eight allotments, with each allotment containing a residential building platform and farm building platforms on Lots 5 and 8. Consent was also sought to relocate a farm building and to undertake earthworks on a HAIL site. In a decision dated 8 February 2017, the Council refused consent for the overall proposal, with the decision for RM161179 being contained in **Appendix [C]**.

The applicant appealed the decision for RM161179 to the Environment Court, with a Consent Order (ENV-2017-CHC-85) being issued on the 16th February 2018 with authorised the proposal as refused via the Council decision. A copy of the Consent Order ENV-2017-CHC-85 is contained within **Appendix [C]**.

RM190413

Resource consent RM190413 was granted on 10 June 2019 for a variation to Consent Order ENV-2017-CHC-85 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations, building platform design and landscaping. A copy of the Consent Order ENV-2017-CHC-85 is contained within **Appendix [C]**.

4.2 RM160880 & RM171236

RM160880

RM160880 was issued by the Council on the 2nd of November 2016. RM160880 authorised a subdivision consent to undertake a boundary adjustment. A copy of RM160880 is contained within **Appendix [D]**.

RM171236

RM171236 was issued by the Council on the 13th December 2017. RM171236 authorised a change to Condition 1 of RM160880 for a subdivision boundary adjustment between Lot 2 Deposited Plan 321835, Lot 3 Deposited Plan 321835 and Lot 19 Deposited Plan 20799. A copy of RM171236 is contained within **Appendix [D]**.

4.3 RM180960

RM180960 was issued by the Council on the 23rd of December 2019. RM180960 authorised a boundary adjustment between two Records of Title, and to cancel the Consent Notice as it related to Lot 5 DP 532665. A copy of RM180960 is contained within **Appendix [E]**.

4.4 RM200240

RM200240 was issued by the Council on the 1st of March 2021. RM200240 authorised a subdivision consent to undertake a boundary adjustment between two Records of Title and to establish a building platform on one of the allotments. RM200240 also approved a land use consent for the removal of exotic vegetation over 4m in height and for a density breach associated with a future residential unit on proposed Lot 33. A copy of RM200240 is contained within **Appendix [F]**.

RM200240 has been given to and new Records of Title has been issued. The site subject to this application was proposed Lot 20 from RM200240.

5.0 DESCRIPTION OF THE PROPOSED ACTIVITY

5.1 Overview

The applicant seeks resource consent to subdivide the site to create two allotments, with one lot containing the existing residential unit (and surrounding accessory and framing buildings), while the second lot will contain a new residential building platform. The proposed lots to be created will be 2.63 hectares (Lot 10) and 40.64 hectares (Lot 20) in area.

Lot 10 contains an existing 'Farm Building Platform' (FBP). On the basis that the proposed subdivision is approved, the FBP will be surrendered and the existing farming building within the FBP will be removed from the site.

The details of the overall proposal are outlined below.

5.2 Planning Background

Prior to addressing the proposal contained in this application, it is useful to provide a summary of the planning documents that relate to the proposal. The focus will be on RM180960 and Consent Notice 11949595.4.

The site subject this application was created via the subdivision consent RM180960 and then RM200240.

The decision for RM180960 records that the consents RM160880, RM171236, RM161179 and RM190413 were given effect to simultaneously

The development rights and on-going planning restrictions originally authorised via RM161179/ENV-2017-CHC-85 (and as varied by RM190413) were imposed in RM180960 and the related Consent Notice 11949595.4.

In relation to 'Lot 20' (which is now the subject site), Consent Notice 11949595.4 contains two advice notes, which state:

Advice Note: the following conditions shall only to the areas shown as Areas XX, C, AJ, BA, BB on DP 550017, being the same area as lot 5 DP 532655 (RM161179 as varied by RM190413) less proposed Lot 5 of this subdivision (RM180960).

Advice Note: the plans referenced below can be sourced on the Queenstown Lakes District Council file for resource consent RM161179 as varied by RM190413.

The development rights and on-going restrictions for the site as detailed in Consent Notice 11949595.4 are detailed below.

Farm Building Platform

A FBP was approved for the site. The FBP has an area of 400m² and is located in close proximity to Preservation Lane (being approximately 15.21 metres).

The restrictions on the development and uses contained within the FBP are as follows:

- All structures including any farm building shall be contained within the FBP.
- The type of roof claddings for any buildings within the FBP shall be limited to a limited range of materials.
- Hard stand areas adjacent to buildings within the FBP are limited to a range of materials, and no hard stand areas may be formed outside of the FBP (with the exception for fire-fighting purposes).
- Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.
- Prior to any construction work within the FBP, information dealing with the foundation design and earthworks shall be submitted to the Council.
- A limited range of wall materials shall be used on any building within the FBP.
- Control over the light reflectivity values in terms of any external materials used on buildings within the FBP.
- Any building constructed within the FBP shall be used for agricultural, farming, equine or related purposes or for residential accessory buildings not intended for living purposes, and finally residential units are prohibited within the FBP.
- The maximum height of any farm structures to be located within the FBP shall be 8m above the original ground level.

The following ecological requirements and planting restrictions apply to the site;

- The balance of the site not included in the FBP, Ecological Gully Area or Indigenous Vegetation Enhancement Areas shall be retained as open pasture and used for grazing, traditional farming such as cropping or mowing (for hay or baleage). Further, the land shall remain free of

buildings, woodlots and treecrops (for example olives, grapevines and orchards). There is the allowance of the construction of post and wire and netting fences for the management of stock.

- No exotic plants with wilding potential shall be planted anywhere.
- With the exception of planting within the Ecological Regeneration Area, there shall be no amenity planting on the site aside from 'agricultural related' planting. Examples of agricultural related planting can include shelterbelts, pastoral grasses, crops such as barley or oats or legume planting such as lucerne.
- The owner of the site shall retain all shelterbelts located within their site that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum row of two rows of trees. There is also the requirement to maintain and successively replant any tree that is diseased or died within a subject shelterbelt, from a prescribed list of trees.
- All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.
- Planting within the Ecological Gully Area shall be sourced from local seed stocks where possible, and contain species in the prescribed list.
- The type of fencing around the native regeneration area and planted areas shall be limited to a prescribed list of materials.

The following management requirements need to be adhered to:

- All owner(s) are required to be part of the management organisation, mechanism or entity as required by Condition 15(i) of RM161179 as varied by RM190413. The management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

The first advice note for Consent Notice 11949595.4 that relates to the site references 'Areas XX, C, AJ, BA and BB'. On the site, these areas represent the following:

Area XX

Area XX relates to the area of the site that is not within the FBP, the Ecological Gully Area or Indigenous Enhancement Areas. Area XX has an area of 5.94 hectares.

Area C

Area C is a right of way over the site in favour of other lots.

Area BA

Area BA is an Indigenous Vegetation Enhancement Area, which is located in the mid-section of the site. Area BA has an area of 6700m²

Area BB

Area BB is an Ecological Gully Area, that is located in the mid to western part of the site. Area BB has an area of 8.05 hectares.

The specific requirements of the proposal which breach Consent Notice 11949595.4 will be addressed below.

5.3 Proposed Subdivision

Aurum Survey Consultants Limited have compiled the Subdivision Plan (including a Diagram of Proposed Lot 10) for the proposal. The Subdivision Plan is contained within **Appendix [G]**.

It is proposed to subdivide the 43.2714 hectare site to create the following lots:

Lot 10:	2.63 hectares
Lot 20:	40.64 hectares

Proposed Lot 10 will contain a new residential building platform that is 1000m² in area (measuring 40m by 25m). The building platform will be located 42.16m from right of way easement of Preservation Lane, and 18.16m from the northern boundary of Lot 10.

Access to proposed Lot 10 will occur from Preservation Lane (with existing easements in place).

Proposed Lot 20 will contain the existing residential unit and the various accessory and framing buildings that are located in close proximity to the unit.

Areas XX, C, AJ, BA, BB from Consent Notice 11949595.4 are indicated on the Subdivision Plan.

5.4 Design and Site Use Controls

As stated above, on the basis that the proposed subdivision is approved, the FBP will be surrendered and the existing farming building within the FBP will be removed from the site, prior to the issuing of the new Records of Title.

The design and site controls listed below will only relate to Lot 10 and the residential use of this land. It is noted that a number of the conditions within Consent Notice 11949595.4 will need to be either varied or deleted.

Future buildings within Lot 10 will be governed by the design controls, with such consisting of the following:

- All buildings are to be located within the building platform.
 - The ground floor area of all buildings within the building platform must not exceed 500m².
 - Maximum building height is to be 5.5m above the original ground level for all buildings within the building platform.
 - All exterior surfaces* must be coloured in the range of browns, greens or greys including;
 - Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and
 - All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.
- * Excludes soffits, windows and skylights (but not glass balustrades).
- ** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.

The following additional controls will apply to future development and uses within Lot 10:

- All fencing within the lot shall be either timber post and rail, waratah and wire, deer fencing or rabbit proof fencing.
- All exterior lighting within the lot shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond the property boundaries does not occur. There shall be no floodlights and no lighting associated with the driveways or access to the site.
- Any driveway within the site shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.
- Within the building platform, hard stand areas adjacent to buildings may be constructed of asphalt, chip-seal finished with local gravels, gobi blocks or other permeable or natural paving systems. No hard stand areas may be formed outside of the building platform, with the exception of those required for fire-fighting purposes.
- All outdoor structures and garden elements associated with residential use of the lot shall be confined to the marked curtilage area on the Landscape Plan. Such structures include clothes lines, garden storage sheds (not requiring a separate resource consent), outdoor furniture, shade structures for outdoor living, trampolines and commercial play structures, swimming pool or hot tub, paved or decked surfaces associated with outdoor living areas, and

cultivated gardens. The area outside of the curtilage area shall be retained as open pasture.

The proposed design controls for Lot 10 are to be registered as consent notice conditions.

5.5 Landscape Assessment

Site Landscape Architects (Site) have compiled a Landscape Assessment that accompanies the proposed subdivision. The Landscape Assessment is contained within **Appendix [H]**. Site have also compiled a Landscape Plan for the proposal which is contained within **Appendix [I]**.

The Landscape Assessment addresses the assessment methodology used to consider the proposals actual and potential effects on landscape character and visual amenity from the proposed subdivision and future uses within Lot 10.

The Landscape Assessment notes that the site forms part of a Visual Amenity Landscape (VAL) and Outstanding Natural Landscape (ONL) under the ODP, and under the PDP, no landscape category is applied to the portion of the site contained in the WBRAZ. The ONL line in the PDP is different to that as contained in the PDP.

The Landscape Assessment Report describes the physical characteristics of the site and surrounding landscape. This description is aided by Landscape Character Unit 20 (LCU 20) which is titled 'Crown Terrace' as contained in the PDP.

The Landscape Assessment details the potential visibility of future built form within the building platform from nearby public viewing areas and nearby properties.

The Landscape Assessment considers the relevant landscape provisions within the ODP and PDP, and such will be addressed in detail below.

The Landscape Plan details the previously proposed/protected landscaping and ecological enhancement areas, nearby consented development.

5.6 Earthworks

Aside from the installation of a formalised vehicle crossing into the site from Preservation Lane, there will be no other earthworks associated with the subdivision.

Any earthworks associated with future residential development within the building platform will subject to the planning requirements at that time.

5.7 Infrastructure Feasibility Report

Civilised Limited has compiled an Infrastructure Feasibility Report that deals with the proposed subdivision. The Infrastructure Feasibility Report is contained within **Appendix [J]**.

The Infrastructure Feasibility Report addresses the following matters:

- Access
- Water supply
- Wastewater disposal
- Stormwater runoff
- Power Supply
- Telecommunications

Vehicular access to the Lot 10 will be provided via an existing private right of way (Preservation Lane) running from Eastburn Road to the southeast of the site.

A future dwelling within Lot 10 will connect to an existing potable water supply bore on site, that presently services the existing residential unit on the site. Firefighting water will be provided by a suitable firefighting reserve maintained in a tank near a future dwelling constructed on the site.

Wastewater is able to be treated and soaked to ground on site by way of individual on site wastewater disposal systems. The suitability of the ground for receiving the wastewater flows has been confirmed following test pitting carried out on site.

Stormwater runoff from impervious areas constructed on the site will also be soaked to ground by use of roadside swales and specifically constructed soakage galleries. The service provider for power supply has confirmed that they are able to provide a suitable connection to the proposed subdivision.

There are numerous wireless voice and internet connectivity options for the site to ensure the proposed building platform has a suitable telecommunications connection.

Overall, Civilised Limited has confirmed that it is feasible to provide the necessary development infrastructure to service the proposed subdivision.

5.8 Preliminary & Detailed Site Investigation

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES) apply to subdivision activities if the land is covered by the NES, i.e. 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.

A Preliminary and Detailed Site Investigation was submitted as part of the application for RM161179. A copy of the A Preliminary and Detailed Site Investigation is contained within **Appendix [K]**.

The Preliminary and Detailed Site Investigation noted that Lots 7 and 8 within RM161179 have been used in the past for sheep dip activities. Samples were taken around the yards and sheep dipping activity and the results were below the adopted guideline values. It is noted that the sheep dip activities were not undertaken on proposed Lot 10.

As part of the approval for RM161179, consent was required under the NES as the proposal is an activity under regulation 5(4) and (5) and the site is land covered under regulation 5(7) and (8) and it is not exempted under regulation 5(9).

The decision for RM161179 recorded that the Preliminary and Detailed Site Investigation concluded that it is highly unlikely that concentrations of contaminants within the soil would be present at concentrations that will exceed the contaminant standards for a rural residential land use scenario and that no remediation or management is recommended.

5.9 Geotechnical Assessment

Geosolve has prepared a Geotechnical Assessment that is contained within **Appendix [L]**.

Geosolve note that no significant geotechnical issues have been identified that would preclude the site from development and the proposal is considered acceptable from a geotechnical perspective. Geosolve also note that specific engineering assessment is expected to be required to ensure foundation designs are completed appropriately.

5.10 Affected Persons Approval

The applicant has obtained the affected persons approval from the owner of Lot 5 DP 550017. This approval is contained within **Appendix [M]**.

6.0 DESCRIPTION OF PERMITTED ACTIVITIES

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

Under both the Plan ODP and PDP, subdivision and the identification of building platforms require resource consent, therefore there is no relevant permitted baseline in this regard.

It is a permitted activity under the ODP and PDP to plant trees anywhere on the subject site, provided that they are not of wilding species.

The permitted volume of earthworks under the ODP for the Rural General zone is 1,000m³. Under the PDP, the permitted volume of earthworks is 400m³. Consequently, the relevant permitted baseline for the proposed earthworks volume is currently 400m³.

Taking the above into account, the permitted baseline for the subject site is limited to the planting of trees, the undertaking of 400m³ of earthworks and the undertaking of farming activities.

7.0 STATUTORY CONSIDERATIONS

7.1 Operative District Plan

The subject site is contained within the Rural General Zone under the ODP.

The following resource consents are required for the proposed development:

- **Discretionary Activity** consent pursuant to Rule 15.2.3.3(vi) for subdivision and the identification of a building platform within the Rural General Zone.

7.2 Proposed District Plan

Under the PDP, the subject site is split zoned between the Rural Zone and the WBRAZ, noting that Lot 10 is wholly contained within the WBRAZ.

The proposal requires the following resource consents under the PDP:

Rural Zone

- **Discretionary Activity** consent pursuant to Rule 27.5.12 for subdivision within the Rural Zone.

WBRAZ

- **Non-Complying Activity** consent pursuant to Rule 24.5.1.5 for a breach of the permitted residential density, on the basis that both proposed allotments will be less than 80 hectares in area.
- **Non-Complying Activity** consent pursuant to Rule 27.5.22 as the minimum allotment size in the WBRAZ is not adhered to.

7.3 Section 221 of the Act

Pursuant to Section 221(3) of the Act, the following conditions within the Consent Notice 11949595.4 will need to be either varied or deleted in relation to the site (being Lot 20 in this document).

Condition (a):

This condition will be varied as follows:

All structures ~~including any farm building~~ shall be contained within the ~~Farm Building Platform (FBP)~~ Residential Building Platform as shown on the ~~Masterplan~~ plan XXXX.

Condition (b)

This condition will be varied as follows:

The lot owners(s) shall retain the balance of the lot not included within the curtilage area ~~FBP~~, Ecological Gully Area or Indigenous Vegetation Enhancement Areas as shown in the Masterplan and plan XXXX as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.

Condition (c)

This condition is to be deleted in its entirety:

~~Roof claddings shall be no more than two of the following:~~

- ~~a) Vegetated~~
- ~~b) Steel (corrugated or tray)~~
- ~~c) Timber of slate shingles~~

Condition (e)

This condition will be varied as follows:

With the exception of planting within the Ecological Regeneration Area and in the curtilage area as shown on plan XXXX, there shall be no amenity planting on the lot aside from the 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats of legume such as Lucerne etc.

Condition (i)

This condition is to be deleted in its entirety:

~~Within the FBP hard stand areas adjacent to buildings may be constructed of:~~

- ~~a) asphalt~~
- ~~b) chip sealed finished with local gravels~~
- ~~c) 'gobi' blocks~~
- ~~d) other permeable or natural paving systems~~

~~No hard stands areas may be formed outside of the registered farm building platform, with the exception of those required for firefighting purposes.~~

Condition (o)

This condition is to be deleted in its entirety:

- ~~a) natural timber~~
- ~~b) painted timber~~
- ~~c) weatherboard cladding systems, similar to Linea~~
- ~~d) smooth plaster~~

- ~~e) stained plywood~~
- ~~f) local stone~~
- ~~g) corrugated iron~~
- ~~h) steel, or~~
- ~~i) concrete blocks providing that it complies with colour controls~~

Condition (p)

This condition is to be deleted in its entirety:

~~Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.~~

Condition (q)

This condition is to be deleted in its entirety:

~~All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown or greens. Acceptable hues shall be recessive and with an LRV of less than 15% and greater than 5%.~~

Condition (r)

This condition is to be deleted in its entirety:

~~Any building erected within the RBP shall be agricultural, farming, equine or related purposes or for residential accessory building's not intended for living purposes. Residential units within the FBP are prohibited.~~

Condition (s)

This condition is to be deleted in its entirety:

~~The maximum height of any farm structures to be located within the FBP shall be 8m above the original ground level.~~

7.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

As detailed above, a Preliminary and Detailed Site Investigation has been previously undertaken for the site as part of a previous subdivision.

7.5 Overall Activity Status

Overall, the proposal is assessed as a **non-complying** activity.

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

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

As detailed below, the proposed activity is not anticipated to result in significant adverse effects on the environment. It is considered that the potential adverse effects are able to be adequately remedied and mitigated. Consideration of alternative locations is therefore not considered necessary.

8.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(B) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Schedule 4, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- (b) any physical effect on the locality, including any landscape and visual effects:*
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*
- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

The below assessment takes into account the matters of discretion listed above, as well as any applicable assessment matters outlined in the ODP and PDP.

Landscape classification

As outlined within the Landscape Assessment under the ODP, the subject site is within a VAL. Under the PDP, the site is contained within the WBRAZ and within LUC 20.

Landscape character

The ODP VAL assessment matters require assessment of the proposal in terms of its effects on 'natural and pastoral character' and under the PDP in relation to

'landscape character and visual amenity values and wider amenity values of the WBRAZ'.

For the ODP, taking into account the assessment in the Landscape Assessment in relation to the potential effects upon natural and pastoral character, as well as the receiving environment which includes rural lifestyle properties (although not developed as such at present), it is considered that the potential adverse effects associated with the proposal are considered able to be avoided, remedied or mitigated.

The PDP identifies that LCU 20 has a very low capacity to absorb additional development.

However, due to the attributes of the site and proposal, the addition of one additional residential dwelling within Lot 10 will not affect the landscapes ability to absorb this change. A future residential dwelling within Lot 10 will be clustered between existing and consented future development and predominately hidden from surrounding public views, as outlined in the Landscape Assessment. As such, the proposed development is considered to result in potential effects upon the landscape character of the subject site and surrounding area which are no more than minor.

Visibility of Development

Both the ODP and PDP require an assessment of the potential visual effects of a proposal.

The ODP seeks to ensure that the development will not result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether, and the extent to which, the development will be highly visible from public places or visible from public roads or visually prominent such that it detracts from public or private views.

The PDP subdivision assessment matters are in relation to the extent to which the development maintains visual amenity from public places and neighbouring properties.

The Landscape Assessment has considered the visibility of future built form within Lot 10.

The Landscape Assessment considers that future built form within Lot 10 will be very difficult to see from public and private places. This development will certainly not be visually prominent or highly visible from the Crown Range Road and Eastburn Road. From distance elevated views, a future residential dwelling within Lot 10 will easily blend into the landscape setting of the site.

In terms of private views, the assessment matters in the ODP seek to ensure that development is not visually prominent such that it detracts from private views characterised by natural or arcadian pastoral landscapes.

The ODP describes VALs as:

"landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces".

Therefore, under the ODP, buildings and dwellings and associated domestic activities are an anticipated part of VAL's and the maintenance of a pastoral arcadian landscape character is a key goal of the ODP VAL provisions.

The ODP assessment matters relating to VALs do not require development to be invisible from neighbouring properties, only that it not be *"visually prominent such that it detracts from views of arcadian landscapes"* and as outlined in the preceding paragraph, buildings are an anticipated part of the VAL. The assessment matters also seek maintenance of *"appropriate"* visual access across open space and arcadian landscapes.

The Environment Court's decision C75/2001 which formed the ODP VAL provisions is helpful in outlining the intention of the ODP provisions with respect to private views:

"Residents in the Rural General Zone are not entitled to have open space (which their own houses may detract from) all around them. In a VAL or an ORL, a resident should not be able to insist on a neighbouring landowner retaining the whole of his pasture as a sward. However residents are, according to the policies of both parts 4 and 5 entitled to have rural amenities which include naturalness (if not openness) and exclude over-domestication and urbanisation."

In the decision version of the PDP, the outcomes sought are slightly different to the ODP. The assessment matters in the Subdivision chapter assess the extent to which the development complements existing visual amenity values and whether it maintains visual amenity from neighbouring properties.

Due to topography and protected vegetation, a residential dwelling on Lot 10 will largely be screened from the surrounding properties.

Form and Density of Development

Existing natural topography has been utilised so as to ensure that future development within Lot 10 will not be highly visible from public places.

Common infrastructure will be utilised for both lots to be created.

Future development within Lot 2 is located in an area which has higher potential to absorb development. This is based on the characteristics of the site and surrounding landscape. The density proposed is not reflective of an urban area.

Overall, the form and density of the proposed development is considered to be appropriate taking into account the above assessment and consequently, the potential effects in this regard are considered to be minor or less.

Cumulative Effects of Development on the Landscape

An assessment of cumulative effects needs to take into account the effects of the proposed development in addition to both the existing and approved developments within the receiving environment.

In dealing with cumulative effects, the Landscape Assessment states:

The area in my view is not close to a threshold point whereby further development will degrade landscape values. The mature hedgerows provide a high sense of visual containment in an around the site. Furthermore the wider site is located in an area of the Crown Terrace that is reasonably discrete and away from public focus. The main catchment of views from the Crown Range Road is the surrounding ranges, Remarkables and Wakatipu Basin landscape, and I anticipate that further additional dwellings in this reasonably discrete location (so long as they are not readily visible from the Crown Range Road) could potentially be accommodated.

The proposed development will not result in the need for urban style infrastructure.

Taking the above into account, the potential cumulative effects of the proposed development upon the natural or arcadian character of the landscape and the potential for over-domestication resulting from the proposal are considered to be no more than minor or less.

Rural Amenities

As noted in the Landscape Assessment, the most publicly visible parts of the site will be maintained in their existing open pastoral land, and appropriate visual access to open space will be maintained and further, the ability to undertake agricultural activities on the lands around the site will not be compromised by the proposal.

Overall, the potential effects upon the rural amenities of the surrounding area as a result of the proposed development are considered able to be avoided or mitigated so that they are no more than minor.

PDP Assessment Matters 27.9.3.3

The Landscape Assessment Report addresses the applicable landscaped based Assessment Matters as contained in Chapter 27 (29.9.3.3). While it is noted that these assessment matters relate to restricted discretionary activities for buildings and subdivisions on land affected by Chapter 24 (Wakatipu Basin), and further, the overall status of the proposal is that of a non-complying activity under the PDP, the Assessment Matters 29.9.3.3 provide a basis for assessing the acceptability of the proposal from a landscape perspective.

The landscape characteristics and values of LCU 20 will not be adversely affected by the proposal, and that visual amenity values of the landscape will be maintained, particularly from public places. Overall, the Landscape Assessment Report notes that the proposal is generally consistent with the outcomes envisaged by Assessment Matter 27.9.3.3.

Traffic

The proposal will result in an increase in vehicular traffic using Eastburn Road. However, the increase in traffic will be very marginal and generally not noticeable.

Overall, the potential traffic effects associated with the proposal are considered to be less than minor.

Servicing

Water

It is proposed that the future residential dwelling on Lot 1 will be supplied with water from the existing water supply that services the existing residential dwelling.

Civilised Limited has confirmed that there is sufficient potable water to supply future residential dwellings, and that the fire-fighting requirements can be adhered. On this basis, no adverse effects are anticipated with this servicing component.

Wastewater

On-site wastewater disposal is proposed. This is consistent with what currently occurs on site and on the surrounding properties.

Based on the proposal to utilise secondary and/or tertiary treatment systems for the proposed lots and the low number of lots proposed, the potential effects of the proposed on-site wastewater disposal are considered to be no more than minor.

Stormwater Disposal

Stormwater from the proposed access road and the future dwellings will alter the existing stormwater run-off patterns from the site catchment.

The site and soils assessment have confirmed that ground conditions are suitable for disposal to ground.

Subject to specific design, the potential effects of the stormwater disposal are anticipated to be less than minor.

Electricity and Telecommunications

As detailed in the Civilised Report, power and telecommunications connections are available for the proposed development.

Earthworks

Earthworks associated with the construction of residential dwellings within the proposed lots will most likely be undertaken in the future. Such earthworks will be governed by the planning requirements at this time. The earthworks for the access upgrade have already been consented.

Conclusion

Taking into account the above assessment, the potential effects of the proposed subdivision are anticipated to be no more than minor or less.

8.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

Not applicable

8.4 If the activity includes the discharge of any contaminant, a description of:

1. The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
2. Any possible alternative methods of discharge, including discharge into any other receiving environment.

Not applicable.

8.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

The proposed mitigation measures have been incorporated into the design of the proposal as well as the volunteered design controls and conditions of consent.

8.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

The potential effects of the proposed development upon persons are considered to be less than minor (and noting the affected persons approval from the owner of Lot 5 DP 550017).

8.7 If the scale or 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.

Regular maintenance of the future wastewater disposal system as well as intermittent effluent quality checks is recommended in the application to ensure that the systems are complying with the specifications and are mitigating the potential effects upon water quality downstream of the subject site.

8.8 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).

The proposed activity will have no effect on any customary rights.

9.0 SECTION 95 NOTIFICATION

Public notification of the proposal is volunteered.

10.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

10.1 Partially Operative Regional Policy Statement

The Proposed Otago Regional Policy Statement (PORPS) was made partially operative on 14 January 2019.

Objective 3.2 – Otago’s significant and highly-valued natural resources are identified, and protected, or enhanced where degraded.

The relevant policies are listed below:

Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes

Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape;*
- b) Avoiding, remedying or mitigating other adverse effects;*
- c) Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.*

Based on the Landscape Assessment, it is considered that significant adverse effects on the values of the landscape which contribute to its high value will be avoided, both in terms of the locality of the Crown Terrace and the wider Wakatipu Basin.

Further, potential adverse effects can be mitigated by the physical characteristics of the site (i.e. topography) and standard measures that are utilised during the subdivision design and consenting process, such as the control over building placement and the protection of existing planting, combined with new plantings.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies of the PORPS.

10.2 Proposed Regional Policy Statement 2021

In relation to the Proposed Regional Policy Statement 2021, Objective NFL-01 and Policy NFL-P3 state as follows:

NFL-01 – Outstanding and highly valued natural features and landscapes

The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in:

- (1) the protection of outstanding natural features and landscapes, and
- (2) the maintenance or enhancement of highly valued natural features and landscapes.

NFL-P3 – Maintenance of highly valued natural features and landscapes

Maintain or enhance highly valued natural features and landscapes by:

- (1) avoiding significant adverse effects on the values of the natural feature or landscape, and
- (2) avoiding, remedying or mitigating other adverse effects.

In relation to NFL-01(1), again, based on the Landscape Assessment, it is considered that the landscape values of the Crown Terrace will be maintained and that no significant adverse effects will occur on the values of the landscape setting within which the site sits within.

10.3 Queenstown Lakes Operative District Plan

The relevant objectives and policies of the ODP are contained within Section 4 (District Wide Issues) Section 5 (Rural Areas) and Section 15 (Subdivision and Development). These sections are dealt with below.

Section 4 – District Wide Issues

4.2.5 Objective:

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.

Policies:

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.*

As addressed in the preceding assessment, it is considered that the site has the ability to absorb future development within the building platform located on Lot 10, without detracting from the landscape values of the site and the wider landscape setting. This view is formed on the basis due to the location of the Lot 10 building platform which results in the general lack of visibility from nearby public places, primarily due to topography and existing vegetation.

4. Visual Amenity Landscapes

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
 - *highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
 - *visible from public roads.*
- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*

Future development within Lot 10 will not be highly visible from public places and other places which are frequented by the members of the public generally due to its location, topography, existing and proposed vegetation. Future development will not adversely affect the naturalness of the landscape and the amenity values of views from public places.

No linear planting along the road boundary is proposed.

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.**

As addressed in the preceding assessment, the proposed subdivision will not domesticate the landscape to an extent that results in adverse cumulative degradation, taking into consideration nearby existing and consented development. Future development within Lot 10 will easily fit into the landscape setting.

The proposed subdivision is considered to be both compatible and sympathetic to the surrounding area. The proposal will not be incongruous to the landscape context.

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.**
- (b) visual amenity landscapes**
 - by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and**
- (c) All rural landscapes by**
 - providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.**

It is considered that future buildings will fit into the line and form of the site through the careful placement of the Lot 10 building platform.

A future building within Lot 10 will not breach the skyline, and design controls will ensure that where built form is visible, it will easily blend into the landscape context.

No additional vegetation is required to screen future buildings within Lot 10, when viewed from public places.

The proposal is in accordance with the above policy.

17. Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

The proposal will not generate any adverse effects on the open character and visual coherence of the surrounding landscape given the location of the proposed built form and existing landscaping. The higher more visually exposed portion of the site will remain largely in its current state.

The proposal is in accordance with the above policy.

Section 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

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

The relevant district wide landscape objectives and policies have been addressed above.

- 1.2 *Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*

The proposal does not accord with this policy.

- 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

Due to the location and size of the site, it will not compromise the remainder of the site to be used for agricultural purposes.

- 1.4 *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.*

As addressed in the preceding assessment any effects from the proposed development on rural character of the surrounding landscape will be less than minor.

- 1.5 *Provide for a range of buildings allied to rural productive activity and worker accommodation.*

This policy is not relevant to the proposal.

- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

The potential adverse effects upon the landscape values of the District are considered to be avoided or mitigated through the proposed subdivision design, the proposed planting and the volunteered design controls.

- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

Lot 10 is within an area that is considered to have the ability to absorb change given it is a 'relatively visually discrete' landscape unit.

- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

The future built form will avoid these potential effects through the proposed location of the building platforms and the volunteered design controls.

Objective 2 – Life Supporting Capacity of Soils

Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.

Policies:

- 2.1 *Avoid, remedy or mitigate adverse effects of subdivision and development on the life-supporting capacity of the soils.*

The proposal will have minimal effect on the outcomes envisaged by this policy.

Objective 3 - Rural Amenity

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

Policies:

- 3.3 *To avoid, remedy or mitigate adverse effects of activities located in rural areas.*

The proposed rural residential activities which will occur will be consistent with the use of the surrounding properties. The volunteered design controls will ensure that all domestic structures and associated activities are contained within the building platform. This outcome will avoid, remedy or mitigate the potential adverse effects of the activities.

- 3.5 *Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.*

The proposed building platform within Lot 10 is setback greater than the setback requirements from the adjoining property boundaries and therefore the setbacks are anticipated to avoid or mitigate the potential adverse effects upon these properties.

There is the potential for a residential dwelling to be located within the required internal boundaries, however, this is considered to be an internal effect of the subdivision.

Section 15 – Subdivision, Development and Financial Contributions

Objective 1 – Servicing

The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Policies:

- 1.1 *To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.*

The access point is anticipated to be safe and will provide for efficient access and egress.

- 1.2 *To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.*

The proposed shared driveway will provide safe and efficient vehicular access to the proposed lot.

- 1.3 *To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.*

No pedestrian, cycle and amenity linkages are proposed.

- 1.4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*

Lot 10 will use an existing access arrangement.

- 1.5 *To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*

Water can be provided to the lots, and fire-fighting infrastructure will be controlled via conditions of consent.

- 1.6 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.*

The provision of water can be provided for the future residential dwellings.

On-site wastewater disposal systems and stormwater soak pits for the future buildings and hardstand areas are to be designed and constructed by the future lot owners. This is due to the location and design being contingent upon the house design and location as well as capacity requirements.

Provision of fire-fighting water tanks and hardstand area will be undertaken by the future lot owner as the location of these is also contingent upon the location of the future buildings.

The stormwater disposal from the access road will be designed and undertaken as part of the proposed development works.

- 1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*

There are no lakes or rivers within the subject site.

With regard to disposal of stormwater, such can be disposed on site in an appropriate manner.

- 1.9 *To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.*

Wastewater can be disposed on site in an appropriate manner.

- 1.10 *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.*

There is no Council reticulation in the vicinity of the site.

- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*

There is electricity supply available to the proposed development and this will be provided underground. Underground or digital communication facilities are also available, with digital being preferred.

Objective 2 - Cost of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.

Policies:

- 2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

- 2.2 *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy*

The applicant will be responsible for the installation of the proposed access (including drainage swales) as well as provision of electricity and telecommunications connections to each of the proposed lots.

Sewerage and stormwater collection, treatment and disposal are to be the responsibility of the future lot owners.

Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*

The proposed lot sizes are considered to allow for the pleasant use and function of their intended rural residential purpose and are consistent with others within the surrounding area.

- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*

The proposed subdivision due to its design, protected planting and the volunteered design controls, is not anticipated to lead to development which will have an adverse landscape or visual amenity effect.

- 5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*

The proposed access and anticipated traffic generation resulting from the proposed development will not result in any identifiable adverse effect upon the safe and efficient functioning of the surrounding roads.

Conclusion

Taking into account the above assessment, the proposed development is considered to be consistent with (and therefore not contrary to) the relevant provisions in the ODP.

10.4 Queenstown Lakes Proposed District Plan

The objectives and policies of relevance to the assessment of the proposed development under the PDP are considered to be contained within Chapters 3 – Strategic Direction, 6 – Landscapes and Rural Character, 24 – Wakatipu Basin and 27 – Subdivision and Development. These will be addressed below.

Chapter 3 – Strategic Direction

Overall, the proposal is considered to be consistent with the relevant objectives and policies within Chapter 3 (Strategic Direction) as contained in the Interim Decision of the Environment Court (2021-NZEnvC 155 – dated 5 October 2021).

The purpose of Chapter 3 is to set out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities. These special qualities include:

- (a) distinctive lakes, rivers, alpine and high country landscapes free of inappropriate development;

- (b) clean air and pristine water;
- (c) vibrant and compact town centres;
- (d) compact and connected settlements that encourage public transport, biking and walking;
- (e) diverse, resilient, inclusive and connected communities;
- (f) a district providing a variety of lifestyle choices;
- (g) an innovative and diversifying economy based around a strong visitor industry;
- (h) a unique and distinctive heritage;
- (i) distinctive Ngāi Tahu values, rights and interests;
- (j) indigenous biodiversity and ecosystems.

Chapter 3 outlines a number of Strategic Issues that need to be addressed and considered in the District's pursuit of sustainable management. In relation to these appeals, Strategic Issues 2 and 4 are relevant, and such are stated below:

Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.

Strategic Issue 4: Some resources of the District's natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District's economy.

In relation to Strategic Issue 2, it is recognised that inappropriate rural development (in particular rural lifestyle development) can detract from the values associated with rural landscapes. In this regard, careful consideration has been given to determining an appropriate location for future built form within Lot 10. This location means that the landscape qualities and values in the setting of the land will not be detracted from.

The general focus of Strategic Issue 2 is on ONLs and ONFs, however, consideration still needs to be given to the effective identification and protection of the landscape that is included in the WBRAZ. Through the location of the building platform within Lot 10, there is sufficient distance, open space and topographical differences so as to avoid adverse effects on the nearby ONL.

Chapter 6 – Landscapes & Rural Character

Based on Policy 6.3.1.4, a separate regulatory regime applies to the WBRAZ, and as such, the policies in Chapter 6 that apply to ONF, ONL and Rural Character Landscape categories do not apply. However, a portion of the site is located in the

Rural Zone, the status quo for this land will remain, as such it is considered that the relevant objectives and policies within Chapter 6 will not be contravened.

Chapter 24 – Wakatipu Basin Rural Amenity Zone

The relevant objectives and policies of relevance and are addressed below.

24.2.1 Objective – Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.

Policies

24.2.1.1 *Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.*

The proposal will be contrary to Policy 24.2.1.1, as a minimum allotment size of 80 hectares will not be provided for.

Despite the proposal being contrary to the above policy, when the views expressed in the Landscape Assessment are considered in relation to the proposal's ability to maintain the landscape character and visual amenity values of the Wakatipu Basin, it is considered that the Objective 24.2.1 is satisfied by the proposal.

24.2.1.2 *Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.*

The building platform within Lot 10 will not give rise to inappropriate modification of the landform, while the access upgrade has already been consented previously.

24.2.1.3 *Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*

The landscape character and visual amenity values identified in the PDP for LCU 20 in which the proposed development is to be undertaken have been addressed in the Landscape Assessment. The views expressed in the Landscape Assessment Report outline that the proposal is considered to maintain the landscape character and visual amenity values of LCU 20.

24.2.1.4 *Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:*

- a. *controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.*

Design controls are volunteered as consent notice conditions for the proposed Lot 10. These address all of the matters outlined in (a) above. Subject to adherence with these design controls, the future development within Lot 10 is anticipated to maintain

the landscape character and visual amenity values of the zone and surrounding landscape context.

- 24.2.1.5 *Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*

The subject site is well separated from the Outstanding Natural Landscapes in the surrounding landscape.

- 24.2.1.9 *Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.*

The earthworks proposed as part of the development are limited to the construction of the driveway from Preservation Lane.

- 24.2.1.11 *Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.*

The variable sense of openness experienced within LCU 20 will be maintained by the proposed development, as the future residential dwelling within Lot 10 will be located between existing and consented development, and further, built form will be integrated into the existing landform and vegetation.

- 24.2.1.12 *Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.*

Restrictions on external lighting is proposed. As such, the future lighting is therefore not anticipated to cause any adverse glare on to other properties and roads by virtue of the separation distances and proposed planting and will not degrade views of the night sky.

- 24.2.1.15 *Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by:*

- a. *implementing road setback standards; and*
- b. *ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while*
- c. *recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and*

dimensions, or the application of other setback requirements to the site.

The location of future built form within Lot 10 will maintain the existing views from the nearby public roads to the surrounding ONL context.

24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure

Policies

24.2.4.4 *Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.*

As detailed in the Infrastructure Report, a condition of consent is volunteered to ensure that a fire-fighting water supply, connections and access is provided to ensure an efficient and effective emergency response.

24.2.4.5 *Ensure development has regard to servicing and infrastructure costs that are not met by the developer.*

The costs associated with the provision of the water supply, electricity, telecommunications and access to each of the lots will be borne by the applicant. The costs associated with the future installation of wastewater and stormwater disposal systems will be met by the future developers of the lots at the time a residential unit is constructed. Development contributions will also be payable as part of the proposed subdivision.

24.2.4.9 *Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.*

Existing Consent Notice conditions require adherence to Policy 24.2.4.9.

Chapter 27 – Subdivision and Development

27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play

Policies

27.2.1.1 *Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.*

Subject to standard conditions of consent as well as the volunteered conditions of consent outlined above, the proposal is considered consistent with this policy.

- 27.2.1.3 *Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.*

The lots are able to be serviced and the lot configuration is considered to be suitable for the anticipated rural lifestyle land use.

- 27.2.1.4 *Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing: a. desirable urban design outcomes; b. greater efficiency in the development and use of the land resource; c. affordable or community housing.*

The proposed development does not comply with the minimum lot size of the WBRAZ.

- 27.2.1.5 *Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.*

As outlined above, provision of access, water supply, telecommunications and electricity will be provided as part of the subdivision works. Furthermore, geotechnical, soil contamination and servicing investigations have been undertaken as part of the subject application which will inform the requirements of the future foundation and servicing design of the development of the proposed lots. Accordingly, the proposal is considered to be consistent with this policy.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

Policies

- 27.2.2.6 *Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.*

The proposed subdivision design is considered to respond to the local context, including the landscape character and visual amenity values of the area. Climate has been considered also in the location of the proposed platforms and planting.

27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

Policies

Transport, Access and Roads

- 27.2.5.1 *Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling. For the purposes of this policy, reference to 'expected traffic levels' refers to*

those traffic levels anticipated as a result of the zoning of the area in the District Plan.

- 27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.*
- 27.2.5.4 Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.*
- 27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:*
- a. the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;*
 - b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;*
 - c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;*
 - d. the provision and vesting of corner splays or rounding at road intersections;*
 - e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;*
 - f. the provision of appropriate tree planting within roads in urban areas;*
 - g. any requirements for widening, formation or upgrading of existing roads;*
 - h. any provisions relating to access for future subdivision on adjoining land;*
 - i. the provision and location of public transport routes and bus shelters in urban areas.*

The access arrangement is considered to be safe and are not anticipated to result in any adverse efficiency effects upon the roading network.

Given the nature of the proposed development and the location, no pedestrian or cycle ways are proposed. Furthermore, the subject site is not in a location which necessitates a trail linkage through the land.

Water supply, stormwater, wastewater

- 27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.*

No reticulated water, stormwater or wastewater services are available to the subject site.

Water

- 27.2.5.7 *Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
- 27.2.5.8 *Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.*
- 27.2.5.9 *Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.*
- 27.2.5.10 *Ensure appropriate water supply, design and installation by having regard to:*
- a. the availability, quantity, quality and security of the supply of water to the lots being created;*
 - b. water supplies for fire fighting purposes;*
 - c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;*
 - d. any initiatives proposed to reduce water demand and water use.*

As detailed in the Infrastructure Assessment, the proposed water supply provides sufficient capacity to cater for the proposed development's needs for potable, irrigation and fire-fighting water supply.

Stormwater

- 27.2.5.11 *Ensure appropriate stormwater design and management by having regard to:*
- a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;*
 - b. the capacity of existing and proposed stormwater systems;*
 - c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;*
 - d. the location, scale and construction of stormwater infrastructure;*
 - e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.*

- 27.2.5.12 *Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.*

The necessary stormwater infrastructure is limited to roadside swales and soak pits for the future buildings and hardstand areas. This low impact design is consistent with the above provisions.

Wastewater

- 27.2.5.13 *Treat and dispose of sewage in a manner that:*
- a. maintain public health;*
 - b. avoids adverse effects on the environment in the first instance; and*
 - c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.*
- 27.2.5.14 *Ensure appropriate sewage treatment and disposal by having regard to:*
- a. the method of sewage treatment and disposal;*
 - b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;*
 - c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.*
- 27.2.5.15 *Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.*

As already detailed above, subject to the recommendations in the Infrastructure Assessment, the proposed on-site wastewater disposal is anticipated to maintain public health and to mitigate the potential effects to the extent practicable.

Energy Supply and Telecommunications

- 27.2.5.16 *Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:*
- a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;*
 - b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;*

- c. *generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Easements*

Electricity and telecommunications supplies are available to the proposed development. Electricity will be provided underground to the boundary of the proposed lots and digital telecommunications are proposed.

Conclusion

It is considered that as a whole, the proposal is not contrary to the objectives and policies of the ODP.

In terms of the Stage 2 Decisions Version, it is considered that the proposal is consistent with the relevant objectives and policies with the exception of Policy 24.2.1.1 which requires a minimum lot size of 80 hectares and Policy 27.2.1.4 which discourages non-compliance with minimum lot sizes. Despite being contrary to Policy 27.2.1.4, it is considered that the proposal still meets the intention of the WBRAZ (and this particular part of LCU 11) of maintaining and enhancing the character and amenity of the Wakatipu Basin and in particular the Crown Terrace. Overall, it is considered that the proposal is either consistent or not contrary to the vast majority of the relevant PDP objectives and policies.

Taking all of the above into account, given that the proposal has been assessed as being consistent with the objectives and policies of the ODP and is consistent with all but two policies of all of the objectives and policies in the PDP, but that the proposal is still considered consistent with the overarching objectives under which the two policies sit, I consider that the proposal can be considered to be broadly consistent overall for the purposes of the assessment of Section 104 of the RMA.

10.7 Weighting of the Operative and Proposed District Plans

The ODP has been in place for more than 10 years and has been thoroughly tested through both the appeals process in making the plan operative and also through the numerous Environment Court decisions on applications which have established case law. In particular, the Wakatipu Basin has been the subject of many resource consent appeals.

QLDC has undertaken a staged District Plan review. The chapters of relevance to the assessment of this application (which are outlined above) were all part of Stages 1 or 2. The Wakatipu Basin Rural Amenity and Lifestyle Precinct zoning of the site was determined as part of Stage 2.

Both Stages 1 and 2 have been the subject of decisions of Council and are the subject of many appeals. The Environment Court has released two decisions to date on Stage 1 matters and there have been a number of consent orders issued across both stages.

Given the number and extent of appeals (including impacting on this site), it is anticipated that there will likely be changes to the final version of the Wakatipu Basin related provisions.

Notwithstanding the above, the PDP approach to the Wakatipu Basin chapter is considered to be a significant shift in policy, particularly with regard to the 80 hectare minimum lot size requirement within the land zoned Wakatipu Basin Rural Amenity Zone. A recent decision of the Environment Court found that the significant policy shift means that more weight should be put on the PDP than the ODP in terms of the 80 hectare minimum lot size and that particular attention needs to be given to the characteristics and ability to absorb change of the relevant LCU.

Taking all of the above into account, it is considered that the weighting between the two plans is currently finely balanced. Notwithstanding, as the same assessment has been made in relation to the ODP and PDP, with the proposal not being considered contrary to any of the relevant provisions, a conclusion as to weighting is not considered necessary.

11.0 SECTION 104D ASSESSMENT

As detailed in Section 8.2 above, the potential adverse effects of the proposed development are anticipated to be no more than minor. Consequently, it is considered that the proposal passes the first gateway test of Section 104D.

With regard to the second gateway test in Section 104D, the proposal is not considered contrary to any of the relevant provisions within the ODP, and contrary to two policies in the PDP.

12.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

12.1 Section 5

The purpose of the Act as stated in s5(1) of the RMA is, "to promote the sustainable management of natural and physical resources".

Section 5(2) of the Act defines "sustainable management" 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 effects of activities on the environment."*

As detailed throughout this assessment, it is considered that the proposed development represents an appropriate use of the site in that it enables the creation

of lots within an area that can absorb such a development while maintaining the landscape character and visual amenity values of the area.

As detailed throughout this report and the attached information, the adverse effects on the environment are considered to be appropriately mitigated.

The proposal is considered to represent sustainable management where adverse effects on the environment have been appropriately mitigated whilst providing for the social, cultural and economic wellbeing of the community.

12.2 Section 6

Section 6 relates to matters of national importance. Of specific relevance to the subject application are (a) relating to the preservation of the natural character of lakes and (h) pertaining to the management of risks from significant natural hazards.

These matters have been addressed above in detail and the proposal is not considered to be contrary to either of these Section 6 matters. This is particularly important to the consideration of the PDP provisions and the application of the proposed policy framework within the context of the effects of this application on Part 2.

12.3 Section 7

Section 7 relates to 'other matters'. The matters of relevance are considered to be as follows:

- (b) the efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) the maintenance and enhancement of the quality of the environment*

These matters have also been assessed above in detail and the proposal is considered to be consistent with the matters in Section 7.

12.4 Section 8

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 take into account the principles of the Treaty of Waitangi. The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

Consequently, taking the assessment contained within this report into account, the proposal is considered to achieve Part 2 of the Act.

13.0 CONCLUSION

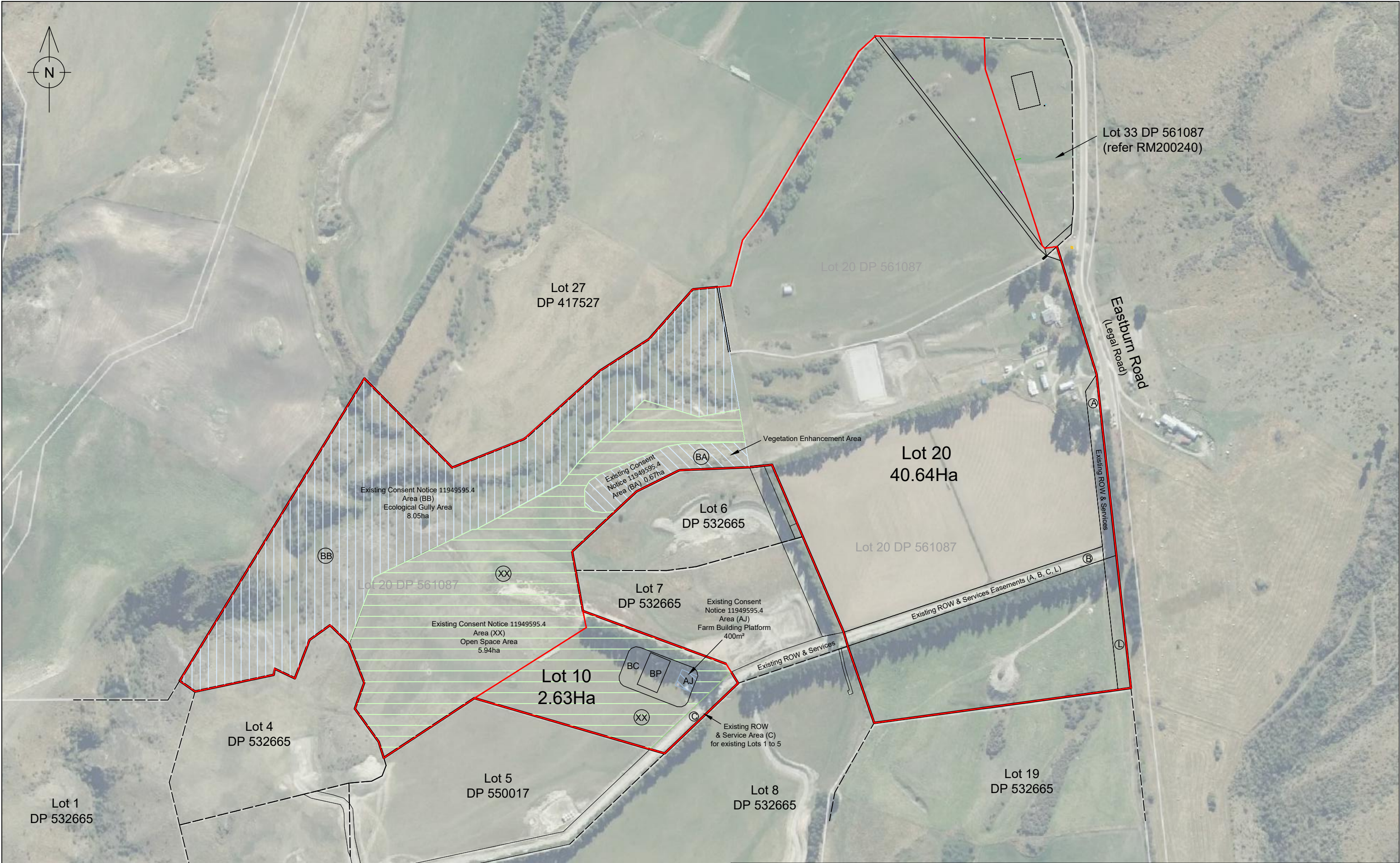
Resource consent is sought to undertake a two lot subdivision for a site located on the Crown Terrace.

The proposed subdivision design is considered to avoid or mitigate the potential effects upon both the environment and people such that the potential effects are considered to be no more than minor.

The proposal is considered not to be contrary to any of the relevant objectives and policies of the Operative District Plan and Proposed District Plan.

The proposal is also considered to be consistent with the Operative and Proposed District Plan requirements in terms of maintaining or enhancing landscape character and visual amenity.

Overall, the proposal is considered to meet the purpose and principles of the Resource Management Act 1991.



Note:

- Easements may be needed for services
- Final areas and dimensions are subject to survey and final LINZ approval.
- Existing easements and consent notices will be brought forward from the parent title as they relate to each new parcel.

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Lots 10 and 20 being a subdivision of
Lot 20 DP 561087
Preservation Lane, Crown Terrace

DATE: 6 Sept 2022
BY: B McLeod
Scale 1:4000
Original Plan A3
DRAWING & ISSUE No.
3720-11R-1D



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



Note:

- Area "BP" to be subject to Consent Notice for building platform.
- Easements may be needed for services
- Final areas and dimensions are subject to survey and final LINZ approval.
- Existing easements and consent notices will be brought forward from the parent title as they relate to each new parcel.

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Diagram of Proposed Lot 10

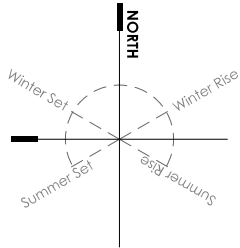
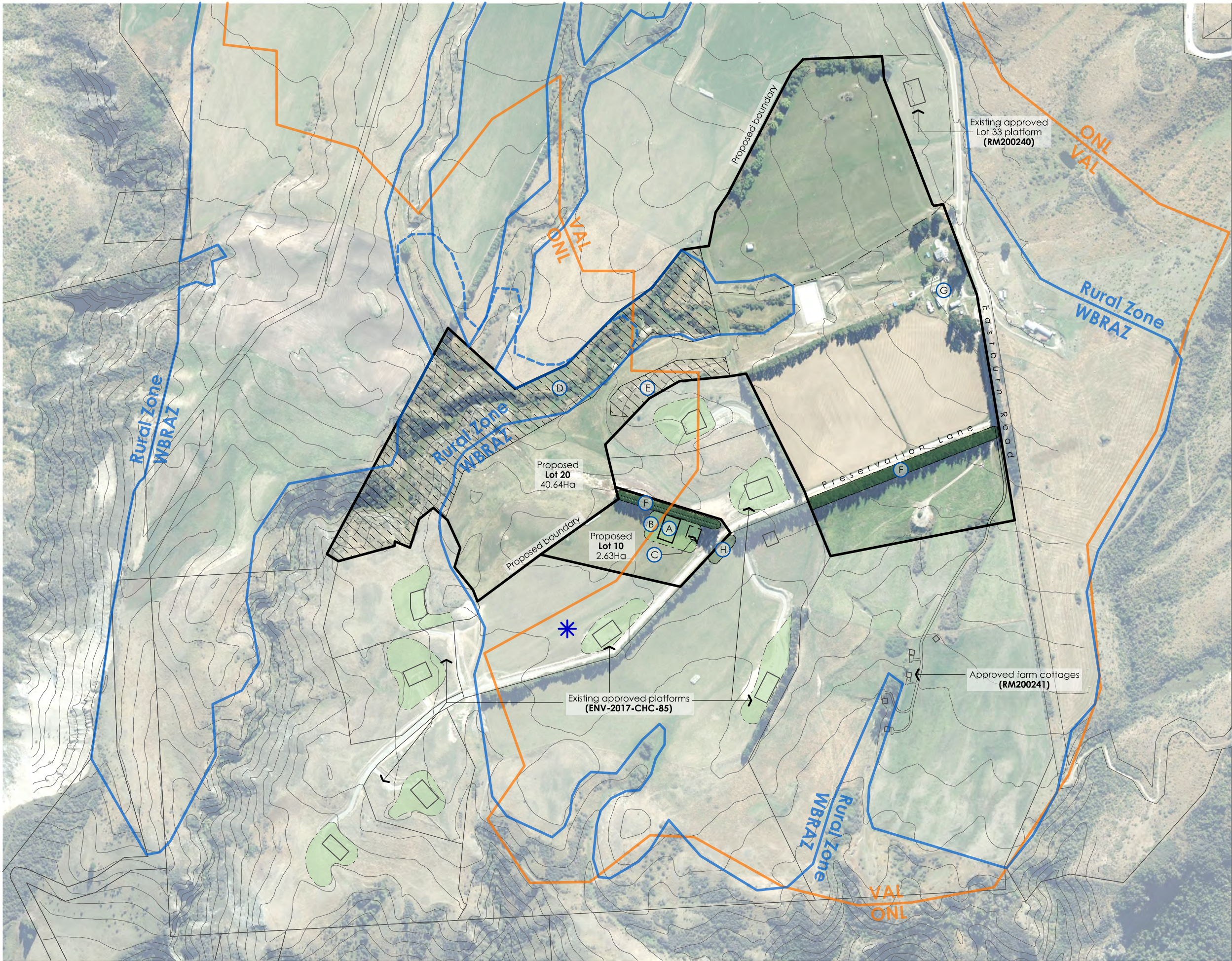
DATE: 6 Sept 2022
BY: B McLeod

Scale 1:1000
Original Plan A3

DRAWING & ISSUE No.
3720-11R-2D



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KEY:

- (A) Proposed 25 x 40m 1,000m² Residential Building Platform
- (B) Proposed Residential Curtilage Area 4,085m² (incl. Platform)
- (C) Existing Farm Building Platform retired. Existing Farm Shed to be removed prior to construction of a dwelling
- (D) Existing Ecological protection in gully (ENV-2017-CHC-85)
- (E) Existing vegetation enhancement (ENV-2017-CHC-85)
- (F) Existing shelterbelt to be retained (ENV-2017-CHC-85)
- (G) Existing Farm Buildings
- (H) Existing extension of shelterbelt (ENV-2017-CHC-85)

Existing Site:
Lot 20 DP 550017
108 Preservation Lane

10m contours



Properties with Affected Party Approval

QLDC Operative & Proposed District Plan Overlays:

- **ODP** (Operative District Plan) Landscape Classification Map: VAL / ONL Line
- **PDP** (Proposed District Plan): Rural Zone (Stage 1) / Wakatipu Basin Rural Amenity Zone (Stage 2)
- **PDP** ONL Line

Figure 1: Context Plan



KEY:

- (A) Proposed 25 x 40m 1,000m² Residential Building Platform
- (B) Proposed Residential Curtilage Area 4,085m² (incl. Platform)
- (C) Existing Farm Building Platform retired. Existing Farm Shed to be removed prior to construction of a dwelling
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- (H) Existing extension of shelterbelt (ENV-2017-CHC-85)

Existing Site:
Lot 20 DP 550017
108 Preservation Lane

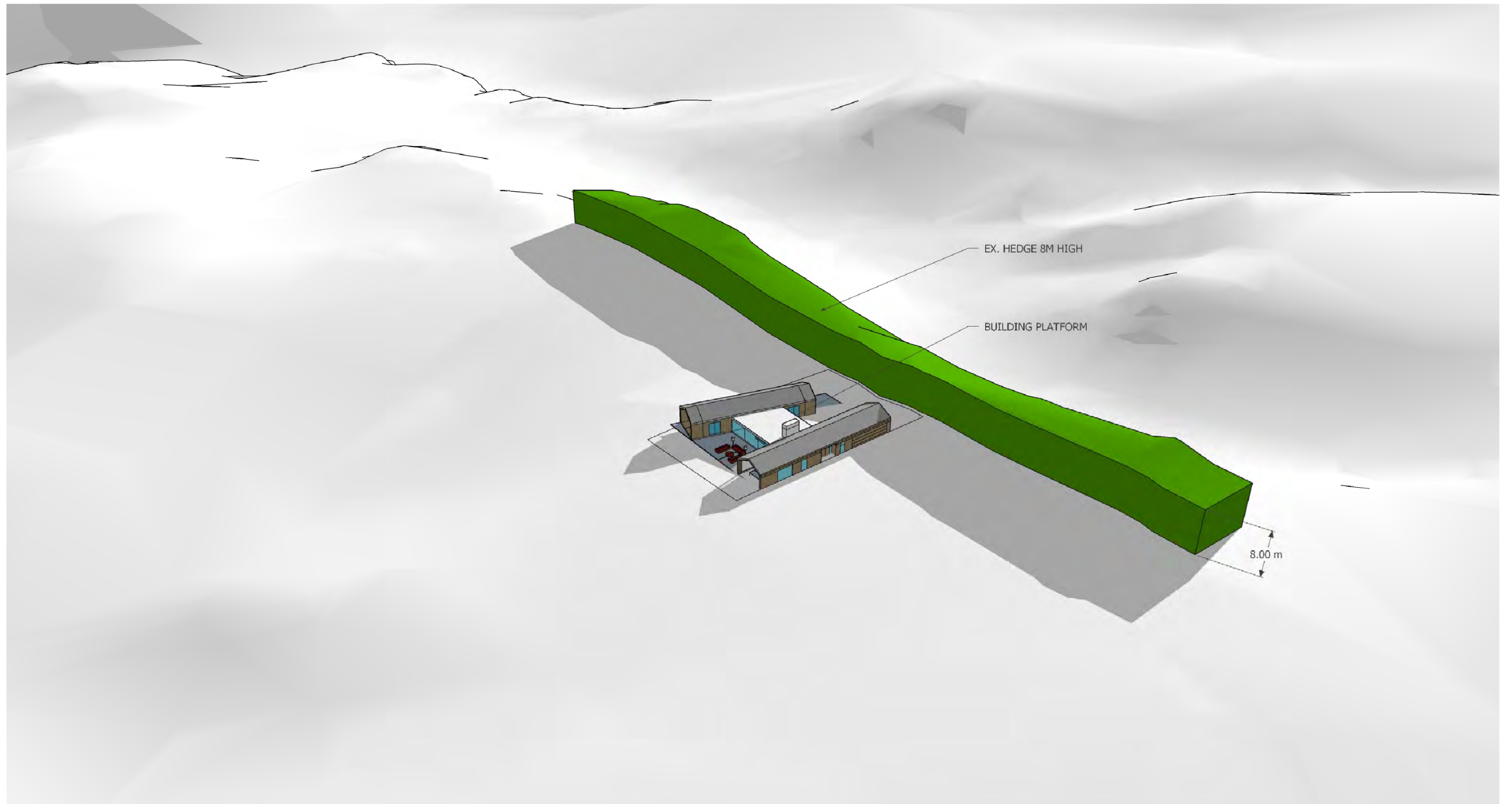
10m contours

* Properties with Affected Party Approval

Figure 2: Landscape Plan



- KEY:**
- (A) Proposed 25 x 40m 1,000m² Residential Building Platform
 - (B) Proposed Residential Curtilage Area 4,085m² (incl. Platform)
 - (C) Existing Farm Building Platform retired. Existing Farm Shed to be removed prior to construction of a dwelling
 - (F) Existing shelterbelt to be retained (ENV-2017-CHC-85) (Approximate trunks shown)
 - (FI) Proposed infill hedgerow: *Cupressus leylandii* (Leyland cypress) x 64, 60cm grades @ 2.5m crs, 2.5m or suitable growing distance from existing trunks, staggered to existing trunks. With rabbit protectors, mulch layer and drip irrigation installed
 - (H) Existing extension of shelterbelt (ENV-2017-CHC-85)
- Existing Site:
Lot 20 DP 550017
108 Preservation Lane
- 10m contours
- * Properties with Affected Party Approval



Model Notes:

Modelled in Sketchup Pro from survey and lidar contours;
Location specified to accurately predict sun shadow.
Set to Mid June, 12pm

Figure 9: Winter Sun Study



Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Proposed Building platform
behind hedgerow

Figure 3: View 1 from Crown Range Road



Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Proposed Building platform
behind hedgerow

Figure 4: View 2 from Crown Range Road



Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Proposed Building platform
not visible behind hedgerow

Small portion of existing farm
shed visible behind hedgerow

Figure 5: View 3 from Lot 8 - 45 Preservation Lane

Lot 20 Eastburn Road, Crown Terrace

05.08.21

www.sitela.co.nz . rt@sitela.co.nz . 310_Landscape Views



Photo Notes:

Camera: ? Unknown, taken by applicant;
Date Photo Taken: 25.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Proposed Platform
behind hedgerow



Photo Notes:

Camera: ? Unknown, taken by applicant;
Date Photo Taken: 25.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Proposed Platform
behind topography and
hedgerow

Figure 7: View 5 from Lot 6 - 36 Preservation Lane

LANDSCAPE & VISUAL EFFECTS ASSESSMENT PEER REVIEW

Application reference: RM211203

From: Vivian + Espie

To: Wendy Baverstock

Date: 1 September 2022

Applicant:	Martin Lawn
Application:	Application for resource consent to undertake a two-allotment subdivision and create a building platform.
Location:	108 Eastburn Road, Crown Terrace
Zoning:	Rural Zone (PDP) Wakatipu Basin Rural Amenity Zone (PDP)
Activity Status:	Non-complying

SUMMARY OF PROPOSAL AND SITE DESCRIPTION

1. Resource consent is sought to subdivide Lot 20 DP561087 to create two allotments and to create a building platform within proposed Lot 10. The application includes a landscape and visual effects assessment dated 3/12/21 (**the Site Report**). We have been engaged to provide a memo that provides comments on:
 - A review of the viewpoints provided;
 - Consideration of the scale and form of future buildings and how these could be managed via consent notices;
 - Appropriateness of landscaping areas/hedgerow in mitigating future effects associated with built form;
 - Effects on rural character and possible precedent effects on landscape character due to the significant reduction in the minimum lot size being less than 80ha.
2. A description of the proposal, the site and the locality are provided in the Site Report. I have reviewed the relevant application documents and site history. A visit to view the site from the surrounding landscape was undertaken on 13 April 2022.
3. The methodology for this assessment has been guided by:
 - The Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines¹.
 - The landscape-related provisions of the Proposed District Plan (**PDP**).
4. When describing effects, I will use the hierarchy of adjectives given in the top row of the table below. The bottom row shows how the adjectives that I use can be related to specific wording within the RMA².

very low	low	low-mod	moderate	mod-high	high	very high
less than minor	minor		more than minor		significant	

¹ Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, April 2021, New Zealand Institute of Landscape Architecture

² Ibid, paragraphs 6.21 and 6.36 to 6.40.

REVIEW

Review of the viewpoints provided

5. The Site Report assessed the visibility of the proposed platform from the Crown Range Road and neighbouring properties including Lot 6, Lot 7 and Lot 8 of the consented and implemented subdivision (RM161179 & DP532665).
6. We agree with the Site Report that Lot 6 is located within a shallow basin with the main viewshaft towards the eastern flanks of the Remarkables and beyond towards Queenstown. However, the curtilage area on Lot 6 extends to the southwest. There are impressive views to the south (towards proposed Lot 10) of the mountains to the south towering over the existing shelterbelt that is located within proposed Lot 10. We note that gaps in the existing shelterbelt, particularly nearer the ground, will allow for glimpses of domestication within the proposed curtilage area from within the building platform and curtilage area on Lot 6, from as close as 110m. We consider that while there is existing domestic activity within the proximity of Lot 6, the topography and separation ensure that domestic activity on surrounding sites is not discernible from within the Lot 6 building platform and curtilage area and the rural landscape values as perceived from Lot 6 remain. There will be a change in the visual amenity experienced from the existing building platform on Lot 6 from an outlook that is an expansive rural landscape to one that includes elements of domestication in close proximity. Domestic noise is also likely to be evident. We consider the degree of adverse effects on views and visual amenity for Lot 6 is of a low degree provided that the double-row shelterbelt within proposed Lot 10 can be relied upon, as will be discussed.
7. We agree with the Site Report that Lot 7 adjoins the site to the northeast and is separated by the existing shelterbelt within proposed Lot 10. We note that a decision was issued in 2021 to vary a consent notice to allow for the relocation of the Lot 7 building platform (RM210196). The relocated platform sits at a higher elevation near the north-eastern corner of Lot 7, with the curtilage area extending to the southwest towards the proposed Lot 10 platform. As such, the separation between the two platforms has increased from 115m to 135m and the new Lot 7 platform is located at a higher vantage point looking toward the proposed Lot 10. As with Lot 6, domestication on the other lots surrounding Lot 7 is currently not discernible from within the building platform and curtilage area. The proposal will add domestic activity that is discernible and within close proximity to the Lot 7 building platform and curtilage area, albeit, that the existing shelterbelt will provide considerable screening. We consider the degree of adverse effects on views and visual amenity for Lot 7 is of a low degree. Again, provided that the Lot 10 shelterbelt can be relied upon.

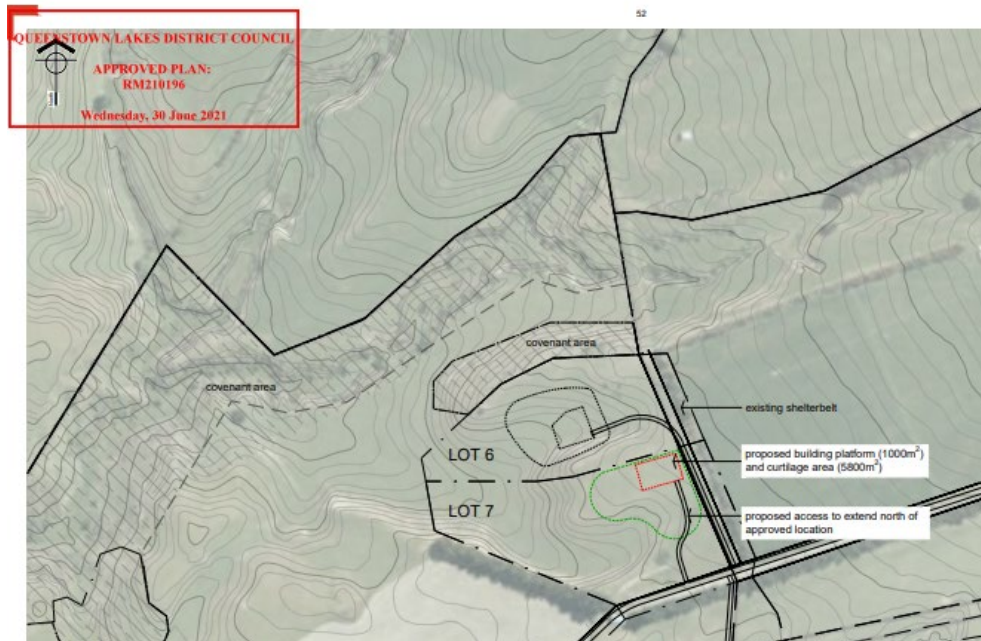


Figure 1: Location of the approved building platform and curtilage area in Lot 7 as amended by RM210196

8. We agree with the assessment of visual effects from Lot 8 as set out in the Site Report.
9. The Site Report states that *'the RBP will not be visible from any other surrounding properties.'* We agree that the proposed RBP will not be visible from the consented platforms to the west/southwest, but the proposed RBP will be visible from parts of Lots 2 and 3 near the right of way (**ROW**) and will be visible from the shared access to lots 1, 2, 3 & 4. In these views, two instances of domestication will be visible in close proximity (being existing Lot 5 & proposed Lot 10). The view will be more akin to a rural living area than a working rural landscape. While the relevant vicinity has been developed for living, the careful placement of existing building platforms and curtilage areas has ensured views are primarily rural with only one instance of rural living visible at any point along the ROW. On balance, we consider the degree of adverse effects on views and visual amenity from the accessway is of a very low degree.
10. We agree with the assessment of visual effects from the Crown Range Road. The degree of adverse effects described in the Site Report relies heavily on the screening provided by the existing 8m hedge. The appropriateness of the shelterbelt as mitigation is discussed in paragraph 14-16.

Consideration of the scale and form of future buildings and how these could be managed via consent notices

11. The applicant has proposed the following design controls:
 - *All buildings are to be located within the building platform.*
 - *The ground floor area of all buildings within the building platform must not exceed 500m².*

- *Maximum building height is to be 5.5m above the original ground level for all buildings within the building platform.*
- *All exterior surfaces* must be coloured in the range of browns, greens or greys including;*
- *Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and*
- *All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%. * Excludes soffits, windows and skylights (but not glass balustrades). ** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.*
- *All fencing within the lot shall be either timber post and rail, waratah and wire, deer fencing or rabbit proof fencing.*
- *All exterior lighting within the lot shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond the property boundaries does not occur. There shall be no floodlights and no lighting associated with the driveways or access to the site.*
- *Any driveway within the site shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.*
- *Within the building platform, hard stand areas adjacent to buildings may be constructed of asphalt, chip-seal finished with local gravels, gobi blocks or other permeable or natural paving systems. No hard stand areas may be formed outside of the building platform, with the exception of those required for fire-fighting purposes.*
- *All outdoor structures and garden elements associated with residential use of the lot shall be confined to the marked curtilage area on the Landscape Plan. Such structures include clothes lines, garden storage sheds (not requiring a separate resource consent), outdoor furniture, shade structures for outdoor living, trampolines and commercial play structures, swimming pool or hot tub, paved or decked surfaces associated with outdoor living areas, and cultivated gardens. The area outside of the curtilage area shall be retained as open pasture.*

12. Should the application be granted, it would be reasonable for conditions of consent to include all the design controls that are listed as consent notice conditions for RM161179 and varied by RM190413 to create eight rural living allotments. This would help ensure visual coherence.

Appropriateness of landscaping areas/hedgerow in mitigating future effects associated with built form

13. The existing shelterbelt along the northern boundary of proposed lot 10 is heavily relied on by the Site report when assessing visual effects from both Lots 6 and 7, and beyond the site. We understand a consent notice

condition requires this shelterbelt to be retained at a height of no less than 8m and for a double row to be planted. We understand the relevant condition required the double-row planting to have been done prior to 224c certification. We note that no second row of trees has been planted, no succession planting has been undertaken and the plant spacings are not uniform along the shelterbelt. If one or more trees were to be removed from the shelterbelt, views of the proposed activities would be available from neighbouring Lots 6 & 7.

14. In addition to the fact that the consent notice has not been complied with in relation to a double row of shelter trees, there is a concern regarding relying on an eight-metre-high shelterbelt directly north of the proposed platform. The proposed building platform will be largely shaded and given the elevation the platform is likely to be very cold and frozen for a significant portion of the year, creating a temptation to remove trees. In past Environment Court and QLDC decisions, screening that is likely to be altered or removed to provide for a more desirable living situation has been given little weight.

*"We accept that little weight should be given to the screening effect of vegetation on development of Lots 1 to 3 because there is no confidence that the vegetation will not be removed or altered for two reasons. First, the Council's wilding policy suggests that at least the conifers may be removed. Second, placing screening vegetation in front of views is always a risky endeavour: there are too many temptations for accidents to happen."*³

15. In this case, the temptation to remove or trim the shelterbelt is not related to views out from the platform (as in the environment court example above) but is related to the solar access of the future dwelling. If any trees within that shelterbelt were to be removed, particularly those adjacent to the proposed building platform, the time for new vegetation to reach the required height of 8m would be considerable. The proposed building platform and curtilage area extend nearly all the way along the shelterbelt on the boundary between Lot 7 and proposed Lot 10. The proposed building platform and curtilage area are in close proximity to the shelterbelt and Lots 6 & 7. Removal of any trees from the existing shelterbelt adjacent to future buildings or curtilage activities on proposed Lot 10 could lead to built form and domestication being dominant in views from Lot 7 and the degree of adverse effects could be very high. The proposed curtilage area could become clearly visible from Lot 6 and the degree of adverse effects would be high. Similarly, the removal of any part of the shelterbelt could open up views from the Crown Range Road, allowing for views of domestication on both proposed Lot 10 and the existing rural living sites in the vicinity.

³ DECISION NO. [20181 NZENVCL 83, Willowridge Developments Limited V Queenstown Lakes District Council

Effects on rural character and possible precedent effects on landscape character due to the significant reduction in the minimum lot size being less than 80ha.

16. In a technical sense, the issue of whether or not the granting of consent will set a precedent is not an issue that we can give guidance on. We understand each non-complying application should be assessed on its merits; therefore, should this consent be granted it should not create a precedent allowing other consents in the WBRAZ to be granted.
17. With regard to the 80ha lot size standard, there are relevant objectives and policies relating to landscape character and visual amenity in the Wakatipu Basin that have not been addressed in the Site Report.

24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.

24.2.1.1 To assist to achieve Objective 24.2.1, subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that:

 - a. is not inconsistent with any of the policies that serve to assist to achieve that objective; and*
 - b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced.*
18. Policy 24.2.1.1(b) requires subdivision and development to maintain or enhance the landscape character values and visual amenity values identified in Schedule 24.8 - Landscape Character Units. The site is located within Landscape Character Unit (LCU) 20: Crown Range. The relevant section of Schedule 24.8 is detailed within the Site Report, however, there is no comment regarding how these characteristics are enhanced or maintained.
19. The characteristics of LCU20 are set out in detail in the Site Report and in Schedule 24.5.
20. The capability to absorb additional development within the Crown Terrace landscape character unit (LCU) has been identified as very low. Potential for development has been identified for larger-scaled lots. The site in its existing state is considerably smaller than 80ha at 43.27ha.
21. The site and its immediate vicinity form a small enclave within the larger landscape of the Crown Range LCU. This enclave has been incrementally developed over time to create an area more akin to rural living development than the open, pastoral characteristics of the Crown range LCU described in Schedule 24.8.
22. LCU 20 is described as an open, pastoral landscape with a scattering of exotic and native vegetation. The Site Report once again relies heavily on the screening of the existing shelterbelt in maintaining these

characteristics and containing the proposed activities. The proposal will increase the level of domestication within a part of LCU 20 that is somewhat visually contained, but that has been developed such that the open pastoral characteristics described in Schedule 24.8 are no longer the dominant characteristics. We consider that if full reliance cannot be placed on the aforementioned shelterbelt, then it is difficult to see how the addition of the proposed rural living lot, within an already relatively developed part of LCU20, would maintain, or enhance the open, pastoral landscape.

23. As has been set out, consent notice conditions require an 8m high, double-row shelterbelt be maintained along the northern boundary of the subject site. These conditions were imposed in the absence of the current proposal. We consider that the question of whether these conditions, and the double-row shelterbelt can be relied upon, is ultimately a legal or planning question, but we highlight that an 8m high shelterbelt on the northern side of a dwelling, at close proximity, will inhibit the amenity of that dwelling.
24. We note that no enhancement of the landscape is proposed despite potential landscape opportunities and benefits associated with additional development being identified for LCU 20 in Schedule 24.8.

vivian+espie

1 September 22

Quality Assurance

Report prepared by Vivian and Espie for Queenstown Lakes District Council			
Reviewed and Approved By	Jess McKenzie	Landscape Architect	31 August 2022



ENGINEERING REPORT

TO: Wendy Baverstock

FROM: Cameron Jones

DATE: 13/06/2022

APPLICATION DETAILS	
REFERENCE	RM211203
APPLICANT	Martin Lawn
APPLICATION TYPE & DESCRIPTION	Subdivision consent is sought to undertake a two lot subdivision.
ADDRESS	108 Eastburn Road, Crown Terrace
ZONING	Wakatipu Basin Rural Amenity Zone
LEGAL DESCRIPTION	Lot 20 DP 561087
SITE AREA	43.2714 ha
ACTIVITY STATUS	Non-complying

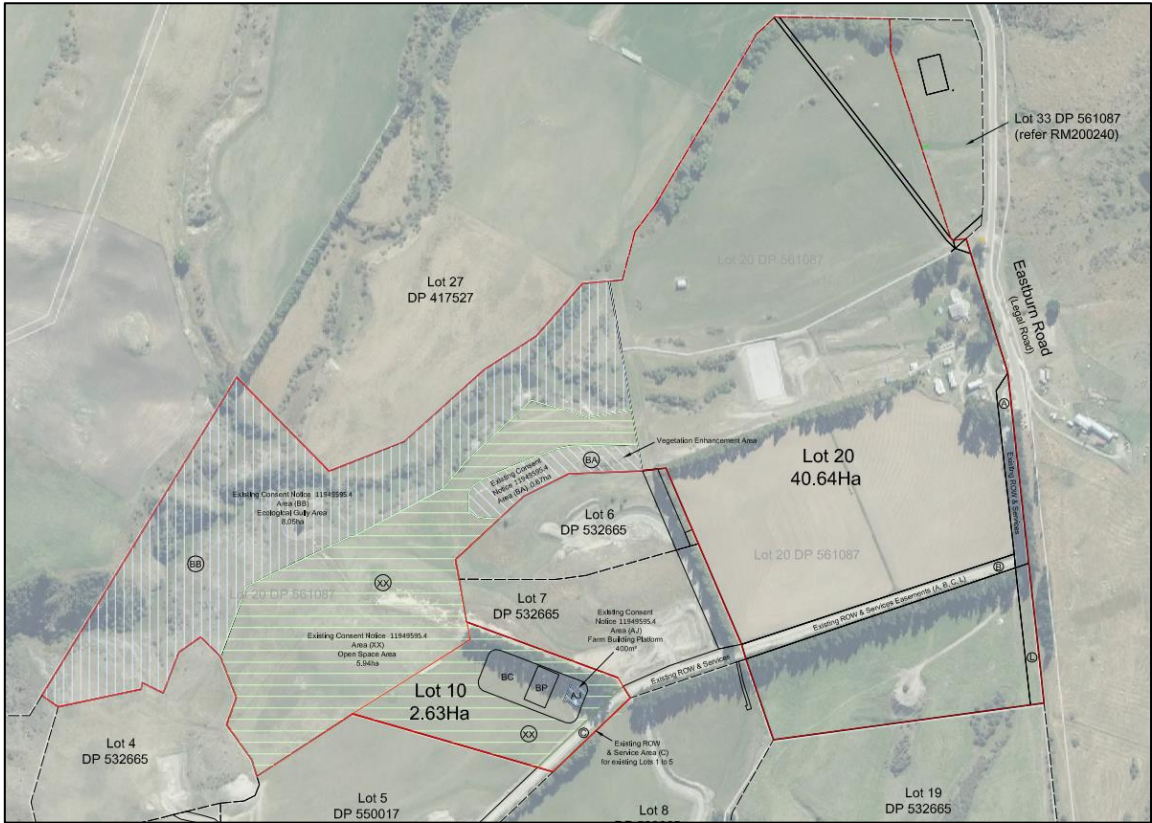
Application	Reference Documents	Documents provided with consent application.
	Previous Relevant Consents	RM161179 & RM190413 (underlying subdivision & variation). RM200240 (boundary adjustment).

Comments		
	Existing Use	Rural allotment with an existing residential unit and ancillary structures.
	Neighbours	Eastburn Road to the east; otherwise surrounded by pastoral land.
	Topography/Aspect	Rolling topography generally sloping down towards the south/southwest.

Location Diagram



Scheme Plan



ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Means of Access	<p>Access to the new building platform on Lot 10 will be via an existing right of way which crosses the southern portion of the site, constructed as part of the works for RM161179 and named Preservation Lane.</p> <p>Preservation Lane has a formed width of 5.5-6.0m within a legal width of 15m, which is in accordance with Figure E2 of QLDC's 'Land Development and Subdivision Code of Practice' (COP). Figure E2 accesses are suitable for the use of up to 20 residential unit, and Preservation Lane currently serves 10 allotments. I am therefore satisfied that the existing access is appropriate for the proposed subdivision and I make no recommendations in this regard.</p> <p>Access from Preservation Lane to the building platform will be formed at the time a residential unit is constructed. I recommend a consent notice condition in this regard.</p> <p>The point between Preservation Lane and the future accessway to the building platform is not, by District Plan definition, a vehicle crossing, and the majority of the District Plan Rules regarding vehicle crossings therefore do not apply. Regardless, I am satisfied that locating this access point in an appropriate location with little to no risk of adverse traffic safety or efficiency outcomes will be easily achieved.</p> <p>Consent notice 11949595.4 contains several conditions requiring the access within the site to be unsealed. I have no engineering concerns with this condition.</p>	X

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	<p>Minor earthworks as required to provide a water supply to the new building platform. I recommend appropriate conditions regarding site management and making good upon the completion of works.</p> <p>A geotechnical report has been prepared by GeoSolve Limited and provided as part of the application ('<i>Geotechnical Assessment for Resource Consent. Proposed Building Platforms and Sub-division, Eastburn Road.</i>' GeoSolve ref 210331, dated 17 November 2021). The report indicates that the bearing strength of the in-situ material is likely to vary, so specific engineering design of foundations will be required. I am satisfied that this requirement will be captured as part of the geotechnical completion report and schedule 2A certification process, and I recommend associated conditions in this regard.</p>	X

ENGINEERING			COMMENTS	Condition
SERVICES	Existing Services		<p>A bore has been installed on the property, and power and telecommunications connections provided. Wastewater and stormwater from the existing buildings is treated and discharged on-site.</p> <p>A description of the existing and proposed servicing arrangements is provided in a feasibility report prepared by Civilised Limited ('<i>M & S Lawn – Eastburn Road Subdivision. Infrastructure Feasibility Report.</i>' Civilised ref QS055, dated 10 November 2021).</p>	

	Water	Potable	<p>The Civilised Report states that water for the proposed lot will be sourced from bore CC12/0101 (as per the Otago Regional Council's referencing scheme), located within the site / proposed Lot 20. Civilised states that this bore currently provides water to the residential unit on Lot 20 and the approved 5-unit visitor accommodation activity on Lot 19 DP 532665. The applicant asserts that all other water requirements for the wider site (including the subdivision approved by RM161179 and all associated irrigation requirements for the structural landscaping plan) are provided from other bores.</p> <p>Consequently, the water demand from CC12/0101 following this subdivision will be to supply 7 residential units, or 14,700 litres per day. This is less than the maximum permitted by the ORC, and the applicant has provided pumping logs demonstrating that the bore can produce sufficient water. Several laboratory test results have also been provided, and I accept these as evidence that the water supply is potable.</p> <p>I recommend a condition that a suitable water connection be provided to the building platform on Lot 10 prior to 224c certification. I recommend a condition requiring the provision of updated laboratory test results prior to 224c certification.</p>	X
		Fire-fighting	<p>As there is no water reticulation in the area, on-site static firefighting reserves will be required for the new residential unit on Lot 10 at the time of its construction, in accordance with the requirements of SNZ PAS 4509:2008. I recommend an appropriate consent notice condition in this regard.</p> <p>The existing residential unit on Lot 20 has been provided with a static firefighting water reserve and a firefighting coupling and I make no recommendations in this regard.</p>	X
	Effluent Disposal		<p>Wastewater from the existing residential unit is treated and discharged on-site. I am satisfied that the specific design of the system used to achieve this was assessed at the time of its construction and I make no recommendations in this regard.</p> <p>As there is no wastewater reticulation in the area, on-site treatment and disposal will be required at the time a residential unit is constructed on Lot 10, in accordance with the requirements of AS/NZS 1547:2012. The Civilised Limited report includes a site and soils assessment demonstrating the feasibility of this option. I recommend an appropriate consent notice condition in this regard.</p> <p>There are no existing wastewater-related conditions registered on the lot's title which affect the subject land.</p>	X
	Stormwater		<p>Stormwater from the existing residential unit is discharged on-site. I am satisfied that the specific design of the system used to achieve this was assessed at the time of its construction and I make no recommendations in this regard.</p> <p>The Civilised Limited report confirms that on-site stormwater disposal will be readily achieved. I accept this expert advice and I am satisfied that the specific design of the stormwater disposal designs will be assessed as part of the Building Consent process. I make no recommendations in this regard.</p>	
	Power & Telecoms		<p>The applicant has provided letters from the service providers stating that appropriate power and telecommunications connections can be made to the subdivision. I recommend a condition that these connections be made prior to 224c certification.</p>	X

ENGINEERING		COMMENTS	Condition
NATURAL HAZARDS	Hazards on or near the site	Council's GIS shows that the site is overlain by several alluvial fan hazard layers. The Otago Regional Council's (ORC) GIS shows that the site is within liquefaction Domain A, meaning the likely risk due to liquefaction is "low to none." I make no recommendations with regard to liquefaction.	
	Report on Hazards	The GeoSolve report provided with the application (referenced above) concludes that "based on [their] inspection of the site, and particularly the natural protection provided by the surrounding topography, the risk of alluvial fan activity affecting the development is considered very low and no specific requirements are considered necessary." I accept this expert advice and I make no recommendations in this regard.	

ENGINEERING		COMMENTS	Condition
PROJECT INFORMATION	Staging	Not applicable.	
	Developers Engineering Representative	Required.	X
	Notice of commencement	Not required.	
	Traffic Management Plan	Not required.	X
	Design Certificates	Not required.	
	Completion Certificates	Not required.	
	As built	Required.	X

ENGINEERING		COMMENTS	Condition
TITLE	Covenants/consent notices	Consent notice 11949595.4 is registered on the lot's title. The only engineering conditions therein which are relevant to the subject site are related to a requirement for the lot's owner to be part of a management organisation for the underlying subdivision's shared infrastructure, and the requirement to undertake foundation design in accordance with the schedule 2A certificate for the underlying subdivision. I recommend the inclusion of a similar management organisation condition in this consent, to ensure that the new lot's owner is also bound to be part of the organisation. The schedule 2A certificate condition will no longer be relevant following the completion of this subdivision and the provision of a new schedule 2A certificate.	
	Easements	A condition is recommended to ensure all necessary easements are granted or reserved.	X
	Road Names on Title Plan	Not required.	
	Building Platforms	Digital location on survey plan required.	X
	Amalgamation Condition	Not applicable.	

RECOMMENDED CONDITIONS – SUBDIVISION

It is recommended that the following conditions are included in the consent decision:

General

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 8 October 2020 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

2. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
3. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a certified Temporary Traffic Management Planner (TTMP) as validated on their CoPTTM ID certification. All contractors obligated to implement temporary traffic management plans shall employ a qualified Site Traffic Management Supervisor (STMS) to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

To be monitored throughout earthworks

4. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
5. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

To be completed before Council approval of the Survey Plan

6. 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 before issue of the s224(c) certificate

7. 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 Water reticulation (including private laterals and toby positions).

- b) A digital plan showing the location of all building platforms as shown on the 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) Provision of a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 10 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2018). For all surface water or ground water takes this shall include the results of chemical test results no more than 5 years old and bacterial test results no more than 3 months old at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>) and be accompanied by a laboratory report with non-compliances highlighted and outlining any necessary means of remedial treatment.
- d) 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 2018). The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>).
- e) If either the test results required in Condition 9(d) above show the water supply does not conform to the Drinking Water Standards for New Zealand 2005 (Revised 2018) or the water source is anything other than a secure bore 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 and maintain 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 2018). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.

OR

 - (ii) A consent notice shall be registered on the relevant Records of Title for the lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the residential unit an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM211203 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- f) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading, service infrastructure and facilities associated with the subdivision.

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

- g) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kVA capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- h) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- i) All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering Lot 10.

The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.

- j) All earth worked and/or exposed areas created as part of the subdivision shall be top-soiled and grassed, revegetated, or otherwise stabilised.
- k) 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

- 8. 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 lot owners are required to be part of the management entity as required by Condition (7f) of RM211203. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
 - b) In the absence of a management entity, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
- 9. 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) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (7i) contains limitations, such as specific foundation requirements for each lot that does not meet NZS3604 foundation conditions, or remedial works required on particular lots, then a consent notice shall be registered on the Records of Title for the affected lots detailing requirements for the lot owner(s).
 - c) 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 an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Civilised Limited, dated 10 November 2021. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the residential unit. The proposed wastewater system shall provide at least secondary treatment to effluent prior to discharge to land.

The wastewater disposal field shall be blocked off to vehicular traffic and large stock, such as cattle, horses and deer. This shall be achieved through use of a physical barrier, such as

fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.

- d) At the time that a residential unit is erected, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking-water standards for New Zealand 2005 (Revised 2018), if required.
- e) At the time a residential unit is erected on the lot, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve within a 55,000 litre combination of tanks (or equivalent). 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ connection point/coupling, tank and hardstand area must be located so that it is not compromised in the event of a fire (more than 6m from a building).

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

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

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

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 13km 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 unit.

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.
-

Prepared by:



Cameron Jones
SENIOR LAND DEVELOPMENT ENGINEER

Reviewed by:



Michael Wardill
TEAM LEADER
RESOURCE MANAGEMENT ENGINEERING

Preservation Lane, Crown Terrace

Shade Study and Visibility Analysis Memo

Richard Tyler Landscape Architect - NZILA Registered
SITE Landscape Architects

Prepared 5th October

1.0 Introduction

This memo is prepared in response to the QLDC Landscape Peer Review – final version 1st September 2022, line 14:

14. In addition to the fact that the consent notice has not been complied with in relation to a double row of shelter trees, there is a concern regarding relying on an eight-metre-high shelterbelt directly north of the proposed platform. The proposed building platform will be largely shaded and given the elevation the platform is likely to be very cold and frozen for a significant portion of the year, creating a temptation to remove trees. In past Environment Court and QLDC decisions, screening that is likely to be altered or removed to provide for a more desirable living situation has been given little weight.

I have undertaken a sunshade study to confirm the amount of shading the building platform will receive with the hedgerow at both **8m** and **11m** high with the surrounding mountain ranges in place. The study confirms:

- In the middle of winter at 10.15am as the sun rises over the mountain tops there will be 75% of sunlight hitting the platform (with 8m hedgerow) and 25% (with 11m hedgerow);
- From this point of the day on sunlight will increase – at midday 85% will be in sun (with 8m hedgerow) and 65% (with 11m hedgerow).

The study confirms that an acceptable level of sunlight will be available to a building within the platform with the hedgerow at both 8m and 11m high and therefore can be safely relied on to provide on-going visual screening.

The following points are noted for consideration:

- At the shortest day of the year the sun will rise over the surrounding mountain ranges immediately to the north (Crown Range) at 10.15am;
- The vertical form of a building will receive more sunlight than is cast on to the ground surface because of the relative angle of sun to top of hedge (refer Image 2, Section 3);
- A building would most likely be designed with a garage and service activities to the north-east of the platform (shadier side), with a living area to the southern / western part (sunnier side);

- With the hedgerow in place the platform has quality views to the north-west / south-west (Coronet Peak, Mt. Larkins, Ben Lomond through to Remarkables). The hedgerow is oriented slightly north-west to south-east and therefore the platform will receive the most sun in the afternoon.



Photo taken on 23rd July 3.06pm, viewing west. The hedgerow is roughly 20m high and will be reduced to 8m or 11m high.

VISIBILITY ANALYSIS:

I have also undertaken a visibility analysis (Figure 0, Views 1-4 appended) with the hedgerow at 8m and 11m high. This shows that a 11m hedgerow will fully screen the platform from all viewpoints. An 8m hedgerow will screen the majority of the platform (over 50% of it) from all viewpoints except view 1, where under 50% will be screened. I consider this level of screening to be sufficient to ensure visual amenity and landscape character values are maintained, as a building with dark materials will be largely 'nestled' by the trees and will blend with the form of the hedgerow.

Also to note the area surrounding site is relatively discrete visually as perceived from the Crown Range, sitting low in the view with the main attention of viewers aimed straight out towards the surrounding mountain ranges and valley below.

2.0 Methodology

The building platform and surrounding topography were modelling in Sketchup Pro. The 3d contours were accurately aligned to north as per Geoaspatial co-ordinates and imported into sketchup from CAD.

The terrain model consists of:

- Mountain ranges to the north (LINZ Lidar contours at 20m interval);
- The site including area of building platform and existing hedgerow (Survey contours at 2m interval).

The two datasets were accurately aligned in Microstation with a Geospatial aligning tool. The building platform is shown as a maximum 5.5m high envelope above existing ground.

In Sketchup the Geolocation was specified. This allows Sketchup to accurately predict sun angles at various times of the day / year for the location.

3.0 Shade Study

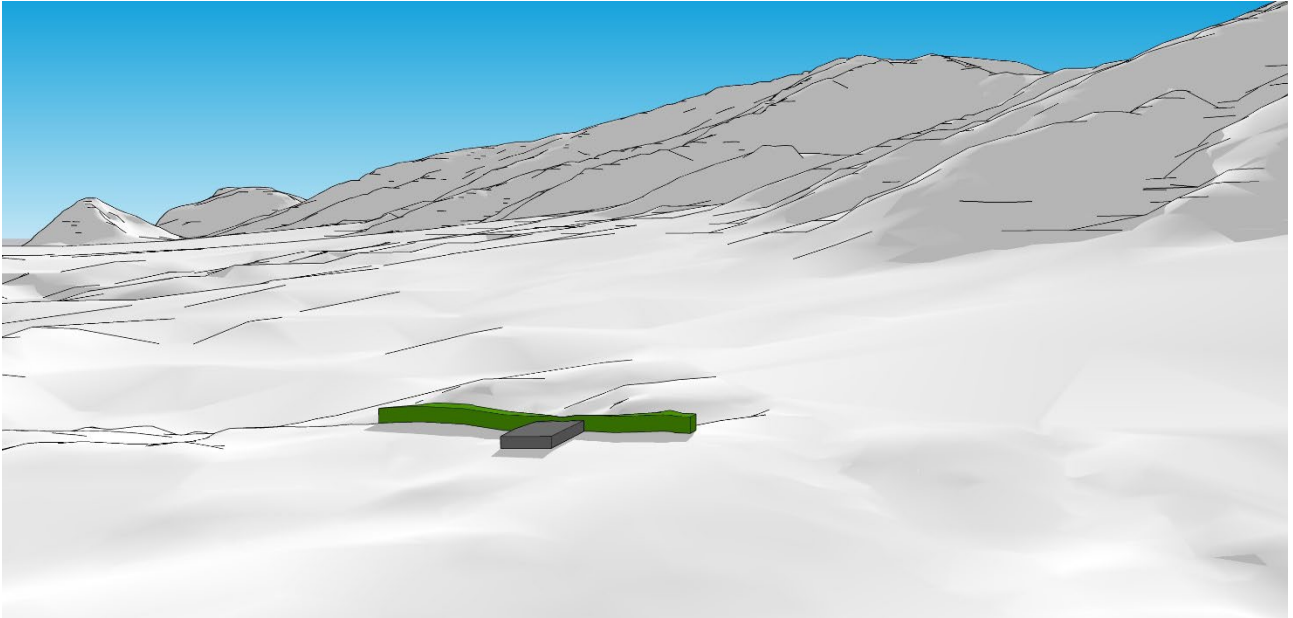


Image 1: Overall view - Crown Range to the north, **8m** hedgerow and building platform in foreground

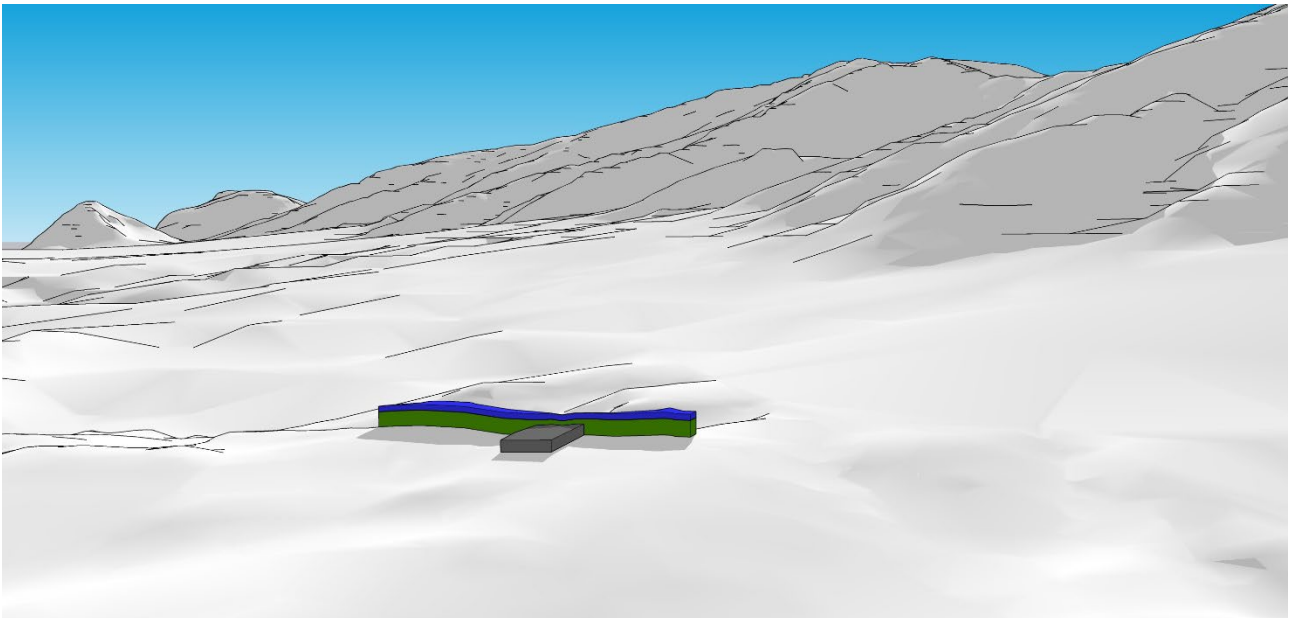


Image 1.1: **11m** hedgerow

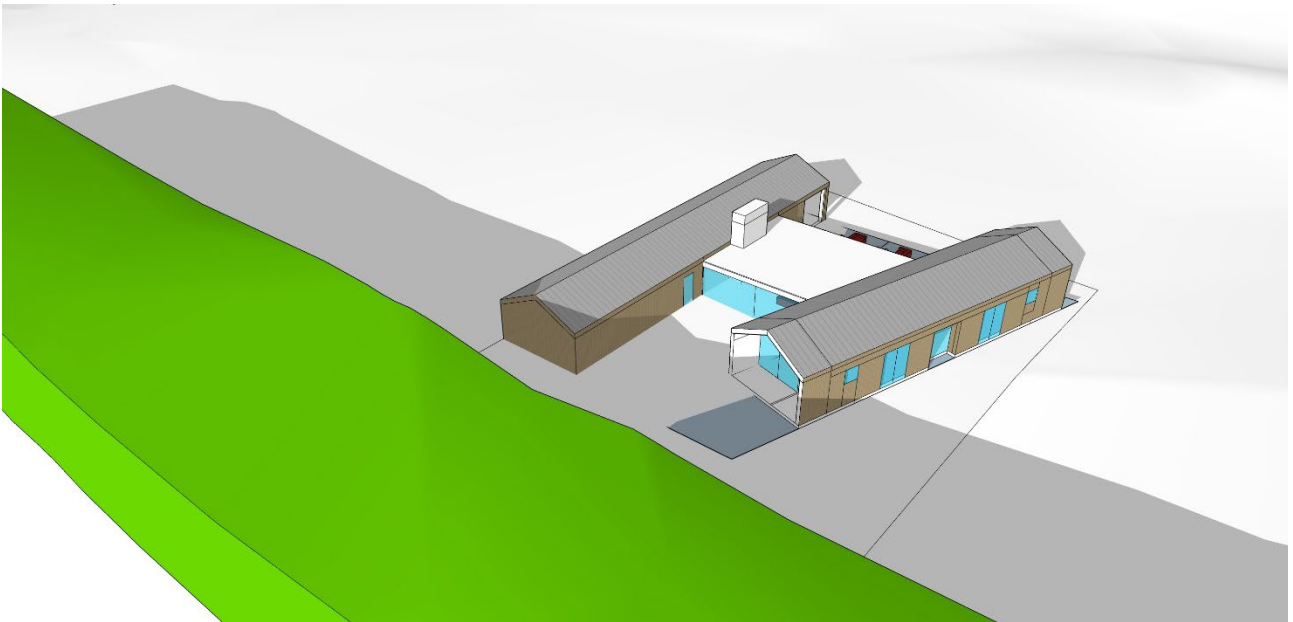


Image 2: **June 22nd, 12pm**. Building platform with indicative building and **8m** hedgerow. This demonstrates the vertical form of a building will receive more sunlight than is cast on to the ground surface because of the relative angle of sun to top of hedge. At this point of the day as noted below 40% of the platform will be in shade, but the vertical form of the building will receive more light that the ground surface.

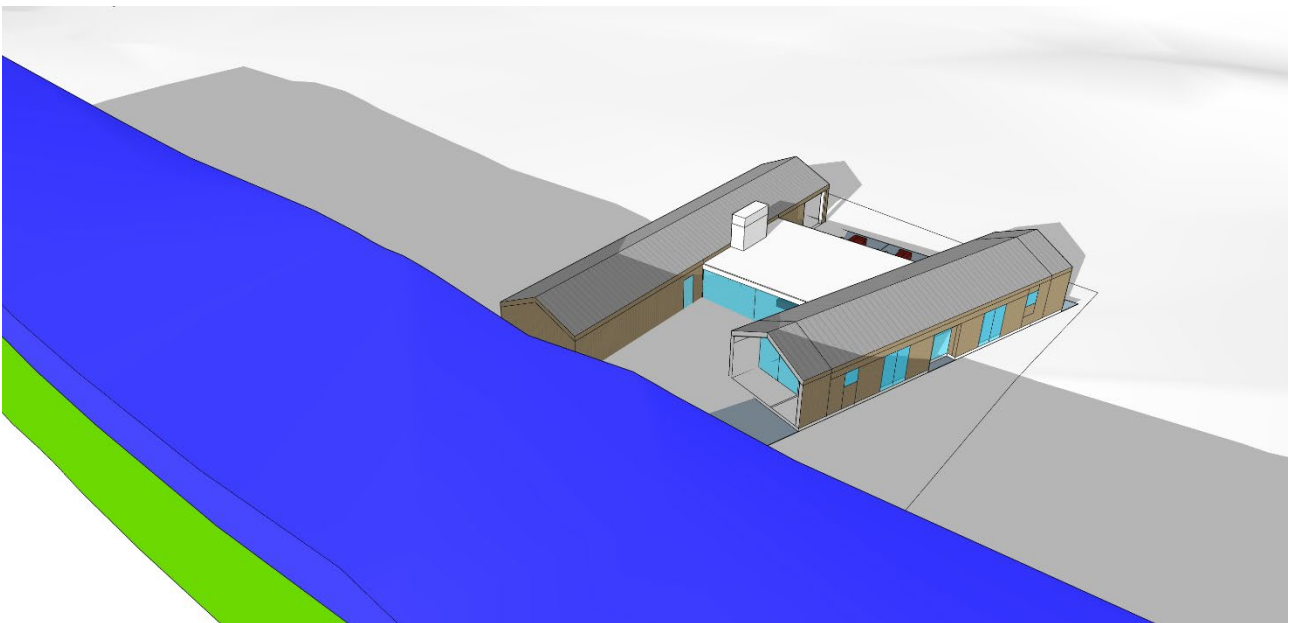


Image 2.1: **11m** hedgerow

WINTER MORNING – 8m Hedgerow:

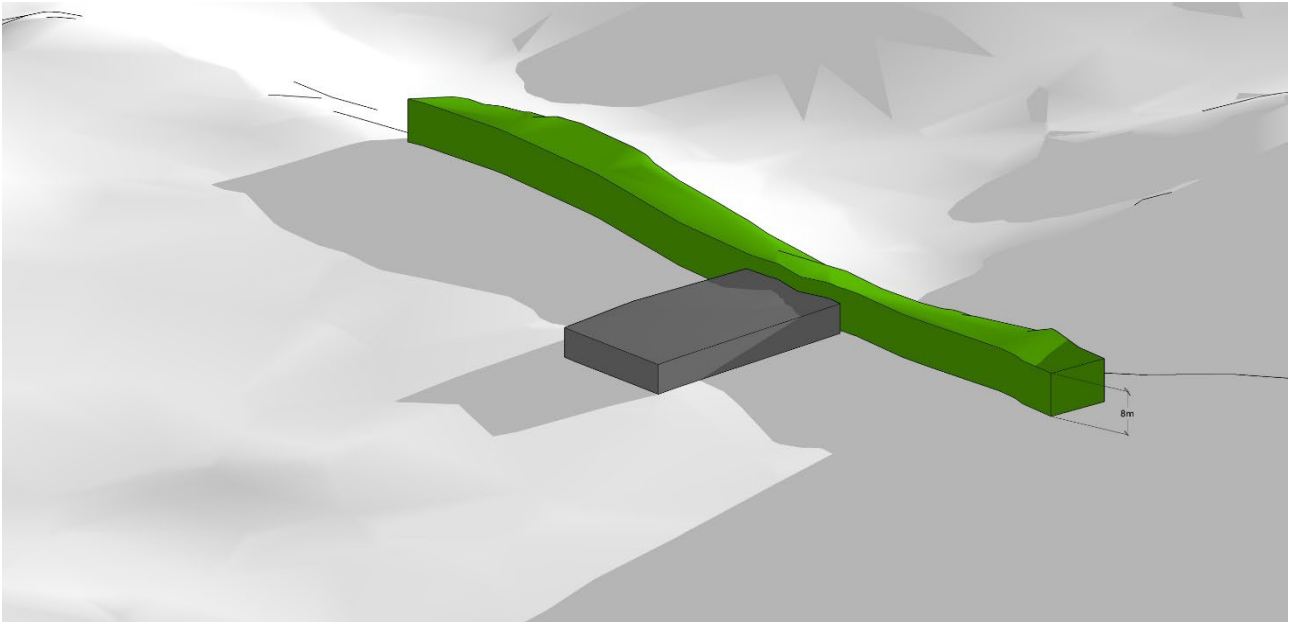


Image 3: **June 22nd, 10.15am.** Shadow of Crown Range to right of view. (Sun just coming up over the mountain tops).
Approximately 75% of the platform (measured volumetrically) will receive sunlight

WINTER MORNING – 11m Hedgerow:

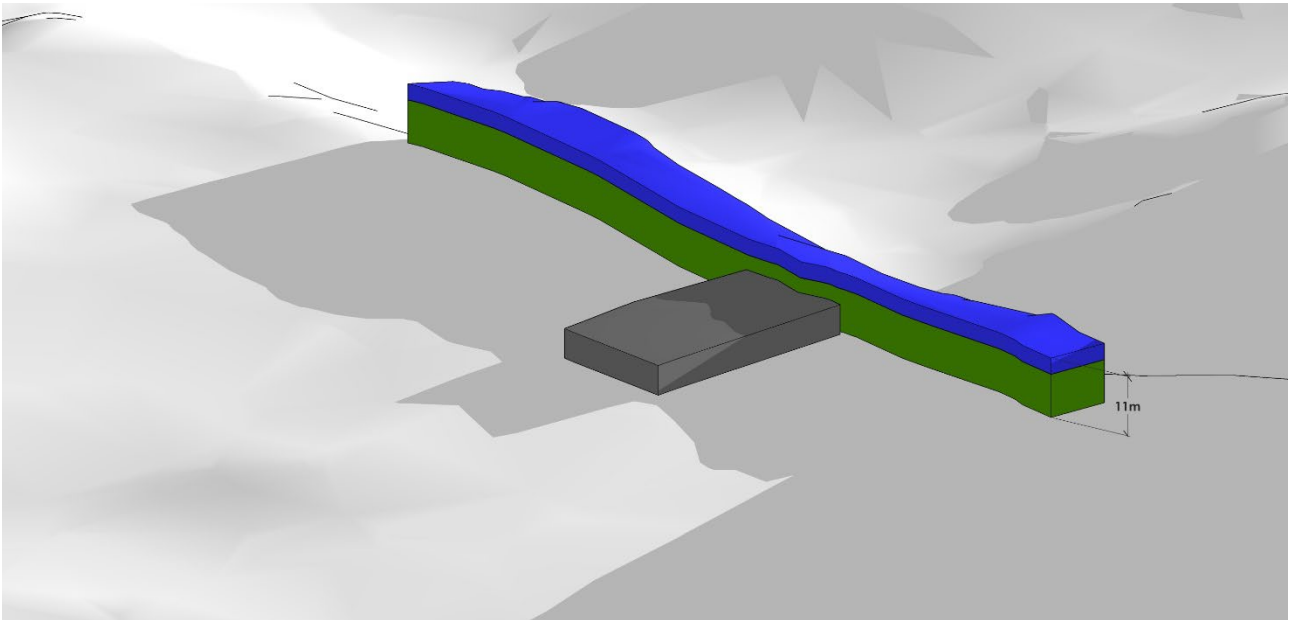


Image 3.1 Approximately 25% of the platform (measured volumetrically) will receive sunlight

WINTER MIDDAY – 8m Hedgerow:

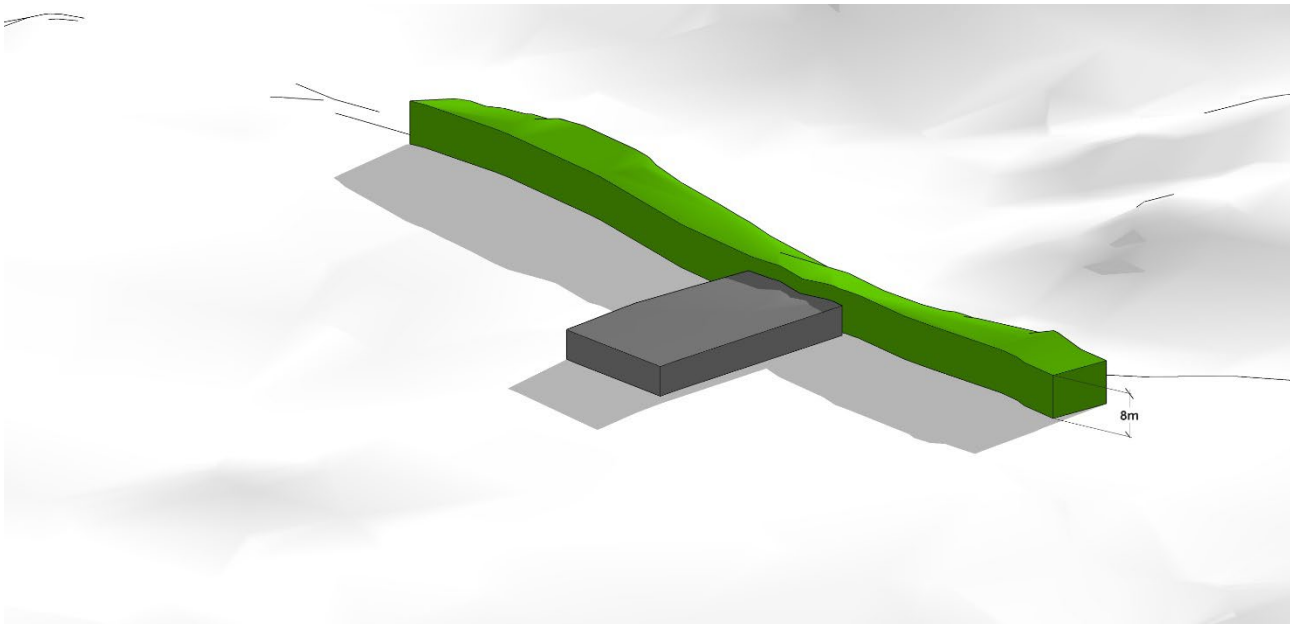


Image 4: June 22nd, 12pm

Approximately 85% of the platform (measured volumetrically) will receive sunlight

WINTER MIDDAY – 11m Hedgerow:

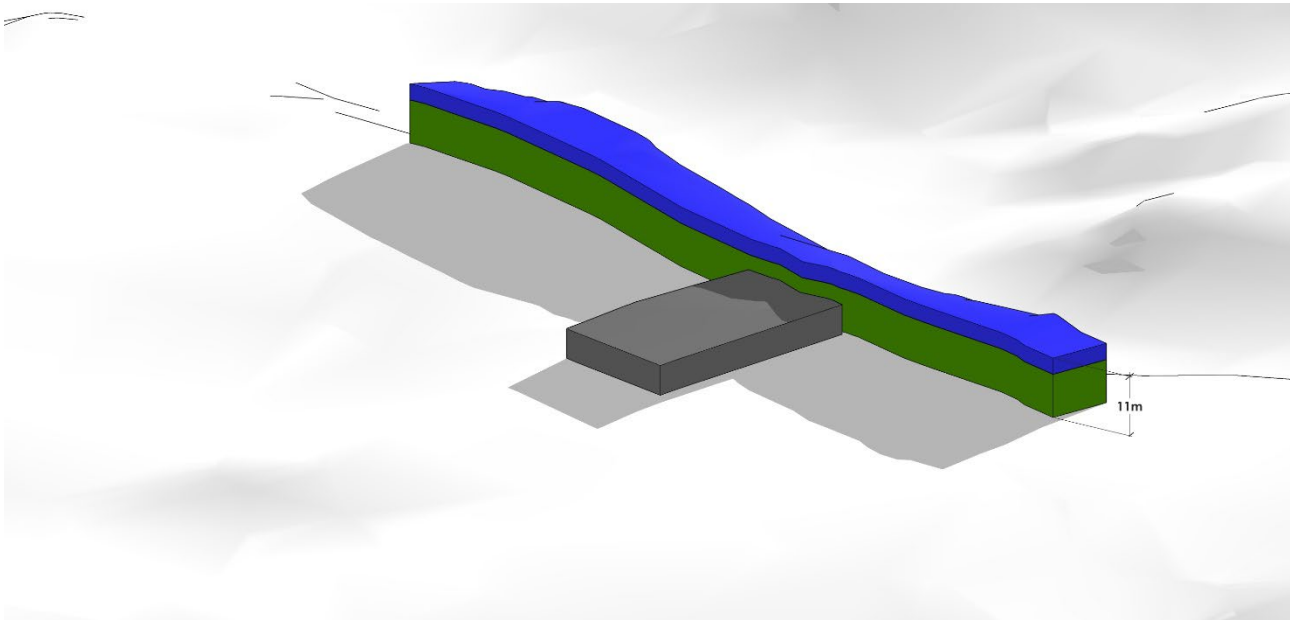


Image 4.1: June 22nd, 12pm.

Approximately 65% of the platform (measured volumetrically) will receive sunlight

WINTER AFTERNOON – 8m Hedgerow:

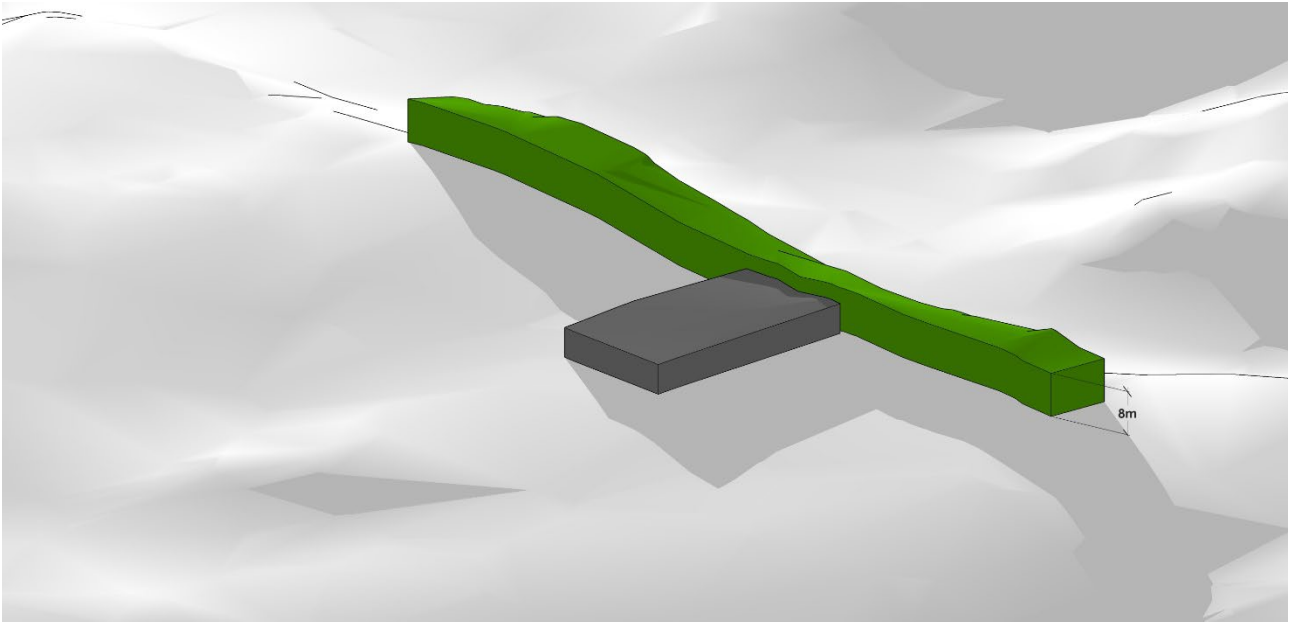


Image 5: June 22nd, 4pm.

Approximately 65% of the platform (measured volumetrically) will receive sunlight

WINTER AFTERNOON – 11m Hedgerow:

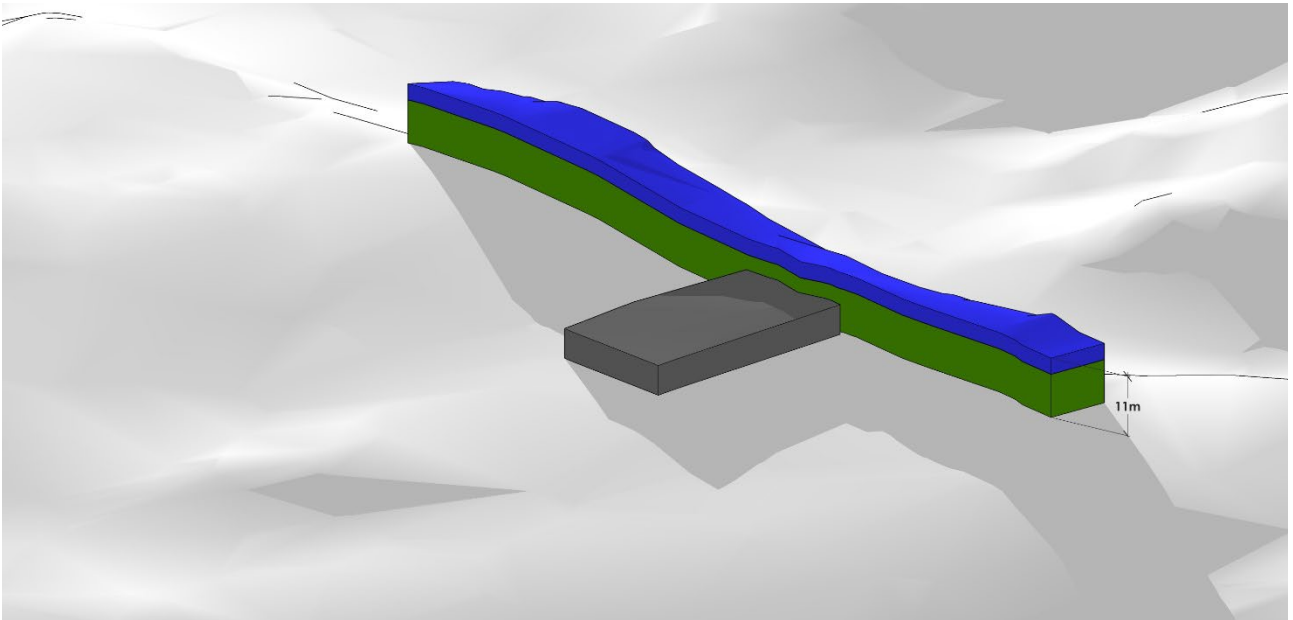


Image 5.1: June 22nd, 4pm.

Approximately 50% of the platform (measured volumetrically) will receive sunlight

EQUINOX MORNING – 8m Hedgerow:

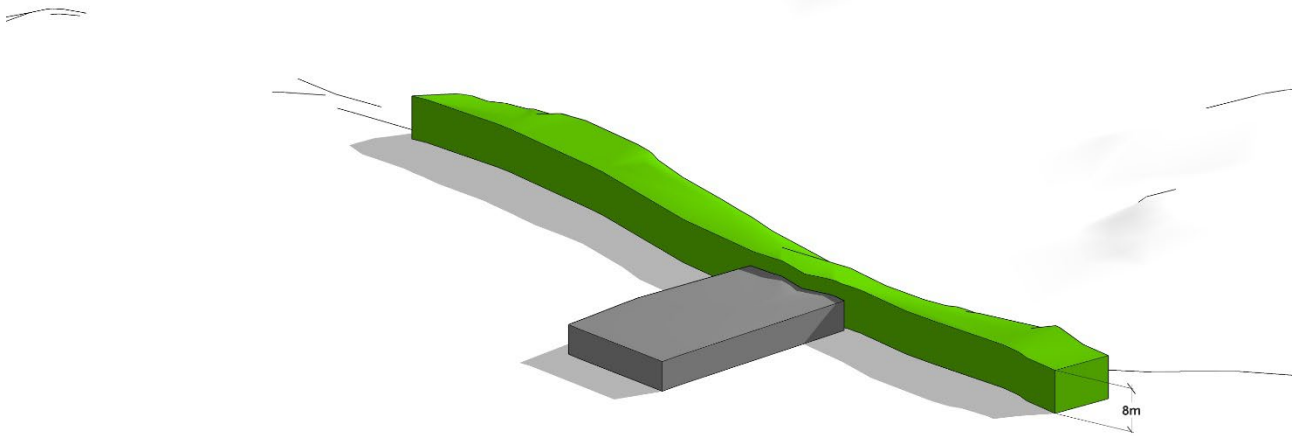


Image 6: September 23rd, 10.15am

Approximately 90% of the platform (measured volumetrically) will receive sunlight

EQUINOX MORNING – 11m Hedgerow:

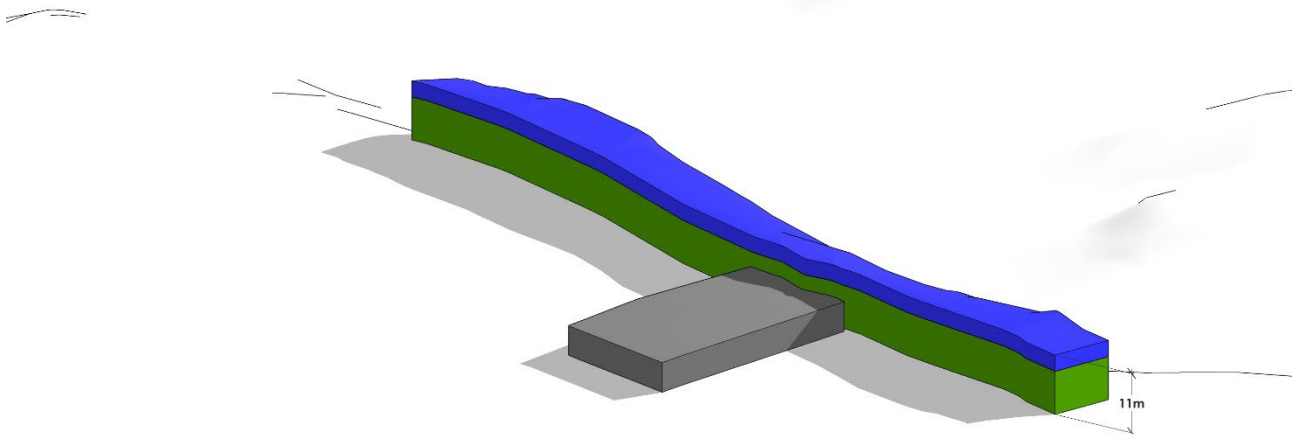


Image 6.1: September 23rd, 10.15am

Approximately 80% of the platform (measured volumetrically) will receive sunlight

EQUINOX MIDDAY – 8m Hedgerow:

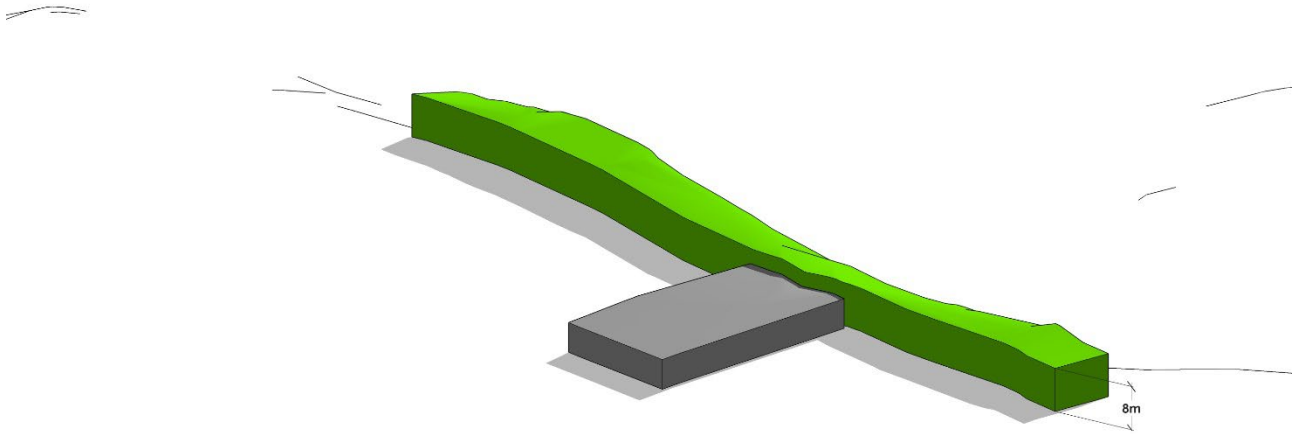


Image 7: **September 23rd, 12.00pm**

Approximately 90% of the platform (measured volumetrically) will receive sunlight

EQUINOX MIDDAY – 11m Hedgerow:

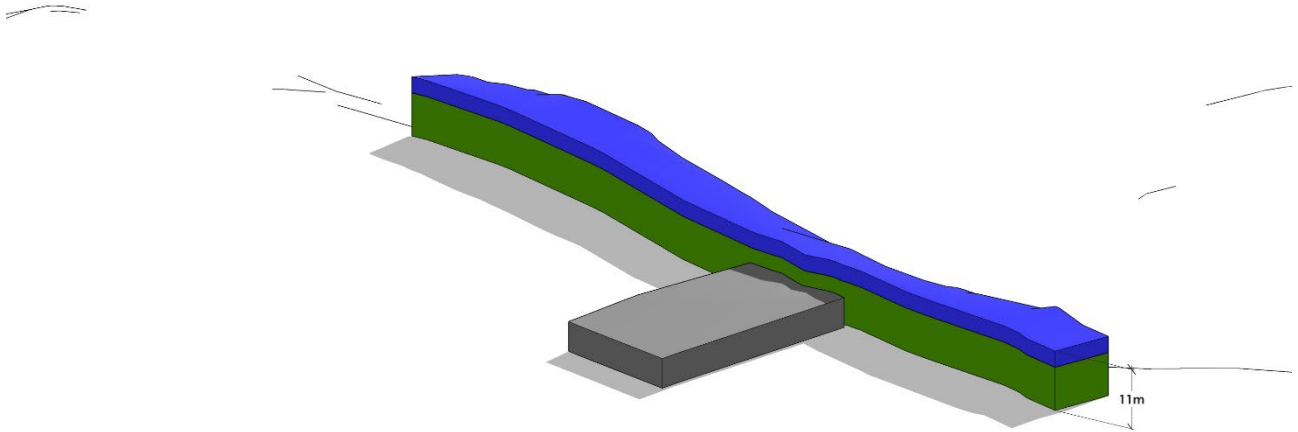


Image 7.1: **September 23rd, 12.00pm**

Approximately 80% of the platform (measured volumetrically) will receive sunlight

EQUINOX AFTERNOON – 8m Hedgerow:

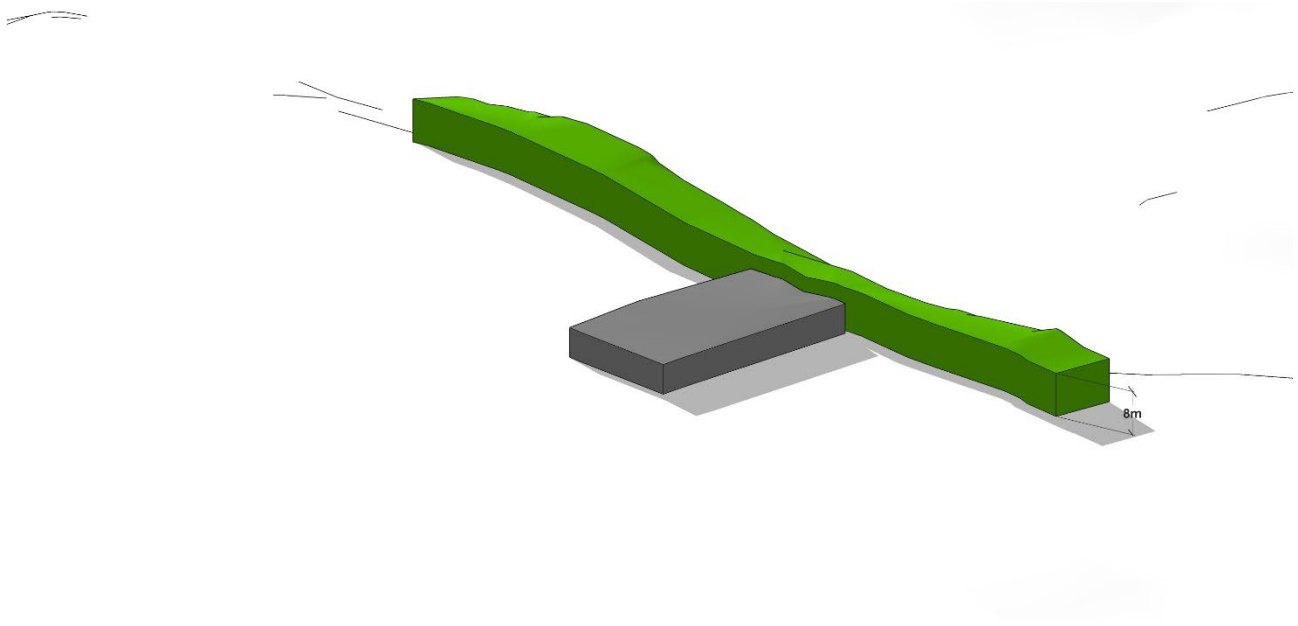


Image 8: September 23rd, 4.00pm

Approximately 93% of the platform (measured volumetrically) will receive sunlight

EQUINOX AFTERNOON – 11m Hedgerow:

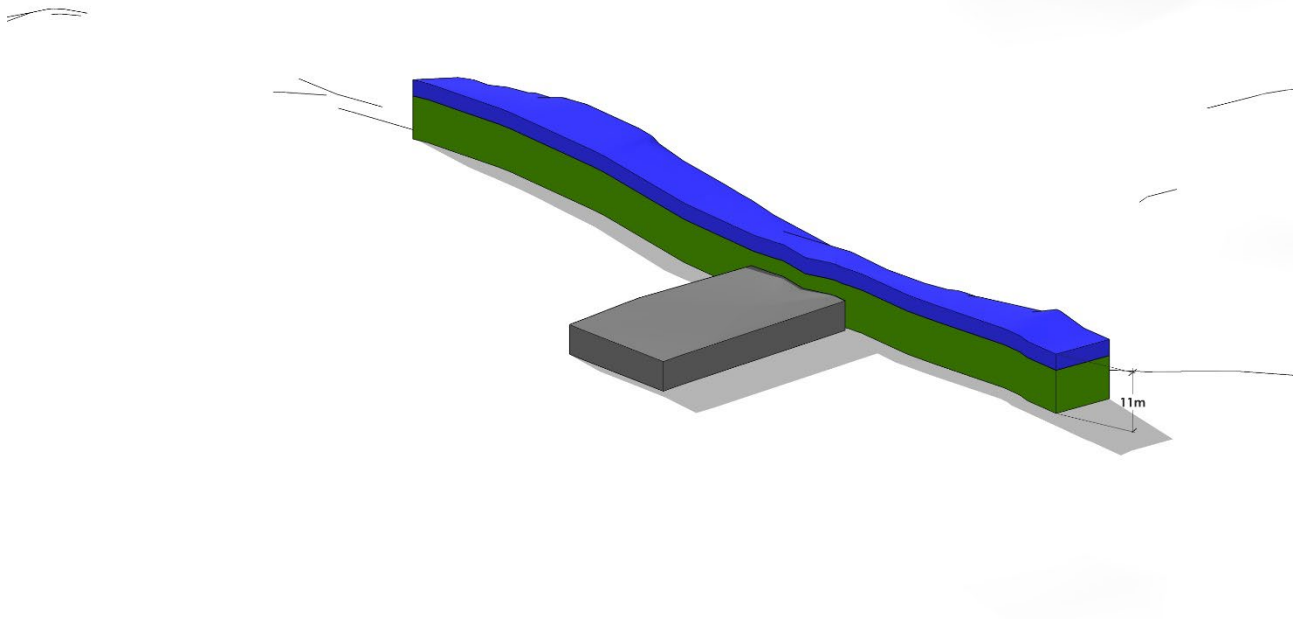
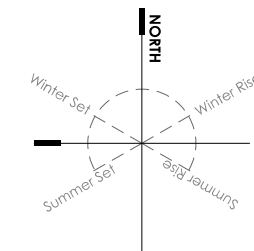


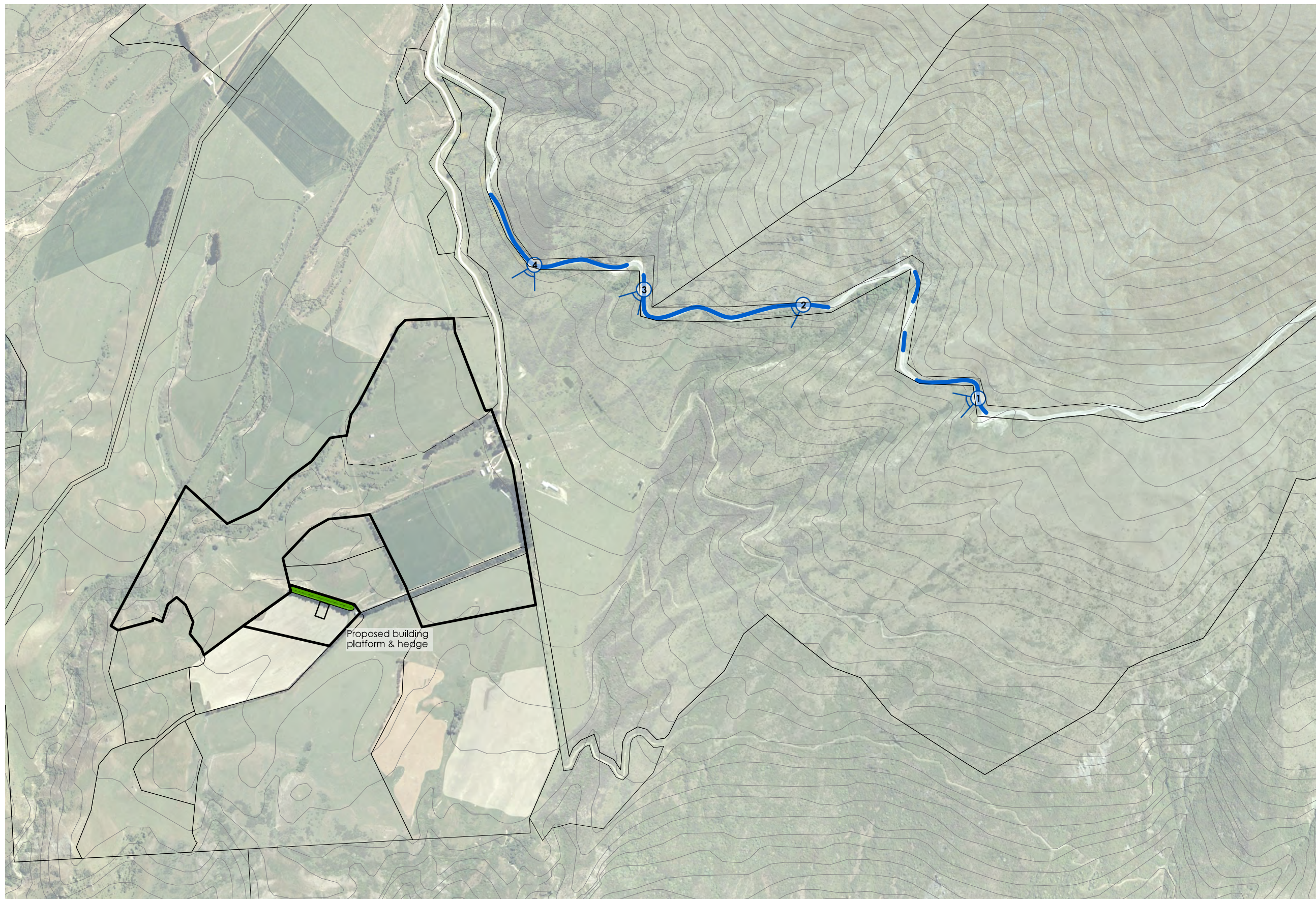
Image 8.1: September 23rd, 4.00pm

Approximately 95% of the platform (measured volumetrically) will receive sunlight



KEY:

— Visibility of proposed platform
& ex. hedgerow from Crown
Range Road



Proposed building
platform & hedge

2 Lot Subdivision: Eastburn Road, Crown Terrace

RC 23.09.22 1:10,000 @ A3

SITE Landscape Architects . www.sitela.co.nz . 310_SK-000_Landscape Plan

SITE LANDSCAPE
ARCHITECTS

Document Set ID: 7428579
Version: 1, Version Date: 17/11/2022

Figure 0: **Visibility from Crown Range**

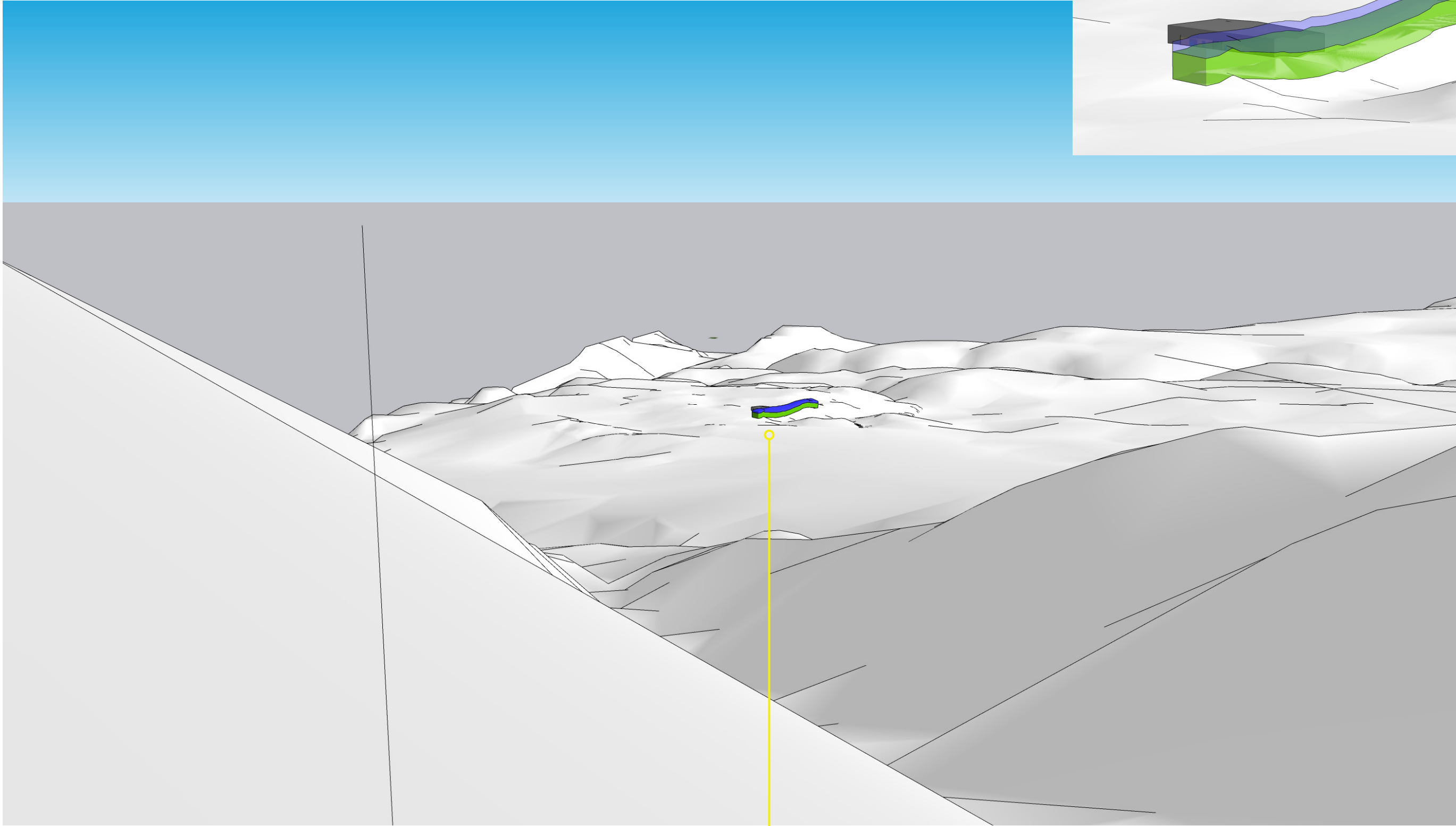


Photo Notes:

Camera: Iphone 13 Pro
Lens: 26mm
Date Photo Taken: 23.09.22

Full photo frame shown - hold printed A3 sheet

Proposed Building platform & ex.
hedgerow (full height)



Zoomed View

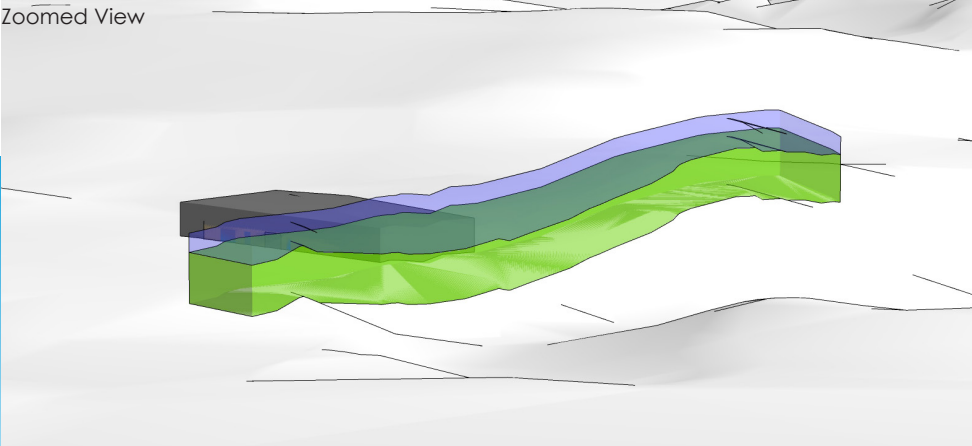


Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Simulation 5.5m high proposed
building platform (dark grey)
8m hedge (green)
11m hedge (blue)

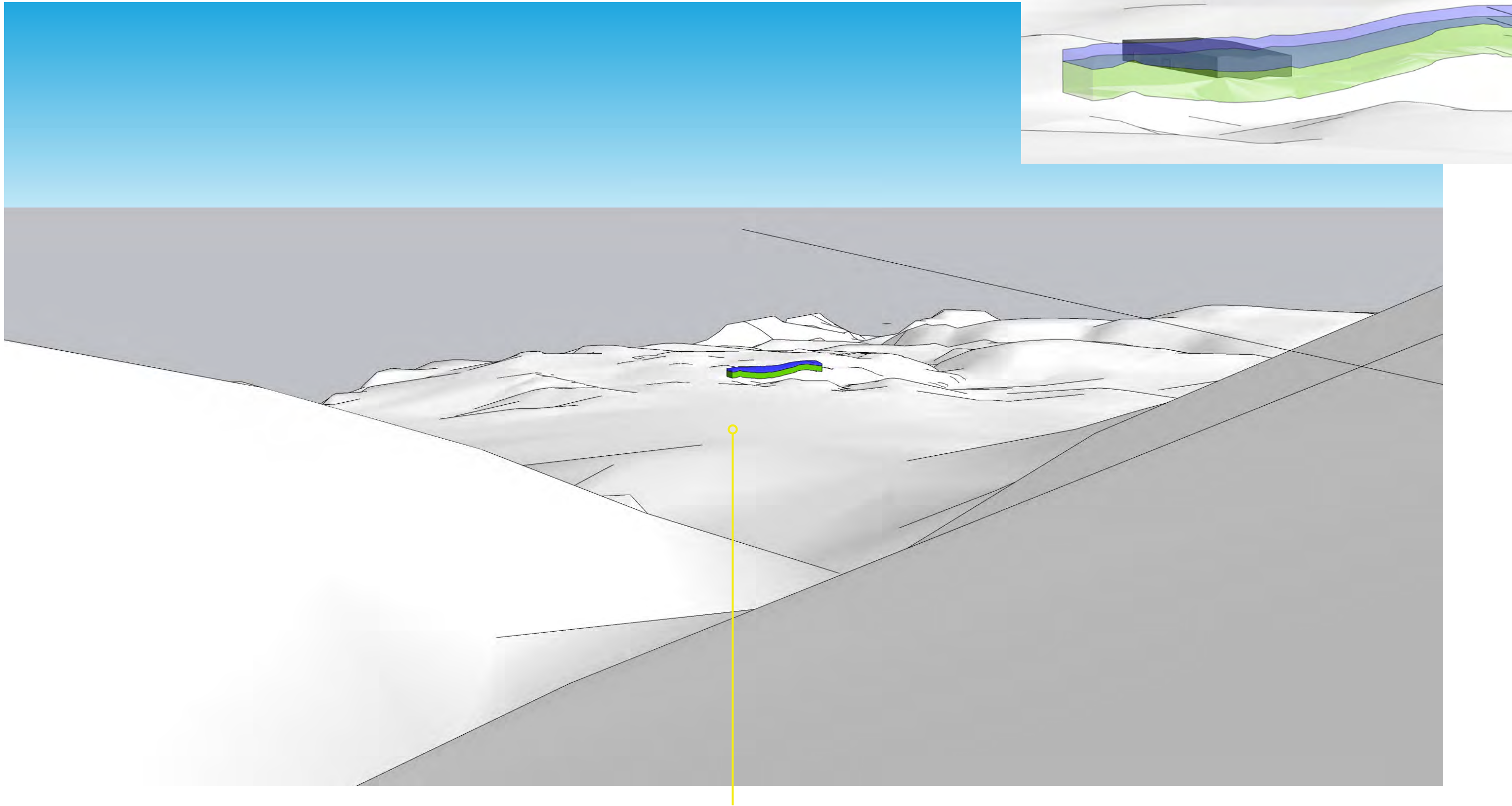


Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Simulation 5.5m high proposed
building platform (dark grey)
8m hedge (green)
11m hedge (blue)

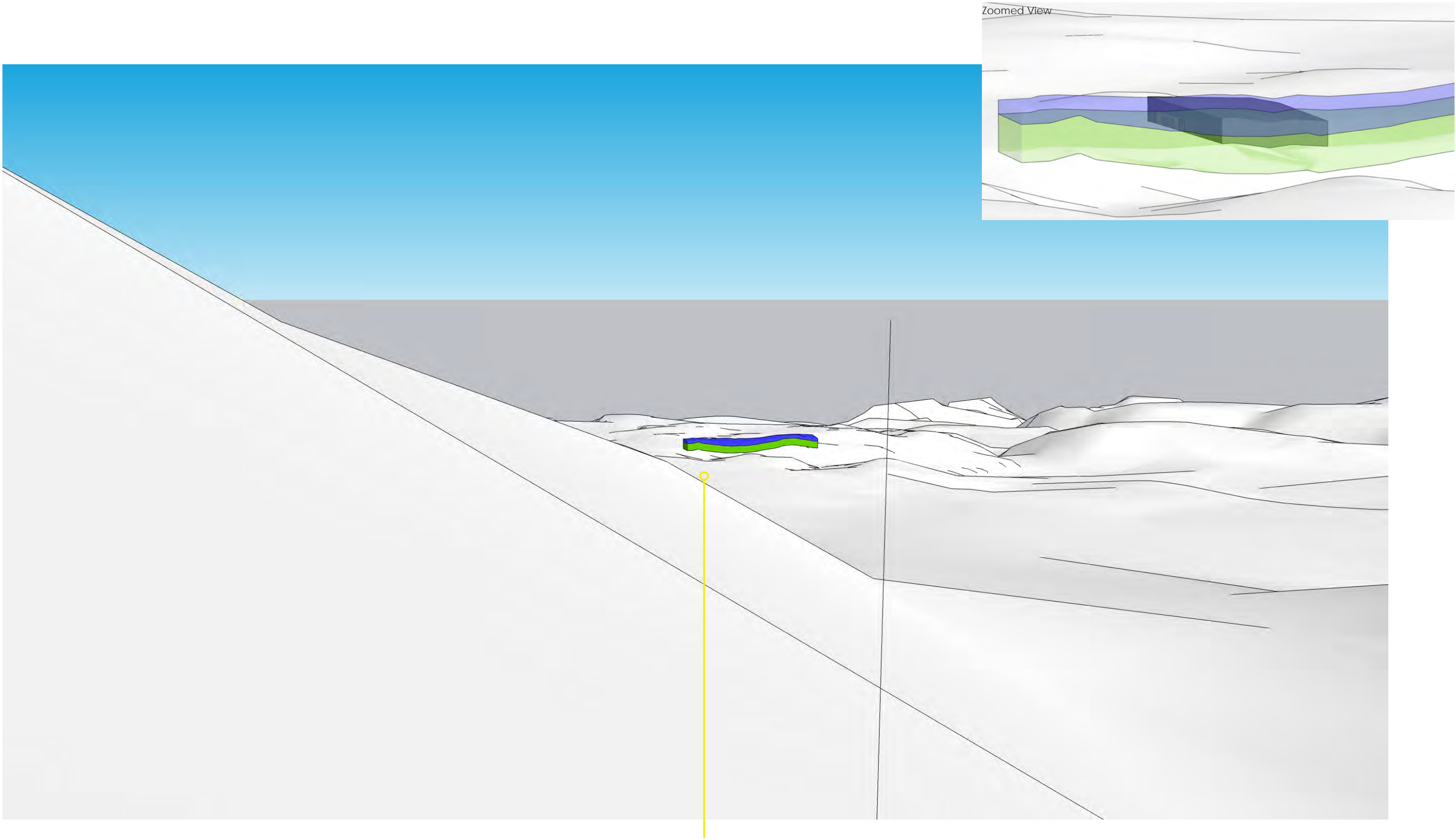


Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Simulation 5.5m high proposed
building platform (dark grey)
8m hedge (green)
11m hedge (blue)

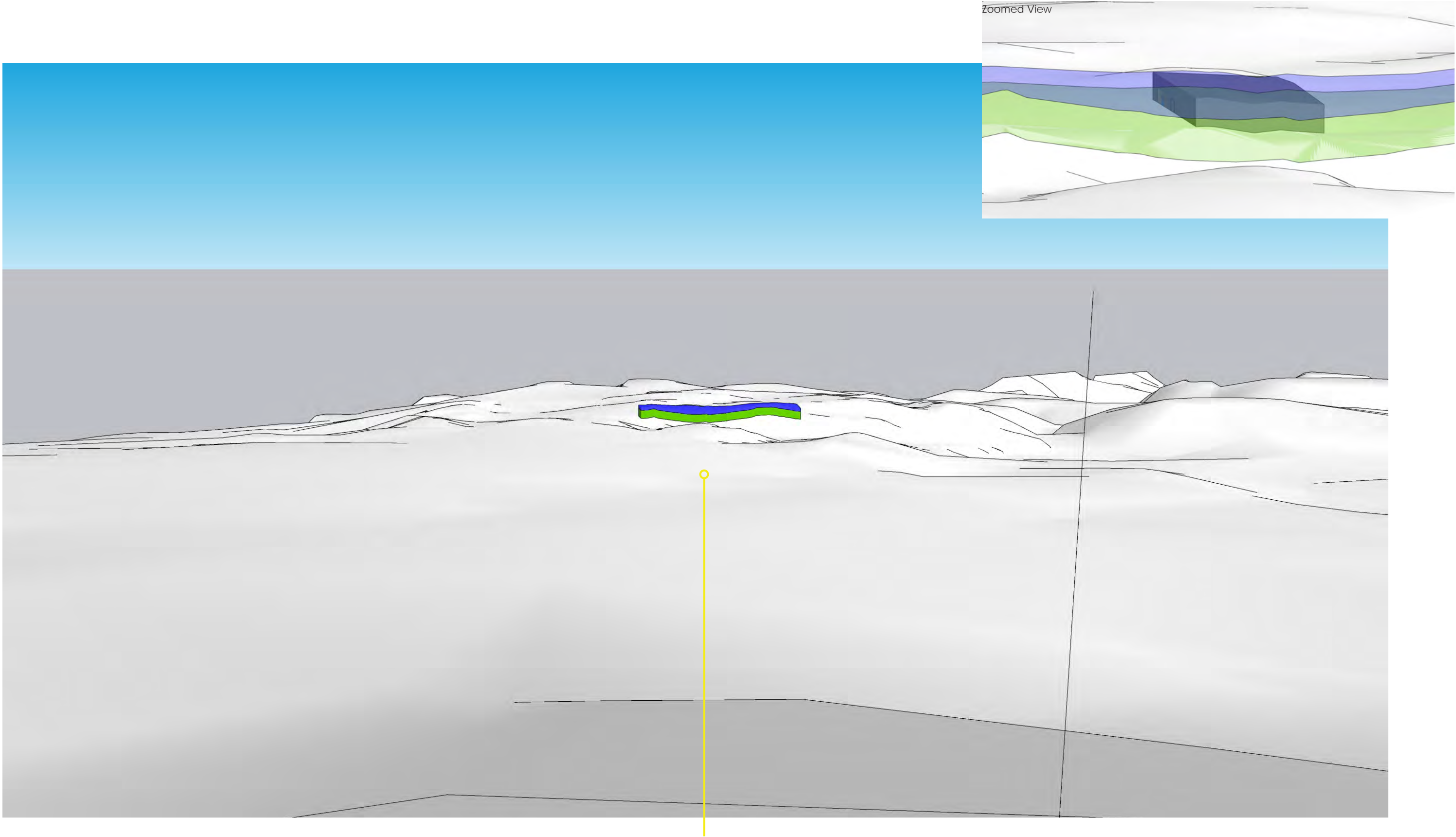
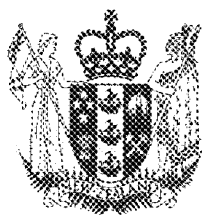


Photo Notes:

Camera: Samsung Galaxy 8;
Date Photo Taken: 17.09.21
Full photo frame shown - image appears smaller
than real life as displayed on A3 page

Simulation 5.5m high proposed
building platform (dark grey)
8m hedge (green)
11m hedge (blue)



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier 991857
Land Registration District Otago
Date Issued 24 September 2021

Prior References

469939 947051

Estate Fee Simple
Area 43.2714 hectares more or less
Legal Description Lot 20 Deposited Plan 561087

Registered Owners

Martin Walter Lawn and Suzanne Lawn

Interests

436746 Agreement pursuant to Section 30 Soil Conservation and Rivers Control Act 1941 - 24.2.1975 at 10:06 am

Appurtenant hereto is a right to store and convey water created by Deed of Easement embodied in title OT15C/568 - 10.10.1994 at 9:22 am

Land Covenant in Easement Instrument 5665130.4 - 22.7.2003 at 9:00 am

Subject to a right to convey water over parts marked F & G on DP 561087 created by Easement Instrument 11599983.2 - 29.11.2019 at 2:25 pm

Land Covenant in Covenant Instrument 11599983.4 - 29.11.2019 at 2:25 pm (affects part formerly Lot 2 DP 321835)

Land Covenant in Covenant Instrument 11599983.5 - 29.11.2019 at 2:25 pm (affects part formerly Lot 2 DP 321835)

Subject to a right (in gross) to convey electricity over part marked A, B & C and a right (in gross) to transform electricity over part marked C, all on DP 561087 in favour of Aurora Energy Limited created by Easement Instrument 11631697.12 - 4.11.2020 at 4:46 pm

The right (in gross) to convey electricity created by Easement Instrument 11631697.12 is subject to Section 243(a) Resource Management Act 1991 (see DP 532665)

Subject to a right (in gross) to convey telecommunications and computer media over parts marked A, B & C on DP 561087 in favour of Chorus New Zealand Limited created by Easement Instrument 11631697.13 - 4.11.2020 at 4:46 pm

The easements created by Easement Instrument 11631697.13 are subject to Section 243(a) Resource Management Act 1991

Subject to a right of way over parts marked A, B, C & L, a right to convey water, electricity, telecommunications and computer media over part marked L and a right to convey water over part marked C, all on DP 561087 created by Easement Instrument 11631697.14 - 4.11.2020 at 4:46 pm

Appurtenant to part formerly Lot 20 DP 550017 is a right of way and appurtenant to part formerly Lot 5 DP 532665 is a right to convey water and electricity and a right to store water created by Easement Instrument 11631697.14 - 4.11.2020 at 4:46 pm

The easements created by Easement Instrument 11631697.14 are subject to Section 243(a) Resource Management Act 1991

Land Covenant in Covenant Instrument 11631697.15 - 4.11.2020 at 4:46 pm (affects part formerly Lot 5 DP 532665)

Fencing Covenant in Transfer 11945669.1 - 3.12.2020 at 4:24 pm (affects part formerly Lot 5 DP 532665)

Identifier**991857**

11949595.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.12.2020 at 4:25 pm
(affects part formerly Lot 20 DP 550017)

Subject to a right of way and a right to convey water over part marked C on DP 561087 created by Easement Instrument 11949595.5 - 3.12.2020 at 4:25 pm

The easements created by Easement Instrument 11949595.5 are subject to Section 243(a) Resource Management Act 1991

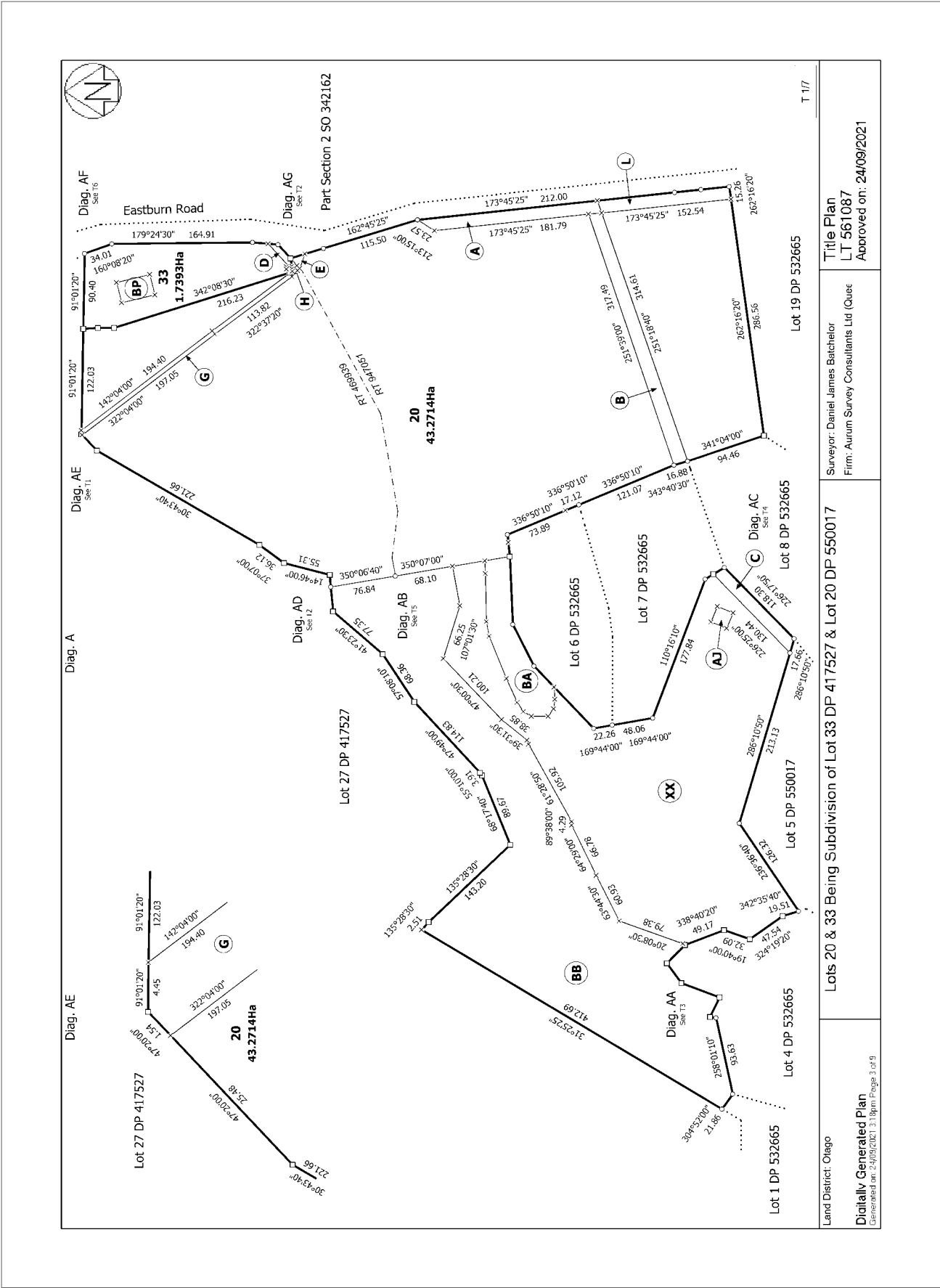
Subject to a right (in gross) to convey electricity and a right (in gross) to transform electricity over part marked H on DP 561087 in favour of Aurora energy Limited created by Easement Instrument 12207743.7 - 24.9.2021 at 9:40 am

The easements created by Easement Instrument 12207743.7 are subject to Section 243(a) Resource Management Act 1991

Subject to a right of way and a right to convey electricity and telecommunications over parts marked E & F on DP 561087 created by Easement Instrument 12207743.8 - 24.9.2021 at 9:40 am

The easements created by Easement Instrument 12207743.8 are subject to Section 243(a) Resource Management Act 1991

12207743.9 Mortgage to Westpac New Zealand Limited - 24.9.2021 at 9:40 am



Easement instrument to grant easement or profit à prendre, EI 5665130.4 Easement In:

Sections 90A and 90F, Land Transfer Act 1952

Cpy - 01/01, Pgs - 006, 21/07/03, 11:26



DocID: 110488031

Land registration district

OTAGO

Grantor

Surname(s) must be underlined.ROYALBURN FARMING COMPANY LIMITED

Grantee

Surname(s) must be underlined.ROYALBURN FARMING COMPANY LIMITED**Grant* of easement or profit à prendre or creation or covenant**

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, **or creates** the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 9th day of June 2003**Attestation**

ROYALBURN FARMING CO. LTD

by

MG BURDON
Director

Signed in my presence by the Grantor

Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name CHRISTOPHER P. RUTHERFORDOccupation HORTICULTURAL CONTRACTORAddress 87 CHURCH ST RANGIORA

Signature [common seal] of Grantor

ROYALBURN FARMING CO. LTD

by

MG BURDON
Director

Signed in my presence by the Grantee

Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name CHRISTOPHER P. RUTHERFORDOccupation HORTICULTURAL CONTRACTORAddress 87 CHURCH ST RANGIORA

Signature [common seal] of Grantee

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Annexure Schedule 1

Easement instrument

Dated

9 - 6 - 03

Page

2

of

3

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant see annexure Schedule B		87261 OT12C/366 87260	87259

**Easements or profits à prendre
rights and powers (including
terms, covenants, and conditions)**

Delete phrases in [] and insert memorandum
number as required.
Continue in additional Annexure Schedule if
required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] [negatived] [added to] or [substituted] by:

[Memorandum number , registered under section 155A of the Land Transfer Act 1952].

[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in: Schedule B attached

[Memorandum number , registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

LAND COVENANT

Dated

9 - 6 - 03

Page

3

of

3

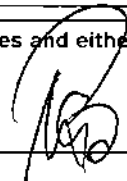
pages

(Continue in additional Annexure Schedule, if required.)

Schedule B

- (a) The registered proprietor for the time being of the Servient Tenement shall not object to any farming or farming related activities of the Dominant Tenement or any associated party on the Dominant Tenement.
- (b) The registered proprietor for the time being of the Servient Tenement shall ensure that any dogs taken onto the property at all times shall be vaccinated as required and shall comply in all respects with the Dog Controls Act 1996 (and particularly Section 5) including any amendment or re-enactment thereof or substitutionary legislation relating to animal health and dog control.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Page 1 of 1 pages

Document Set ID: 7096697
Version: 1, Version Date: 13/12/2021



CERTIFICATE OF INCORPORATION

AURORA ENERGY LIMITED
471661

This is to certify that DUNEDIN ELECTRICITY LIMITED was incorporated under the Companies Act 1955 on the 26th day of June 1990
and was reregistered to become a company under the Companies Act 1993 on the 1st day of October 1996
and changed its name to AURORA ENERGY LIMITED on the 1st day of July 2003.

I hereby certify that this is a true and correct
copy of the Certificate of Incorporation of
Aurora Energy Limited

.....*Don Zee*.....
(*Deale Marie Zee*)
A Solicitor of the High Court of New Zealand

Neville Harris

Neville Harris
Registrar of Companies
1st day of July 2003



View Instrument Details



Instrument No 11599983.4
Status Registered
Date & Time Lodged 29 November 2019 14:25
Lodged By McCrostie, Megan Claire
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
---------------------------	---------------

469939	Otago
545382	Otago
87260	Otago

Annexure Schedule Contains 5 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Caveat 11501124.2 does not apply to the estate or interest affected by this transaction ☒

Signature

Signed by Kerry Amanda ODonnell as Covenantor Representative on 26/11/2019 12:26 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Justine Joy Baird as Covenantee Representative on 29/11/2019 01:41 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Royalburn Station Limited

Covenantee

Martin Walter Lawn and Suzanne Lawn

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A required

Continue in additional Annexure Schedule, if

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	Lot 27 DP 417527	Lot 27 DP 417527 (part RT 545382)	Lot 33 DP 417527 (RT 469939) Lot 2 DP 321835 (RT 87260)

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Covenant rights and powers (Including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]~~

Annexure Schedule 2.

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Annexure Schedule 2 – Continuation of Covenant Provisions

Background

- A. The Covenantor is the registered proprietor of the relevant Burdened Land.
- B. The Covenantee is the registered proprietor of the relevant Benefited Land.
- C. The Covenantor and Covenantee have agreed that the Burdened Land will be subject to the Covenants.

1. Interpretation

1.1 For the purposes of this Instrument:

Application means any planning or approval process under the RMA or other legislation which enables or facilitates Subdivision, use or development of land and includes:

- (a) any resource consent application (including variation), designation procedure, change or variation to a District Plan (whether initiated by a Relevant Authority or requested by any other person or body);
- (b) any change, review or cancellation of any condition(s) of any consent or other approval which enables any Subdivision, use or development of land;
- (c) any planning or approval process under any legislation which facilitates the Subdivision, use or development of land such as, by way of example, an application to create, stop or relocate a legal road under the Public Works Act 1981 or the Local Government Act 2002,

but excludes any enforcement proceedings taken to ensure compliance with a District Plan or the RMA or any other legislation or any consent or approval granted or issued under any such legislation.

Approved Activities means any Farming Activity, development, Subdivision, visitor accommodation, community activity, recreational activity, outdoor recreation activity, commercial activity, residential activity, or temporary activity as those terms are defined in the District Plan.

Benefited Land means any part of the land contained or formerly contained in the Benefited Land set out in Schedule A of this Instrument.

Burdened Land means all or any part of the land contained or formerly contained in the Burdened Land listed in Schedule A of this Instrument.

Covenantee means the registered proprietor of the Benefited Land from time to time.

Covenantor means the registered proprietor of the Burdened Land from time to time together with any tenants, occupiers or invitees on the Burdened Land.

Covenantor's Written Approval has the meaning set out in clause 3.2.

Covenants means the covenants set out in this Instrument.

District Plan means any applicable operative or proposed plan under the RMA including any regional policy statement, regional plan, district plan or unitary plan.

Farming Activity has the same meaning as in the District Plan (as at the date of registration of this Instrument).

Instrument means this instrument together with all Schedules attached to it.

Lodge any Submission means (without limitation) personally or through any agent or servant (including by being a member of any group or society, whether incorporated or not), directly or indirectly lodge a submission or objection or support in any way (financial or otherwise) any submission or objection to any Planning Proposal or take any steps whatsoever in relation to any Planning Proposal and includes (without limitation) taking part in any hearing, mediation, caucusing or appeal arising in respect of any Planning Proposal whether as a party, surrogate or otherwise.

4268129

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Planning Proposal means any Application for, or in relation to, any Approved Activity.

Relevant Authority means any court, tribunal, government, local, statutory or non-statutory body including the Queenstown Lakes District Council and Otago Regional Council having jurisdiction over the land referred to in this Instrument.

RMA means the Resource Management Act 1991.

Subdivide and **Subdivision** has the meaning ascribed to subdivision of land in Section 218(1) of the RMA.

1.2 For the avoidance of doubt:

- (a) words importing the singular number include the plural and vice versa.
- (b) references to the parties are references to the Covenantor and the Covenantee.
- (c) a covenant to do something is also a covenant to permit or cause that thing to be done and a covenant not to do something is also a covenant not to permit or cause that thing to be done.
- (d) this Instrument binds the Covenantors and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Burdened Land.
- (e) this Instrument benefits the Covenantees and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Benefited Land.
- (f) a reference to a statute, regulation or by-law includes all statutes, regulations, or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations or by-laws issued under that statute.

2. General Covenants

2.1 The Covenantor covenants and agrees:

- (a) to observe and perform all the Covenants at all times.
- (b) that the Covenants shall run with and bind the Burdened Land for the benefit of the Benefited Land.
- (c) to do all things necessary to ensure that any invitees of the Covenantor on the Burdened Land and any mortgagees, lessees or occupiers of the Burdened Land comply with the provisions of this Instrument.
- (d) to pay the Covenantee's legal costs (as between solicitor and client) of and incidental to the enforcement of the Covenantee's rights, remedies and powers under this Instrument.
- (e) to indemnify the Covenantee against all claims and proceedings arising out of a breach by the Covenantor of any of its obligations set out in this Instrument.

3. Non-object provisions

3.1 The Covenantor covenants and agrees with the Covenantee that it will not make any claim, proceeding, complaint, objection, or similar action in relation to the use, or effects of the use, of the Benefited Land for any lawfully conducted Farming Activity.

3.2 The Covenantor covenants and agrees with the Covenantee that the Covenantor:

- (a) will not at any time Lodge any Submission to any Planning Proposal lodged by or with the written approval of the Covenantee and further, if called upon to do so by the Covenantee, will provide written approval (including affected person's approval under the RMA) in respect of any such Planning Proposal (referred to as **Covenantor's Written Approval**).
- (b) hereby gives Covenantor's Written Approval for any Planning Proposal referred to in 3.2(a) above. The Covenantor shall provide any necessary further written approval to any such Planning Proposal if requested by the Covenantee and in the event of failing to do so the Covenantee shall be entitled to

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provide a copy of this Instrument to the Relevant Authority as evidence that the Covenantor's Written Approval is given.

- 3.3 The parties acknowledge and agree that the covenants contained within this Instrument will attach to and run with the Burdened Land as a burden on that land to the extent that they restrict the Covenantor from acting in relation to the Burdened Land by exercising rights under the RMA or other legislation which arise from ownership of the Burdened Land and which the Covenantor would otherwise have been able to exercise for the benefit of the Burdened Land.

4. General

- 4.1 The Covenantor and Covenantee acknowledge and agree:

- (a) to observe and perform all Covenants at all times; and
- (b) that the covenants contained within this Instrument will attach to and run with the Burdened Land as a burden on that land to the benefit of the Benefited Land.

5. Notices

- 5.1 Any notice required to be served on a Covenantor shall be in writing, served in accordance with the Property Law Act 2007 on:

- (a) the Queenstown Lakes District Council's rating address for the Burdened Land (or part thereof) owned by the Covenantor; or
- (b) the address of the solicitor who undertook the conveyance of the Burdened Land (or part thereof) for the Covenantor.

- 5.2 Any failure by a party to enforce any clause of this Instrument, or any forbearance, delay or indulgence granted by that party to any other party, will not be construed as a waiver of the first party's rights under this Instrument.

- 5.3 The Covenantor will not seek to have this Instrument removed from the title to the Burdened Land due to any lack of proximity between the Burdened Land and the Benefited Land.

6. Liability

- 6.1 Without prejudice to the Covenantor's and Covenantee's other rights, this Instrument binds the Covenantor's successors in title so that contemporaneously with the acquisition of any interest in the Burdened Land all such successors in title become bound to comply with this Instrument. However, the liability of any Covenantor under this Instrument is:

- (a) limited to obligations and liabilities that accrue during that Covenantor's time as registered proprietor of its Burdened Land; and
- (b) only in respect of that part of the Burdened Land owned by that Covenantor (so that a Covenantor is not liable under this Instrument in relation to any part of the Burdened Land that is not owned by that Covenantor).

- 6.2 A Covenantor will not be liable for any breach of this Instrument which occurs during any period prior to or after its term as registered owner of its Burdened Land (however, for the avoidance of doubt, any Covenantor shall remain liable for any such antecedent breach following the transfer of its Burdened Land).

7. Severability

- 7.1 If any of the provisions of this Instrument are judged invalid, unlawful or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such invalidity, unenforceability or illegality will not affect the operation, construction or interpretation of any other provision of this Instrument to the intent that the invalid, unenforceable or illegal provisions will be treated for all purposes as severed from this Instrument. In the event of any such severance the parties will use reasonable endeavours to negotiate with the intent that the Instrument shall achieve the economic, legal and commercial objectives of the unenforceable term, covenant or obligation.

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View Instrument Details



Instrument No 11599983.5
Status Registered
Date & Time Lodged 29 November 2019 14:25
Lodged By McCrostie, Megan Claire
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
---------------------------	---------------

469933	Otago
469939	Otago
469941	Otago
545382	Otago
545384	Otago
545385	Otago
87260	Otago
874812	Otago
892572	Otago
892573	Otago

Annexure Schedule Contains 6 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Caveator under Caveat 11501124.2 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒

Signature

Signed by Justine Joy Baird as Covenantor Representative on 29/11/2019 01:41 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Kerry Amanda O'Donnell as Covenantee Representative on 26/11/2019 12:26 PM

*** End of Report ***

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Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Martin Walter Lawn and Suzanne Lawn

Covenantee

Royalburn Station Limited

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A required

Continue in additional Annexure Schedule, if

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	Lot 33 DP 417527 Lot 2 DP 321835	Lot 33 DP 417527 (RT 469939) Lot 2 DP 321835 (RT 87260)	Lot 23 DP 417527 (RT 469933) Lot 36 DP 417527 (RT 469941) Lot 35 DP 417527 and Section 60 Survey Office Plan 423850 (RT 545384) Lot 24-25 DP 417527 and Section 43, 62 Survey Office Plan 423850 (RT 545385) Part Lot 22 DP 417527 and Section 27, 30, 34, 61 Survey Office Plan 423850 (RT 874812)

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Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
			Lot 2 DP 537094 (RT 892572) Lot 3 DP 537094 (RT 982573) Lot 27-28 DP 417527, Section 1 Survey Office Plan 420856, Part Lot 26 DP 417527 and Section 44, 48 and 52 Survey Office Plan 423850 (RT 545382)

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Covenant rights and powers (Including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]~~

Annexure Schedule 2.

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Annexure Schedule 2 – Continuation of Covenant Provisions

Background

- A. The Covenantor is the registered proprietor of the relevant Burdened Land.
- B. The Covenantee is the registered proprietor of the relevant Benefited Land.
- C. The Covenantor and Covenantee have agreed that the Burdened Land will be subject to the Covenants.

1. Interpretation

1.1 For the purposes of this Instrument:

Application means any planning or approval process under the RMA or other legislation which enables or facilitates Subdivision, use or development of land and includes:

- (a) any resource consent application (including variation), designation procedure, change or variation to a District Plan (whether initiated by a Relevant Authority or requested by any other person or body);
- (b) any change, review or cancellation of any condition(s) of any consent or other approval which enables any Subdivision, use or development of land;
- (c) any planning or approval process under any legislation which facilitates the Subdivision, use or development of land such as, by way of example, an application to create, stop or relocate a legal road under the Public Works Act 1981 or the Local Government Act 2002,

but excludes any enforcement proceedings taken to ensure compliance with a District Plan or the RMA or any other legislation or any consent or approval granted or issued under any such legislation.

Approved Activities means any Farming Activity, development, Subdivision, visitor accommodation, community activity, recreational activity, outdoor recreation activity, commercial activity, residential activity, or temporary activity as those terms are defined in the District Plan.

Benefited Land means any part of the land contained or formerly contained in the Benefited Land set out in Schedule A of this Instrument.

Burdened Land means all or any part of the land contained or formerly contained in the Burdened Land listed in Schedule A of this Instrument.

Covenantee means the registered proprietor of the Benefited Land from time to time.

Covenantor means the registered proprietor of the Burdened Land from time to time together with any tenants, occupiers or invitees on the Burdened Land.

Covenantor's Written Approval has the meaning set out in clause 3.2.

Covenants means the covenants set out in this Instrument.

District Plan means any applicable operative or proposed plan under the RMA including any regional policy statement, regional plan, district plan or unitary plan.

Farming Activity has the same meaning as in the District Plan (as at the date of registration of this Instrument).

Instrument means this instrument together with all Schedules attached to it.

Lodge any Submission means (without limitation) personally or through any agent or servant (including by being a member of any group or society, whether incorporated or not), directly or indirectly lodge a submission or objection or support in any way (financial or otherwise) any submission or objection to any Planning Proposal or take any steps whatsoever in relation to any Planning Proposal and includes (without limitation) taking part in any hearing, mediation, caucusing or appeal arising in respect of any Planning Proposal whether as a party, surrogate or otherwise.

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Planning Proposal means any Application for, or in relation to, any Approved Activity.

Relevant Authority means any court, tribunal, government, local, statutory or non-statutory body including the Queenstown Lakes District Council and Otago Regional Council having jurisdiction over the land referred to in this Instrument.

RMA means the Resource Management Act 1991.

Subdivide and **Subdivision** has the meaning ascribed to subdivision of land in Section 218(1) of the RMA.

1.2 For the avoidance of doubt:

- (a) words importing the singular number include the plural and vice versa.
- (b) references to the parties are references to the Covenantor and the Covenantee.
- (c) a covenant to do something is also a covenant to permit or cause that thing to be done and a covenant not to do something is also a covenant not to permit or cause that thing to be done.
- (d) this Instrument binds the Covenantors and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Burdened Land.
- (e) this Instrument benefits the Covenantees and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Benefited Land.
- (f) a reference to a statute, regulation or by-law includes all statutes, regulations, or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations or by-laws issued under that statute.

2. General Covenants

2.1 The Covenantor covenants and agrees:

- (a) to observe and perform all the Covenants at all times.
- (b) that the Covenants shall run with and bind the Burdened Land for the benefit of the Benefited Land.
- (c) to do all things necessary to ensure that any invitees of the Covenantor on the Burdened Land and any mortgagees, lessees or occupiers of the Burdened Land comply with the provisions of this Instrument.
- (d) to pay the Covenantee's legal costs (as between solicitor and client) of and incidental to the enforcement of the Covenantee's rights, remedies and powers under this Instrument.
- (e) to indemnify the Covenantee against all claims and proceedings arising out of a breach by the Covenantor of any of its obligations set out in this Instrument.

3. Non-object provisions

3.1 The Covenantor covenants and agrees with the Covenantee that it will not make any claim, proceeding, complaint, objection, or similar action in relation to the use, or effects of the use, of the Benefited Land for any lawfully conducted Farming Activity.

3.2 The Covenantor covenants and agrees with the Covenantee that the Covenantor:

- (a) will not at any time Lodge any Submission to any Planning Proposal lodged by or with the written approval of the Covenantee and further, if called upon to do so by the Covenantee, will provide written approval (including affected person's approval under the RMA) in respect of any such Planning Proposal (referred to as **Covenantor's Written Approval**).
- (b) hereby gives Covenantor's Written Approval for any Planning Proposal referred to in 3.2(a) above. The Covenantor shall provide any necessary further written approval to any such Planning Proposal if requested by the Covenantee and in the event of failing to do so the Covenantee shall be entitled to

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provide a copy of this Instrument to the Relevant Authority as evidence that the Covenantor's Written Approval is given.

- 3.3 The parties acknowledge and agree that the covenants contained within this Instrument will attach to and run with the Burdened Land as a burden on that land to the extent that they restrict the Covenantor from acting in relation to the Burdened Land by exercising rights under the RMA or other legislation which arise from ownership of the Burdened Land and which the Covenantor would otherwise have been able to exercise for the benefit of the Burdened Land.

4. General

- 4.1 The Covenantor and Covenantee acknowledge and agree:

- (a) to observe and perform all Covenants at all times; and
- (b) that the covenants contained within this Instrument will attach to and run with the Burdened Land as a burden on that land to the benefit of the Benefited Land.

5. Notices

- 5.1 Any notice required to be served on a Covenantor shall be in writing, served in accordance with the Property Law Act 2007 on:

- (a) the Queenstown Lakes District Council's rating address for the Burdened Land (or part thereof) owned by the Covenantor; or
- (b) the address of the solicitor who undertook the conveyance of the Burdened Land (or part thereof) for the Covenantor.

- 5.2 Any failure by a party to enforce any clause of this Instrument, or any forbearance, delay or indulgence granted by that party to any other party, will not be construed as a waiver of the first party's rights under this Instrument.

- 5.3 The Covenantor will not seek to have this Instrument removed from the title to the Burdened Land due to any lack of proximity between the Burdened Land and the Benefited Land.

6. Liability

- 6.1 Without prejudice to the Covenantor's and Covenantee's other rights, this Instrument binds the Covenantor's successors in title so that contemporaneously with the acquisition of any interest in the Burdened Land all such successors in title become bound to comply with this Instrument. However, the liability of any Covenantor under this Instrument is:

- (a) limited to obligations and liabilities that accrue during that Covenantor's time as registered proprietor of its Burdened Land; and
- (b) only in respect of that part of the Burdened Land owned by that Covenantor (so that a Covenantor is not liable under this Instrument in relation to any part of the Burdened Land that is not owned by that Covenantor).

- 6.2 A Covenantor will not be liable for any breach of this Instrument which occurs during any period prior to or after its term as registered owner of its Burdened Land (however, for the avoidance of doubt, any Covenantor shall remain liable for any such antecedent breach following the transfer of its Burdened Land).

7. Severability

- 7.1 If any of the provisions of this Instrument are judged invalid, unlawful or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such invalidity, unenforceability or illegality will not affect the operation, construction or interpretation of any other provision of this Instrument to the intent that the invalid, unenforceable or illegal provisions will be treated for all purposes as severed from this Instrument. In the event of any such severance the parties will use reasonable endeavours to negotiate with the intent that the Instrument shall achieve the economic, legal and commercial objectives of the unenforceable term, covenant or obligation.

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View Instrument Details



Instrument No 11631697.15
Status Registered
Date & Time Lodged 04 November 2020 16:46
Lodged By Needham, Michelle Rose
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
---------------------------	---------------

872411	Otago
872412	Otago
872413	Otago
872414	Otago
872415	Otago
872416	Otago
872417	Otago
872418	Otago

Annexure Schedule Contains 10 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Michelle Rose Needham as Covenantor Representative on 04/11/2020 04:36 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Michelle Rose Needham as Covenantee Representative on 04/11/2020 04:36 PM

*** End of Report ***

Form 26**Covenant Instrument to note land covenant**

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor**Crown Range Holdings Limited****Covenantee****Crown Range Holdings Limited****Grant of Covenant**

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A*Continue in additional**Annexure Schedule, if required*

Purpose of covenant	Shown reference) (plan	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant as set out in Annexure Schedule 1	All of the Burdened Land	Lots 1 to 8 DP 532665 (872411 to 872418 inclusive)	Lots 1 to 8 DP 532665 (872411 to 872418 inclusive)

Covenant rights and powers (Including terms, covenants and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

[Memorandum number , registered under section 209 of the Land Transfer Act
~~2017~~].

Annexure Schedule 1

ANNEXURE SCHEDULE 1**BACKGROUND**

- A. The Covenantor wishes to establish restrictive covenants over each of the lots shown as the Burdened Land in Schedule A for the benefit of the lots shown as the Benefited Land in Schedule A.
- B. It is the intent of the Covenantor and Covenantee that the land covenants will be restrictive covenants running for all time to bind each of the said lots shown as the Burdened Land in Schedule A for the benefit of all the lots shown as the Benefited Land in Schedule A.

INTERPRETATION

1. In this Land Covenant unless the context otherwise requires:

"AGM"	means an annual general meeting of the Association.
"Association"	means the Crown Range Homeowners Association.
"Committee"	means the Crown Range Homeowners Association Committee being the advisory committee which shall carry out the functions and obligations of the Association.
"Communal Facilities"	means all privately owned internal roading, service infrastructure and facilities associated with the Development.
"Consent"	means resource consent RM161179 as varied by Consent Order (ENV-2017-CHC-85) dated 16 February 2018.
"Development"	means the subdivision to create the Lots in accordance with the Consent.
"Land Covenant"	means this instrument.
"Lots"	means Lots 1-8 Deposited Plan 532665 contained in Records of Title 872411-872418.
"Maintenance Obligations"	means those obligations to maintain the Communal Facilities in accordance with Consent.
"Procedural Rules"	means the rules set out in Part B of this Land Covenant.
"Registered Proprietors"	means any registered proprietor of the Lots.

2. **COVENANTS**

The Covenantor covenants with the Covenantee as follows:

PART A – GENERAL COVENANTS

- 2.1 The covenants in this Land Covenant are intended to ensure that a framework is in place requiring the Registered Proprietors to comply with the Maintenance Obligations.
- 2.2 The Registered Proprietors of the Lots shall be liable to make a fair and reasonable contribution on a proportionate basis towards the Maintenance Obligations relating to the

Communal Facilities in accordance with the terms of this Land Covenant as required by the conditions of the Consent.

- 2.3 The Registered Proprietors shall all be members of and shall comprise the Association. Any person ceasing to be a Registered Proprietor of a Lot shall cease to be a member of the Association.
- 2.4 The Registered Proprietors of the first four (4) Lots that are not owned by Crown Range Holdings Limited shall comprise the Committee which shall carry out the functions and obligations of the Association until the first AGM.
- 2.5 The affairs of the Association and appointment of the Committee shall be carried out in accordance with the terms of this Land Covenant and the Procedural Rules.
- 2.6 The first AGM of the Association shall be held no later than six (6) months from the date of registration of this Land Covenant.
- 2.7 The Association and Registered Proprietors shall have the following powers and obligations:
 - a. Meet as required but at least annually and pay such levies as are required to fund the Maintenance Obligations. Provided that the Association shall not call upon Crown Range Holdings Limited, its successors or assigns to make a contribution towards any levies at any time, provided that Crown Range Holdings Limited is not a Registered Proprietor of any of the lots.
 - b. To elect one or more of the Registered Proprietors (**Association Representatives**) to determine and collect maintenance levies and engage and pay contractors on behalf of the other Registered Proprietors to ensure the obligations in this Land Covenant are complied with.
 - c. Maintenance levies shall be payable to the Association Representatives (if elected) to pay contractors on behalf of the other Registered Proprietors to ensure the obligations in this covenant are complied with.
 - d. The Registered Proprietors or Association Representatives may engage a third party to carry out the Maintenance Obligations and the Registered Proprietors are collectively responsible for paying any associated costs.
 - e. Any dispute between the Registered Proprietors shall be determined by a simple majority of votes by the Registered Proprietors.
 - f. All costs incurred by the Association in respect of the following matters shall be communal costs to be apportioned amongst and paid by the Registered Proprietors:
 - i. Costs incurred by the Association in complying with the obligations pursuant to this Land Covenant; and
 - ii. Any other costs reasonable incurred by the Association in carrying out its responsibilities under this Land Covenant and taking any action authorised to be taken by the Association under this Land Covenant.
 - g. Levies shall be payable within 21 days of the decision by Association (or the Association Representatives) to collect the levies from the Registered Proprietors.
 - h. The Association or Associations Representatives may elect to open a bank account to hold levies.

- i. If levies are not paid the Association, Association Representatives, or Registered Proprietors may make claim and take such legal proceedings as are necessary to recover unpaid levies as a civil debt due and no right of set off or dispute or contest shall accrue to the Registered Proprietor. Such a Registered Proprietor is also responsible for any additional costs, bank fees, charges, interest or otherwise incurred as a result of the short payment.
 - j. Where payment by a Registered Proprietor in any 12-month period exceeds the costs incurred to carry out the Maintenance Obligations, the amount of the excess shall stand as a credit to that Registered Proprietor.
- 2.8 Prior to each AGM the Association shall prepare a budget detailing the expenditure which the Association anticipates will be incurred by the Association during the year following the AGM. The Association will forward a copy of that budget to each Registered Proprietor along with the notice advising the time, date, and place of the AGM so that the budget can be considered prior to the AGM and confirmed at the AGM.
- 2.9 Once confirmed at the AGM, the budget shall apply for the year following the AGM. The Association shall then levy each Registered Proprietor their appropriate share of that expenditure in accordance with clause 2.12 below.
- 2.10 The Association may, during the course of any year, issue a special levy to cover any unexpected expenditure incurred by the Association, in which case such levy shall be paid as directed by the Association.
- 2.11 The Registered Proprietor shall pay any levy in advance, either by a lump sum paid to the Association within 21 days after receipt of the notice advising the levy or by quarterly payments by bank automatic payment authority to the Association's bank account or otherwise as directed by the Association.
- 2.12 Expenditure incurred and to be incurred by the Association shall be apportioned by the Association and payable by the Registered Proprietors on a per Lot basis unless, in the opinion of the Association, such basis is inequitable, and then any cost may be apportioned in such manner as the Association deems equitable in the circumstances.
- 2.13 Subject to clauses 2.15 and 2.16 below, no person or body shall be liable for any costs and/or levies other than costs incurred and/or levies made in respect of the period during which that person or body is a Registered Proprietor.
- 2.14 The Registered Proprietor shall be liable for any outstanding costs or levies payable in respect of any period prior to the date that person or body becomes a Registered Proprietor. This clause shall not apply where that Registered Proprietor has obtained written advice from the Association prior to becoming a Registered Proprietor that there are no outstanding cost or levy is payable in respect of the relevant Lot.
- 2.15 The registration of a transfer of a Registered Proprietor's interest in any Lot shall not relieve the transferor from any liability arising pursuant to this Land Covenant prior to the date of registration of such transfer.
- 2.16 The Association may recover from any prior or existing Registered Proprietor, as a liquidated debt, any sum payable to the Association by that Registered Proprietor by way of levy, reimbursement for costs incurred, or otherwise howsoever pursuant to the provisions of this Land Covenant.
- 2.17 Each Registered Proprietor will indemnify and hold indemnified the Association against all or any liability, actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may arise through the Association requiring compliance by that Registered Proprietor with any of the provisions of this Land Covenant.

- 2.18 If all or part of any sum payable to the Association is not paid within 30 days after the date that payment is due to be made, the Association may charge interest on that outstanding balance from the date payment was due until the date payment is made at such interest rate which the Association considers is an appropriate penalty interest rate.
- 2.19 The Association shall not be liable in any way for any action taken in good faith or any failure to take any action or for any other matter, consequence, damage, or liability whatsoever arising in any way in respect of or related to the Registered Proprietors requirements to carry out their obligations to the Association.
- 2.20 The address for service of the Association for the purposes of any notice or document to be served or delivered pursuant to the provisions of this Land Covenant shall be:
- a. At the address for service advised by the Association by notice in writing to all Registered Proprietors.
 - b. If no such address for service has been advised the address for service shall be:
 - i. The postal or residential address of the Chairman for the time being of the Committee if a Chairman has been appointed;
 - ii. If no such Chairman has been appointed, the postal or residential address of any member of the Committee;
 - iii. If no Committee has been appointed, each and every address for service of the Registered Proprietors of all Lots (i.e. the document must be served on every Registered Proprietor).
- 2.21 The address for service of any Registered Proprietor for any notice or document served under this Land Covenant shall be:
- a. While there is no dwelling on the Lot, the rating address for that Lot as recorded in the rating records of the Queenstown Lakes District Council;
 - b. Once a dwelling has been erected on a Lot, either the rating address referred to in sub-clause (a) above or the dwelling situated on that Lot if somebody is residing in that dwelling.

PART B – PROCEDURAL RULES

- 3.1 The AGM, shall, in addition to any other meeting, be held at least once in every calendar year and not more than 15 months after the holding of the last preceding AGM. The first AGM shall be held as specified in 2.6 of Part A of this Land Covenant.
- 3.2 All general meetings other than AGM's shall be called extraordinary general meetings.
- 3.3 At least fourteen days' notice of every general meeting specifying the place, the date, and the hours of the meeting, and the proposed agenda, shall be given to all Registered Proprietors PROVIDED THAT accidental omission to give such notice to any Registered Proprietor shall not invalidate any proceedings at any such meeting.
- 3.4 Any notice required to be given under these Procedural Rules shall be sufficiently given if delivered personally to the Registered Proprietor concerned or if left or sent by registered letter posted to the Registered Proprietor notified to the Association or if no such address has been so notified at that Registered Proprietor's address for service pursuant to clause 2.21 of Part A.

- 3.5 At a general meeting, the Registered Proprietors entitled to exercise the voting power in respect of not less than one third of the Lots shall constitute a quorum.
- 3.6 Save as otherwise provided in these rules, no business shall be transacted at any general meeting unless a quorum is present at that time.
- 3.7 Within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the number of persons present and entitled to vote at the expiration of that half hour shall constitute a quorum.
- 3.8 At a general meeting the chairman shall normally be the chairman of the Committee if he is present. If there is no such chairman, or if the chairman is not present or is unwilling to act a chairman shall be elected at the commencement of the meeting.
- 3.9 All matters at a general meeting shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the meeting shall have a casting vote as well as a deliberative vote.
- 3.10 At any general meeting:
 - a. 1 vote only may be exercised in respect of each Lot: and
 - b. If there is more than one Registered Proprietor of any one Lot present, and there is disagreement between those Registered Proprietors as to who should cast the vote for that Lot or how the vote for that Lot should be cast, the Registered Proprietor entitled to cast that vote shall be the Registered Proprietor whose name appears first on the certificate of title to that Lot.
- 3.11 At any general meeting of the Association any person and entitled to vote on the matter that is under consideration may demand a poll thereon, which shall be taken in such manner as the chairman thinks fit.
- 3.12 The result of the poll shall be deemed to be the resolution of the meeting at which it was demanded. Where a poll is not demanded, a declaration by the chairman that a resolution has been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded for or against the resolution.
- 3.13 Any vote to be cast at a general meeting may be exercised personally or by proxy. Where two or more persons are jointly entitled to exercise one vote and wish to do so by proxy, that proxy shall be jointly appointed by them and may be one of them. A proxy shall be appointed in writing. If only one of those persons is present at a meeting and they have not appointed a proxy as aforesaid, that person may exercise the vote.
- 3.14 A power of voting in respect of a Lot shall not be exercised unless all amounts accrued due and payable to the Association in respect of that Lot have been duly paid PROVIDED THAT no power of voting may be suspended pursuant to this clause unless the Registered Proprietor who holds that power has been given seven days' notice in writing of the amount of arrears due and of the fact that default in payment will result in suspension of voting rights.
- 3.15 A secretary (who may or may not be a Registered Proprietor) shall be appointed by the Association at its first AGM for such term, and upon such conditions as it may approve. Any secretary so appointed may be removed by the Association, either at a subsequent AGM or at an extraordinary general meeting called for that purpose.

- 3.16 The function of the secretary shall be to keep proper books of account in which shall be full, true, and complete accounts of the affairs and transactions of the Association and to carry out such other functions as may from time to time be delegated to the secretary by the Association.
- 3.17 The secretary shall in each year prepare a balance sheet showing the Association financial dealings during that year, and shall, within two months after each AGM, send a copy of the latest balance sheet to every Registered Proprietor.
- 3.18 Notwithstanding anything to the contrary contained in these rules, anything that may be done by the Association by resolution passed at a meeting of the Association may be done by the Association in the same manner or by resolution passed without a meeting or any previous notice being required by means of an entry in its Minute Book signed by each Registered Proprietor. It shall not be necessary for the Association to hold an AGM if everything required to be done at that meeting by resolution within the time prescribed for the holding of a meeting is done by means of an entry in its Minute Book signed in accordance with this provision. Any such entry may be signed on behalf of the Registered Proprietor by his agent duly authorised in writing. For the purposes of this rule, a memorandum pasted or otherwise permanently fixed in the Minute Book and purporting to have been signed for the purposes of becoming an entry therein shall be deemed to be an entry accordingly and any such entry may consist of several documents in like form, each signed by or on behalf of one or more Registered Proprietors.
- 3.19 If there is no Committee, the responsibility for the matters set out in these rules and the powers given to the Committee by these rules shall be those of the Association and, unless the context otherwise requires, every reference in these rules to the Committee shall be read as a reference to the Association.
- 3.20 The powers and duties of the Association shall be exercised and performed by the Committee, subject to any restriction imposed or direction given at a general meeting of the Association PROVIDED THAT any expenditure of over \$5,000.00, not being expenditure which the Association is legally obliged or previously authorised to incur, shall be referred to a general meeting. Notwithstanding the foregoing provision the amount of \$5,000.00 shall be deemed to be a base figure as at December 2019 and shall be increased by the percentage increase (if any) of the Consumer Price Index (All Groups) during the period commencing December 2019 and ending on the date of the making of any such expenditure.
- 3.21 The Committee shall initially be as established under clause 2.4 of Part A of this Land Covenant. Thereafter, the Committee shall consist of five Registered Proprietors or such other number, being not fewer than three, as is fixed from time to time by the Association at an AGM.
- 3.22 The members of the Committee shall be elected at each AGM to hold office until the next AGM PROVIDED THAT, unless the Committee consists of all the Registered Proprietors, the Association may by resolution at an extraordinary general meeting remove any member of the Committee before the expiration of that member's term of office and appoint another Registered Proprietor in that member's place to hold office until the next AGM.
- 3.23 A casual vacancy on the Committee may be filled by the remaining members of the Committee. The quorum necessary for the transaction of the business of the Committee may be fixed by the Committee and unless so fixed shall be three.
- 3.24 If the number of Committee members is reduced below the number which would constitute a quorum, the remaining members may act for the purpose of increasing the number of members to that number or of summoning a general meeting of the Association, but for no other purpose.

- 3.25 At meetings of the Committee all matters shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the Committee shall have a casting vote as well as a deliberative vote.
- 3.26 Subject to any restriction imposed or direction given at a general meeting, the Committee may:
- a. Meet for the conduct of business, adjourn, and otherwise regulate its meetings as it thinks fit PROVIDED THAT it shall meet when any member of the Committee gives to the other members not less than seven days' notice of a meeting proposed by that member, specifying the reason for calling the meeting.
 - b. Employ for and on behalf of the Association such agents, contractors and employers as it thinks fit in connection with the exercise and performance of the powers and duties of the Association.
 - c. From time to time elect one of its members to act as chairman and convener of the Committee.
 - d. Delegate to one or more of its members such of its powers and duties as it thinks fit, and at any time revoke the delegation.
 - e. Whenever it thinks fit, convene an extraordinary general meeting of the Association.
 - f. Set the annual budget for the Association.
- 3.27 The Committee shall:
- a. Keep minutes of its proceedings.
 - b. Cause minutes to be kept of general meetings and resolutions of the Association.
 - c. Cause proper books of account to be kept in respect of all sums of money received and expended by it, and all matters in respect of which all sum income and expenditure is received or incurred.
 - d. Prepare proper accounts relating to all money of the Association and the income and expenditure thereof, and arrange for the accounts of the Association for each year to be duly audited by an independent auditor, for a copy of the duly audited annual accounts to be sent to each Registered Proprietor before each AGM of the Association, and for the duly audited annual accounts to be presented at each AGM of the Association PROVIDED THAT the requirement for the accounts to be audited may be waived by the Association in general meeting in respect to either or both the previous and the current year.
 - e. On application by or on behalf of a Registered Proprietor or a mortgagee or a proposed purchaser of a Lot, advise the current annual levy payable in respect of that Lot and whether or not there are any levies or other sums outstanding and unpaid in respect of that Lot.
 - f. On application by a Registered Proprietor or a mortgagee of a Lot, or any person authorised in writing by either of them, make the books of account and all minutes available for inspection at all reasonable times.
 - g. Upon a requisition in writing made by the Registered Proprietors of 25 per cent of the Lots convene an extraordinary general meeting of the Association.

- 3.28 No act or proceeding of the Committee or of any Registered Proprietor acting as a member of the Committee shall be invalidated in consequence of there being a vacancy in the number of the Committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any Registered Proprietor so acting, or that that Registered Proprietor was incapable of being or had ceased to be such a member.

4. GENERAL

- 4.1 This instrument will be binding on all transferees, lessees, mortgagees, chargeholders, and their respective successors in title and assigns of any estate or interest in the Covenantor's Land. Where this Covenant Instrument binds or benefits more than one party, it shall bind or benefit each party jointly and severally.
- 4.2 Where the Covenantor is a company this Covenant Instrument shall bind a receiver, liquidator, statutory manager or statutory receiver. Where the Covenantor is a natural person this Covenant Instrument shall bind the Official Assignee acting in the bankruptcy of the Covenantor. In either case this Covenant Instrument binds a mortgagee in possession.
- 4.3 If at any time any part or provision of this Covenant Instrument is or becomes invalid, void, illegal or unenforceable in any respect whatsoever, then:
- 4.1. that part or provision shall be severed from this Covenant Instrument;
 - 4.2. such invalidity or severing shall not in any way affect or impair the validity, legality and enforceability of any other part or provision of this Covenant Instrument; and
 - 4.3. the parties shall enter into appropriate substitute instrument(s) to give full and proper effect to the agreements and understandings in this Covenant Instrument,
5. The Covenantor covenants with the Covenantee:
- 5.1. not to seek to discharge, surrender, lapse, vary, amend, withdraw or remove in any manner whatsoever this Covenant Instrument; and
 - 5.2. always to act in good faith and do all acts and things and enter into and execute any replacement instrument whenever reasonably required by the Covenantee and otherwise obtain any necessary consents all of which may be reasonably necessary and appropriate to give effect to the express provisions of this Covenant Instrument as set out in the words of this Covenant Instrument.
6. Any dispute which arises between the Covenantor and Covenantee in any way relating to this Covenant Instrument may be resolved by referring the dispute to an agreed third party for decision or by arbitration by a single arbitrator under the provisions of the Arbitration Act 1996. Nothing limits or excludes the Covenantee applying to the Court for interlocutory and/or injunctive relief or a declaration.

View Instrument Details



Instrument No	11949595.4
Status	Registered
Date & Time Lodged	03 December 2020 16:25
Lodged By	Walker, Angela Marie
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
947050	Otago
947051	Otago

Annexure Schedule Contains 10 Pages.

Signature

Signed by Justine Joy Baird as Territorial Authority Representative on 03/12/2020 11:17 AM

*** End of Report ***

IN THE MATTER of Lots 5 & 20 being a
Subdivision of Lots 5 & 20 DP 532665

AND

IN THE MATTER of Resource Consent
RM180960 Queenstown Lakes District
Council

**CONSENT NOTICE PURSUANT TO
SECTION 221 OF THE RESOURCE
MANAGEMENT ACT 1991**

BACKGROUND

- A. Martin & Suzanne Lawn have applied to the Queenstown Lakes District Council (*Council*) pursuant to provisions of the Resource Management Act 1991 for its consent to subdivide land comprised and described in Records of Title 872415 & 872420 (Otago Registry).
- B. Council has granted subdivision consent (RM180960) to the proposed subdivision subject to certain conditions which are required to be complied with on a continuing basis by the owner of the land from time to time being those conditions set out in this Consent Notice.

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OPERATIVE PART

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments:

Lot 5 DP 550017 comprised in record of title 947050

Lot 20 DP 550017 comprised in record of title 947051

Conditions

The following conditions shall apply to Lot 5:

Advice Note: the plans referenced below can be sourced on the Queenstown Lakes District Council file for resource consent RM161179 as varied by RM190413.

a) All structures including any dwelling and garage shall be contained within the Residential Building Platform (**RBP**) as shown on the "Crown Range Holdings Ltd Masterplan" prepared by Baxter Design Reference 2542-SK13 14 December 2017 (**Masterplan**)

b) The maximum height of any building shall be 5.5m above the RL level specified below:

Lot 5 (RBP Area 1000m²) = 5.5m above RL 590

c) The lot owner(s) shall retain the balance of the lot not included within the curtilage area shown on the Masterplan (**Curtilage Area**) as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.

d) The total area of structures within the RBP shall not exceed 65% site coverage of the RBP

e) Roof claddings shall be no more than two of the following:

- a) Vegetated
- b) Steel (corrugated or tray)
- c) Timber or slate shingles

f) No exotic plants with wilding potential shall be planted anywhere.

g) There shall be no amenity planting outside of the Curtilage Area aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats or legume planting such as Lucerne etc.

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h) The lot owner(s) shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.

The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wildling evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

- a) *Cupressus leylandii* (Leyland cypress)
- b) *Cupressus tortulosa* (Himalayan cypress)
- c) *Cedrus deodara* (Deodar cedar)
- d) *Eucalyptus gunii* (Cider gum)
- e) *Cedrus atlantica* (Atlas cedar)

i) Any exotic tree planting within the Curtilage Area) with a mature height of greater than 5m shall be taken from the list of amenity trees below.

- a) *Salix babylonica* (weeping willow)
- b) *Cedrus deodara* (Himalayan cedar)
- c) x *Cupressocyparis leylandii* (Leyland cypress)
- d) *Populus nigra* (Lombardy poplar)
- e) *Acer* species (Maple excluding sycamore)
- f) *Quercus* sp. (Oaks)
- g) *Ulmus* sp. (Elms)

j) Indigenous tree planting may occur anywhere within the Curtilage Area.

k) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.

l) All fencing around the residential lot, driveway, amenity planting, native regeneration area and planted areas shall be either:

- a) timber post and rail,
- b) waratah and wire,
- c) deer fencing,
- d) rabbit proof fencing.

m) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.

n) All exterior lighting within the residential lot shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond property boundaries does not occur.

o) All exterior lighting should be no higher than 4m above ground level and below the height of adjacent buildings. There shall be no floodlights and no lighting associated with the driveways or access onto the site.

p) The driveway from the lot boundary to the RBP shall be formed by future owners and aligned generally as shown on the Masterplan.

q) The driveway to access the RBP shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.

r) Within RBP hard stand areas adjacent to buildings may be constructed of:

- a) asphalt,
- b) chip-seal finished with local gravels,
- c) 'gobi' blocks
- d) other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered residential building platform or farm building platform, with the exception of those required for firefighting purposes

s) All outdoor structures and garden elements associated with residential use of the property shall be confined to the Curtilage Area and located no more than 10m from the primary dwelling. Such structures and garden elements include:

- a) clothes lines
- b) garden storage sheds (not requiring a separate resource consent),
- c) outdoor furniture,
- d) shade structures for outdoor living,
- e) trampolines and commercial play structures,
- f) swimming pool or hot tub,
- g) paved or decked surfaces associated with outdoor living areas,
- h) cultivated garden.

t) All lot owner(s) are required to be part of the management organisation, mechanism or entity as required by Condition 15(i) of RM161179 as varied by RM190413. This management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organization or entity, or in the event that the management organization or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

u) At the time that a dwelling is erected, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008), if required. The irrigation water may not be treated and should not be used for drinking.

v) Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building.

w) At the time a dwelling is erected, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system in accordance with the parameters established in the Holmes Infrastructure Design Report prepared for John Edmonds & Associates Reference 114452 dated November 2016 (**Holmes Report**). The systems are to provide stormwater collection for the site and disposal of runoff from all vehicle access, parking and maneuvering areas within the site to ground soakage. No stormwater is to be discharged beyond the site boundaries.

x) At the time a dwelling is erected, 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 secondary treatment effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the parameters established in the Holmes Report. The on-site wastewater disposal and treatment system shall provide sufficient treatment to effluent prior to discharge to land.

z) At the time a dwelling/building is erected, 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. 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. In addition to the static fire fighting storage requirement, at the time a dwelling is constructed the consent holder shall install an additional minimum 25,000 litres of onsite potable buffering storage to cater for times of peak demand. 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

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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 Council's standards for rural roads (as per NZS 4404:2004 with amendments adopted by Council in 2005). 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 FENZ 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.

aa) Wall materials for all structures shall be no more than two of the following:

- a) natural timber;
- b) painted timber;
- c) weatherboard cladding systems, similar to Linea;
- d) smooth plaster;
- e) stained plywood;
- f) local stone;
- g) corrugated iron;
- h) steel; or
- i) concrete blocks providing that it complies with colour controls.

bb) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.

cc) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with and LRV of less than 15% and greater than 5%.

The following conditions shall apply to Lot 20:

Advice Note: the following conditions shall only relate to the area shown as Areas XX, C, AJ, BA, BB on DP 550017, being the same area as Lot 5 of DP 532665 (RM161179 as varied by RM190413) less proposed Lot 5 of this subdivision (RM180960).

Advice Note: the plans referenced below can be sourced on the Queenstown Lakes District Council file for resource consent RM161179 as varied by RM190413.

a) All structures including any farm building shall be contained within the Farm Building Platform (FBP) as shown on the Masterplan

b) The lot owner(s) shall retain the balance of the lot not included within the FBP, Ecological Gully Area or Indigenous Vegetation Enhancement Areas as shown on the Masterplan as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.

c) Roof claddings shall be no more than two of the following:

- a) Vegetated
- b) Steel (corrugated or tray)
- c) Timber or slate shingles

d) No exotic plants with wilding potential shall be planted anywhere.

e) With the exception of planting within the Ecological Regeneration Area, there shall be no amenity planting on the lot aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats or legume planting such as Lucerne etc.

f) The lot owner(s) shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.

The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

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- a) *Cupressus leylandii* (Leyland cypress)
- b) *Cupressus tortulosa* (Himalayan cypress)
- c) *Cedrus deodara* (Deodar cedar)
- d) *Eucalyptus gunii* (Cider gum)
- e) *Cedrus atlantica* (Atlas cedar)

g) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.

h) Planting in the Ecological Gully Area shall be sourced from local seed stocks where possible and contain, but not be limited to, the following native species:

- a) *Discaria toumatou* (matagouri)
- b) *Nothofagus solandri* var. *cliffortioides* (mountain beech)
- c) *Sophora microphylla* (kowhai)
- d) *Coprosma propinqua* (mingimingi)
- e) *Coprosma* sp
- f) *Corokia* sp.
- g) *Olearia odorata* (tree daisy)
- h) *Melicactus alpinus* (porcupine shrub)

i) Planting in the Indigenous Vegetation Enhancement Areas as shown on the Masterplan shall be grown from local seed stocks where possible.

j) All fencing around the native regeneration area and planted areas shall be either:

- a) timber post and rail,
- b) waratah and wire,
- c) deer fencing,
- d) rabbit proof fencing.

k) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.

l) Within FBP hard stand areas adjacent to buildings may be constructed of:

- a) asphalt,
- b) chip-seal finished with local gravels,
- c) 'gobi' blocks
- d) other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered farm building platform, with the exception of those required for firefighting purposes.

m) All lot owner(s) are required to be part of the management organisation, mechanism or entity as required by Condition 15(i) of RM161179 as varied by RM190413. This management organisation, mechanism or entity shall be established and maintained at all

times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organization or entity, or in the event that the management organization or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

n) Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building.

o) Wall materials for all structures shall be no more than two of the following:

- a) natural timber;
- b) painted timber;
- c) weatherboard cladding systems, similar to Linea;
- d) smooth plaster;
- e) stained plywood;
- f) local stone;
- g) corrugated iron;
- h) steel; or
- i) concrete blocks providing that it complies with colour controls.

p) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.

q) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with an LRV of less than 15% and greater than 5%.

r) Any building erected within the FBP shall be for agricultural, farming, equine or related purposes or for residential accessory buildings not intended for living purposes. Residential units within the FBP are prohibited.

s) The maximum height of any farm structures to be located within the FBP shall be 8m above original ground level.

DATED this 2nd day of December 2020

SIGNED for and on behalf of

QUEENSTOWN LAKES DISTRICT

COUNCIL under delegated authority

by its Team Leader, Subdivision,

Development Contributions &

Property



Alex John Dunn

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Crown Range Holdings Limited
RM reference:	RM161179
Location:	Eastburn Road, Crown Terrace
Proposal:	Consent is sought to undertake a subdivision to create eight lots, each with a residential building platform and 'farm building platforms' on Lots 5 and 8. Consent is also sought to relocate a farm building and to undertake earthworks on a HAIL site.
Type of Consent:	Subdivision
Legal Description:	Lot 3 Deposited Plan 321835 held in Computer Freehold Register 8721
Zoning:	Rural General (Operative District Plan) Rural (Proposed District Plan)
Activity Status:	Discretionary Activity
Notification:	8 February 2017
Commissioners:	Commissioners Wendy Baker and Rachel Dimery
Date Issued:	20 October 2017
Decision:	Consent is REFUSED

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Crown Range Holdings Limited to undertake a subdivision to create eight lots, each with a residential building platform and farm building platforms on Lots 5 and 8. Consent is also sought to relocate a farm building and to undertake earthworks on a HAIL site.

Council File: RM161179

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING COMMISSIONERS W BAKER AND R DIMERY, APPOINTED PURSUANT TO SECTION 34A OF THE ACT

THE PROPOSAL

1. We have been given delegated authority by the Queenstown Lakes District Council ("Council") under section 34A of the Resource Management Act 1991 ("the Act") to hear and determine the application by Crown Range Holdings Limited ("the Applicant") and, if granted, to impose conditions of consent.
2. The applicants seek resource consent to subdivide land at Eastburn Road, Crown Terrace into eight allotments, to establish residential building platforms ("RBP") on each allotment and two farm building platforms ("FBP"), to relocate an existing tunnel house to one of the farm building platforms and to undertake associated planting and earthworks.
3. Design controls are proposed including restrictions on built form, materials, colours and landscape treatment. Planting is also proposed in areas identified as ecological gullies and for Indigenous Vegetation Enhancement ("IVE").
4. The table below provides a summary of the proposal.

Proposed Lot	Area	Residential Building Platform Area	Other identified areas	Earthworks
Lot 1	22ha	800m ²	Ecological Gully area	Formation of private access.
Lot 2	3.2ha	1000m ²		Cut to lower building platform by 4m and contouring to reuse fill. Maximum cut depth 5.3m and maximum fill depth 4.3m.

				Formation of private access.
Lot 3	2.6ha	1000m ²		Cut to lower building platform by 2m and contouring to reuse fill. Maximum cut depth 5.3m and maximum fill depth 4.3m. Formation of right of way and private access.
Lot 4	3ha	685m ²	IVE area	Formation of private access.
Lot 5	23ha	1000m ²	Ecological Gully area Shelterbelt to be retained FBP	Formation of right of way and private access.
Lot 6	3ha	1000m ²	IVE area Proposed replacement planting	Formation of bund for natural hazard mitigation. Formation of right of way and private access.
Lot 7	2.9ha	1000m ²	Proposed replacement planting	Formation of bund for natural hazard mitigation. Formation of right of way and private access.
Lot 8	24ha	1000m ²	Extension of existing shelterbelt	Formation of private access.

ABBREVIATIONS

5. The following abbreviations are used in this decision:

Queenstown Lakes District Council	"the Council"
Crown Range Holdings Limited	"the Applicant"
Resource Management Act 1991	"the Act"
Assessment of Environmental Effects	"AEE"
Farm Building Platform	"FBP"
Residential Building Platform	"RBP"
Queenstown Lakes Operative District Plan	"ODP"

Queenstown Lakes Proposed District Plan	"PDP"
Otago Regional Policy Statement	"ORPS"

SITE DESCRIPTION

6. A detailed description of the site and receiving environment within which the application sits can be found in Section 2.1 of the Applicant's Assessment of Environmental Effects ("AEE"). We have set out below the changes to the receiving environment that have occurred since the application was lodged.

NOTIFICATION AND SUBMISSIONS

7. The application was publicly notified on 7 December 2016 with submissions closing on 8 March 2017. One submission was received from Mr T Edney.
8. Written approval from the owners of Lot 3 DP 321835 (Mr and Ms Lawn) was provided at the hearing. Details of consultation with Mr Edney and with the Department of Conservation were provided as part of the application.

THE HEARING

9. A hearing to consider the application was convened on 15 September 2017 in Queenstown. In attendance were:
 - (a) The Applicant, represented by Mr Joshua Leckie (legal counsel), Ms Bridget Allen (planner), Mr Stephen Skelton (landscape architect), Mr Alan Hopkins (engineer) and Mr Melvin Jones (a director of Crown Range Holdings Limited (the Applicant));
 - (b) Council's reporting officers, Ms Erin Stagg (planner), Mr Ben Espie (landscape architect), Mr Michael Wardill (engineer);
 - (c) Council's Planning Support, Ms Charlotte Evans; and
 - (d) Submitter: Mr Timothy Edney
10. We had the benefit of a section 42A report prepared by Council's reporting planner, Ms Erin Stagg. Based upon her assessment of the application, Ms Stagg recommended that the application be granted. The Applicant's evidence was pre-circulated in accordance with the requirements of the Act. We pre-read all material and took it as read.

PROCEDURAL MATTERS

11. At the opening of the hearing Commissioner Baker declared a potential conflict of interest. Commissioner Baker advised the parties that she had had a conversation some time ago about the sealing of the road relating to the application with Ms Lawn, the present owner of Lot 2 DP 321835 (proposed Lot 20 of approved consent RM160880). Commissioner Baker invited the parties to advise if they had any objection to her sitting on the Commission. No objections were raised by any of the parties present.
12. As noted in the section 42A report, two of Council's reporting officers, Mr Smith a consultant landscape architect and Mr Parnell a consultant engineer, were not available to attend the hearing. Mr Espie, a consultant landscape architect and Mr

Wardill, Council's engineer attended the hearing. Both broadly agreed with the previous reports prepared and appended to the section 42A report, in that they supported the application subject to some amendments to the proposed conditions, which we discuss below.

SITE VISIT

13. We undertook a site visit on the afternoon of 14 September, before the hearing commenced. We were accompanied by Ms Stagg. We drove over the site and inspected each of the RBPs on foot. Following this, we drove to viewpoint 1, as identified in the Landscape Assessment Report prepared by Mr Skelton. We viewed the site from the small knoll at this location and then descended the Crown Range Road, stopping to view the site at locations where it was possible to pull in to laybys.

THE DISTRICT PLAN AND RESOURCE CONSENTS REQUIRED

14. The Applicant and the Council were in agreement that resource consents are required for:
 - A discretionary activity resource consent pursuant to Rule 15.2.3.3(vi) of the Queenstown Lakes Operative District Plan ("ODP") for any subdivision and identification of building platforms;
 - A controlled activity resource consent pursuant to Rule 5.3.3.2(i)(d), to relocate a farm building on the site to one of the proposed Farm Building Platforms ("FBP").
 - A restricted discretionary activity resource consent pursuant to Rule 5.3.3.3(xi) that does not comply with Site Standard 5.3.5.1(xi)(i). It is proposed to relocate a farm building on a property smaller than 100 hectares.

In addition we consider that the following consent is also required:

- A controlled activity resource consent pursuant to Rule 15.2.21.1 for earthworks associated with subdivision. The matters of control are set out in 22.3.2.2(a)(i)- (ix).
15. We note that Ms Stagg's report also identified that a restricted discretionary activity resource consents are required pursuant to Rule 5.3.3.3(xi) to breach Site Standard 5.3.5.1(xi)(iii) to relocate a farm building onto a property located above 600 masl and to breach Site Standard 5.3.5.1(xi)(i) to relocate a farm building onto a property less than 100 hectares. Ms Allen's evidence clarified that the two new locations are at less than 600 masl, being at 588 and 593 masl. Ms Allen was of the opinion that resource consent is therefore not required under Rule 5.3.3.3(xi). We concur with Ms Stagg's assessment, as while the location is below 600 masl, the property is less than 100 hectares and consent is therefore required.
 16. Consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES") as the proposal is an activity under regulation 5(4) and (5) and the site is land covered under regulation 5(7) and (8) and it is not exempted under regulation 5(9). A Preliminary and Detailed Site Investigation (PSI and DSI) has been undertaken, which concludes it is highly unlikely there will be a risk to human health if the proposed activity occurs on the land. No distinctions have been made within the report regarding conclusions reached following the PSI and those which follow from the DSI. Out of an abundance of caution we

therefore assume them all to be a result of the DSI. Similarly, the report does not unequivocally state that the soil contamination does not exceed the standard in regulation 7. It follows that a restricted discretionary consent is required under regulation 10.

17. We note here that the that the report does conclude that it is highly unlikely that concentrations of contaminants within the soil would be present at concentrations that will exceed the contaminant standards for a rural residential land use scenario and that no remediation or management is recommended.
18. Overall, the application is assessed as a discretionary activity.

RELEVANT STATUTORY PROVISIONS

19. This application must be considered in terms of Sections 104, 104B, 106, 108 and 220 of the Resource Management Act 1991 ("the Act").
20. Subject to Part 2 of the Act, 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.*
21. Following assessment under Section 104, the application must be considered under Section 104B of the Act. 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.*
22. Section 104(3)(b) requires that we have no regard to effects on people who have given written approvals to the application. This is relevant in this case as written approval has been obtained from the owners of Lot 2 DP 321835 (also described as Lot 20 (RM160880) on the scheme plan submitted with the application).
23. Section 106 of the Act provides that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it

considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

24. Sections 108 and 220 empower us to impose conditions on resource consents.
25. We note that the Applicant's reply confirmed that the waterbody in the ecological gully area is narrower than 3 metres and that the esplanade provisions in section 230 are not triggered.

SUMMARY OF EVIDENCE HEARD

26. Evidence for this hearing was pre-circulated. The Applicant's experts provided summaries of their evidence at the hearing. We have read the application, the evidence and the section 42A report. The following is a brief outline of the submissions and evidence/ reports presented. This summary does not detail everything that was advanced at the hearing, but captures the key elements of what we were told.

Applicant

27. **Mr Leckie** presented written legal submissions for the Applicant. Mr Leckie submitted that landscape effects were the key consideration for our decision. He provided a summary of the other effects, the relevant statutory considerations and the Applicant's response to the points in Mr Edney's submission.
28. Mr Leckie outlined the mitigation proposed and the changes made in response to feedback from Mr Smith and Mr Espie for the Council. These changes include the retention of all shelterbelts to a height of 8m, a proposed condition of consent restricting amenity planting outside the curtilage areas and additional design restrictions in relation to the farm building platforms. He referred us to the evidence of Mr Skelton that no more than three of the eight building platforms will ever be seen at once from a public place.
29. Mr Leckie devoted some attention to the two key areas where there were differences between the experts for Council and the Applicant. These areas related to water supply and the Eastburn Road surface.
30. In relation to water supply, Mr Leckie referred us to the evidence of Mr Hopkins that on-site water buffering storage will adequately assure potable water supply. He submitted that this solution would avoid over engineering that is not justified from the perspective of managing effects. Mr Leckie directed us to the evidence of Mr Hopkins that a gravel road is appropriate. He noted Mr Skelton supports the retention of a gravel surface from a landscape perspective. He submitted that Council's Code of Practice should be used as a guide and that we were required to consider the effects arising from the subdivision and further, that there was no evidence before us to require sealing Eastburn Road.
31. **Mr Jones** discussed the vision for the subdivision and his desire to achieve a high-quality outcome. He advised us that consultation was undertaken with the Department of Conservation, Royalburn Station, the Queenstown Trail Trust and Mr Edney. He noted that refinements had been made to the proposal and referred us to the evidence of Mr Skelton and Ms Allen in this regard.
32. **Mr Skelton** presented landscape evidence. He advised us that Lot 1 is within the Outstanding Natural Landscape ("ONL"), Lots 2-4 are near the ONL boundary and the balance of the lots are within the Visual Amenity Landscape ("VAL"). He concluded that

development within Lot 1 would have very low to negligible adverse effects on the ONL. He also concluded that development within the VAL would have very low to negligible adverse effects on landscape and visual amenity. He emphasised that a lot of effort had been put into mitigation, particularly in relation to Lots 3 and 4 and that the IVE areas would assist in the built development being visually absorbed. He also emphasised the importance of the shelterbelts on Lots 5, 6, 7 and 8 to provide mitigation. Mr Skelton outlined the amendments made to address Council's concerns, including restrictions to require the land outside the curtilages to be maintained in open pasture. He stated that in his view, retention of the gravel surface of Eastburn Road would contribute to maintaining the rural amenity of the landscape. Mr Skelton noted that it was proposed to undertake a staged succession planting to replace the wilding conifer shelterbelt east of Lots 6 and 7 and that this was supported by the Department of Conservation.

33. **Mr Hopkins**, a consulting engineer, addressed infrastructure issues. He confirmed his opinion that the subdivision can be appropriately serviced and accessed. He focused on the variation from Council's code of practice in respect of water supply and vehicle access. Mr Hopkins was satisfied adequate water can be supplied from the bore with onsite buffering. He advised 12 days of buffering storage could be provided to meet the code of practice 2,100l/day or 33 days of buffering to cater for the 750l/day irrigation shortfall. He was of the opinion that it was highly unlikely all eight lots would exhaust the storage buffer and noted the site has an existing alternative irrigation supply that currently feeds stock tanks. He advised that there was the potential to put down another bore and told us it was his understanding that this would need to be established before titles were issued.
34. Mr Hopkins agreed that Eastburn Road should be widened to meet the minimum requirements in Figure E2 of the Council's code of practice. He disagreed however that the finished surface should be chip seal. He was concerned that this would place an added maintenance cost on Council and advised that chip seal roads close to the snowline are notorious for potholing. He also considered the cost of sealing the road would be disproportionate for the Applicant.
35. **Ms Allen** is a planning consultant and prepared the AEE. Ms Allen's primary evidence helpfully focussed on the key areas of disagreement with the section 42A report, of which there were few. As we have noted below, Ms Allen advised us of a change to the receiving environment. She also advised us of a correction to her evidence at paragraph 12 and clarified that the boundaries between Lots 3 and 4 have been changed to follow the existing fence lines.
36. Ms Allen attached to her primary evidence a set of conditions for us to consider and the written approval to the application of Martin and Suzanne Lawn, owners of Lot 2 DP 321835 (new Lot 20 under the boundary adjustment consent). Ms Allen relied on the evidence of Mr Skelton that the proposal will have a very low to negligible adverse effect on the ONL and VAL, as well as enhancing natural character through the planting in the ecological gully and IVE areas. In response to our questions about the shelterbelt being on the adjoining property (new Lot 20), Ms Allen considered that this could be addressed by the wording of the covenant associated with the underlying boundary adjustment. Ms Allen relied on the evidence of Mr Hopkins that the sealing of Eastburn Road is not required and that the water supply is sufficient to service the site. She emphasised that the only residential dwelling in close proximity to Eastburn Road is the Lawn property from whom written approval had been obtained. It was her opinion that the retention of the gravel surface of Eastburn Road would best retain the rural character of the area.

Submitters

37. **Mr Edney** spoke to his submission. Mr Edney owns the farm on the eastern side of Eastburn Road. He told us that the resource consent for the alternative homestead on his property had lapsed and that he was not intending to progress this. In terms of the proposal, Mr Edney advised us that he supports the subdivision in principle, but had some concerns relating to dust, water supply, power supply and the retention of the shelterbelts. He also requested that the proposed lots be subject to a no objection clause in respect of Eastburn Station farming and development activities.
38. Mr Edney advised us that the existing water supply is on an as favour basis and is provided by a deemed permit from Otago Regional Council that will expire in 2021. He went on to tell us that in his experience, stock require a considerable amount of water during dry spells and lambing. Mr Edney said that the prevailing wind is from the west and that shelterbelts are always therefore placed to the west. It was his desire to see dust minimised, as his property is to the east. He further noted that stock find foliage with dust to be more unpalatable. His submission noted that the visual effects mitigation partly relies on existing trees, some of which are not on the Applicant's property. He advised us that if control of Lot 20 (RM160880) lies with the Applicant, he would like to see the trees on the western side of the access retained.

Council Officers

39. **Mr Ben Espie** advised us that in his opinion, the retention of the shelterbelts and open pasture were the two key issues from a landscape perspective which informed his opinion. Mr Espie outlined the discussions undertaken with the Applicant and the key changes made following the second report by Council's previous consultant Landscape Architect, Mr Smith. He went on to explain the need for some further amendments to the conditions and plans. He acknowledged that the revised master plan states that the shelterbelts are to be a minimum height of 8m. However, he considered however that some clarity was required in relation to succession planting, as it could not just be left until such time as trees die. He noted that if irrigated, shelterbelts would take 5 – 10 years to establish. He advised us that succession planting needs to be on the leeward site of the shelter belt, which in terms of the shelterbelt on Lot 20 (RM 160880) would be on the adjoining site to the east (Lot 20). He stated that the covenant needs to also state that the minimum height of shelterbelts is 8m and to provide for succession planting to ensure ongoing visual mitigation. He was of the view that Council needed to be a party to the covenant. Mr Espie noted that irrigation would be required for the IVE area, but was not likely to be needed in the ecological gully area. He saw pest management as an important component to the successful establishment of the ecological gully and IVE areas.
40. Mr Espie considered that the curtilages were a reasonable size and that he was content with the size and arrangement of the lots. He advised us that he was satisfied that the conditions would require pastoral use, which would in turn maintain the rural character of the Crown Terrace.
41. **Mr Michael Wardill** addressed engineering matters. He told us that with the exception of the recommendations on water supply, he agreed with Mr Parnell's report, which was appended to the s42A report. Mr Wardill did not consider it appropriate to accept the proposed buffering storage within the water supply system. He advised us that the Code of Practice requirement of 2,100 litres/day is for potable demand and irrigation. He considered there was a risk that water would run out and advised that water supply needed to be determined up front and was not a matter that could be left for future owners to resolve. He advised us that he did not accept the Applicant's argument that

the Code of Practice requirements for water supply is based on the requirements for urban lots. He considered large rural lots would have a much greater water demand than urban lots as they typically had larger gardens and the ability to keep livestock.

42. Mr Wardill advised us that Council's Chief Engineer has requested the surface formation of Eastburn Road to be sealed in chip seal. He advised us that in his experience, potholing of chip seal was not an issue at altitude. Mr Wardill considered that future maintenance costs of Eastburn Road as an unsealed road would be an issue, as increased usage would mean grading would be required every 4-5 weeks. He went on to advise that at this elevation there is occasional snow fall and that an unbound gravel surface would present an issue when snow ploughed.

43. Mr Wardill drew our attention to the Maintenance of Accesses to Private Property Policy which was adopted by the Utilities Committee on 3 April 2002. The entire policy reads as follows:

The Queenstown Lakes District Council will accept responsibility for the ongoing maintenance for any access formed over road reserve which meets the following criteria.

1. *Provides access to more than four (4) dwelling units.*
2. *The access is formed or upgraded to comply with the Council's subdivision standards.*
3. *That the costs of formation of the access road are met by the properties served.*

The access is formed over road reserve that is either under the control of the Queenstown Lakes District Council by right, or through delegated authority by another roading authority.

44. Mr Wardill advised us that this policy meant that as the proposal would take the number of dwelling units accessed off Eastburn Road over four, the Council would be obligated to take on the maintenance whereas it currently does not maintain this road. We questioned Mr Wardill on whether this would be the case even if points 2 and 3 were not met, as would be the case if the road were not sealed. He confirmed that Council would still have to take on the maintenance under this policy.

45. **Ms Erin Stagg** confirmed the activity status as discretionary. She accepted the opinions of the two landscape experts, Mr Espie and Mr Skelton, that the site could absorb the additional development with suitable landscape and design control measures. However, she noted that the landscape assessments rely on the retention of the shelterbelt on Lot 20, which is outside of the control of the Applicant and is not on the application site. She advised that this presented an issue as there was a lack of certainty that this shelterbelt could be maintained and that succession planting could be undertaken. She further advised that Council need to agree to the wording of a covenant and that any succession planting would not be able to be undertaken on the leeward site as this would be on Lot 20. She agreed with Mr Espie that succession planting should be undertaken and that planting of ecological gully and IVE areas should be a section 224(c) conditions. Ms Stagg recommended that Eastburn Road was sealed for reasons of traffic safety and maintenance. In relation to water supply, Ms Stagg commented that certainty was needed and that stock would also need water to drink. Ms Stagg concluded that addressing the landscape matters is central to her support of the proposal and that the ecological areas and screening are vital.

APPLICANTS' RIGHT OF REPLY

46. We received the applicants' right of reply on 25 September 2017. Having reviewed that information, we were satisfied that we required no further information is required.
47. Mr Leckie's legal submissions addressed a range of matters, including the ability to include a condition precedent in relation to the shelterbelt covenanted area over the adjoining site (new Lot 20), as shown on the approved boundary adjustment resource consent (RM160880). The amended set out conditions attached to the reply set out a requirement for the wording of the encumbrance to be submitted to Council for certification prior to section 223 certification and to require the registration of the instrument prior to section 224(c) certification. Mr Leckie submitted that an encumbrance instrument, to which Council is party, is the most appropriate method to ensure the mitigation provided by the existing shelterbelt on new Lot 20 (as approved under RM160880).
48. A final set of conditions was attached to the reply, together with updated plans (Master Plan and Ecological Management Plan). The amendments addressed matters including the height of succession planting, planting quantities and timing, potable water supply, easements to convey water and power.

RELEVANT PLAN PROVISIONS

The Operative District Plan

49. The subject site is zoned Rural General under the ODP.
50. The relevant provisions of the ODP that require consideration can be found in Chapter 4 (District Wide), Chapter 5 (Rural Areas), Chapter 15 (Subdivision, Development and Financial Contributions) and Chapter 22 (Earthworks).

The Proposed District Plan

51. The relevant provisions of the Proposed District Plan ("PDP") that require consideration are Chapters 6 (Landscapes), 21 (Rural zone) and 27 (Subdivision and Development). The site is zoned Rural under the PDP.
52. Section 86[b](1) of the Act 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.
53. The PDP was notified on 26 August 2015. Pursuant to Section 86[b](3) of the Act, a number of rules that protect or relate to water have immediate legal effect. None of these rules are relevant to this application. To date only one decision has been made on the PDP which relates to the Millbrook zone and is not relevant to this application. By extension we therefore conclude that there are no rules in the PDP that are relevant to our consideration of this application.

Operative Regional Policy Statement

54. The relevant objectives and policies are in Part 5 Land and Part 9 Built Form.

Proposed Regional Policy Statement

55. The Proposed Regional Policy Statement was notified on 23 May 2015 and decisions were notified on 1 October 2016. Appeals have been lodged with the Environment Court, covering a wide range of topics.
56. The relevant objectives and policies are found in Chapters 2, 3 and 5. These generally align with the Operative Regional Policy Statement.

Summary – relevant plan provisions

57. The applicant and the Council largely agreed on the relevant plan provisions, with the s42A report including the additional provisions in Chapter 22 (Earthworks). We concur with Ms Stagg that the provisions in Chapter 22 are of relevance. These are set out in the application as notified and the section 42A report and we adopt them.

PERMITTED BASELINE, EXISTING ENVIRONMENT AND RECEIVING ENVIRONMENT

58. 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 include farming, horticulture and viticulture activities. Planting is also permitted, although there is a restriction in the ODP as to the date from which that may be considered as part of the permitted baseline. All subdivision and all buildings require resource consent. We agree with Ms Stagg that the permitted baseline is of limited assistance for this application.
59. The existing environment includes all development and activity currently on site and in the surrounding environment which has been lawfully established. The subject site is currently farmed and contains farm structures, including a tunnel house, sheep yard and cattle yard. There is no dwelling on the site. There is an unimplemented resource consent for this site (RM160880), which is for a subdivision consent to undertake boundary adjustment to include land from the adjoining lots to the east (shown as Lot 19 and 20 on the scheme plan). The subdivision consent would also create a right of way to north of the existing access leg.
60. The receiving environment comprises a number of rural living and farm properties. Ms Stagg and Ms Allen were in agreement that the receiving environment includes an 11 lot subdivision to the north of the site (referred to as the Royalburn subdivision RM081447)). The resource consent for the Royalburn subdivision lapses on 24 November 2020.
61. Ms Allen noted that the receiving environment as described in the AEE has changed. This change is due to the lapse of resource consent (RM061094) for a building platform on Waitipu Station (to the east of the site). Ms Allen advised us that this consent cannot be considered part of the receiving environment. She further advised us she observed two new buildings on Waitipu Station on a recent site visit and that correspondence with Council confirms that no resource consents have been lodged for these buildings.
62. We agree with Ms Allen's assessment of the receiving environment.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Landscape effects

63. As we have noted, there was agreement that Lot 1 lies within an ONL and Lots 2-8 are located within the VAL.
64. We agree with Mr Skelton that there will be positive landscape effects through the proposed planting in the IVE and ecological gully areas. Mr Skelton described how this planting will increase the natural character of the gully. Mr Espie also supported the planting in these areas, subject to certainty around an overall minimum number of plants being provided in each area. This was addressed in the Applicant's reply and we are satisfied with the response.
65. It was common ground that the shelterbelts were crucial to the mitigation of potential landscape effects. Mr Skelton stated:
- Shelterbelts which are subject to legal retention or staged replacement provide a high level of screening and absorption capacity of platforms 5-8 while landform screens Lots 1-4.¹*
66. Mr Skelton confirmed his opinion that it would not be possible for all eight of the proposed building platforms to be seen at once and at most, three building platforms would be visible from any public place.
67. Mr Espie told us that in his opinion the retention of the shelterbelts and open pasture were the two key issues.
68. Ms Allen set out the changes proposed that had come about through discussions between Messrs Skelton and Espie as follows²:
- *Further clarification and a condition of consent has been provided regarding the management of the land, in particular the pastoral land outside the curtilage areas and that planting other than for genuine agricultural purposes, is not allowed.*
 - *A fencing plan was submitted showing fencing of the lot boundaries and existing fencing. The fences which are rural in nature generally follow the lines of the ecological areas and existing fence lines or the Indigenous Vegetation Enhancement Area (IVE).*
 - *Two farm building platforms have been identified on the largest lots being Lot 5 and Lot 8 and the existing tunnel shed is now proposed to be relocated to one of these platforms (previously it was proposed to remain where it was). A condition of consent was offered to ensure that these platforms will only be used for farm buildings and that residential activity would be prohibited.*
 - *Clarification has been provided regarding the ownership of the IVE areas. These will be owned by adjoining Lots 4 and 6 to ensure that they have a vested interest in maintaining these areas. The ecological gully areas will be owned by Lot 1 and Lot 5.*

¹ Primary evidence, Stephen Skelton, at paragraph 13

² Primary evidence, Bridget Allen, at paragraph 11

- *Further information has been provided on the Ecological Management Plan in regard to planting and plant densities.*
- *A condition of consent was offered to ensure that a minimum of two rows of trees are retained within the shelterbelts, that if any successive planting occurs only one row will be planted at a time to ensure continued mitigation. And that these will be maintained to a minimum of 8m in height.*

69. As we have noted, a subdivision consent has been approved to undertake a boundary adjustment. This would result in the shelterbelt adjacent to Lot 8 being within the application site. The shelterbelt adjacent to Lots 6 and 7 would remain on the neighbouring property to the north (referred to as Lot 20 in the application and on the scheme plan). A private covenant is proposed over the shelterbelt on Lot 20 and is shown on the approved scheme plan (RM160880). We were offered different views on the effectiveness of a covenant from the experts and counsel.
70. Ms Allen was confident that although one shelterbelt was not on the application site, this could be addressed by the appropriate wording of a covenant to maintain the shelterbelt. In response to questions, Mr Leckie conceded that a covenant could be cancelled with agreement of the parties and advised us that as the covenant documents had not yet been prepared, it would be possible to include Council as a party to the covenant. Ms Stagg believed Council would need to be a party to any such covenant and would need to consider the wording. She advised us that as the shelterbelt is on Lot 20, there was no certainty it would be maintained or that succession planting could occur.
71. In his reply, Mr Leckie proposed changes to the proposed conditions to address matters raised during the hearing in relation to the shelterbelts. The changes include:
- The addition of one row of shelterbelt planting on Lots 6 and 7 adjacent to the existing shelterbelt;
 - A new condition requiring the Applicant to submit wording to Council for certification for an encumbrance instrument prior to approval of the survey plan. Certification relates to ensuring Council is a party to the instrument and that a minimum of two rows of trees are retained until replacement trees reach 8m in height; and
 - A new condition requiring the registration of the encumbrance instrument prior to section 224(c) certification.
72. The proposed conditions offered up by the applicant require an encumbrance and that the Council shall be a party to this encumbrance. We have considerable unease about relying on mitigation in the form of the retention of a shelterbelt on land outside the Applicant's control (and outside the control of the future owners of Lots 6 and 7).
73. The applicant has volunteered to plant a row of trees on Lots 6 and 7 in the conditions supplied with the reply. We heard evidence from Mr Espie that for succession planting to be effective, it should occur on the leeward side of existing shelterbelts, in this case, to the east. This would require planting to occur on Lot 20 (RM160880). Even if the planting as proposed in the right of reply could be assured to achieve the same outcome, we are uncertain how long this would take to establish. The only evidence we have to rely on is that of Mr Espie, which was that with irrigation and when planted on the leeward side, the shelterbelt would take 5-10 years to attain a height of 8m. Under the normal course of things, unless a section 125 application is made, a subdivision

has a maximum of eight years for the survey plan to deposit (five years for survey plan approval under section 223 and a further three years to deposit the survey plan under section 224(h)). This raises a question in our minds as to whether the desired level of mitigation can be achieved prior to section 224(c) certification.

74. We also note the concerns raised Council's Landscape and Visual Effects Assessment – Addendum Report, prepared by Mr Smith. In this report Mr Smith concludes that *“the shelterbelts that are heavily relied upon for screening purposes will provide little screening of proposed building platforms 5 – 8 due to their potential low height”*. We understand that this comment was in relation to the shelterbelts being trimmed to 5m in height and that the applicant agrees to maintain these shelterbelts at a minimum of 8m. We conclude that for the mitigation provided by the shelterbelts (and succession planting) to be effective, it must attain a minimum height of 8m and be maintained in perpetuity.
75. If the proposal cannot not rely on the mitigation provided by the shelterbelt on Lot 20, it is unclear to us whether the one row of trees on Lots 6 and 7 would be adequate, once established to achieve the same level of mitigation as we were told the shelterbelt on Lot 20 provides. We note the advice of the landscape experts that a minimum of two rows is required, yet the amended conditions attached to the Applicant's reply only propose one row trees on Lots 6 and 7.
76. Lastly, we record the variables that could influence the retention of the shelterbelt. These variables include a change in ownership, the need for agreement by multiple parties regarding the timing and nature of succession planting and the wording of the proposed encumbrance instrument. In our view much is outside the control of the Applicant and future owners of the proposed lots.
77. On balance, we have determined that we do not have sufficient comfort that the shelterbelt on Lot 20, which is required for mitigation will be maintained in perpetuity. This issue is fundamental and relies on mitigation on land outside the control of the applicant and the registration of an instrument that requires the agreement of third parties.

Water supply

78. As we have already noted, the engineering report appended to the section 42A report was prepared by Mr Parnell, who was not available to attend the hearing. We had the benefit of Council's Resource Management Engineer, Mr Wardill's, advice at the hearing.
79. Mr Wardill advised us that he did not agree that the level of water supply proposed was sufficient to meet the demands of the anticipated land uses. He quite rightly pointed out water supply is an essential requirement that needs to be determined now and cannot be left to a later stage. As we have set out in our summary of the evidence, Mr Wardill advised us that the code of practice sets out the water supply requirements for both potable water supply and irrigation and general use and that in his opinion, the proposal ran the risk of not being able to meet demand.
80. In contrast, Mr Hopkins was satisfied that the onsite buffering proposed was adequate to meet the needs. The conditions appended to the Applicant's reply offered up a new condition to require water restrictors for each lot to ensure the relevant minimum potable water supply is provided.

81. We agree with Mr Hopkins that the potable water supply is sufficient, but we prefer the opinion of Mr Wardill that water supply for both potable use and irrigation should be required to be established now. We conclude that the applicant has not established that the water supply will be adequate for the anticipated land uses.

Other effects

82. We are content that the evidence of Ms Stagg and Ms Allen has considered other effects arising from the proposal. We agree that the effects arising from natural hazards, earthworks, contaminated soils and servicing (with the exception of water supply, which we have discussed above) can be adequately mitigated or avoided through the imposition of conditions.
83. We are cognisant that the proposal will have positive effects in term of the provision of rural residential sites for future residents, economic benefits to the applicant and ecological benefits.

Summary of actual and potential effects

84. Overall, having considered the evidence pre-circulated and presented at the hearing, the application and supporting reports, the submissions and the Council's reports, we consider that the actual and potential effects will be significant in two areas.
- a. We do not have sufficient confidence that the shelterbelts will provide an enduring form of mitigation, particularly in relation to Lots 6 and 7; and
 - b. We are also not satisfied that the water supply will be adequate to meet the needs of the anticipated land uses on the proposed lots.

OBJECTIVES AND POLICIES OF THE RELEVANT DISTRICT PLANS

85. We have considered the detailed assessments of the objectives and policies of the relevant district plans as set out in the Application, the section 42A report and the evidence of the planning experts.
86. The ODP and PDP apply. Other than the one decision mentioned earlier, decisions on the PDP have not yet been released. We agree with Ms Stagg and Ms Allen that little weight can be placed on the PDP given its stage in the process.
87. The AEE identifies some of the relevant provisions of the ODP in Section 4 (District Wide) and Section 5 (Rural Areas). Ms Stagg's s42A report similarly set out the relevant provisions in Sections 4 and 5 of the ODP. She also set out the relevant provisions in Section 15 (Subdivision and Development) and Section 22 (Earthworks).
88. This section makes reference to those provisions of direct relevance to the proposal.

Section 4 – Nature Conservation Values

89. The objectives seek to protect and enhance indigenous ecosystems within the District, as well as preserving the natural character of waterbodies. The policies promote and encourage long-term protection of indigenous ecosystems. The policies also direct that the establishment of introduced vegetation is avoided or managed where appropriate and that vegetation with a propensity to spread is to be removed or managed.

90. The proposal incorporates significant areas of enhancement in the ecological gully and IVE areas, comprising native planting, weed control and pest protection. The will both enhance the indigenous ecosystem and protect the natural character of the gully, which includes a waterbody flowing through the gully. We note that the amended lot boundaries and covenants would also facilitate ongoing management and protection of these areas. We agree with Ms Stagg and Ms Allen that the proposal satisfies and is in keeping with the relevant objectives and policies for nature conservation values.

Section 4 – Landscape and Visual Amenity

91. The sole objective (4.2.5) is to undertake subdivision, use and development in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.
92. Policies 1(a)-(c) relate to future development. The policies seek to avoid, remedy or mitigate adverse effects where landscape and visual amenity values are vulnerable to degradation. Subdivision and development is encouraged in areas with greater potential to absorb change. The policies also seek to ensure subdivision and development harmonises with local topography, ecosystems and nature conservation values.
93. As we have set out earlier in our decision, the proposal relies on several existing shelterbelts to avoid effects on landscape and visual amenity values. One shelterbelt is on land outside the Applicant's control (new Lot 20 (RM160880)). In relation to this, we are concerned that the ability for the landscape to visually absorb development on Lots 6 and 7 is uncertain and therefore, is inconsistent with policy 1(b).
94. The AEE states that the maximum cut depth is 5.3m and the maximum fill depth is 4.3m³. The most extensive cuts are proposed on lots 2 and 3 to lower the RBP to conceal the future dwellings. Mr Skelton's assessment asserts the earthworks will *"mimic the existing lay of the land and not detract from existing landform patterns"*.⁴ We do not consider the proposal to be entirely consistent with policy 1(b). While the earthworks of the extent proposed may not detract from the local topography, we do not think it can be said to harmonise with local topography. However, we agree that the layout of the subdivision and covenants proposed will ensure the subdivision harmonises with the ecological and nature conservation values present on the site.
95. Policy 2 relates to ONLs and we are satisfied that the creation of Lot 1 and a future dwelling on the identified RBP will be consistent with this policy. The RBP will be screened by existing topography and the covenant over the ecological gully and proposed native planting will protect and enhance the naturalness of this part of the site.
96. Policy 4 relates to VALs. This policy is focused on avoiding, remedying or mitigating the adverse effects of subdivision and development which is highly visible from public places and visible from roads; and also, to mitigate the loss of or enhance natural character. As we have outlined, we are not satisfied that the mitigation proposed for Lots 6 and 7 will be effective. Unlike the shelterbelts on Lots 5 and 8, which are entirely within the Applicant's control, the shelterbelt adjacent to Lots 6 and 7 will be on adjacent land (new Lot 20).

³ AEE, January 2017, p13

⁴ Landscape Assessment Report, January 2017, paragraph 34

97. With reference to Policy 8, which relates to avoiding cumulative degradation, we accept the Applicant has offered significant concessions to address concerns regarding the fragmentation of the landscape. These concessions include restricting land uses outside the curtilage areas and design controls for future buildings. However, without certainty around the mitigation in respect of Lots 6 and 7, we have concluded that over domestication of the landscape cannot be assured.
98. Policy 9 relates to structures and screening them to preserve the visual coherence of VALs. Policy 17 relates to encouraging land use to minimise adverse effects on the open character and visual coherence of the landscape. Again, we are not satisfied that the proposal will be consistent with these policies in respect of Lots 6 and 7.

Section 15

99. Section 15 concerns subdivision and the provision of services. We are satisfied on the evidence that access, stormwater disposal, electricity reticulation and communication facilities can be achieved and that the proposal is consistent with the relevant policies.
100. Policy 1.5 states:
- To ensure water supplies are of sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
101. There is potential that there will be insufficient water supply. At best a minimum of 33 days' supply of 2,100 litres per lot would be achieved. We have addressed this earlier in our decision. We therefore find the proposal to be inconsistent with this policy.

Section 22

102. We have commented earlier on the extent of the earthworks, particularly in relation to Lot 2. We do not consider that the extent of cut and fill can be said to be sympathetic to natural topography. We conclude that the proposal is not entirely consistent with Policy 1.1.

Proposed District Plan

103. The site retains a rural zoning under the PDP but has changed the landscape classification for part of the site from VAL to ONL. Lots 1 – 4 are within the ONL identified in the PDP. We were told that the Applicant had submitted in opposition to this.
104. The starting point in Policy 6.3.1.3 is that subdivision and development is inappropriate in almost all locations within ONLs. The policy then requires applications to be assessed against the assessment matters in 21.7.1. We were not provided with an assessment of these matters and therefore, have not made a conclusion on the consistency or otherwise of the proposal in relation to the objectives and policies relating to ONLs.
105. In any event, little weight can be placed on the PDP given its stage in the statutory process, as no decisions have been released in relation to the provisions of most relevance to this proposal.

Conclusion

106. The Commission is not satisfied that the proposal will be entirely consistent with the relevant objectives and policies.

107. The proposal can only be absorbed into this landscape if the existing shelter belt on the adjoining site (new Lot 20) is maintained in perpetuity. This would require succession planting to be actively undertaken. The shelter belt on Lot 20 is outside the control of the Applicant. As we have set out earlier in our decision, we do not have confidence that the effects will be effectively mitigated, given the variables that could influence the retention of the shelterbelt. These variables include a change in ownership, the need for agreement by multiple parties regarding the timing and nature of succession planting and the wording of the proposed encumbrance instrument. In our view much is outside the control of the Applicant and future owners.
108. Insufficient water will be available to service the lots.

OBJECTIVES AND POLICIES OF THE RELEVANT REGIONAL PLANS

109. We are required to take account of the Otago Regional Policy Statement ("ORPS") in our assessment. As noted earlier in this decision, there is both an operative and proposed ORPS. We consider that less weight may be accorded to the proposed ORPS given the breadth of appeals.
110. Ms Allen considered that the most relevant objectives are 5.4.2 and 5.4.3 in the ORPS. We agree. Objective 5.4.2 seeks that degradation of Otago's natural and physical resources resulting from activities using the land resource be avoided, remedied or mitigated. Objective 5.4.3 seeks to protect outstanding natural features and landscapes from inappropriate subdivision.
111. We consider that the proposal generally meets the relevant objectives and policies. The landscape experts agreed that Lot 1, which is within an ONL, would have very low to negligible adverse effects on the ONL. We accept Mr Skelton's evidence that the Lots 2-4 are near, but not within the ONL and that the existing and modified landform will screen these lots.

OTHER MATTERS

Subdivision (section 106)

112. A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. We are satisfied that the amended conditions will appropriately mitigate the potential risks associated with the alluvial fan hazard and risk of flooding. Suitable legal and physical access has been proposed for each lot. Consent can therefore be granted under section 106 of the Act.

PART 2 MATTERS

113. We are grateful to Mr Leckie for his concise submissions on the application of Part 2 in a line of recent decisions by the High Court.⁵ For completeness, given the inconsistent

⁵ Legal submissions, paragraphs 16-19.

approach of the High Court at the time of writing this decision, we have considered Part 2.

114. We acknowledge that the proposal will provide social and economic benefits to the Applicant through the creation of additional lots that would enable housing. Turning to section 6(b), we also accept that Lot 1 will not represent inappropriate subdivision within an ONL. Further, we consider that the combination of the screening provided by the existing landform, together with the proposed design controls for future buildings will ensure the integrity of the ONL is adversely affected to a very low to negligible extent. We therefore consider that the proposal will appropriately provide for the protection of the ONL.
115. The proposal will partially enable the efficient use and development of natural and physical resources under section 7(b). We conclude that the proposal strikes an appropriate balance between providing for opportunities for rural living, while maintaining the efficient use of land for grazing and cropping. However, we do not accept that the water supply proposal will enable the efficient use and development of the land. There is potential that the level of water supply will not be adequate and will hinder the ability of the anticipated land uses to meet demand for both potable water supply and irrigation.
116. We have determined that the proposal will not maintain and enhance amenity values under section 7(c). Nor will maintain and enhance the quality of the environment under section 7(f). As we have set out earlier in our decision, the proposed encumbrance instrument does not provide sufficient certainty that the visual mitigation provided by the shelterbelt on the neighbouring property (Lot 20) will be maintained in perpetuity.
117. There are no section 8 matters of relevance.
118. We conclude that the purpose of the Act is not achieved through this proposal.

DETERMINATION

119. Consent is sought to subdivide land at Eastburn Road, Crown Terrace into eight allotments, to establish residential building platforms on each allotment and two farm building platforms, to relocate an existing tunnel house to one of the farm building platforms and to undertake associated planting and earthworks.
120. Overall, the activity was assessed as a discretionary activity under sections 104 and 104B of the Act.
121. For the reasons set out in this decision, consent is REFUSED.

Dated this 20th day of October 2017

Wendy Baker

Rachel Dimery

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under section 120 of the Act
BETWEEN	CROWN RANGE HOLDINGS LIMITED
	(ENV-2017-CHC-85)
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 16 February 2018

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed and resource consent RM161179 is granted subject to the amended conditions and plans marked Schedule A, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



Crown Range Holdings Ltd v Queenstown Lakes District Council Consent Order February 2018

REASONS

Introduction

[1] This proceeding concerns an appeal by Crown Range Holdings Limited against a decision of the Queenstown Lakes District Council declining consent to undertake a subdivision to create eight lots, each with a residential building platform and farm building platforms on Lots 5 and 8, relocate a farm building and undertake earthworks on a HAIL site.

[2] The court has now read and considered the consent memorandum of the parties dated 2 February 2018, which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under section 274 of the Resource Management Act ("the RMA" or "the Act").

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2 as particularised on the objectives and policies in the operative Queenstown Lakes District Plan.



J R Jackson
Environment Judge



SCHEDULE A

SUBDIVISION

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design Masterplan (reference 2542-SK13) dated 14 December 2017;
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017; and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-1H) dated 11 December 2017,and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 1a. 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.

Landscape

2. Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees. The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wildling evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.
 - a) *Cupressus leylandii* (Leyland cypress)
 - b) *Cupressus tortulosa* (Himalayan cypress)
 - c) *Cedrus deodara* (Deodar cedar)
 - d) *Eucalyptus gunii* (Cider gum)
 - e) *Cedrus atlantica* (Atlas cedar)

Engineering

General

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

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

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2010 "Land Development and Subdivision Engineering".



5. Prior to commencing works onsite, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed.
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 NZS 4404:2010 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. Measures shall include hay bales or silt fences to prevent silt and sediment entering any waterways within the development site.
7. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the proposed earthworks design and who shall supervise the excavation and filling procedure and retaining wall construction and ensure compliance with the relevant designs. This engineer shall continually assess the condition of the excavation and fill areas and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
 - (a) *Potable water*: The provision of a minimum 1,350 litres per day of potable water to the building platforms on Lots 1-8 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand.
 - b) *Irrigation water* - The provision of a minimum of 750 litres per day of untreated irrigation water to the building platforms on Lots 1-8.
 - c) Eastburn Road shall be widened from the Crown Range Road intersection to the right of way servicing this development to meet the minimum requirements of Figure E2, servicing up to 20 dwelling units, of the QLDC's Land Development and Subdivision Code of Practice. For clarity this requires the provision of a minimum 5.5m wide sealed movement lane with 0.5m wide unsealed shoulders along the full formed legal length of Eastburn Road. Further additional width for safe passing shall be provided at all hill crests and blind corners and turning provision made within the end of the formed legal road. This shall include the provision of stormwater disposal from the carriageway.
 - d) A right of way to meet the requirements of Figure E2 of the QLDC's Land Development and Subdivision Code of Practice from between the end of the formed end of Eastburn Road and extending through to beyond the proposed access for Lot 4 herein. For clarity this requires the provision of a minimum 5.5m wide movement lane with 0.5m wide unsealed shoulders from the end of the Eastburn Road legal formation to beyond Lot 4 driveway access. Further additional width for safe passing shall be provided at all hill crests and blind corners. This shall include the provision of stormwater disposal from the carriageway.
 - e) The provision of an access way from the shared right of way to the building platforms on Lots 1-8 to meet the requirements of Figure E1 of the QLDC's Land Development and Subdivision Code of Practice. These shall have the following requirements:
 - (i) the carriageway shall have a minimum cross fall of 4% to prevent stormwater ponding;
 - (ii) drainage swales shall be provided for stormwater disposal from the carriageway. The invert of water table shall be at least 200mm below the lowest portion of the sub-grade; and
 - (iii) the minimum standard of the carriageway formation shall be a minimum compacted depth of 150mm AP40 metal and a minimum carriageway width of 3.5 metres.



f) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this

shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate

9. All earthworks and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. This shall include the issue of a Completion Report and Schedule 2A certificate, with the Schedule 2A certification including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.

To be monitored throughout the earthworks

10. The earthworks shall be undertaken in accordance with the recommendations of the Geotechnical reports by Geosolve Limited as submitted with the Subdivision applications and under the guidance of the person named in Condition (9) above.
11. 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.
12. No earthworks, temporary or permanent, are to breach the boundaries of the site, with the exception of those required to form the vehicle access onto the site.
13. No permanent batter slope within the site shall be formed at a gradient that exceeds 1V:3H.

To be completed before Council approval of the Survey Plan

14. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include the easements indicated on the Aurum Survey Proposed Subdivision Plan for Lot 18 RM 160880 Eastburn Road dated 11 December 2017.
 - b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan. *[Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate].*
 - c) Any necessary easements to ensure that Lots 1-8 have legal rights to convey water and power (as required) to and from the proposed bore as shown on the Aurum Survey Proposed Subdivision Plan for Lot 18 RM 160880 Eastburn Road dated 11 December 2017.

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

15. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all works detailed in Condition (8) above.
 - c) The completion of all planting as shown on the Baxter Design Group Ecological Management Plan reference 2542-SK5 (dated 14 December 2017). Planting and management within the



Ecological Gully Area and the Indigenous Vegetation Enhancement Areas shall be undertaken in accordance with the details outlined on this plan.

- d) The completion of any shelterbelt planting to ensure that all rows relied on for mitigation (shown as "shelterbelt to be retained" on the Baxter Design Masterplan reference 2542-SK12 dated 14 December 2017) have a minimum of two rows of trees. This includes the planting of the new shelterbelt adjoining the access to Lots 6 and 7 as shown on that plan.
 - e) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Manager, Resource Management Engineering at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - f) The submission of a Geotechnical Completion Report and Schedule 2A certificate for Lots 1-8 to the Principal Engineer for Council, including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior s224(c) of the RMA.
 - g) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the potable 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>).
 - h) In the event that the test results required in Condition (15)(g) 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 RM160137 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
 - i) The consent holder shall establish a suitable management organisation, mechanism or entity which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and service infrastructure and facilities associated with the subdivision.

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

- j) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met. 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 net



area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- l) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised as soon as practicable and in a progressive manner.
- m) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- n) Mitigation measures to ensure alluvial fan hazards are minimized are to be carried out in accordance with the recommendations presented in Geosolve's Assessment Report. A suitably qualified Engineer who is familiar with the content of the Geosolve report is to supervise the proposed mitigation works and provide certification that that mitigation measures have been carried out in accordance with Geosolve's recommendations and will appropriately mitigate the Natural Hazard as identified in the Geosolve Assessment Report.
- o) On completion of earthworks within the building platforms, the consent holder shall ensure that certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989 and NZS4404:2010, for all areas of fill within the site on which buildings or roading are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer.
- p) 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/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

Accidental Discovery Protocol

16. If the consent holder:

- a) 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; and
 - (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 Heritage 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 Heritage 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.

Ongoing Conditions/Consent Notices

17. 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 structures including dwellings and garaging shall be contained within the Residential Building Platforms (RBP's) or Farm Building Platforms (FBP's) as shown on the Baxter Design Group Masterplan dated 14 December 2017.
 - b) The maximum height of any building shall be 5.5m above the RL level specified in Table 1 below for each lot.

Table 1: Proposed Lot Sizes and Building Platform Details

Proposed Lot	RBP Area	RBP Height
Lot 1	800m2	5.5m above RL 534.5
Lot 2	1000m2	5.5m above RL 564
Lot 3	1000m2	5.5m above RL 564
Lot 4	685m2	5.5m above RL 569
Lot 5	1000m2	5.5m above RL 590
Lot 6	1000m2	5.5m above RL 592
Lot 7	1000m2	5.5m above RL 602
Lot 8	1000m2	5.5m above RL 588.5

- c) All lot owners shall retain the balance of each lot not included within the curtilage area, Ecological Gully Area or Indigenous Vegetation Enhancement Areas as shown on the Crown Range Holdings Ltd Master Plan prepared by Baxter Design Reference 2542-SK13 Date 14 December 2017 as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and tree crops - (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.
- d) The total area of structures within the residential building platforms shall not exceed 65% site coverage of the building platform.
- e) Roof claddings shall be no more than two of the following:
 - a. Vegetated
 - b. Steel (corrugated or tray)
 - c. Timber or slate shingles
- f) No exotic plants with wilding potential shall be planted anywhere.
- g) With the exception of planting within the Ecological Regeneration Area, there shall be no amenity planting outside of the curtilage areas aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats or legume planting such as lucerne etc.
- h) Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.



The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

- a. *Cupressus leylandii* (Leyland cypress)
 - b. *Cupressus tortulosa* (Himalayan cypress)
 - c. *Cedrus deodara* (Deodar cedar)
 - d. *Eucalyptus gunii* (Cider gum)
 - e. *Cedrus atlantica* (Atlas cedar)
- i) Any exotic tree planting within the curtilage area shown on the Masterplan (*Crown Range Holdings Ltd Masterplan*) prepared by Baxter Design Reference 2542-SK13 14 December 2017) with a mature height of greater than 5m shall be taken from the list of amenity trees below.
- a. *Salix babylonica* (weeping willow)
 - b. *Cedrus deodara* (Himalayan cedar)
 - c. *x Cupressocyparis leylandii* (Leyland cypress)
 - d. *Populus nigra* (Lombardy poplar)
 - e. *Acer species* (Maple excluding sycamore)
 - f. *Quercus sp.* (Oaks)
 - g. *Ulmus sp.* (Elms)
- j) Indigenous tree planting may occur anywhere within the curtilage area shown on the approved Masterplan.
- k) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.
- l) Planting in the Ecological Gully Area shall be sourced from local seed stocks where possible and contain, but not be limited to, the following native species.
- a. *Discaria toumatou* (matagouri)
 - b. *Nothofagus solandri* var. *cliffortioides* (mountain beech)
 - c. *Sophora microphylla* (kowhai)
 - d. *Coprosma propinqua* (mingimingi)
 - e. *Coprosma sp.*
 - f. *Corokia sp.*
 - g. *Olearia odorata* (tree daisy)
 - h. *Melicactus alpinus* (porcupine shrub)
- m) Planting in the Indigenous Vegetation Enhancement Areas as shown on the Masterplan (*Crown Range Holdings Ltd Masterplan*) prepared by Baxter Design Reference 2542-SK13 14 December 2017) shall be grown from local seed stocks where possible.
- n) All fencing around residential lots, driveways, amenity planting, native regeneration area and planted areas shall be either:
- a. timber post and rail;
 - b. waratah and wire;
 - c. deer fencing; or
 - d. rabbit proof fencing.
- o) The entrance off Eastburn Road shall be in traditional soldier-course dry-stone walls set back from the road boundary by at least 1m, with a maximum height of 1.2 metres.
- p) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.



- q) All exterior lighting within the residential lots shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond property boundaries does not occur.
- r) All exterior lighting should be no higher than 4m above ground level and below the height of adjacent buildings. There shall be no floodlights and no lighting associated with the driveways or access onto the site.
- s) Driveways from lot boundaries to RBPs shall be formed by future owners and aligned generally as shown on the Masterplan (Attachment B).
- t) Driveways to access all RBPs shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.
- u) Within RBP's hard stand areas adjacent to buildings may be constructed of:
 - a. asphalt;
 - b. chip-seal finished with local gravels;
 - c. 'gobi' blocks; or
 - d. other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered residential building platform or farm building platform, with the exception of those required for firefighting purposes.

- v) All outdoor structures and garden elements associated with residential use of the property shall be confined to the marked curtilage area on the Masterplan Attached as Attachment B and located no more than 10m from the primary dwelling. Such structures and garden elements include:
 - a. clothes lines;
 - b. garden storage sheds (not requiring a separate resource consent);
 - c. outdoor furniture;
 - d. shade structures for outdoor living;
 - e. trampolines and commercial play structures;
 - f. swimming pool or hot tub;
 - g. paved or decked surfaces associated with outdoor living areas; and
 - h. cultivated garden.
- w) The finished floor level of any building/dwelling on Lots 6 and 7 shall be a minimum of 300mm above the finished ground level at the time of subdivision.
- x) All lot owners are required to be part of the management organisation, mechanism or entity as required by Condition (15)(i). This management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organisation or entity, or in the event that the management organisation or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

- y) At the time that a dwelling is erected on Lots 1-8, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008), If required. The irrigation water may not be treated and should not be used for drinking.

In the event that the Schedule 2A certificate issued under Condition (9) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the*



proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."

- aa) The flood protection bunds installed at Lots 6 and 7 shall be maintained and protected by the Lot owners in accordance with the shape and position of the bunds as shown on the approved Masterplan.
- bb) At the time a dwelling is erected on Lots 1-8, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system in accordance with the parameters established in the Holmes Infrastructure Design Report. The systems are to provide stormwater collection for the site and disposal of runoff from all vehicle access, parking and maneuvering areas within the site to ground soakage. No stormwater is to be discharged beyond the site boundaries.
- cc) At the time a dwelling is erected on Lots 1-8, 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 secondary treatment effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the parameters established in the Holmes Infrastructure Design Report. The on-site wastewater disposal and treatment system shall provide sufficient treatment to effluent prior to discharge to land.
- dd) If required under Condition (17)(ee) a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; "In addition to the static fire fighting storage requirement, at the time a dwelling is constructed the consent holder shall install an additional minimum 25,000 litres of onsite potable buffering storage to cater for times of peak demand
- ee) At the time a dwelling/building is erected on Lots 1-8, 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. 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 NZS 4404:2004 with amendments adopted by QLDC in 2005). 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.

The following shall be registered on the relevant Titles of the Lots 1, 2, 3, and 4 by way of Consent Notice pursuant to s.221 of the Act:

- ff) The maximum height of glazing on any wall shall be 3.5m.
- gg) Wall materials for all structures shall be no more than two of the following:
 - a. timber weatherboards, stained, painted or left to weather;
 - b. timber board and batten, stained, painted or left to weather;
 - c. weatherboard cladding systems, similar to Linea;
 - d. local stone;
 - e. corrugated iron; or
 - f. steel.
- hh) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.
- ii) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with an LRV of less than 15% but greater than 5%.

The following shall be registered on the relevant Titles of the Lots 5 to 8 by way of Consent Notice pursuant to s.221 of the Act:

- jj) Wall materials for all structures shall be no more than two of the following:
 - a. natural timber;
 - b. painted timber;
 - c. weatherboard cladding systems, similar to Linea;
 - d. smooth plaster;
 - e. stained plywood;
 - f. local stone;
 - g. corrugated iron;
 - h. steel; or
 - i. concrete blocks providing that it complies with colour controls.
- kk) Final finishes shall have a LRV of less than 36% and greater than 5% and be in the range of natural greys, browns and greens.
- ll) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with an LRV of less than 28% and greater than 5%.
- mm) Any building erected within the farm building platform (Area FBP) on Lot 5 or Lot 8 shall be for agricultural, farming, equine or related purposes or for residential accessory buildings not intended for living purposes. Residential units within the FBP are prohibited.

- nn) The maximum height of any farm structures to be located within the farm building platforms shall be 8m above original ground level.



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. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the water supply.
3. The consent holder is advised that any retaining 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. The New Zealand Fire Service 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 dwelling. Given that the proposed dwelling is approximately 8km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand Volunteer Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in each new dwelling.



LAND USE

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design Masterplan (reference 2542-SK13) dated 14 December 2017;
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017; and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-1H) dated 11 December 2017,and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2a. 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.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.

Landscape

3. Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees. The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.
 - a. *Cupressus leylandii* (Leyland cypress)
 - b. *Cupressus tortulosa* (Himalayan cypress)
 - c. *Cedrus deodara* (Deodar cedar)
 - d. *Eucalyptus gunii* (Cider gum)
 - e. *Cedrus atlantica* (Atlas cedar)

Accidental Discovery Protocol

4. If the consent holder:
 - a) 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; and
 - (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 Heritage 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;
 - (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 Heritage 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.





LEGEND

- Residential Curtilage Area
- 1000m² Residential Building Platform
- Existing Grey-shrubland Enhancement areas
- Proposed Recontouring
- Proposed Lot Boundaries
- Existing Fences
- Proposed Fences
- Existing shelterbelts to be retained and/or subject to a staged succession, removing wilding species and replacing them with other appropriate, non-wilding shelterbelt trees. Where shelterbelts are not currently a double row of trees, a second row of a similar tree species will be planted adjacent to the existing row. This will allow for future removal or succession of aging or diseased trees. All shelterbelt trees shall maintain a height of 8m minimum.

+ CROWN RANGE HOLDINGS LTD. - Masterplan
REFERENCE : 2542 - SK13 - SCALE 1:2500 @ A1, 1:5000 @ A3 - 14 Dec 2017

baxter
design





Ecological Gully Area

Initial eradication of all wilding conifer species and briar. (Note, some exotic weeds can act as nursery plants for indigenous vegetation).



Groups of 30 plants shall be planted in patches of approximately 100m radius from the center of other existing indigenous groups across the Ecological Protection Area.

Planting to be undertaken where possible in patches within existing indigenous vegetation to increase plant diversity.

Wilding conifers will be removed at a minimum of once every two-years.

Subject to periodic pest and weed control.

Indigenous Vegetation Enhancement Areas

All planting within these areas is to be staked and protected by a rabbit sleeve or fenced.

Pest control is to be undertaken regularly.

Periodic woody weeds are to be controlled and if present removed from the planted area at a minimum of once a year, preferably in October.

Irrigation to occur until plants are firmly established (approx. 3-years).

Native planting to include the following species composition in both areas:

Total planted area of Indigenous Vegetation Enhancement areas: 1.249ha

Botanical Name	Percentage	Density	QTY
Coprosma propinqua	10%	1.5m	555
Hebe salicifolia	5%	2m	156
Mounlian beech	5%	1m	625
Red tussock	5%	1m	625
Hoheria	10%	1m	1,249
Oleria	15%	1m	1,873
Kowhai	20%	2m	624
Toi Toi	20%	1.5m	1,110
Flax	10%	1.5m	555



Land to be maintained in open pasture and managed for grazing. Traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings and the likes of woodlots, tree crops - olives etc, grapevines, orchards are disallowed. Rural character fencing which adheres to the design controls is acceptable.



All domestic activities to be contained within the residential curtilage area.

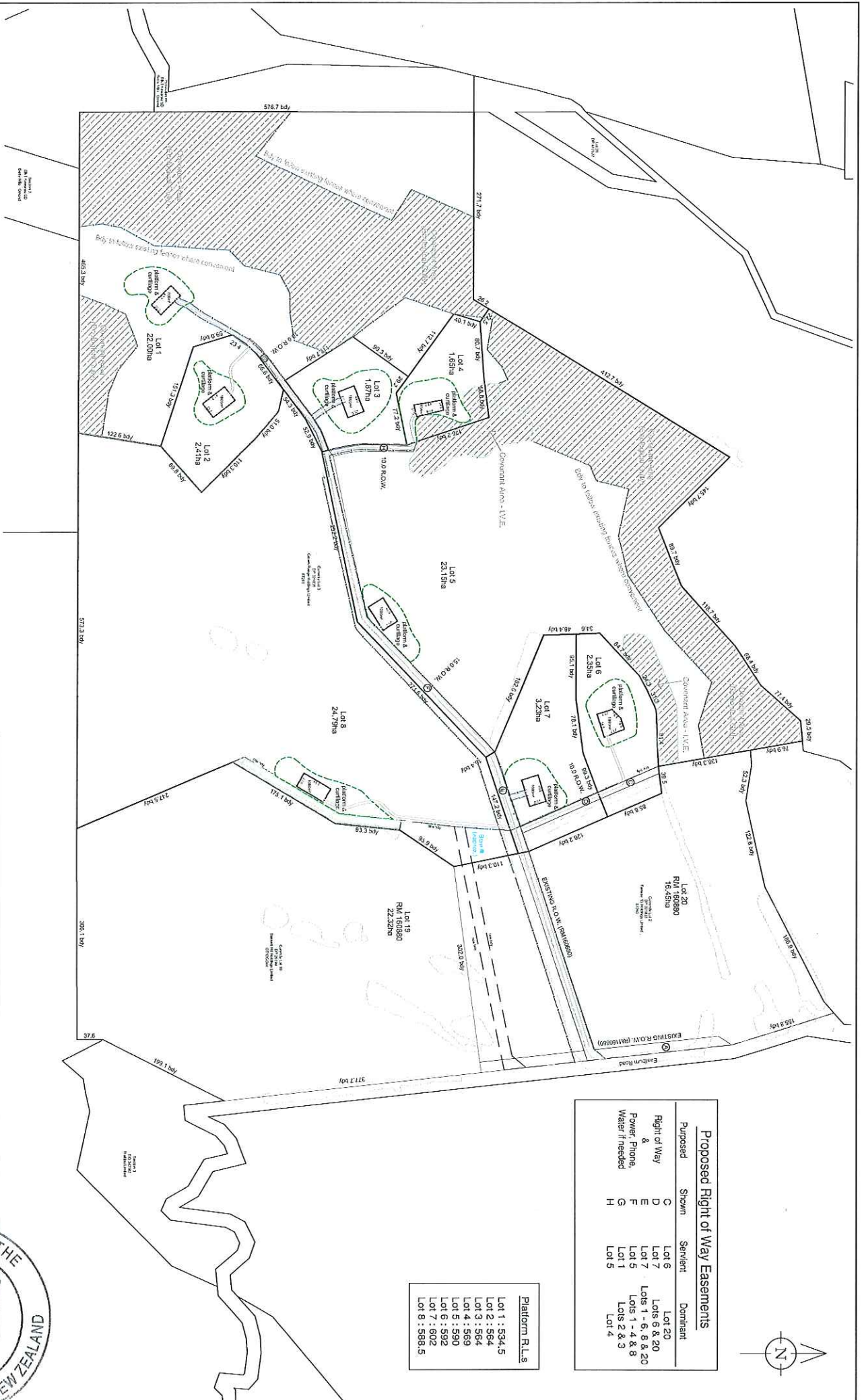
+ CROWN RANGE HOLDINGS LTD. - Ecological Management Plan
REFERENCE : 2542 - SK6 - SCALE 1:2500 @ A1, 1:5000 @ A3 - 14 Dec 2017

baxter
design



Note: Additional easements may be needed for services
All areas and dimensions are subject to survey

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PROPOSED SUBDIVISION
LOT 18 RM 160880
EASTBURN ROAD
CROWN TERRACE

Proposed Right of Way Easements			
Purposed	Shown	Servient	Dominant
Right of Way & Power, Phone, Water / Fenced	C D E F G H	Lot 6 Lot 7 Lot 5 Lot 1 Lot 5	Lot 20 Lots 6 & 20 Lots 1 - 6, 8 & 20 Lots 1 - 4 & 8 Lots 2 & 3 Lot 4

Platform R.L.S.	
Lot 1 : 534.5	
Lot 2 : 564	
Lot 3 : 564	
Lot 4 : 569	
Lot 5 : 590	
Lot 6 : 592	
Lot 7 : 502	
Lot 8 : 588.5	

DATE: 11 Dec 2017
BY: B McLeod
Scale: 1:5000
Official Plan No: 39763-R-14





DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

CHANGE OF CONDITIONS – SECTION 127

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Crown Range Holdings Limited
RM reference:	RM190413
Application:	Application under section 127 of the Resource Management Act 1991 (RMA) to change change/cancel Condition 1 of resource consent RM161179 to amend the approved Subdivision Scheme Plan.
Location:	Eastburn Road, Crown Range
Legal Description:	Lot 3 Deposited Plan 321835 held in Record of Title 87261
Operative Zoning:	Rural General (Visual Amenity Landscape)
Proposed Zoning:	Rural (Wakatipu Basin Rural Amenity Zone)
Activity Status:	Discretionary
Decision Date:	10 June 2019

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 5 of this report. This decision is made by Kenny Macdonald, Senior Planner, on 10 June 2019 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to the change to conditions outlined in Section 6.4 of this decision. An updated set of conditions of RM161179 is provided in Appendix 1 of this decision. 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 Kenny Macdonald, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Overview

Consent is sought under section 127 of the RMA to change condition 1 of resource consent RM161179 to amend the approved subdivision scheme plan. RM161179 was granted on 16 February 2018 by consent order approving the subdivision of the subject site into 8 allotments, each with a residential building platform and a farm building platforms on Lots 5 and 8. Resource consent RM161179 also granted consent to relocate a farm building and to undertake earthworks on a HAIL site.

Consent is also sought under section 88 of the RMA to undertake earthworks for the purposes of creating an additional mitigation mound to the south-east of Lot 4's building platform.

Proposal

The proposal is to amend condition 1 of RM161179 as follows (changes shown in **bold underline** and ~~strikethrough~~)

- 1 That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design masterplan (reference 2542-SK13) dated 14 December 20017
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017, and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-4~~HL1P~~) dated 44 ~~December 2017~~ **29 January 2019**
 - **Lot 4 Topographical Plan, Eastburn Road (RM161179) Crown Terrace', prepared by Aurum Survey Consultants Limited, Rev D dated 21.5.19.**

A consequential change to Condition 17(b) is also required to increase the proposed size of Lot 4's building platform within the listed table to 1000m².

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section(s) 1.1-1.4 of the report entitled "*Assessment of Effects on the Environment, Changes to Approved Subdivision Plan RM161179, Eastburn Road, Crown Terrace*", prepared by Bridget Allen of JEA, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as **Appendix 3**). This description is considered accurate and is adopted for the purpose of this report, with the following additional comments:

In summary, the proposed changes include the following:

- Increase the size of the building platform on proposed Lot 4 from 685m² to 1000m². The width of the approved platform was limited to 14.8m at its northern end, which has been increased to 22.9m wide on the amended plan submitted with this application.
- Undertake small l
- ot boundary alterations to align the boundaries of each site with existing fence lines. The location of the right of way to serve Lot 4 has also been amended to now marginally dissect Lot 3 as well as Lot 5 of RM161179.
- Undertake additional mitigation mounding within Lot 4, comprising 4025m³ of fill (utilises existing surplus fill on site), with a maximum height of 5.6m. It is Council's understanding that these works have already been carried out as per the topographical plan of Lot 4 submitted by the applicant after a request for further information.

Within the approved Lot 4 is a covenanted area put aside for Indigenous Vegetation Enhancement ("IVE") towards the northern and eastern parts of the site, which the proposed building platform wraps around. The proposed mitigation mounding is largely within this IVE area.

It is considered that the proposal can be assessed under section 127 as it is a change to conditions, and not a change to the activity itself. The proposal will not increase the number of lots or building platforms and is similar in nature and scale to that approved by RM161179.

Figure 1 below shows the subject site as currently exists:



Figure 1: subject site and surrounds as currently exists

Resource Management Background

It is noted that resource consent RM160880 granted on 2 November 2016 approved a subdivision consent to undertake a boundary adjustment subdivision. This application was assessed as a non-complying activity given all the criterion listed under Rule 15.2.3.2(i) for Controlled Activity boundary adjustment subdivisions were not met. This was in respect of proposed Lot 19 being reduced in area and containing no building platform or building, and it was not proposed to provide a potable water supply to proposed Lots 18 and 19. It is noted that Lot 4 (the subject of this application) is located within Lot 18 of RM160880.

2. ACTIVITY STATUS

2.1 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- 1 A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change/cancel Condition 1 of resource consent RM161179 to amend the approved subdivision scheme plan.

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

Resource consent RM161179 was an application approved under the NES as a controlled activity whereby a Preliminary Site Investigation (PSI) prepared by Davis Consulting Group (DCG) submitted with the application confirmed that the proposed activity was on a piece of land that is, or is more than likely to be, a HAIL site. However, after undertaking a Detailed Site Investigation (DSI), it was considered that it was highly unlikely that soil contaminants would be present at concentrations that would exceed the standards for residential land use.

Further, Simon Beardmore from the Otago Regional Council reviewed the PSI and DSI and determined that the sampling method and assessment were appropriate. As such, consent was granted under the NES for the proposed subdivision. The proposed changes do not trigger an additional consent under the NES.

2.3 SUMMARY OF ACTIVITY STATUS

Overall, the application is considered to be a discretionary activity under the RMA.

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity; or a restricted discretionary or discretionary subdivision or residential activity; or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB; therefore, public notification is not precluded.

The proposal is not a prescribed activity (s95A(5)(b)(i-iv)).

Therefore, public notification is not precluded by Step 2 and an assessment in accordance with Step 3 is required.

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore made in section 3.3.1 - 3.3.3 below:

3.3.1 Effects that must be disregarded (s95D(a)-(e))

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b), a permitted baseline assessment is undertaken (if applicable) in section 3.3.3 below)).*
- C: *Trade competition and the effects of trade competition (s95D(d)).*

3.3.2 Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, all subdivision requires resource consent therefore the permitted baseline does not apply.

However, the receiving/existing environment includes all development and activity on site and in the surrounding environment which has been lawfully established. Unimplemented resource consents RM160880 and RM161179 form part of the receiving environment as follows:

- RM160880: A boundary adjustment subdivision to include land from the adjoining lots to the east, the creation of a right of way to the north of the existing access leg.
- RM161179: An eight lot subdivision and creation of residential building platforms, including a 685m² building platform within Lot 4, access, landscaping and associated earthworks.

Further, as outlined in the Commissioner's decision for RM161779, the receiving environment also comprises a number of rural living and farm properties, including an 11 lot subdivision to the north of the site (referred to as the Royalburn subdivision RM081447)), which has now been given effect to.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The relevant assessment matters are found in Sections 5 and 15 of the Operative District Plan. Further, Chapters 6 (Landscape), 21 (Rural), and 27 (Subdivision) of the Proposed District Plan (Stage 1) and Chapter 24 (Wakatipu Basin Variation) and 25 (Earthworks) of the PDP (Stage 2) have been considered in the assessment below.

The Assessment of Effects provided at section 3 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the additional comments.

Resource consent RM161179 was processed on a notified basis on 7 December 2016. One submission was received with written approval being provided from the owners of Lot 3 DP 321835. Although RM161179 was refused by Commissioners Baker and Dimery, the decision was appealed to the Environment Court who issued a consent order, granting consent subject to the amended conditions and plans after considering the consent memorandum of the parties, resolving the appeal.

The matters of contention related to insufficient confidence that the existing shelterbelts would provide an enduring form of mitigation, particularly in relation to Lots 6 and 7; and that there would be an adequate water supply. As stated above, these matters were resolved. Landscape issues in contention did not relate to Lot 4.

As shown on both the approved and proposed scheme plan, dissecting proposed Lot 4 is a covenanted area identified for Indigenous Vegetation Enhancement ("IVE"). This area was noted in the Commissioner's decision as being a positive effect of the proposal. This area is not affected by the proposed changes to the scheme plan in terms of the increased size of Lot 4's building platform; however it is noted that the proposed mitigation mounding is located largely within the area set aside for IVE. The applicant has confirmed that the mound will be planted in accordance with the Ecological Management Plan approved by Consent Order, helping to integrate the mound into the surrounding context.

Further, ongoing design controls were imposed for future built form within the platform as part of RM161179 relating to maximum building height on each Lot, exterior design and appearance of dwelling, planting and the maximum site coverage within the residential building platform which was limited to 65%. These restrictions will remain as a result of the amended scheme plan; however, it is noted that by increasing the size of the residential building platform on Lot 4, the buildable area will also increase proportionately. The effects of this are addressed within the landscape memo prepared by Baxter Design and submitted with the application, concluding that the effects of a potential larger dwelling size has been mitigated by the additional mounding on the eastern side of the amended building platform, located within the covenanted area for IVE as outlined above.

For completeness it is noted that the documentation associated with RM161179 demonstrated that the building platform on Lot 4 was generally considered not visible or negligible from most locations, with the exception of Eastburn Road where its visibility was considered to be low, and from viewpoint 4 along the Crown Range where its visibility was considered to be moderate. Viewpoint 4 of RM161179 corresponds to viewpoint 1 within the landscape memo submitted with this application, being approximately 1.5km from Lot 4's RBP. Having reviewed the documentation for RM161179, Council agrees with the applicant that the increased size of the RBP within Lot 4 will have a less than minor adverse effect on the adjacent open pasture land, and will be appropriately screened by the IVE and mounding to the east. As outlined within the landscape memo submitted with the application, when viewed from the Crown Range Road, the RBP is part of a much larger landscape dominated by a panoramic backdrop of mountain ranges.

Further supporting the proposed increased size of the RBP on Lot 4, although not yet operative given the decision is under appeal, the direction taken by the PDP within the Wakatipu Basin is to steer away from residential building platforms as a mechanism for controlling built form within the rural environment, instead increasing the minimum allotment size to 80 hectares within the Wakatipu Basin Amenity Zone (refer to Chapter 24 and Map13d of the PDP, Decision Version). Although a number of appeals were received on Chapter 24 after the decision was notified on 21 March 2019, it is noted that a new Rule 24.4.6 (decision version) requires a controlled activity resource consent to build within a residential building platform if registered on the title before 21.3.19. This rule would therefore not apply to the subject site given resource consent RM161179 is unimplemented. Of greater relevance are Rules 24.4.7 and 24.4.8 (decision version) which would require either a restricted discretionary resource consent to build within a RBP approved by resource consent and registered on the title (Rule 24.4.7), or a non-complying resource consent to build outside of an approved building platform (Rule 24.4.8). To avoid a non-complying resource consent to build outside of an approved building platform, the applicant seeks consent to amend the building platform within Lot 4. The visual and landscape effects of this proposal are discussed above.

In terms of the earthworks carried out on the site to create the additional mounding, the Baxter's landscape memo concludes that the organic form of the mounding integrates into the existing hummocky landforms in the surrounding vicinity. This is accepted.

Overall, it is concluded that any adverse effects on the environment resulting from the amended scheme plan including the enlarged RBP on Lot 4 and mitigation mounding will be less than minor.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, overall the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement (s95B(2)-(4)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity (s95B(6)(b)).

4.3 Step 3: if not precluded by step 2, certain other affected persons must be notified

If limited notification is not precluded by step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity (s95B(7)).

If not a boundary activity or prescribed activity, the proposed activity falls into the 'any other activity' category (s95B(8)), and the effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Assessment Of Effects On Persons (s95E)

The following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

In this instance written approvals are not required for the following reasons:

- The increased size of the building platform will not be perceivably different from any neighbouring property to that previously approved.
- All other design controls and conditions of consent imposed under RM161179 will remain.
- As outlined in the Landscape Memo accompanying the application, the constructed earthworks on the eastern side of the proposed BP on Lot 4 aid in mitigating visibility of the dwelling from the neighbouring eastern lots (as well as views from public places, including the Crown Range Road and Eastburn Road).

In terms of the additional mounding to the south-east of Lot 4's building platform within the covenanted IVE area, it is considered that this work, which has already been undertaken, is sympathetic to the surrounding hummocky environment such that its effects are less than minor on surrounding properties. Further, it will be planted in accordance with the Ecological Management Plan approved by consent order by RM161179.

In summary, any adverse effects on persons owning and / or occupying adjacent properties and those in the vicinity will be less than minor.

4.3.4 Decision: Effects on Persons (s95B(1))

In terms of section 95E of the RMA, no person is considered to be adversely affected.

4.4 Step 4 – Further Limited Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5. OVERALL NOTIFICATION DETERMINATION

In reliance on the assessment undertaken in sections 3 and 4 above, the application is to be processed on a non-notified basis.

6. S104 ASSESSMENT

6.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in Section 4 of this report.

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

Operative District Plan

The relevant objectives and policies are contained within Parts 4 (District Wide Issues), 5 (Rural Areas), 15 (Subdivision and Development) and 22 (Earthworks) of the ODP. The proposal is not considered contrary to the relevant objectives and policies as assessed through resource consent RM161179 and the granting of this consent through consent order.

Proposed District Plan

Council notified decisions on Stage 2 of the Proposed District Plan, including the Wakatipu Basin variation (Chapter 24), which included changes to Stage 1 Chapter 27 (Subdivision and Development), and Earthworks (Chapter 25) on 7 March 2019.

Objective 24.2.1 and associated policies seek to maintain or enhance landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone. Specifically, Policy 24.2.1.2 seeks to ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.

Objective 25.2.1 and associated policies seek earthworks to be undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.

Objective 27.2.1 and associated policies seek to ensure subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.

As outlined in the assessment above, it is considered that the effects of this proposal are acceptable and therefore the proposal is consistent with the objectives and policies of the PDP.

6.3 PART 2 OF THE RMA

This proposal is considered to appropriately avoid, remedy and mitigate any adverse effects on the environment while also providing for sustainable management. As such, it can be considered that this proposal is in accordance with Part 2 of the RMA.

6.4 DECISION ON VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted** for the application by Crown Range Holdings Limited to change Condition 1 of resource consent RM161179, such that:

- 1 Condition 1 of resource consent RM161179 is amended to read as follows (deleted text ~~struck through~~, added text underlined):

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

- Baxter Design masterplan (reference 2542-SK13) dated 14 December 20017
- Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017, and

- Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-4H-1P) dated 44 December 2017 29 January 2019
 - Lot 4 Topographical Plan, Eastburn Road (RM161179) Crown Terrace', prepared by Aurum Survey Consultants Limited, Rev D dated 21.5.19.
- 2 Condition 17(b) of resource consent RM161179 is amended to read as follows (deleted text struck through, added text underlined):
- 17b) The maximum height of any building shall be 5.5m above the RL level specified in Table 1 below for each lot.

Table 1: Proposed Lot Sizes and Building Platform Details

Proposed Lot	RBP Area	RBP Height
Lot 1	800m ²	5.5m above RL 534.5
Lot 2	1000m ²	5.5m above RL 564
Lot 3	1000m ²	5.5m above RL 564
Lot 4	685 1000m ²	5.5m above RL 569
Lot 5	1000m ²	5.5m above RL 590
Lot 6	1000m ²	5.5m above RL 592
Lot 7	1000m ²	5.5m above RL 602
Lot 8	1000m ²	5.5m above RL 588.5

Advice note:

- All other conditions of RM161179 shall continue to apply.

7. OTHER MATTERS

Local Government Act 2002: Development Contributions

As detailed in the decision for RM161179, development contributions are triggered by this development. However, this section 127 application itself is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

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.

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.

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.

If you have any enquiries please contact Kenny Macdonald on phone (03) 441 0499 or email Kenny.macdonald@qldc.govt.nz.

Report prepared by



Rebecca Holden
CONSULTANT PLANNER

Decision made by



Kenny Macdonald
SENIOR PLANNER

APPENDIX 1 – Updated conditions of resource consent RM161179

APPENDIX 2 – Applicant's AEE

APPENDIX 1 – UPDATED CONDITIONS OF RM161179

SUBDIVISION

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design masterplan (reference 2542-SK13) dated 14 December 20017
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017, and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-1P) dated 29 January 2019
 - Lot 4 Topographical Plan, Eastburn Road (RM161179) Crown Terrace', prepared by Aurum Survey Consultants Limited, Rev D dated 21.5.19.

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

- 1a. 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.

Landscape

2. Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees. The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.
 - a) *Cupressus leylandii* (Leyland cypress)
 - b) *Cupressus tortulosa* (Himalayan cypress)
 - c) *Cedrus deodara* (Deodar cedar)
 - d) *Eucalyptus gunii* (Cider gum)
 - e) *Cedrus alantica* (Atlas cedar)

Engineering

General

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

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

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2010 "Land Development and Subdivision Engineering".
5. Prior to commencing works onsite, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed.
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 NZS 4404:2010 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. Measures shall include hay bales or silt fences to prevent silt and sediment entering any waterways within the development site.
7. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the proposed earthworks design and who shall supervise the excavation and filling procedure and retaining wall construction and ensure compliance with the relevant designs. This engineer shall continually assess the condition of the excavation and fill areas and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
 - a) *Potable water:* The provision of a minimum 1,350 litres per day of potable water to the building platforms on Lots 1-8 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand.
 - b) *Irrigation water:* The provision of a minimum of 750 litres per day of untreated irrigation water to the building platforms on Lots 1-8.
 - c) Eastburn Road shall be widened from the Crown Range Road intersection to the right of way servicing this development to meet the minimum requirements of Figure E2, servicing up to 20 dwelling units, of the QLDC's Land Development and Subdivision Code of Practice. For clarity this requires the provision of a minimum 5.5m wide movement lane with 0.5m wide unsealed shoulders along the full formed legal length of Eastburn Road. Further additional width for safe passing shall be provided at all hill crests and blind corners and turning provision made within the end of the formed legal road. This shall include the provision of stormwater disposal from the carriageway.
 - d) A right of way to meet the requirements of Figure E2 of the QLDC's Land Development and Subdivision Code of Practice from between the end of the formed end of Eastburn Road and extending through to beyond the proposed access for Lot 4 herein. For clarity this requires the provision of a minimum 5.5m wide movement lane with 0.5m wide unsealed shoulders from the end of the Eastburn Road legal formation to beyond Lot 4 driveway access. Further additional width for safe passing shall be provided at all hill crests and blind corners. This shall include the provision of stormwater disposal from the carriageway.
 - e) The provision of an access way from the shared right of way to the building platforms on Lots 1-8 to meet the requirements of Figure E1 of the QLDC's Land Development and Subdivision Code of Practice. These shall have the following requirements:

- (i) The carriageway shall have a minimum cross fall of 4% to prevent stormwater ponding
 - (ii) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of water table shall be at least 200mm below the lowest portion of the sub-grade
 - (iii) The minimum standard of the carriageway formation shall be a minimum compacted depth of 150mm AP40 metal and a minimum carriageway width of 3.5 metres.
- f) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
9. All earthworks and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. This shall include the issue of a Completion Report and Schedule 2A certificate, with the Schedule 2A certification including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.

To be monitored throughout the earthworks

- 10. The earthworks shall be undertaken in accordance with the recommendations of the Geotechnical reports by Geosolve Limited as submitted with the Subdivision applications and under the guidance of the person named in Condition (9) above.
- 11. 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.
- 12. No earthworks, temporary or permanent, are to breach the boundaries of the site, with the exception of those required to form the vehicle access onto the site.
- 13. No permanent batter slope within the site shall be formed at a gradient that exceeds 1V:3H.

To be completed before Council approval of the Survey Plan

- 14. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include the easements indicated on the Aurum Survey Proposed Subdivision Plan for Lot 18 RM 160880 Eastburn Road dated 11 December 2017.
 - b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan. *[Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]*
 - c) Any necessary easements to ensure that Lots 1-8 have legal rights to convey water and power (as required) to and from the proposed bore as shown on the Aurum Survey Proposed Subdivision Plan for Lot 18 RM 160880 Eastburn Road dated 11 December 2017.

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

- 15. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (8) above.
- c) The completion of all planting as shown on the Baxter Design Group Ecological Management Plan reference 2542-SK5 (dated 14 December 2017). Planting and management within the Ecological Gully Area and the Indigenous Vegetation Enhancement Area shall be undertaken in accordance with the details outlined on this plan.
- d) The completion of any shelterbelt planting to ensure that all rows relied on for mitigation (shown as "shelterbelt to be retained" on the Baxter Design Masterplan reference 2542-SK12 dated 14 December 2017) have a minimum of two rows of trees. This includes the plating of the new shelterbelt adjoining the access to Lots 6 and 7 shown on that plan.
- e) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Manager, Resource Management Engineering at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
- f) The submission of a Geotechnical Completion Report and Schedule 2A certificate for Lots 1-8 to the Principal Engineer for Council, including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior s224(c) of the RMA.
- g) 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>).
- h) In the event that the test results required in Condition 15(g) 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 RM160137 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.

- i) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and service infrastructure and facilities associated with the subdivision.

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

- j) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- l) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised as soon as practicable and in a progressive manner.
- m) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- n) Mitigation measures to ensure alluvial fan hazards are minimized are to be carried out in accordance with the recommendations presented in Geosolve's Assessment Report. A suitably qualified Engineer who is familiar with the content of the Geosolve report is to supervise the proposed mitigation works and provide certification that that mitigation measures have been carried out in accordance with Geosolve's recommendations and will appropriately mitigate the Natural Hazard as identified in the Geosolve Assessment Report.
- o) On completion of earthworks within the building platforms, the consent holder shall ensure that certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989 and NZS4404:2010, for all areas of fill within the site on which buildings or roading are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer;
- p) 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/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

Accidental Discovery Protocol

16. If the consent holder:

- a) 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 Heritage 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 Heritage 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.

Ongoing Conditions/Consent Notices

- 17. 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 structures including dwellings and garaging shall be contained within the Residential Building Platforms (RBP's) or Farm Building Platforms (FBP's) as shown on the Baxter Design Group Masterplan dated 14 December 2017.
 - b) The maximum height of any building shall be 5.5m above the RL level specified in Table 1 below for each lot.

Table 1: Proposed Lot Sizes and Building Platform Details

Proposed Lot	RBP Area	RBP Height
Lot 1	800m2	5.5m above RL 534.5
Lot 2	1000m2	5.5m above RL 564
Lot 3	1000m2	5.5m above RL 564
Lot 4	1000m2	5.5m above RL 569
Lot 5	1000m2	5.5m above RL 590
Lot 6	1000m2	5.5m above RL 592
Lot 7	1000m2	5.5m above RL 602
Lot 8	1000m2	5.5m above RL 588.5

- c) All lot owners shall retain the balance of each lot not included within the curtilage area, Ecological Gully Area or Indigenous Vegetation Enhancement Areas as shown on the Crown Range Holdings Ltd Master Plan prepared by Baxter Design Reference 2542-SK13 Date 14 December 2017 as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.
- d) The total area of structures within the residential building platforms shall not exceed 65% site coverage of the building platform.
- e) Roof claddings shall be no more than two of the following:

- a) Vegetated
 - b) Steel (corrugated or tray)
 - c) Timber or slate shingles
- f) No exotic plants with wilding potential shall be planted anywhere.
- g) With the exception of planting within the Ecological Regeneration Area, there shall be no amenity planting outside of the curtilage areas aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats of legume planting such as Lucerne etc.
- h) Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.

The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

- a) *Cupressus leylandii* (Leyland cypress)
 - b) *Cupressus tortulosa* (Himalayan cypress)
 - c) *Cedrus deodara* (Deodar cedar)
 - d) *Eucalyptus gunii* (Cider gum)
 - e) *Cedrus alantica* (Atlas cedar)
- i) Any exotic tree planting within the curtilage area shown on the Masterplan (*Crown Range Holdings Ltd Masterplan* prepared by Baxter Design Reference 2542-SK13 14 December 2017) with a mature height of greater than 5m shall be taken from the list of amenity trees below.
- a) *Salix babylonica* (weeping willow)
 - b) *Cedrus deodara* (Himalayan cedar)
 - c) *x Cupressocyparis leylandii* (Leyland cypress)
 - d) *Populus nigra* (Lombardy poplar)
 - e) *Acer* species (Maple excluding sycamore)
 - f) *Quercus* sp. (Oaks)
 - g) *Ulmus* sp. (Elms)
- j) Indigenous tree planting may occur anywhere within the curtilage area shown on the approved Masterplan.
- k) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.
- l) Planting in the Ecological Gully Area shall be sourced from local seed stocks where possible and contain, but not be limited to, the following native species:
- a) *Discaria toumatou* (matagouri)
 - b) *Nothofagus solandri* var. *cliffortioides* (mountain beech)
 - c) *Sophora microphylla* (kowhai)
 - d) *Coprosma propinqua* (mingimingi)
 - e) *Coprosma* sp
 - f) *Corokia* sp.
 - g) *Olearia odorata* (tree daisy)
 - h) *Melicytus alpinus* (porcupine shrub)

- m) Planting in the Indigenous Vegetation Enhancement Areas as shown on the Masterplan (*Crown Range Holdings Ltd Masterplan* prepared by Baxter Design Reference 2542-SK13 14 December 2017) shall be grown from local seed stocks where possible
- n) All fencing around residential lots, driveways, amenity planting, native regeneration area and planted areas shall be either:
 - a) timber post and rail,
 - b) waratah and wire,
 - c) deer fencing,
 - d) rabbit proof fencing.
- o) The entrance off Eastburn Road shall be in traditional soldier-course dry-stone walls set back from the road boundary by at least 1m, with a maximum height of 1.2 metres.
- p) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.
- q) All exterior lighting within the residential lots shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond property boundaries does not occur.
- r) All exterior lighting should be no higher than 4m above ground level and below the height of adjacent buildings. There shall be no floodlights and no lighting associated with the driveways or access onto the site.
- s) Driveways from lot boundaries to RBPs shall be formed by future owners and aligned generally as shown on the Masterplan (Attachment B).
- t) Driveways to access all RBPs shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.
- u) Within RBP's hard stand areas adjacent to buildings may be constructed of:
 - a) asphalt,
 - b) chip-seal finished with local gravels,
 - c) 'gobi' blocks
 - d) other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered residential building platform or farm building platform, with the exception of those required for firefighting purposes

- v) All outdoor structures and garden elements associated with residential use of the property shall be confined to the marked curtilage area on the Masterplan Attached as Attachment B and located no more than 10m from the primary dwelling. Such structures and garden elements include:
 - a) clothes lines
 - b) garden storage sheds (not requiring a separate resource consent),
 - c) outdoor furniture,
 - d) shade structures for outdoor living,
 - e) trampolines and commercial play structures,
 - f) swimming pool or hot tub,
 - g) paved or decked surfaces associated with outdoor living areas,
 - h) cultivated garden.
- w) The finished floor level of any building/dwelling on Lots 6 and 7 shall be a minimum of 300mm above the finished ground level at the time of subdivision.

- x) All lot owners are required to be part of the management organisation, mechanism or entity as required by Condition (15(i)). This management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organization or entity, or in the event that the management organization or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

- y) At the time that a dwelling is erected on Lots 1-8, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008), If required. The irrigation water may not be treated and should not be used for drinking.
- z) In the event that the Schedule 2A certificate issued under Condition (9) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*
- aa) The flood protection bunds installed at Lots 6 and 7 shall be maintained and protected by the Lot owners in accordance with the shape and position of the bunds as shown on the Masterplan.
- bb) At the time a dwelling is erected on Lots 1-8, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system in accordance with the parameters established in the Holmes Infrastructure Design Report. The systems are to provide stormwater collection for the site and disposal of runoff from all vehicle access, parking and maneuvering areas within the site to ground soakage. No stormwater is to be discharged beyond the site boundaries.
- cc) At the time a dwelling is erected on Lots 1-8, 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 secondary treatment effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the parameters established in the Holmes Infrastructure Design Report. The on-site wastewater disposal and treatment system shall provide sufficient treatment to effluent prior to discharge to land.
- dd) If required under Condition (17)(ee) a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read: "In addition to the static fire fighting storage requirement, at the time a dwelling is constructed the consent holder shall install an additional minimum 25,000 litres of onsite potable buffering storage to cater for times of peak demand."

- ee) At the time a dwelling/building is erected on Lots 1-8, 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. 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 NZS 4404:2004 with amendments adopted by QLDC in 2005). 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.

The following shall be registered on the relevant Titles of the Lots 1, 2, 3, and 4 by way of Consent Notice pursuant to s.221 of the Act:

- ff) The maximum height of glazing on any wall shall be 3.5m
- gg) Wall materials for all structures shall be no more than two of the following:
- a) timber weatherboards, stained, painted or left to weather;
 - b) timber board and batten, stained, painted or left to weather;
 - c) weatherboard cladding systems, similar to Linea;
 - d) local stone;
 - e) corrugated iron;
 - f) steel.

- hh) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.
- ii) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with an LRV of less than 15% but greater than 5%.

The following shall be registered on the relevant Titles of the Lots 5 to 8 by way of Consent Notice pursuant to s.221 of the Act:

- jj) Wall materials for all structures shall be no more than two of the following:
 - a) natural timber;
 - b) painted timber;
 - c) weatherboard cladding systems, similar to Linea;
 - d) smooth plaster;
 - e) stained plywood;
 - f) local stone;
 - g) corrugated iron;
 - h) steel; or
 - i) concrete blocks providing that it complies with colour controls.
- kk) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.
- ll) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with an LRV of less than 15% and greater than 5%.
- mm) Any building erected within the farm building platform (Area FBP) on Lot 5 or Lot 8 shall be for agricultural, farming, equine or related purposes or for residential accessory buildings not intended for living purposes. Residential units within the FBP are prohibited.
- nn) The maximum height of any farm structures to be located within the farm building platforms shall be 8m above original ground level.

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. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the water supply.
3. The consent holder is advised that any retaining 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. The New Zealand Fire Service 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 dwelling. Given that the proposed dwelling is approximately 8km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand Volunteer Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in each new dwelling.

LAND USE

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design masterplan (reference 2542-SK13) dated 14 December 20017
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017, and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-1P) dated 29 January 2019
 - Lot 4 Topographical Plan, Eastburn Road (RM161179) Crown Terrace', prepared by Aurum Survey Consultants Limited, Rev D dated 21.5.19.

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

- 2a. 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.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Landscape

3. Each lot owner shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees. The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.
 - a) *Cupressus leylandii* (Leyland cypress)
 - b) *Cupressus tortulosa* (Himalayan cypress)
 - c) *Cedrus deodara* (Deodar cedar)
 - d) *Eucalyptus gunii* (Cider gum)
 - e) *Cedrus alantica* (Atlas cedar)

Accidental Discovery Protocol

4. If the consent holder:
 - a) 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 Heritage 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 Heritage 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.

APPENDIX 2 – APPLICANT’S AEE

Assessment of Effects on the Environment

Changes to Approved Subdivision Plan RM161179

Eastburn Road, Crown Terrace

APPLICATION FOR VARIATION TO RESOURCE CONSENT RM160880 UNDER SECTION 127 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.

No mitigation required

4. I attached within the AEE an assessment of any persons affected by the activity and any consultation undertaken.

No persons will be adversely affected.

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 Queenstown Lakes District Plan.

APPLICATION FOR VARIATION TO RESOURCE CONSENT PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991

To:

Queenstown Lakes District Council – Planning & Development
PO Box 50072, Queenstown 9348
Attention: Manager, Resource Consents

Crown Range Holdings Ltd apply to vary condition 1 of RM161179 granted by Consent Orderⁱ to make changes to the building platform on Lot 4 and changes to align the boundaries of lots with existing fence lines.

Address for Service:

John Edmonds & Associates
Attention: Bridget Allen
Email: bridget@jea.co.nz
Phone: 021 226433
PO Box 95, Queenstown 9348

Address for Invoicing:

Crown Range Holdings Ltd
Attention: Mel Jones
Email: mel.jones@extra.co.nz
Phone: 021 920 007
PO Box 51517, Pakuranga

1.0 INTRODUCTION

1.1 Overview

Consent is sought to vary condition 1 of RM161179 to insert an updated survey plan which increases the size of the building platform on lot 4. Small lot boundary alterations are also proposed.

1.2 Consent History

RM161179 was granted on 16 February 2018 by consent order to subdivide the site into 8 allotments each with a residential; building platform and farm buildings on lots 5 and 8, to relocate a farm building and undertake earthworks on a HAIL site.

1.3 The Site

The site is located at 108 Eastburn Road at the eastern end of the Crown Terrace. The site was legally described at Lot 3 DP 321835 (80.068 hectares) and is held in Computer Freehold Register

ⁱ ENV-2017-CHC-85 granted 16 February 2018

('CFR') 87261 which is attached as **Attachment A**. The site is now described as Lot 18 of consent RM160880 in accordance with the definition of Site in the Operative District Plan which states that "Site" means:

An area of land which is:

...ii. Comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council....

The two parcels of land that adjoin the site and Eastburn Road being Lot 20 RM160880 - 16.66 hectares in area (currently Lot 2 DP 32183) and Lot 19 RM160880 - 22.47 hectares in area (currently Lot 19 DP 207799) will be amended by the boundary adjustment approved under RM160880.

CFR 87261 has a land covenant registered on it (Instrument 5665130.4). This is a private covenant with Royalburn Farming Company Limited that is not relevant to this application.

The site is accessed from Eastburn Road off the Crown Range Road. Eastburn Road is formed to provide access to the existing cottage and the farm sheds on the adjoining Lot 20 RM160880. Beyond this point the road is an unformed paper road that extends to the terrace edge above Gibbston Valley and continues down towards the Kawarau River. The Right of Way approved under RM160880 is currently being formed providing access from the formed portion of Eastburn Road through Lot 20 RM160880 to the site.

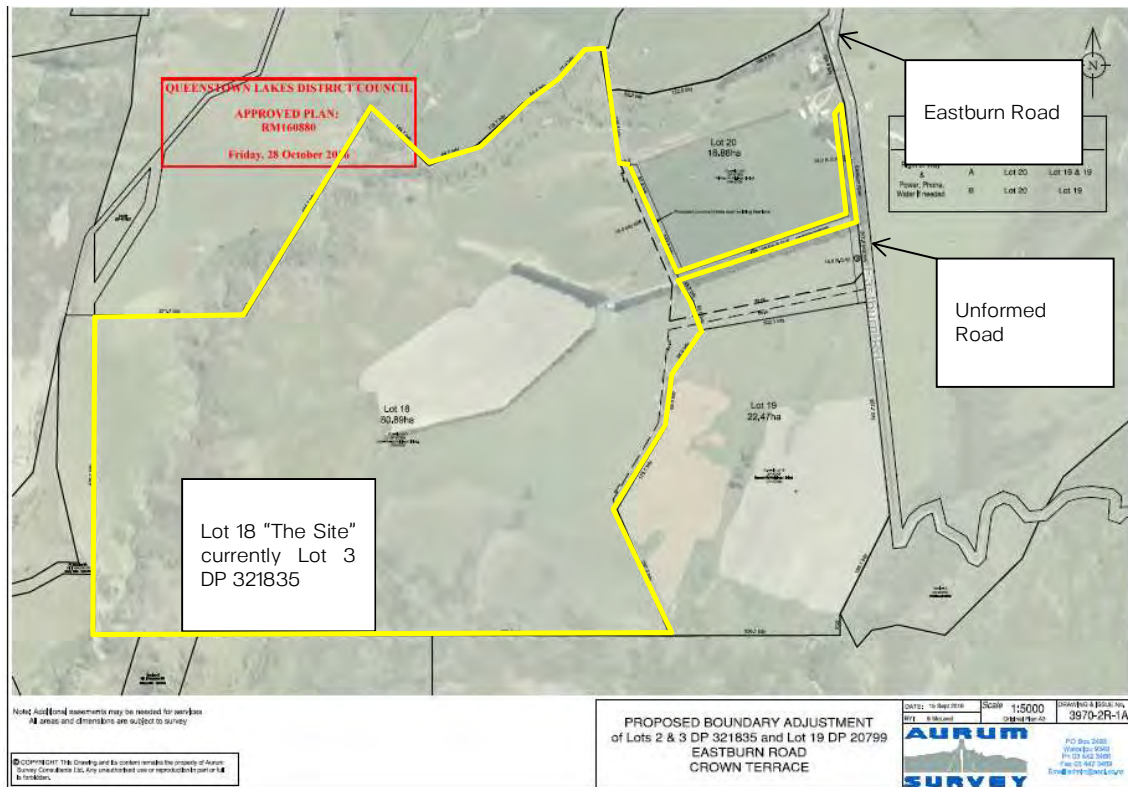


Figure 2: Aerial of the Site (source Approved Plan RM160880) - yellow boundaries approximate only.

The site is zoned Rural General and is predominantly classified as a Visual Amenity Landscape with some areas of the site being Outstanding Natural Landscape.

Under the Proposed District Plan the site is zoned Wakatipu Basin Rural Amenity Zone with the predominant site being identified as Rural Landscape Classification ('RCL') and a portion of the site is classified as Outstanding Natural Landscape.

1.4 Description of the Proposal

It is proposed to increase the size of the building platform on Lot 4 to provide a more feasible buildable area make minor adjustments to the approved boundaries to follow existing fences. It is noted that there was a slight discrepancy between the approved landscape masterplan boundaries and the survey plan. This variation updates the survey plan to be more aligned with the masterplan boundaries and the existing fence lines after further survey on site.

The alignment of the fences and boundaries was always anticipated as noted on the approved survey plan ("Boundary to follow existing fences where convenient"). The changes result is slight adjustments to lot sizes.

Please refer to the revised plan of subdivision, which is included as **Attachment B**.

A summary of the existing and proposed lot areas is provided in the table below:

Lot Number	Existing area as shown on the Landscape Masterplan	Area proposed in variation
Lot 1	22ha	20.4ha
Lot 2	3.2ha	2.4ha
Lot 3	2.6ha	2.9ha
Lot 4	3ha	2.1ha
Lot 5	23ha	23ha
Lot 6	3ha	2.2ha
Lot 7	2.9ha	3ha
Lot 8	24ha	24.2ha

To provide for the changes outlined above, it is proposed to vary condition 1 of RM161179 as follows (deletions in strikethrough, additions in bold underline):

1. That the development must be undertaken/carried out in accordance with the plans:
 - Baxter Design masterplan (reference 2542-SK13) dated 14 December 20017
 - Baxter Design Ecological Management Plan (reference 2542-SK6) dated 14 December 2017, and
 - Aurum Survey Proposed Subdivision Plan (drawing number 3970-1R-1HL) ~~dated 11 December 2017~~ **18 December 2018**,

The updated Aurum subdivision plan shows the correct lot boundaries and building platform areas.

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

2.0 DISTRICT PLAN REQUIREMENTS

2.1 Proposed District Plan

The QLDC's Proposed District Plan (PDP) was notified on 26 August 2015. The site is located within the Wakatipu Basin Rural Amenity Zone under the PDP.

2.2 Operative District Plan Provisions

The site is zoned Rural General in the operative Queenstown Lakes District Plan (QLDP).

2.3 Consents Required and Status of the Activity

Consent is required for a **discretionary** activity pursuant to Section 127(1) of the Resource Management Act to vary condition 1 of subdivision resource consent RM161179.

3.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 Proposed Boundaries

Small adjustments are proposed to the boundaries approved under RM161179. These changes are to align the boundaries with existing fence lines after further onsite survey of the site.

The main alteration is the increase in the platform area for Lot 4. The approved platform only had a width of 14.8 metres at the northern end. On further consideration the narrowness and the small area of 658m² doesn't provide flexibility for architectural designs. The proposed amendment provides additional area by wrapping the building platform around the knoll and the ecological area. This provides additional width and area without extending the platform away from the knoll so that any additional building elements will be screened by the knoll and the planting when viewed from the Crown Range Road.

Baxter Design Group have provided comment on the landscape and visual effects of the change to Lot 4. This is attached in **Attachment C**.

Overall, the changes to the size and dimensions of the proposed lots and the building platform on Lot 4 will have less than minor effects on the environment.

3.2 Effects on Persons

There are no neighbours in the vicinity of the proposed changes to the title boundaries. No persons will be adversely affected.

4.0 SECTION 104(1)(B) CONSIDERATIONS

104 Consideration of applications

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

In addition to the Assessment of Effects above, the objectives and policies of the operative and proposed District Plan are relevant to the consideration of this application.

4.1 Objectives and Policies of the Operative and Proposed District Plans

The operative QLDP includes objectives and policies in Section 4 – District Wide Issues, Section 5 – Rural Areas and Section 15 – Subdivision, Development and Financial Contributions which relate to subdivision and development in the Rural General Zone. For the reasons outlined in the above Assessment of Effects, the varied proposal is not contrary to these provisions, which seek to protect the character and landscape values of the rural area.

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). A variation to Stage 1 for the Wakatipu Basin has since been notified and council decisions notified, which are now open for appeal. The proposed provisions should be given limited weighting at this stage. The relevant objectives and policies are contained in the following chapters: Chapter 3- Strategic Direction, Chapter 6 – Landscapes and Chapter 28 – Natural Hazards. The proposal is in keeping with what is anticipated on site and is in accordance with these objectives and policies.

5.0 MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The proposal provides for the sustainable management of natural and physical resources in accordance with the purpose of Part 2 of the Resource Management Act 1991. It does not affect any of the matters of national importance outlined in Section 6. In regard to the other matters specified in Section 7, the proposal provides for the efficient and practical use of the land resource, while maintaining the quality of the existing environment.

6.0 SUMMARY

Minor adjustments are proposed to the subdivision approved under RM161179. The proposed changes will not have any adverse effects on the environment, or on any persons. The proposal will be consistent with the objectives and policies of the operative and proposed District Plans.



+ CROWN RANGE HOLDINGS LTD. - Masterplan
REFERENCE : 2542 - SK13 - SCALE 1:2500 @ A1, 1:5000 @ A3 - 14 Dec 2017

baxter
design





Ecological Gully Area

Initial eradication of all wilding conifer species and briar. (Note, some exotic weeds can act as nursery plants for indigenous vegetation).



Groups of 30 plants shall be planted in patches of approximately 100m radius from the center of other existing indigenous groups across the Ecological Protection Area.

Planting to be undertaken where possible in patches within existing indigenous vegetation to increase plant diversity.

Wilding conifers will be removed at a minimum of once every two-years.

Subject to periodic pest and weed control.

Indigenous Vegetation Enhancement Areas

All planting within these areas is to be staked and protected by a rabbit sleeve or fenced.

Pest control is to be undertaken regularly.

Periodic woody weeds are to be controlled and if present removed from the planted area at a minimum of once a year, preferably in October.

Irrigation to occur until plants are firmly established (approx. 3-years).

Native planting to include the following species composition in both areas:

Total planted area of Indigenous Vegetation Enhancement areas: 1.249ha

Botanical Name	Percentage	Density	QTY
<i>Coprosma propinqua</i>	10%	1.5m	555
<i>Hebe salicifolia</i>	5%	2m	156
<i>Mounlian beech</i>	5%	1m	625
<i>Red tussock</i>	5%	1m	625
<i>Hoheria</i>	10%	1m	1,249
<i>Oleria</i>	15%	1m	1,873
<i>Kowhai</i>	20%	2m	624
<i>Toi Toi</i>	20%	1.5m	1,110
<i>Flax</i>	10%	1.5m	555



Land to be maintained in open pasture and managed for grazing. Traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings and the likes of woodlots, tree crops - olives etc, grapevines, orchards are disallowed. Rural character fencing which adheres to the design controls is acceptable.

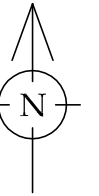


All domestic activities to be contained within the residential curtilage area.

+ CROWN RANGE HOLDINGS LTD. - Ecological Management Plan
REFERENCE : 2542 - SK6 - SCALE 1:2500 @ A1, 1:5000 @ A3 - 14 Dec 2017

baxter
design

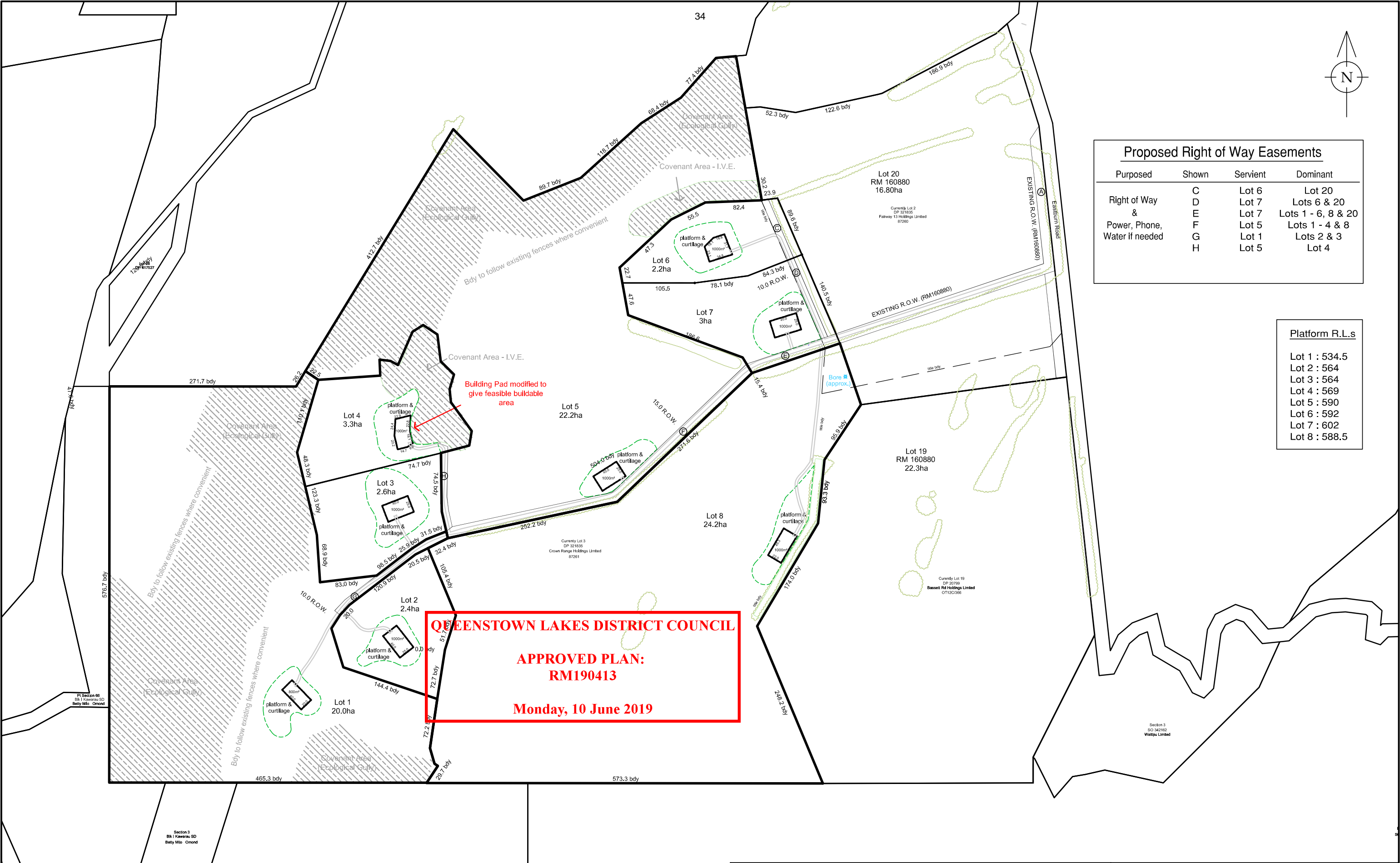




Proposed Right of Way Easements			
Purposed	Shown	Servient	Dominant
Right of Way & Power, Phone, Water if needed	C	Lot 6	Lot 20
	D	Lot 7	Lots 6 & 20
	E	Lot 7	Lots 1 - 6, 8 & 20
	F	Lot 5	Lots 1 - 4 & 8
	G	Lot 1	Lots 2 & 3
	H	Lot 5	Lot 4

Platform R.L.s

- Lot 1 : 534.5
- Lot 2 : 564
- Lot 3 : 564
- Lot 4 : 569
- Lot 5 : 590
- Lot 6 : 592
- Lot 7 : 602
- Lot 8 : 588.5



Note: Additional easements may be needed for services
All areas and dimensions are subject to survey

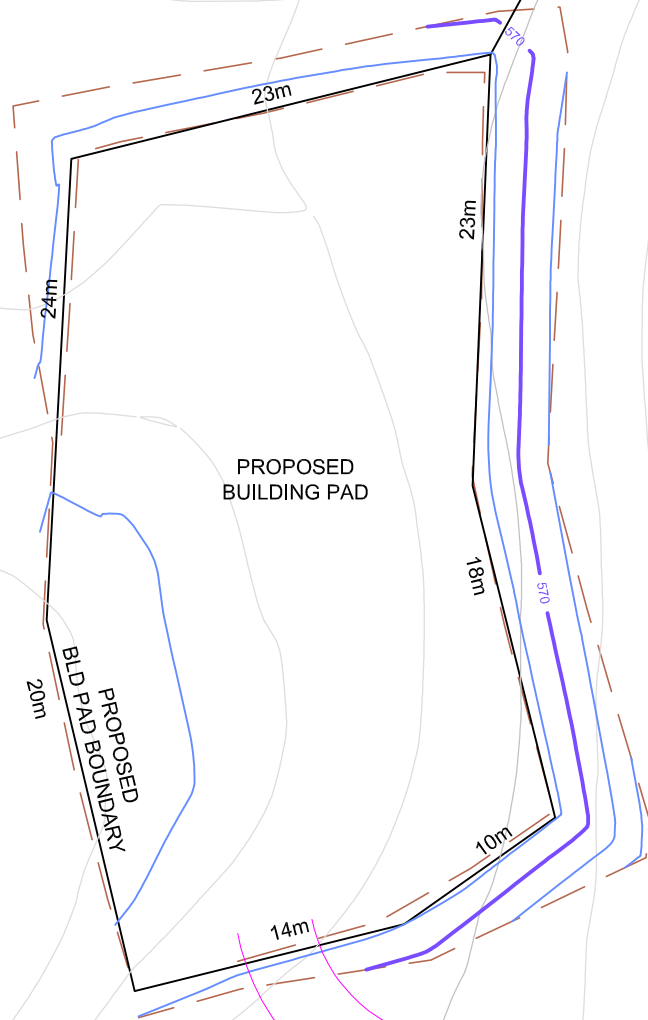
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is forbidden.

PROPOSED SUBDIVISION
LOT 18 RM 160880
EASTBURN ROAD
CROWN TERRACE

DATE: 29 Jan 2019	Scale 1:5000	DRAWING & ISSUE No.
BY: D Batchelor	Original Plan A3	3970-1R-10
		PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz



LOT 4
RM 161179



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM190413
Monday, 10 June 2019

LOT 3
RM 161179

LOT BOUNDARY

LOT BOUNDARY

RIGHT OF WAY & SERVICES
EASEMENT CORRIDOR

EASEMENT
BOUNDARY

LOT 5
RM 161179

LOT BOUNDARY

NEW FILL MOUND
FILL 4025m³
MAX FILL HEIGHT = 5.6m

WARNING NOTE:

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

TITLE:

LOT 4 TOPOGRAPHICAL PLAN
EASTBURN ROAD (RM 161179)
CROWN TERRACE

DATE: 29/01/2019

BY: D. BATCHELOR

Scale

1:200 @ A3
1:400 @ A1

DRAWING & ISSUE No.

3970.3T.1D



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

NOTE: Contour interval is 1.0 metre. Contours are Design Levels
Levels in terms of OIT II SO 22918 (RL 695.17)

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

REV.	DATE	REVISION DETAILS	BY:
D	21/05/19	FILL DEPTH ADDED	DB
C	16/05/19	FILL VOLUME & REVISED DRIVE ADDED	DB
B	29/01/19	INITIAL ISSUE	DB
A	24/01/19	INITIAL ISSUE	DB



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Fairway 13 Holdings Limited, Bassett Rd Holdings Limited and Crown Range Holdings Limited
RM reference:	RM160880
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for subdivision consent to undertake a boundary adjustment subdivision
Location:	108 Eastburn Road, Crown Terrace
Legal Description:	Lot 3 Deposited Plan (DP) 321835 held in Computer Freehold Register 87261, Lot 2 DP 32183 held in Computer Freehold Register 87260 and Lot 19 DP 20799 held in Computer Freehold Register OT12C/366
Zoning:	Rural General
Activity Status:	Non-Complying
Decision Date	2 November 2016

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Hanna Afifi, Senior Planner, on 2 November 2016 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 220 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 Hanna Afifi, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Consent is sought under section 88 of the RMA to undertake a boundary adjustment subdivision between three Rural General lots, being Lot 3 DP 321835, Lot 2 DP 32183 and Lot 19 DP 20799.

The applicant has provided a description of the proposal, the site and locality and the relevant site history in Sections 1 and – 2 of the report entitled, '*Boundary Adjustment Eastburn Road, Crown Terrace, Resource Consent Application*, September 2016', (hereon referred to as the applicant's AEE and attached as **Appendix 2**). This description is considered accurate and is adopted for the purpose of this report.

In addition;

- It is noted that the boundary adjustment subdivision is not considered to be a Controlled Activity under Rule 15.2.3.2 (i), as proposed Lot 19 will be reduced in area, and it contains no building platform or building. Therefore criterion (h) is not met.
- It is not proposed to provide a potable water supply to proposed lots 18 and 19.

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

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

- A **controlled** activity resource consent pursuant to Rule 15.2.6.1 (lot sizes and dimensions); Rule 15.2.7.1 (subdivision design); Rule 15.2.8.1 (property access); Rule 15.2.10.1 (natural and other hazards); Rule 15.2.11.1 (water supply); Rule 15.2.12.1 (storm water disposal); Rule 15.2.13.1 (sewerage treatment and disposal); Rule 15.2.14.1 (trade waste disposal); Rule 15.2.15.1 (energy supply and telecommunications); Rule 15.2.16.1 (open space and recreation); Rule 15.2.17.1 (vegetation and landscaping); and Rule 15.2.18.1 (easements).
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4 (i) as the proposed subdivision does not comply with Zone Standard 15.2.6.3 (iii) as lots are proposed that will not contain residential building platforms.
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4 (i) as the proposal breaches Zone Standard 15.2.11.3 (iii) relating to the provision of potable water to lots created by subdivision. The applicant is not proposing to provide any additional potable water supply to the proposed lots.

Overall, the application is considered to be a **non-complying** activity.

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

The piece of land to which this application relates is production land and the proposed subdivision will not cause the piece of land to stop being production land. Therefore the NES does not apply.

3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).

B: Trade competition and the effects of trade competition (s95D(d)).

4.2 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account section 4.1 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The Assessments of Effects provided at Section 6.0 of the applicant's AEE is comprehensive and is considered accurate. It is therefore adopted in part for the purposes of this report with the addition of the comments below.

Lot Sizes, Dimensions and Design

In summary the proposed boundary adjustments are minimal and the proposal does not include any built works or changes in use. The lots will essentially maintain the same size and dimensions with only minor changes to enable access and the provision of services for the lots. Any effects on the environment resulting from the proposed boundary adjustments will be contained within the sites and will not affect any roads or public areas.

It is proposed to reduce the area of Lot 19 DP 321835 by about 1.2ha. At present it does contain any buildings or building platforms and therefore the boundary adjustments for this lot cannot be assessed as a controlled activity subdivision. The lot is currently being used for farming in conjunction with the adjoining Lots 1 and 2 and there is no intention to change the use of the site. The proposed changes to the size and shape of the lot are minimal and will not produce any discernible environmental effects on any areas beyond the site.

Overall the scale of the proposed changes to the lots and dimensions are small and any effects on the environment resulting from the size and design of the proposed lots will be less than minor.

Access

Council's Resource Management Engineer, Mr Warren Vermaas has provided comment on the proposed vehicle access. In summary, Mr Vermaas is satisfied that the proposed access for the lots is feasible and safe and has recommended a condition of consent pertaining to the creation of the proposed easements for access. In addition, a condition of consent is recommended to ensure the formation of the RoW from Eastburn Road to proposed Lot 18, in accordance with Council Standards. It is therefore considered that any effects on the environment resulting from the proposed access will be less than minor.

Services

Mr Vermaas has assessed the proposal in relation to services. Mr Vermaas is satisfied that the proposed new easement will adequately address the service requirements for power and telecommunications. It is not considered that the proposed boundary adjustment will affect the existing services to Lot 2 DP 321835, the only lot that currently contains a dwelling.

Under zone standard 15.2.11.3 (iii) it is a requirement for each lot to be provided with potable water, and this requirement not being undertaken with this application. However, as previously discussed the proposed changes to the lots are of a small scale, no additional lots will be created and there will be no changes to their current use of the lots as a farm. Proposed Lot 20, which is the only lot with a residential dwelling on it, has an existing potable water supply. The application does not involve residential development or the creation of building platforms on the lots where a potable supply has not been demonstrated, and therefore there is no risk of residential development being enabled without provision for potable water.

Any effects on the environment resulting from the proposed services will be less than minor.

4.3 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

5.0 EFFECTS ON PERSONS

Section 95B (1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

5.1 ASSESSMENT: EFFECTS ON PERSONS

The following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The subject site is located in a secluded rural area with a low level of residential domestication. There are no near neighbours in the vicinity of the proposed boundary adjustments.

For the same reasons outlined in Section 4.3 above, no persons are considered to be adversely affected by the proposal.

5.2 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.3 and 5.2 the application is to be processed on a non-notified basis.

7.0 S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

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

The relevant objectives and policies are contained within Part 4 (District Wide Issues), Part 5 (Rural Areas) and Part 15 (Subdivision, Development and Financial Contributions) of the District Plan.

QLDC notified the Proposed District Plan on 26 August 2015. In this case, the objective and policies contained in Part 2, Chapter 6 (Landscapes); Part 4, Chapter 21 (Rural); and Part 5, Chapter 27 (Subdivision & Development) are relevant. It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage.

The applicant has provided an assessment of the proposal against the relevant provisions of both the operative and proposed District Plan at section 6.2 of the AEE. This assessment is considered accurate and is adopted for the purposes of this report.

In addition, the proposal will retain the status quo in respect to the ability of the lots to effectively and efficiently provide for their existing and established land uses, whilst ensuring that potential effects on the environment will be adequately avoided. As such, the proposal is not considered to be contrary to the relevant objectives and policies of the District Plan.

7.3 SECTION 106 OF THE RMA

A consent authority may refuse to grant subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

On the basis of the above assessment, there is no reason to refuse consent.

7.4 PART 2 OF THE RMA

The application as proposed is considered to be consistent with the purpose and principals set out in Part 2 of the RMA, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The proposal promotes development that enables land use in a way that will enable the applicant to provide for their social, economic and cultural wellbeing. The adverse effects of the proposed development are able to be appropriately avoided, remedied or mitigated.

7.5 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D, it is concluded that the application can pass through the second gateway test given that the proposal not considered to be contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

7.6 DECISION: SUBDIVISION CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

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.

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 if all conditions have been met.

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.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Tim Anderson on phone (03) 441 0499 or email tim.anderson@qldc.govt.nz.

Report prepared by

Decision made by



Tim Anderson
PLANNER



Hanna Afifi
SENIOR PLANNER

- APPENDIX 1** - Consent Conditions
- APPENDIX 2** - Applicant's AEE
- APPENDIX 3** - Engineering Comment

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Boundary Adjustment of Lots 2 and 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace' prepared by Aurum Survey, dated 15.09.2016

stamped as approved on 28 October 2016

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.

To be completed before Council approval of the Survey Plan

3. 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 before certification pursuant to 224 (c) of the Act

4. Prior to certification pursuant to section 224 (c) of the Act, the consent holder shall complete the following:
 - a) The formation of the right of way access way over Lot 20 from Eastburn Road to Lot 18 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. Passing bays/road widening shall be provided on any single lane sections of the access at no greater than 100m intervals. Provision shall be made for stormwater disposal from the carriageway.

APPENDIX 2 – APPLICANT’S AEE

Fairway 13 Holdings Ltd, Bassett Rd Holdings Ltd, Crown Range Holdings Ltd

Boundary Adjustment
Eastburn Road, Crown Terrace

Resource Consent Application

September 2016

John Edmonds
& Associates Ltd
PLANNING ■ ENVIRONMENT

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.

No mitigation is necessary.

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.

No additional monitoring is required.

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).

No known effects on customary rights.

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 provided is in accordance with the requirements of the Operative District Plan.

8. As this is an application for a subdivision consent, I attach information that is sufficient to adequately define –

- (a) the position of all new boundaries; and**
- (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit title plan:**
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and**
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and**
- (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:**
- (f) The locations and areas of any land within the costal marine area (which is to become part of the common marine and costal area under section 237A):**
- (g) the locations and areas of land to be set aside as new roads.**

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LIST OF FIGURES

Figure 1 Aerial of the Site (source QLDC: GIS)

LIST OF APPENDICES

Attachment A Computer Freehold Registers

Attachment B Survey Plan

COMMON ABBREVIATIONS

QLDC	Queenstown Lakes District Council
QLDP	Queenstown Lakes District Plan
RMA	Resource Management Act 1991
CFR	Computer Freehold Register
NES	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

DOCUMENT STATUS

Version	Purpose of Document	Prepared By	Reviewer	Review Date
Draft A	Internal Draft	BA		
Draft B	Draft to Client	BA	MJ	9/09/2016
FINAL	Lodgement	BA	—	

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
Attention: Manager, Resource Consents

Applicant:

Fairway 13 Holdings Ltd, Basset Rd Holdings Ltd and Crown Range Holdings Ltd apply for a boundary adjustment.

Address for Service:

John Edmonds & Associates
Attention: Bridget Allen
Email: bridget@jea.co.nz
Phone: (03) 4502244
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1.0 INTRODUCTION

1.1 Overview

Consent is sought to undertake a boundary adjustment between Lot 3 DP 321835, Lot 2 DP 32183 and Lot 19 DP 20799.

1.2 Consent History

Eastburn Station and Royalburn Farming Company Limited ("Royalburn") were originally held in the same ownership so the following consents relate to both sites.

Consent was granted on the 18 November 20002 for a boundary adjustment between three lots (reference: RM020843). This boundary adjustment created Lot 2 and Lot 3 and amended the boundary of the adjoining lot that is owned by Royalburn Farming Company Limited.

1.3 Consultation

No other parties are considered to be adversely affected by this proposal and therefore no other parties have been consulted with in relation to this application.

1.4 Notification

The adverse effects of the proposal are considered to be minor or less than minor and no persons are considered to be affected by the proposal. It is therefore considered appropriate to process this application on a non-notified basis.

2.0 DESCRIPTION OF THE PROPOSAL

2.1 Site Location and Legal Description

The site is located at 108 Eastburn Road on the Crown Terrace. The site is legally described at Lot 3 DP 321835 (80.068 hectares), Lot 2 DP 32183 (16.4462 hectares) and Lot 19 DP 20799 (23.6735 hectares). These are held in Computer Freehold Registers ('CFR') 87261, 87260 and OT12C/366 which is attached as **Attachment A**.

CFR's 87261 and OT12C/366 have a land covenant registered on them (Instrument 5665130.4). This is a private covenant with Royalburn Farming Company Limited that is not relevant to this application.

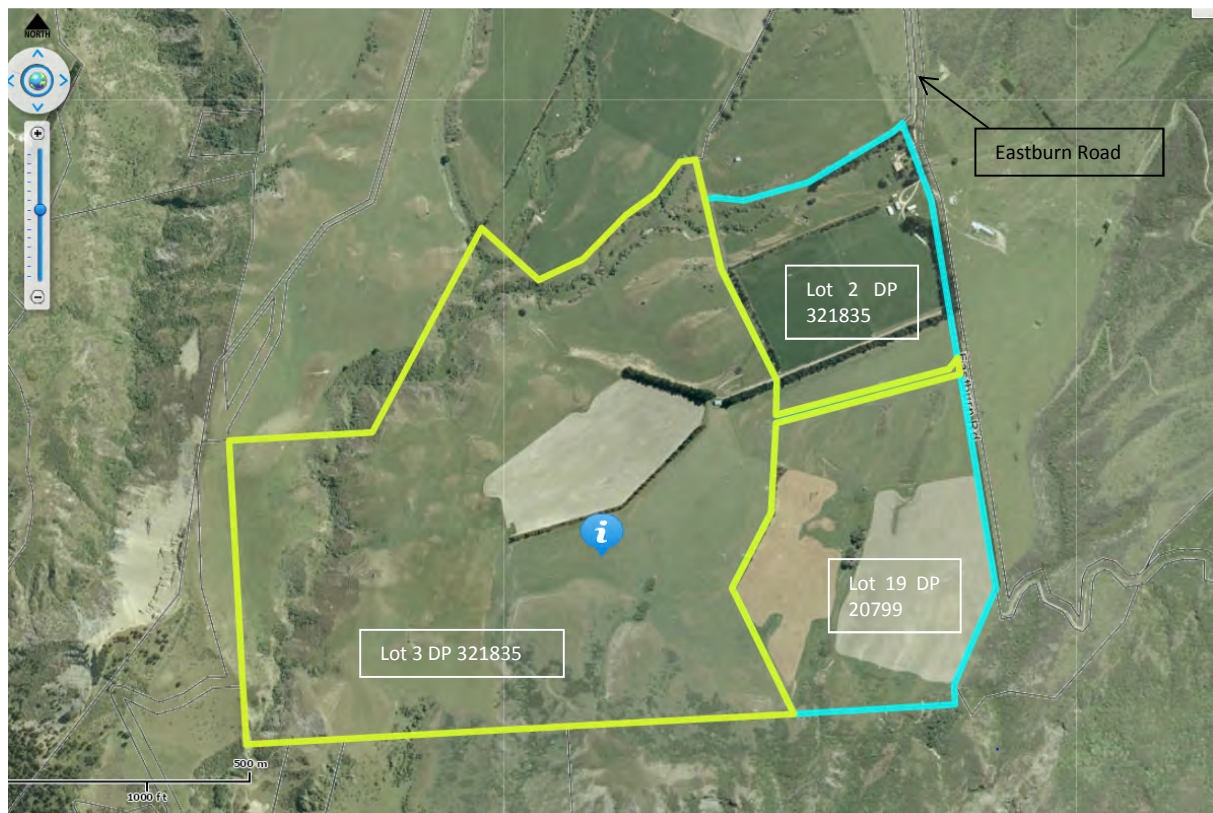


Figure 1: Aerial of the Site (source QLDC: GIS)

Lot 3 is a large irregular shaped lot with an unformed legal access onto Eastburn Road. Lot 3 is currently farmed with the adjoining lots (Lot 2 and Lot 19) that together make up Eastburn Station. The site is pastoral in character with large mature shelterbelts dividing paddocks.

The site is accessed from Eastburn Road off the Crown Range Road. Eastburn Road is formed to provide access to the existing cottage and the farm sheds. These buildings are clustered around the north western corner of the site within Lot 2 DP 321835. Beyond the sheds to the south the road is an unformed paper road consisting of a farm track.

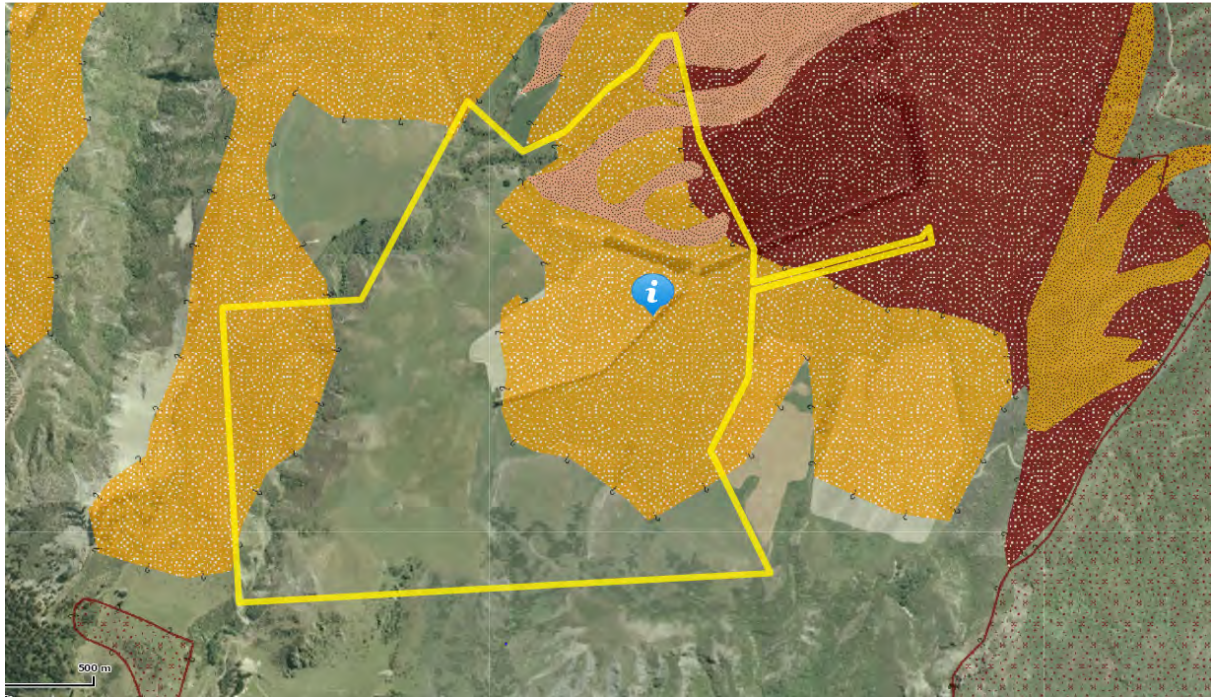


Figure 3: Hazard Register Lot 3 (source QLDC: GIS)

The site is shown on Council's GIS to be susceptible to alluvial fans and it is categorised as three different fan types: isolated, less recently active and composite.

The site is zoned Rural General and is predominantly classified as a Visual Amenity Landscape with some areas of the site being Outstanding Natural Landscape.

Under the proposed district plan the site is zoned Rural with the predominant site being identified as Rural Landscape Classification ('RCL') and a portion of the site is classified as Outstanding Natural Landscape.

2.2 Description of Proposed Activity

Consent is sought to undertake a boundary adjustment between three existing titles. A subdivision plan has been prepared by Aurum Consultants is attached as **Attachment B**. The table below provides a summary of the proposed lots. The boundaries are proposed to be moved very slightly to incorporate shelterbelts into Lot 3. The existing legal access to Lot 3 is being absorbed into Lot 20 and a Right of Way is being proposed that connects Lot 3 to Eastburn to provide legal access. This ROW will not be constructed at this time.

Table 1: Proposed Lots

Existing Allotments	Existing Area	Proposed Allotments	Proposed Area	Zoning	Comment
Lot 3 DP 321835	80.068 hectares	Lot 18	80.89 hectares	Rural General	Large area of farm land. New access is proposed via ROW connection to Eastburn Road through Lot 20.
Lot 2 DP 32183	16.4462 hectares	Lot 20	16.88 hectares	Rural General	Contains the existing farm buildings and sheds. The legal access to Lot 3 is absorbed and instead proposed via a ROW. A private covenant is proposed to ensure that a row of trees is protected.
Lot 19 DP 20799	23.6735 hectares	Lot 19	22.47 hectares	Rural General	Farm land

3.0 DISTRICT PLAN REQUIREMENTS

3.1 District Plan Provisions

The site is zoned Rural General in the QLDP and the purpose of the Rural General Zone is to:

*“manage activities so they can be carried out in a way that:
protects and enhances nature 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.”ⁱ*

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of the rural lands including alpine areas and national parks”

4.0 CONSENT REQUIREMENTS

4.1 Activity Status

Under the operative QLDC district plan the boundary adjustment requires resource consent for a **Controlled** activity under Rule 15.2.3.2(i). In this regard the following matters under rule 15.2.3.2(i) are complied with:

- ✓ Each of the lots must have a separate certificate of title
- ✓ Any approved residential building platform must be retained in its approved location
- ✓ No new residential building platforms shall be identified and approved as part of a boundary adjustment
- ✓ There must be no change in the number of residential building platforms or residential buildings per lot

ⁱ Page 5-9 of the of the District Plan

- ✓ *There must be no change in the number of non-residential buildings per lot*
- ✓ *The adjusted boundaries must not create a non-compliance with any Part 5 Rural General Zone site and zone standards*
- ✓ *No additional saleable lots shall be created*
- ✓ *The smaller allotment contains the existing buildings*

As a minor boundary adjustment the subdivision is exempt from esplanade reserve requirements in accordance with standards 15.2.9.1(i). In this regard, the proposal accords with rules 15.2.6.3 (bb) and (c)ⁱⁱ:

- ✓ *Each of the existing lots must have a separate Certificate of Title.*
- ✓ *Any approved residential building platform must be retained in its approved location; and*
- ✓ *No new residential building platforms shall be identified and approved as part of the boundary adjustment; and*
- ✓ *There must be no change in the number of residential building platforms or residential buildings per lot; and*
- ✓ *There must be no change in the number of non-residential buildings per lot; and*
- ✓ *The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;*
- ✓ *No additional saleable lots shall be created.*

4.2 National Environmental Standard

The piece of land is not covered by the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* ('NES') as the proposed subdivision does not cause the land to stop being production land pursuant to Section 8(c). Accordingly the NES does not apply to this application.

5.0 ASSESSMENT MATTERS

Clause 15.2.2.8 of the operative district plan sets out the following which are relevant to the assessment of controlled activity subdivisions:

- (iii) *In the case of Controlled and Discretionary Subdivision Activities, where the exercise of the Council's control or discretion is restricted to specified matter(s), the assessment matters taken into account shall only be those relevant to that/those matter(s).*
- (iv) *In the case of Controlled Subdivision Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.*
- (v) *In the case of Controlled Subdivision Activities, the application would only be declined pursuant to section 106 of the Act (Natural Hazards).*

Under Rule 15.2.3.2(i) and 15.2.19ⁱⁱⁱ, QLDC has reserved control in respect of:

- *The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses.*

ⁱⁱ It is noted that 15.2.6.3 (c) is simply a repeat of 15.2.6.3 (bb)

ⁱⁱⁱ It is noted that 15.2.19 is a repeat of 15.2.3.2(i)

- *Boundary treatment.*
- *Easements for access and services.*

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Matters of control

The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses.

The location of the boundaries is only being adjusted slightly to include a shelterbelt within Lot 3 and change the access realignment. The change in the boundary location is only very slight and will not result in changes to the landscape nor will result in an effect to the existing buildings contained within Lot 20. This is a logical adjustment as it follows existing vegetation and will not result in a differentiation of a new boundary. A ROW is proposed instead of the existing unformed access. This ROW follows an existing formed farm track so will avoid landscape effects as avoids the need to form another track in a different location.

Boundary treatment.

No boundary treatment is proposed or considered necessary as mentioned above the boundary following existing shelterbelts.

Easements for access and services.

A new ROW is sought as the existing unformed legal access is being absorbed into Lot 20. The new ROW will provide legal access to Eastburn Road. This will not be formed at this time.

6.2 Objectives and Policies of the Operative District Plan

The objectives and policies from Chapter 4 – District Wide Issues, Chapter 5 – Rural General and Chapter 15 – Subdivision were reviewed during the preparation of this report. It is considered that the proposal is not contrary to any of the objectives and policies outlined in Chapter 4 and 15 of the operative QLDC and as such these have not been assessed. The Objectives and Policies of direct relevance within Chapter 5 have been outlined below:

6.2.1 Rural General Objectives and Policies

Objective 1 – Character and Landscape Values

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

Policies

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General zone*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District*
- 1.7 *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 will not result in adverse effects to the landscape values and character of the site. The slight change in boundaries and moving the boundary from one side of the tree line to the other will not result in discernible adverse effects on the environment. As such it is considered that the proposal is consistent with Objective 1 listed above.

6.3 Objectives and Policies of the Proposed District Plan

The proposed Queenstown Lakes District Plan was notified on the 26 August 2015. Within the proposed plan the site is zoned Rural Zone. The provisions of the proposed plan should be weighted at a broad scale given the Plan Notification is still in its early stages. The Objectives and Policies within the proposed plan that are of relevance to this application can be found in Chapter 21 – Rural and Chapter 27 – Subdivision and Development. It is considered that the proposal is consistent with the objectives and policies of relevance for the rural zone which are similar to those within the operative plan.

6.3.1 Subdivision Objectives and Policies

Objective 27.2.8

Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate, provide exemptions from the requirement of esplanade reserves

Policy:

27.2.8.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

- *The location of the proposed boundaries;*
- *In rural areas, the location of boundaries with regard to approved residential building platforms;*
- *Boundary treatment;*
- *Easements for access and services*

The proposed boundary adjustment has been assessed against the above matters. Upon assessment of these matters it is considered the new boundary locations are appropriate and will not result in adverse effects or any effects to the existing buildings within Lot 20. Any effects will be negligible compared to the existing environment.

6.4 Section 106 of the RMA

Section 106 enables QLDC to decline subdivision applications where there is no legal access or where risk to people or land from natural hazards is of particular concern. In this case, the proposed allotments will be provided with legal and physical access and there will be no increased risk to people or land from any natural hazard (on the basis that the proposal does not create any additional allotments or building platforms).

6.5 Part 2 of the RMA

The proposal will facilitate the alteration of the boundaries without resulting in any adverse environmental effects. Accordingly, it is considered that the purpose of the Act (section 5) will be best served by the granting of this consent application, subject to conditions.

The proposal is consistent with Section 6 and in particular the protection of outstanding natural landscapes as the adjustment of the boundaries does not affect nor occur on the land that holds this classification. Section 7 (other matters); and section 8 (Treaty of Waitangi) are considered relevant to the assessment of this application. This is because the proposal has an indiscernible effect on people's ability to enable or restrict the use of natural and physical resources.

7.0 SUMMARY

The proposed boundary adjustment is a controlled activity under the operative district plan. Upon assessment of the relevant matters it is considered the subdivision is appropriate. The boundary adjustment will not result in or facilitate any discernible adverse effects on the environment. The proposed boundary adjustment will be internalised and will not result in any effects that go beyond the existing site. Overall it is considered appropriate to grant consent (subject to conditions) on a non-notified basis.

APPENDIX 3 – ENGINEERING COMMENT

ENGINEERING REPORT

TO: Tim Anderson

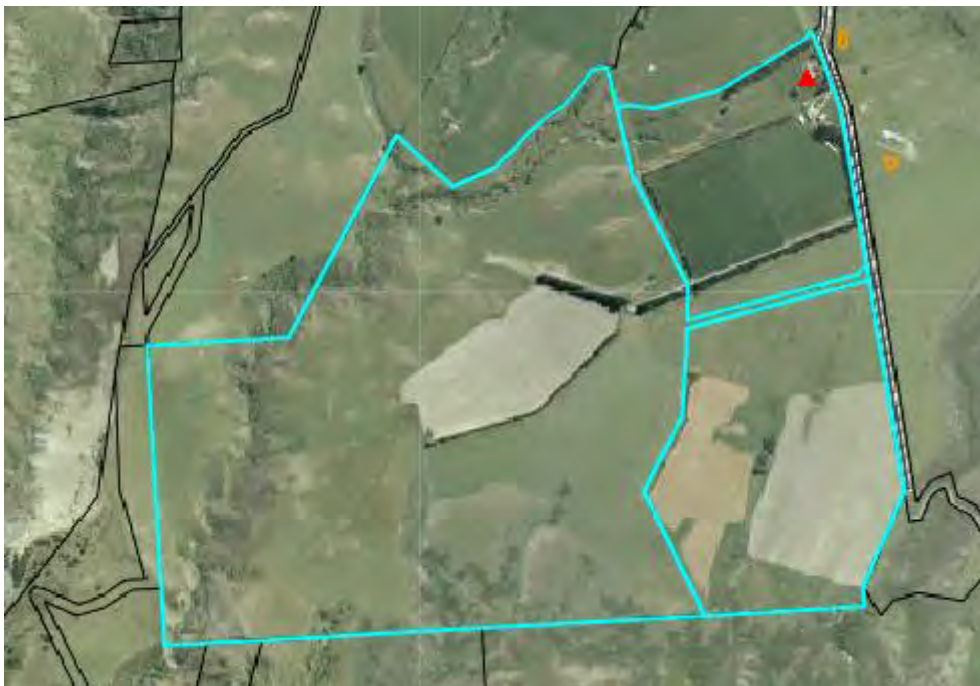
FROM: Warren Vermaas

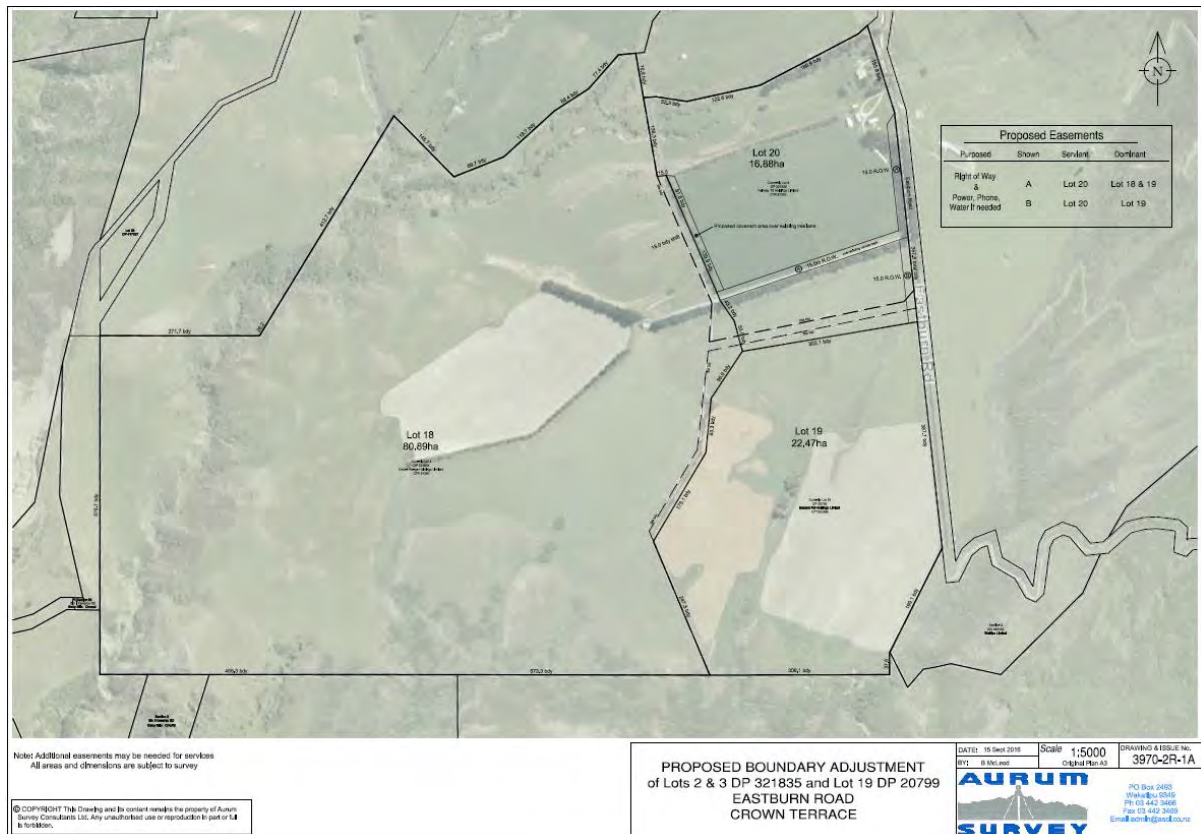
DATE: 13/10/2016

APPLICATION DETAILS	
REFERENCE	RM160880
APPLICANT	Fairway 13 Holdings Ltd, Basset Road Holdings Ltd and Crown Range Holdings Ltd
APPLICATION TYPE & DESCRIPTION	SUBDIVISION to undertake a boundary adjustment.
ADDRESS	Eastbourne Road
ZONING	Rural general
LEGAL DESCRIPTION	Lot 2 DP 321835, Lot 3 DP 321835 and Lot 19 DP 20799
SITE AREA	119 Ha
ACTIVITY STATUS	Controlled

Application	Reference Documents	Consent Application.
	Previous Relevant Consents	RM020843 – Boundary adjustment which created Lot 2 and Lot 3 DP 321835 and amended the boundary of the adjoining Lot that is owned by Royalburn Farming Company Limited.
	Date of site visit	None

Site Location Diagram





The proposed boundary adjustment

Comments		
SITE DETAILS	Existing Use	Large rural lot with existing buildings containing construction depots for contacting companies Downers and Central Machine Hire.
	Neighbours	The Ballantyne Road industrial area is located to the southwest, Wanaka Maze and rural dwellings to the northeast and the Three Parks North site and the Wanaka Sports Facility are located to the northeast.
	Topography/Aspect	The topography is undulating
	Water Bodies	Nil

ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Means of Access	All existing lots gain access directly from Eastburn Road, off the Crown Range Road. The proposed boundary adjustment will involve moving the existing unformed legal access for existing Lot 3, proposed Lot 18, northwards by approximately 50m to align with an existing formed access from eastburn Road. Right of way easements are proposed to proposed Lots 19 & 20 from the RoW. . I recommend a condition to ensure that the proposed easements as found on the <i>Proposed Boundary Adjustment of Lots 2 & 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace</i> drawing provided by Aurum Survey are granted or reserved.	X
		Vehicle crossing		

SERVICES	Existing Services		The proposed boundary adjustment will not affect any of the existing services to the existing cottage on Lot 2 DP 321835. New easements for power, telecommunications and a ROW have been proposed as mentioned above. I recommend a condition to ensure that this easement is reflected on and is	X
	Water	Potable		
		Fire-fighting		

	Effluent Disposal	carried forward as part of the new title documentation.	
	Stormwater		
	Power & Telecoms		

1.0 **RECOMMENDED CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

To be completed before Council approval of the Survey Plan

1. 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

Prepared by:

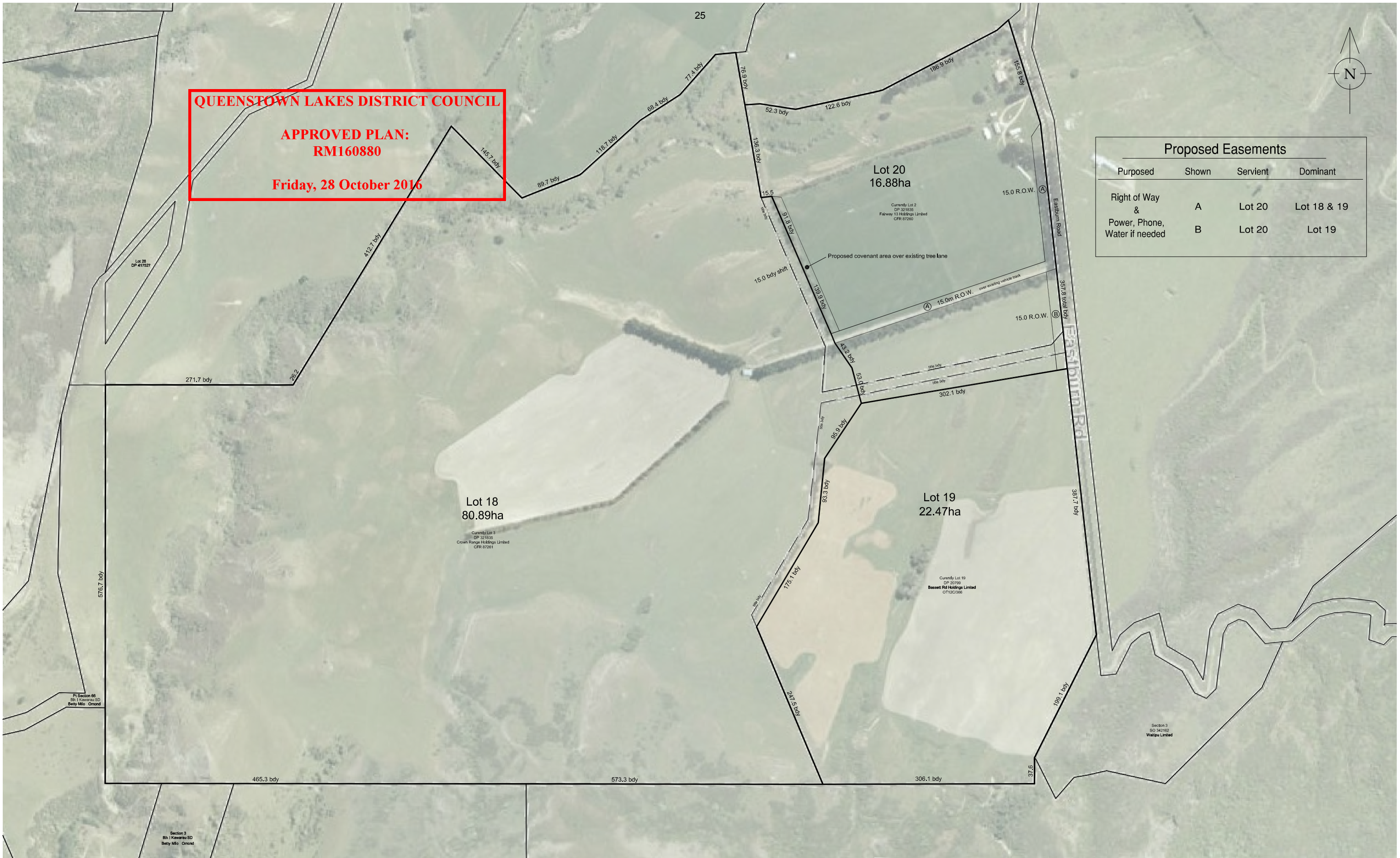
Reviewed by:



Warren Vermaas
RESOURCE MANAGEMENT ENGINEER



Michael Wardill
RESOURCE MANAGEMENT ENGINEER




Note: Additional easements may be needed for services
All areas and dimensions are subject to survey

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

PROPOSED BOUNDARY ADJUSTMENT
of Lots 2 & 3 DP 321835 and Lot 19 DP 20799
EASTBURN ROAD
CROWN TERRACE

DATE: 15 Sept 2016	Scale 1:5000 Original Plan A3	DRAWING & ISSUE No. 3970-2R-1A
BY: B McLeod		



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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

CHANGE OF CONDITIONS – SECTION 127

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Crown Range Holdings Limited, Bassett Rd Holdings Limited, and MW & S Lawn
RM reference:	RM171236
Application:	Application under section 127 of the Resource Management Act 1991 (RMA) to change Condition 1 of resource consent RM160880 for a subdivision boundary adjustment between Lot 2 Deposited Plan 321835, Lot 3 Deposited Plan 321835 and Lot 19 Deposited Plan 20799.
Location:	108 Eastburn Road, Crown Terrace
Legal Description:	Lot 2 Deposited Plan 321835 held in Computer Freehold register 87260, Lot 3 Deposited Plan 321835 held in Computer Freehold Register 87261, and Lot 19 Deposited Plan 20799 held in Computer Freehold Register OT12C/366
Operative Zoning:	Rural General
Proposed Zoning:	Rural
Activity Status:	Discretionary
Decision Date:	13 December 2017

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Erin Stagg, Senior Planner, on 13 December 2017 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to the change to conditions outlined in Section 7.4 of this decision. An updated set of conditions of RM160880 is provided in Appendix 1 of this decision. The consent only applies if the conditions outlined are met. 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 Erin Stagg, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Proposal

Consent is sought under section 127 of the RMA to change condition 1 of resource consent RM160880 which was granted on 2 November 2016 to undertake a boundary adjustment subdivision.

The proposal is to amend condition 1 of RM160880 as follows (changes shown in **bold underline** and **strikethrough**)

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Boundary Adjustment of Lots 2 and 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace, **Drawing 3970-2R-1B**' prepared by Aurum Survey, dated ~~15.09.2016~~ **31 October 2017**

stamped as approved on ~~28-October-2016~~ **13 December 2017**

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

The variation is sought to enable the:

- Boundary between proposed Lots 18 and 20 to be relocated 8m to the east so that an existing line of trees are included in their entirety within proposed Lot 18; and
- Boundary between proposed Lots 19 and 20 to be relocated slightly to the south so that the resultant area of proposed Lot 20 (16.45ha) is similar to the current title (Lot 2 DP 321835).

A summary of the existing and proposed lot areas is provided in the table below. No change to the number of buildings on any of the lots will occur as a result of the proposed variation.

Existing legal description	Existing area	Proposed description	Area approved under RM160880	Area proposed in this variation application	Change in proposed area from existing area	Comment
Lot 3 DP 321835	80.068ha	Lot 18	80.89ha	81.47ha	Increase by 1.402ha	Farmland, no buildings
Lot 2 DP 321835	16.4462ha	Lot 20	16.88ha	16.45ha	Decrease by 0.0038ha	Contains existing farm buildings and sheds
Lot 19 DP 20799	23.6735ha	Lot 19	22.47ha	22.32ha	Decrease by 1.3535ha	Farmland, no buildings

There are no instruments on the respective titles that are affected by the proposal.

The applicant has provided a description of the proposal, the site and locality and the relevant site history in the report entitled '*Assessment of Effects on the Environment, Changes to Approved Subdivision Plan Eastburn Road, Crown Terrace*', prepared by Annemarie Townsley of John Edmonds, & Associates, and submitted as part of the application (hereon referred to as the Applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

The proposal can be assessed under section 127 as it is considered to be a change to conditions, and is not a change to the activity.

Relevant Site History

On 30 November 2016, the Council received an application (Resource Consent RM161179) for Lot 3 DP 321835 to undertake a subdivision to create eight lots, each with a residential building platform and 'farm building platforms' on two of the lots. The application was notified on 8 February 2017, with one submission received from a Mr T Edney. Application was declined on 20 October 2017 and appealed on 31 October 2017.

Before the hearing, adjacent Lot 2 DP 321835 changed ownership - MW & S Lawn purchased the property from Fairway 13 Holdings Limited on the 21 August 2017. At the hearing on 15 September 2017 written approval from the owners (MW & S Lawn) of Lot 3 DP 321835 was provided.

The rights of an existing subdivision boundary adjustment that have been given effect to stay with the land title when transferred to new entities. To avoid any doubt of this applying when the subdivision boundary adjustment has not been given effect to, MW & S Lawn have provided written approval for this variation application. However, MW & S Lawn are considered applicants to this variation application and the written approval is not required.

2. ACTIVITY STATUS

2.1 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- 1 A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Condition 1 of resource consent RM160880 to undertake a boundary adjustment subdivision between Lot 2 Deposited Plan 321835, Lot 3 Deposited Plan 321835 and Lot 19 Deposited Plan 20799.

3. SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The applicant does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

Public notification is not precluded as the proposal is not a controlled activity, a restricted discretionary or discretionary subdivision or a residential activity, or a boundary activity as defined by section 87AAB.

The proposal is not a prescribed activity (95A(5)(b)(i-iv).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect is therefore made in section 4 below:

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline))*

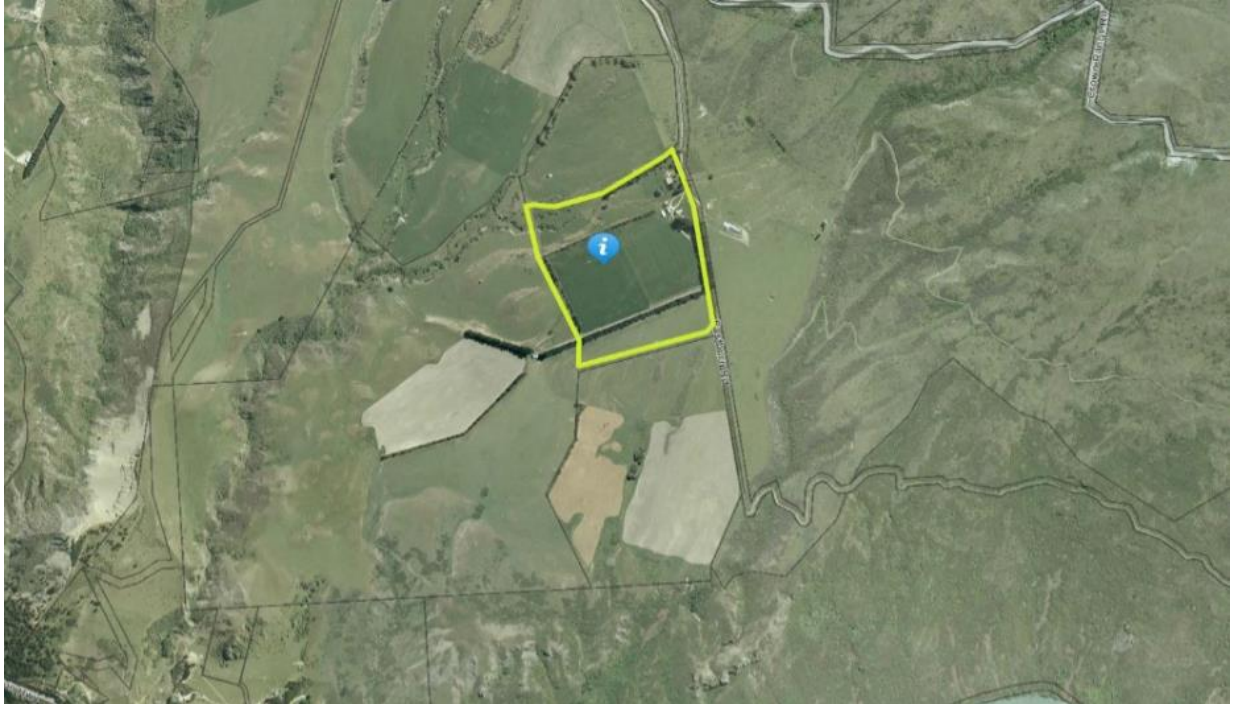


Figure 1 – Subject site Lot 2 DP 321835 (yellow outline) and surrounding properties, QLDC GIS



Figure 2 – Subject site Lot 3 DP 321835 (yellow outline) and surrounding properties, QLDC GIS



Figure 3 – Subject site Lot 19 DP 20799 (yellow outline) and surrounding properties, QLDC GIS

4.2 PERMITTED BASELINE

In this case a boundary adjustment requires resource consent, therefore there is no permitted baseline of relevance.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account Sections 4.1 and 4.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on the environment more than minor:

The relevant assessment matters are found in Section 15.2 (Subdivision) of the District Plan and have been taken into consideration in the assessment below.

The proposal is consistent with the relevant criteria for boundary adjustment subdivisions in the Rural General Zone listed in Rule 15.2.6.3(i)(bb).

The Assessment of Effects provided in Section 3.0 of the Applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

The proposed boundary adjustments are minimal and the proposal does not include any built works or changes in use. The proposed lots will essentially maintain the same size and dimensions with only:

1. a small increase in proposed Lot 18 (0.5ha from that authorised under RM160880) to enable an existing line of trees to be included entirely within proposed Lot 18 instead of being split between proposed Lots 18 and 20);
2. a small decrease in proposed Lot 20 (0.43ha from that authorised under RM160880) to enable it to remain very similar in size to the current title (Lot 2 DP 321835); and
3. a small decrease in proposed Lot 19 (0.15ha from that authorised under RM160880) as a result of the changes implemented in points 1 and 2 above.

Overall the scale of the changes to the proposed lot size are small and any effects on the environment resulting from the size and design of the proposed lots will be less than minor.

There will be no resultant changes to the number of buildings or building platforms within any of the proposed lots, or the provision of access or services to any of the proposed lots.

Any effects on the environment resulting from the proposed boundary adjustments will be contained within the subject site and will not affect any roads or public areas beyond the subject site.

Overall, the proposed boundary adjustment subdivision will result in less than minor adverse effects on the environment.

4.3 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

4.4 STEP 4 – PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES

There are no special circumstances in relation to this application.

5. EFFECTS ON PERSONS

5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.

Step 4: Further limited notification in special circumstances

Special circumstances do not apply that require limited notification.

The proposal therefore falls into the 'any other activity' category and the effects of the proposal on any persons are assessed in section 5.2 below:

5.2 ASSESSMENT: EFFECTS ON PERSONS

The following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Resource consent RM160880 was processed on a non-notified basis and no written approvals were required.

The subject site is located in a secluded rural area with a low level of residential domestication. There are no neighbours in the vicinity of the proposed boundary adjustments.

The variation does not result in a change of land use on the proposed lots. Neither are any physical changes proposed that would alter the appearance of the properties as seen from outside the site. Hence any associated adverse effects on persons are expected to be nil.

For these reasons, it is considered that the effects of the proposed variation will be less than minor on any persons.

5.3 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E and Section 127 (4) of the RMA, no person is considered to be adversely affected. Therefore, limited notification is not required.

6. OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in Sections 4.3, 4.4 and 5.3 the application is to be processed on a non-notified basis.

7. S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in Section 4 of this report.

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

The relevant objectives and policies are contained within Part 5 (Rural Areas) and Part 15 (Subdivision, Development and Financial Contributions) of the District Plan. The relevant objectives and policies ensure the provision of necessary services to the subdivided lots on the subject site in anticipation of the likely effects of land use activities on those lots. The proposal is not considered contrary to the relevant objectives and policies.

The relevant objectives and policies have been assessed in section 7.2 of RM160880. The assessment has been adopted for the purpose of this report. It is considered that the proposed variation does not result in a significantly different development outcome in terms of environmental effects in comparison to RM160880. The proposal is not considered contrary to the relevant objectives and policies.

The Proposed District Plan was publicly notified on 26 August 2015. Under the Proposed Plan the subject site retains the Rural zoning. The relevant objectives and policies are contained in Chapter 27 (Subdivision and Development). Objectives 27.2.1, 27.2.5 & 27.2.8 and their associated policies are relevant:

Objective 27.2.1	"Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play."
Policy 27.2.1.7	"Recognise there will be certain subdivision activities, such as boundary adjustments, that are undertaken only for ownership purposes and will not require the provision of services."
Objective 27.2.5	"Require infrastructure and services to be provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments."
Objective 27.2.8	"Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate, provide exemptions from the requirement of esplanade reserves."

It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage.

Notwithstanding, it is considered the proposal would be in accordance with this objective and associated policies.

7.3 PART 2 OF THE RMA

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

7.4 DECISION ON VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted** for the application by Crown Range Holdings Limited, Bassett Rd Holdings Limited, and MW & S Lawn to change Condition 1 of resource consent RM160880, such that:

- 1 Condition 1 of resource consent RM160880 is amended to read as follows (deleted text **struck-through**, added text **underlined**):

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

- 'Proposed Boundary Adjustment of Lots 2 and 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace, **Drawing 3970-2R-1B**' prepared by Aurum Survey, dated ~~15.09.2016~~ **31 October 2017**

stamped as approved on ~~28 October 2016~~ 13 December 2017

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

Advice note

- All other conditions of RM160880 shall continue to apply.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

This section 127 application itself is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

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.

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.

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.

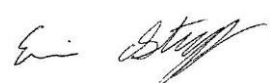
If you have any enquiries please contact the Planning Department at email enquiries@qldc.govt.nz.

Report prepared by



Loek Driesen
CONSULTANT PLANNER

Decision made by



Erin Stagg
SENIOR PLANNER

APPENDIX 1 – Updated conditions of resource consent RM160880

APPENDIX 2 – Applicant's AEE

APPENDIX 1 – UPDATED CONDITIONS OF RM160880

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Boundary Adjustment of Lots 2 and 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace, Drawing 3970-2R-1B' prepared by Aurum Survey, dated 31 October 2017

stamped as approved on 13 December 2017

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

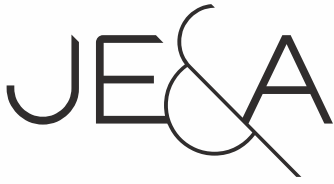
To be completed before Council approval of the Survey Plan

3. 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 before certification pursuant to 224 (c) of the Act

4. Prior to certification pursuant to section 224 (c) of the Act, the consent holder shall complete the following:
 - a) The formation of the right of way access way over Lot 20 from Eastburn Road to Lot 18 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. Passing bays/road widening shall be provided on any single lane sections of the access at no greater than 100m intervals. Provision shall be made for stormwater disposal from the carriageway.

APPENDIX 2 – APPLICANT’S AEE



Assessment of Effects on the Environment
Changes to Approved Subdivision Plan
Eastburn Road, Crown Terrace

APPLICATION FOR VARIATION TO RESOURCE CONSENT RM160880 UNDER SECTION 127 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.

No mitigation required

4. I attached within the AEE an assessment of any persons affected by the activity and any consultation undertaken.

No persons will be adversely affected.

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 Queenstown Lakes District Plan.

APPLICATION FOR VARIATION TO RESOURCE CONSENT PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991

To:

Queenstown Lakes District Council – Planning & Development
PO Box 50072, Queenstown 9348
Attention: Manager, Resource Consents

Fairway 13 Holdings Ltd, Basset Rd Holdings Ltd and Crown Range Holdings Ltd apply to vary condition 1 of RM160880 to make changes to the approved subdivision plan.

Address for Service:

John Edmonds & Associates
Attention: Annemarie Townsley
Email: annemarie@jea.co.nz
Phone: 021 187 6575
PO Box 95, Queenstown 9348

Address for Invoicing:

Crown Range Holdings Ltd
Attention: Mel Jones
Email: mel.jones@extra.co.nz
Phone: 021 920 007
PO Box 51517, Pakuranga

1.0 INTRODUCTION

1.1 Overview

Consent is sought to vary condition 1 of RM160880 to make changes to the approved plan for a boundary adjustment subdivision at Eastburn Road.

1.2 Consent History

RM160880 was granted on 2 November 2016 to subdivide Lot 3 DP 321835, Lot 2 DP 321835 and Lot 19 DP 20799 (each held in a separate Certificate of Title) into three new lots: proposed Lots 18 – 20. Although no new titles were to be created, the proposal did not meet the criteria for a boundary adjustment subdivision in the Rural General Zone under the operative District Plan, as proposed Lot 19 was to be reduced in area by approximately 1.2ha and would not contain any buildings or building platforms. The proposal was therefore assessed as a non-complying subdivision activity.

1.3 The Site

The site is located at 108 Eastburn Road on the Crown Terrace. The site is legally described as Lot 3 DP 321835 (80.068 hectares), Lot 2 DP 32183 (16.4462 hectares) and Lot 19 DP 20799 (23.6735 hectares). These are held in Computer Freehold Registers (CFRs) 87261, 87260 and OT12C/366 respectively, which are included as Attachment A.

CFRs 87261 and OT12C/366 have a land covenant registered on them (Instrument 5665130.4). This is a private covenant with Royalburn Farming Company Limited that is not relevant to this application.



Figure 1: Aerial View of the Site (source: QLDC GIS)

Lot 3 is a large irregular shaped lot with an unformed legal access onto Eastburn Road. Lot 3 is currently farmed with the adjoining lots (Lot 2 and Lot 19) that together make up Eastburn Station. The site is pastoral in character with large mature shelterbelts dividing paddocks.

The site is accessed from Eastburn Road off the Crown Range Road. Eastburn Road is formed to provide access to the existing cottage and the farm sheds. These buildings are clustered around the north western corner of Lot 2 DP 321835. Beyond the sheds to the south the road is an unformed paper road consisting of a farm track.

The site is zoned Rural General and is predominantly classified as a Visual Amenity Landscape with some areas of the site being Outstanding Natural Landscape.

Under the Proposed District Plan the site is zoned Rural with the predominant site being identified as Rural Landscape Classification ('RCL') and a portion of the site is classified as Outstanding Natural Landscape.

1.4 Description of the Proposal

It is proposed to make minor adjustments to the approved boundaries of proposed Lots 18 – 20 as follows:

- The boundary between Lot 18 and Lot 20 will be shifted a further 8m to the east so that an existing line of trees will be included entirely within Lot 18.

- The boundary between Lot 19 and Lot 20 will be shifted slightly to the south so that the resultant area of Lot 20 (16.45ha) is similar to the current title (Lot 2 DP 321835).

Please refer to the revised plan of subdivision, which is included as Attachment B.

A summary of the existing and proposed lot areas is provided in the table below:

Existing legal description	Existing area	Proposed description	Area approved under RM160880	Area proposed in variation	Comment
Lot 3 DP 321835	80.068ha	Lot 18	80.89ha	81.47ha	Farmland, no buildings
Lot 2 DP 321835	16.4462ha	Lot 20	16.88ha	16.45ha	Contains existing farm buildings and sheds
Lot 19 DP 20799	23.6735ha	Lot 19	22.47ha	22.32ha	Farmland, no buildings

There will be no change to the number of buildings on any of the lots as a result of the proposed variation. Lot 18 will increase in area by approximately 1.4ha, Lot 19 will reduce in area by approximately 1.35ha, and the area of Lot 20 will remain at approximately 16.45ha, compared the current titles.

To provide for the changes outlined above, it is proposed to vary condition 1 of RM160880 as follows (deletions in strikethrough, additions in bold underline):

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Boundary Adjustment of Lots 2 and 3 DP 321835 and Lot 19 DP 20799 Eastburn Road Crown Terrace' prepared by Aurum Survey, dated ~~15-09-2016~~ **31 Oct 2017**
stamped as approved on ~~28-October-2016~~ **XX XX 2017** and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2.0 DISTRICT PLAN REQUIREMENTS

2.1 Proposed District Plan

The QLDC's Proposed District Plan (PDP) was notified on 26 August 2015. The site is located within the Rural Zone under the PDP.

2.2 Operative District Plan Provisions

The site is zoned Rural General in the operative Queenstown Lakes District Plan (QLDP).

2.3 Consents Required and Status of the Activity

Consent is required for a **discretionary** activity pursuant to Section 127(1) of the Resource Management Act to vary condition 1 of subdivision resource consent RM160880.

3.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 Proposed Boundaries

Small adjustments are proposed to the boundaries approved under RM160880. There will be no resultant changes to the number of buildings or building platforms within any of the lots.

Proposed Lot 19 will reduce in area by approximately 1.35ha, compared to the decrease of 1.2ha approved under RM160880. This will not affect the use of the site, which will continue to be farmed with the other lots.

There will be no changes in regard to the provision of access or services to any of the lots.

Overall, the changes to the size and dimensions of the proposed lots will have negligible effects on the environment.

3.2 Effects on Persons

There are no neighbours in the vicinity of the proposed changes to the title boundaries. No persons will be adversely affected.

4.0 SECTION 104(1)(B) CONSIDERATIONS

104 Consideration of applications

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

In addition to the Assessment of Effects above, the objectives and policies of the operative and proposed District Plan are relevant to the consideration of this application.

4.1 Objectives and Policies of the Operative and Proposed District Plans

The operative QLDP includes objectives and policies in Section 4 – District Wide Issues, Section 5 – Rural Areas and Section 15 – Subdivision, Development and Financial Contributions which relate to subdivision and development in the Rural General Zone. For the reasons outlined in the above Assessment of Effects, the varied proposal is not contrary to these provisions, which seek to protect the character and landscape values of the rural area.

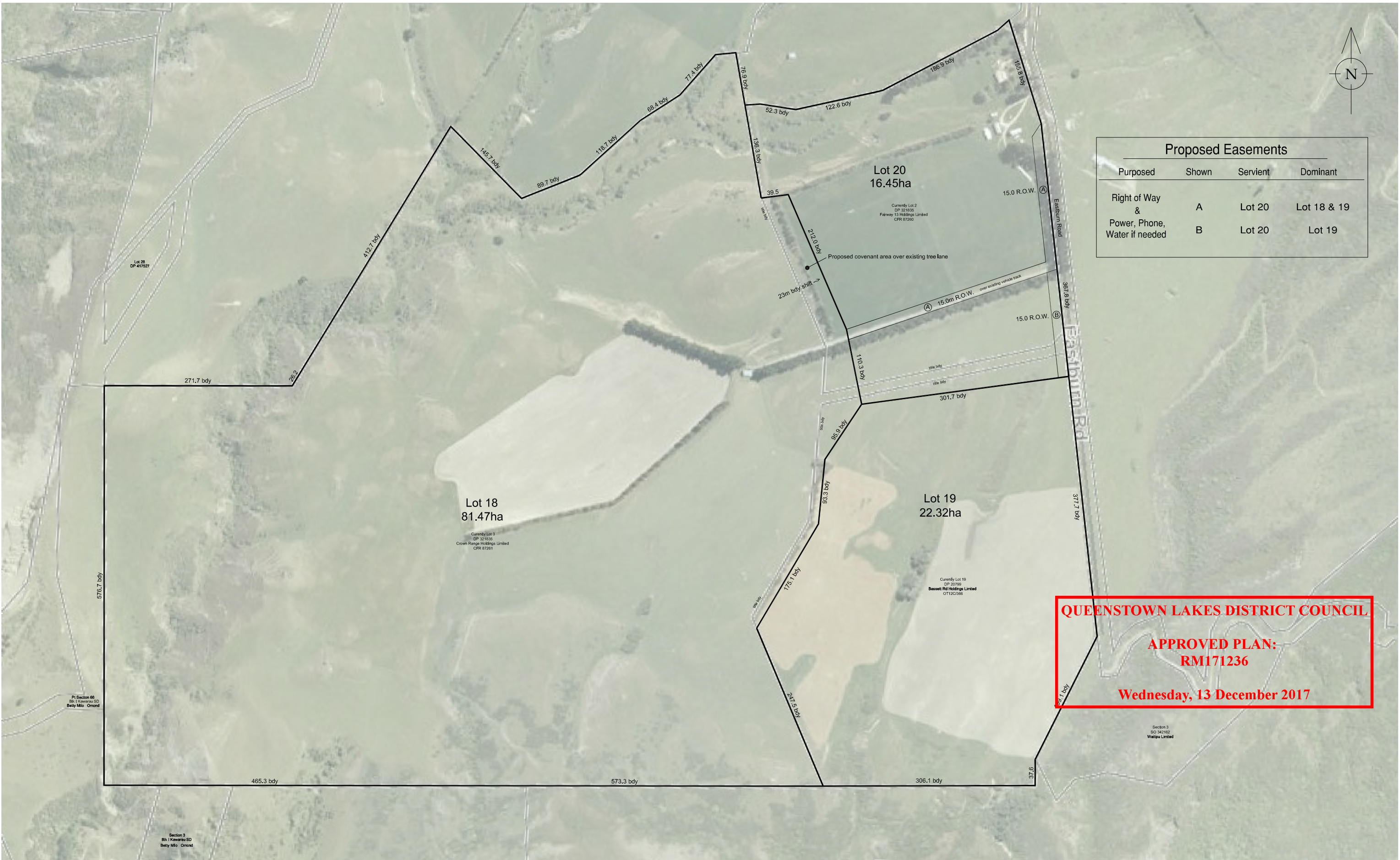
The PDP includes and objective and associated policies to facilitate boundary adjustments. The proposal will remain consistent with these provisions as it will not affect any approved residential building platforms or easements for access and services.

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

The proposal provides for the sustainable management of natural and physical resources in accordance with the purpose of Part 2 of the Resource Management Act 1991. It does not affect any of the matters of national importance outlined in Section 6. In regard to the other matters specified in Section 7, the proposal provides for the efficient and practical use of the land resource, while maintaining the quality of the existing environment.

6.0 SUMMARY

Minor adjustments are proposed to the subdivision approved under RM160880. The proposed changes will not have any adverse effects on the environment, or on any persons. The proposal will be consistent with the objectives and policies of the operative and proposed District Plans.



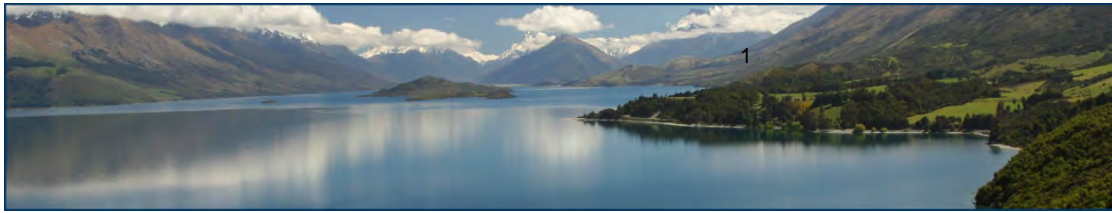
Note: Additional easements may be needed for services
All areas and dimensions are subject to survey

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PROPOSED BOUNDARY ADJUSTMENT
of Lots 2 & 3 DP 321835 and Lot 19 DP 20799
EASTBURN ROAD
CROWN TERRACE

DATE: 31 Oct 2017	Scale 1:5000 Original Plan A3	DRAWING & ISSUE No. 3970-2R-1B
BY: B McLeod		

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



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

CANCEL CONSENT NOTICE CONDITIONS – SECTION 221

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Martin Lawn
RM reference:	RM180960
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for a boundary adjustment subdivision between two Records of Title.</p> <p>Application under Section 221 of the RMA to cancel the Consent Notice imposed by RM161179 as varied by RM190413, as it relates to Lot 5 Deposited Plan 532665.</p>
Location:	Eastburn Road, Crown Terrace
Legal Description:	Lot 2 Deposited Plan 321835 held in Record of Title 87260 Lot 3 Deposited Plan 321835 held in Record of Title 87261 Lot 19 Deposited Plan 20799 held in Record of Title OT12C/366
OPD Zoning:	Rural General Zone
PDP Zoning:	Wakatipu Basin Rural Amenity Zone Rural Zone
Activity Status:	Non-complying
Decision Date:	23 December 2019

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of this report. This decision is made by Alana Standish, Team Leader – Resource Consents, on 23 December 2019 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the RMA. This consent can only be implemented if the conditions are complied with by the consent holder.
3. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to cancel the Consent Notice imposed by RM161179 as varied by RM190413, as it relates to Lot 5 Deposited Plan 532665, as outlined in Section 6.7 of this decision. The consent only applies if the conditions outlined are met.
4. 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 Alana Standish, Team Leader – Resource Consents, as delegate for the Council.

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake a boundary adjustment subdivision between two Records of Title at Eastburn Road, Crown Terrace. The land subject to this application is presently held in the three records of title detailed below and depicted in Figure 1. The land is zoned Rural General under the Operative District Plan (part Visual Amenity Landscape and part Outstanding Natural Landscape). Under the Proposed District Plan the land is part zoned Rural (Outstanding Natural Landscape) and part zoned Wakatipu Basin Rural Amenity Zone (Landscape Character Unit 20).

- Lot 2 Deposited Plan 321835 held in Record of Title 87260.
- Lot 3 Deposited Plan 321835 held in Record of Title 87261.
- Lot 19 Deposited Plan 20799 held in Record of Title OT12C/366.

In short, as detailed below, the application is specifically seeking to undertake a boundary adjustment subdivision between proposed Lot 5 and proposed Lot 20 of LT 532665 which will result from SD160880 referenced below.

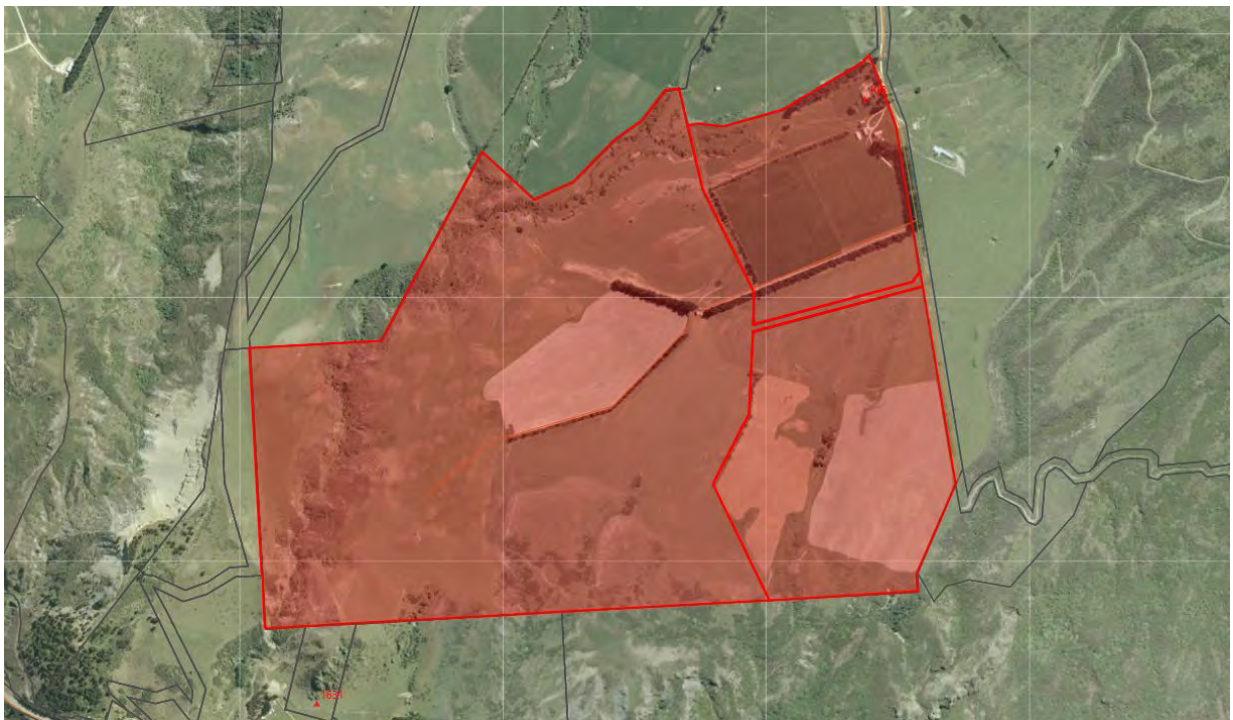


Figure 1: Aerial photograph detailing subject site and surrounds

The applicant has provided a description of the proposal, site description and the site and consent history in the report entitled '*INFORMATION PERTAINING TO AN APPLICATION FOR RESOURCE CONSENT*' prepared by Daniel Batchelor, Licensed Cadastral Surveyor of Aurum Survey Consultants, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as *Appendix 2*). This description is generally considered accurate and is adopted for the purpose of this report with the additions below:

Relevant Site History

RM160880: Resource consent RM160880 was granted on 2 November 2016 for a boundary adjustment subdivision between three Records of Title.

RM171236: Resource consent RM171236 was granted on 13 December 2017 for a variation to RM160880 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations.

- RM161179: Resource consent RM161179 was granted on 16 February 2018 by Consent Order of the Environment Court (ENV-2017-CHC-85) approving the subdivision of the subject site into 8 allotments, each with a residential building platform and a farm building platforms on Lots 5 and 8. Resource consent RM161179 also granted consent to relocate a farm building and to undertake earthworks on a HAIL site. This application included the imposition of consent notice restrictions of proposed Lots 1 – 8 of that subdivision.
- RM190413: Resource consent RM190413 was granted on 10 June 2019 for a variation to RM161179 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations, building platform design and landscaping.

All of the abovementioned applications are being given effect to simultaneously. A single application, referenced SD160880, has been made to Council's Subdivision Team to encompass each of the proposals. On 4 October 2019 Council undertook certification in accordance with Section 223 of the RMA to approve the associated survey plan, LT 532665.

Subsequent certification in accordance with Section 224(c) of the RMA is anticipated in the near future; at the time of writing this report the applicants are working towards meeting all of the conditions of the aforementioned applications. Therefore, Records of Title are yet to deposit for the above subdivisions.

The proposed boundary adjustment outlined in this application will not be able to be undertaken until Records of Title are deposited for the above subdivision (LT 532665).

Consent Notice Cancellation

This application is also seeking consent to cancel the consent notice that will be created when the above subdivision plans are deposited, being the consent notice imposed by RM161179 as varied by RM190413, as it relates to Lot 5 of LT 532665.

If left to draw down through this boundary adjustment, the consent notice would not reflect the final subdivision design and unnecessary restrictions would be imposed on part of proposed Lot 20. That area is currently consented to be Lot 20 of LT 532665 (Lot 20 of RM160880 as varied by RM171236), being an area of land excluded from the decision granted under ENV-2017-CHC-85 (RM161179 as varied by RM190413).

New consent notices reflecting the previously approved restrictions are proposed through this application to ensure all of those aforementioned conditions are carried down to the areas of land intended to be restricted in the decision granted under ENV-2017-CHC-85.

In this instance, it is considered that the cancellation of the consent notice and the subsequent creation of a new, updated consent notice is more appropriate than a consent notice variation. The primary reason for such an approach is that, at the time of writing this report, the consent notice in question has not been created yet. Records of Title for the above subdivision (LT 532655) are yet to deposit and therefore final consent notice wording has not been confirmed, so cannot be varied with utter confidence.

2. ACTIVITY STATUS

The proposal requires consent for the following reasons:

2.1 OPERATIVE DISTRICT PLAN (ODP)

The subject site is zoned Rural General in the ODP.

For the avoidance of doubt, the following rules are relevant to the application, but are treated as inoperative under Section 86F of the RMA:

- A **non-complying** activity pursuant to Rule 15.2.3.4 (i) for any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a Non-Complying Subdivision Activity. In this instance, the proposal breaches the Zone Standard listed in Rule 15.2.6.3 (i) (bb) in relation to the standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone which are:
 - (i) Each of the lots must have a separate Certificate of Title; and
 - (ii) Any approved residential building platform must be retained in its approved location; and
 - (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
 - (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
 - (v) There must be no change in the number of non-residential buildings per lot; and
 - (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
 - (vii) No additional saleable lots shall be created.

The proposal fails to comply with the provision set out in (v) above as the shed located within the approved farm building platform on Lot 5 of LT 532665 will be transferred to proposed Lot 20.

2.2 PROPOSED DISTRICT PLAN (PDP)

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 7 May 2018. The subject site was not zoned by the Stage 1 Decisions Version 2018, with the Wakatipu Basin decisions being deferred to Stage 2.

Council notified its decisions on Stage 2 of the Proposed District Plan (**Stage 2 Decisions Version 2019**) on 21 March 2019. The subject site is zoned part Rural Zone (Outstanding Natural Landscape) and part Wakatipu Basin Rural Amenity Zone (Landscape Character Unit 20) within the Stage 2 Decisions Version 2019.

Council notified Stage 3 of the Proposed District Plan (**Stage 3 and 3b Notified Version**) on 19 September 2019 (Stage 3) and 31 October 2019 (Stage 3b). In this case, the application does not trigger any rules that have immediate legal effect.

The proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **discretionary** activity pursuant to Rule 27.5.11 for all subdivision activities located in the Rural Zone. Part of the subject site is located within the Rural Zone. As the application does not wholly meet the boundary adjustment standards in Rule 27.5.3 the application must be considered as a subdivision and the Discretionary regime applies for the Rural zoned part of the site.

Rules that have legal effect under s86B(1) but are not yet treated as operative are:

- A **restricted discretionary** activity resource consent pursuant to Rule 27.5.9 for all subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct. The matters in respect of which Council has reserved discretion are:
 - a. Location of building platforms and accessways;
 - b. Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;
 - c. Location, scale and extent of landform modification, and retaining structures;
 - d. Property access and roading;
 - e. Esplanade provision;
 - f. Natural and other hazards;
 - g. Firefighting water supply and access;
 - h. Water supply;

- i. Network utility services, energy supply and telecommunications;
 - j. Open space and recreation provision;
 - k. Ecological and natural landscape features;
 - l. Historic Heritage features;
 - m. Easements;
 - n. Vegetation removal, and proposed planting;
 - o. Fencing and gates;
 - p. Wastewater and stormwater management;
 - q. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;
 - r. Adverse cumulative impacts on ecosystem services and nature conservation values.
- A **non-complying** activity pursuant to Rule 27.5.19 for subdivision that does not comply with the minimum lot areas specified in Part 27.6 of the Proposed District Plan.

Part 27.6 states the minimum lot area for sites within the Wakatipu Basin Rural Amenity Zone is 80ha. The proposal fails to meet this standard.

2.3 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reason:

- A **discretionary** activity consent pursuant to 87B in accordance with Section 221 of the RMA which specifies a change to/cancellation of a consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132.

It is proposed to cancel the conditions of the Consent Notice imposed by RM161179 as varied by RM190413, as they relate to proposed Lot 5 Deposited Plan 532665, to ensure the restrictions do not draw down to the balance of proposed Lot 20 (Lot 20 Deposited Plan 532665).

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

Based on the applicant's review of both Council records and the Otago Regional Councils records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

2.5 OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **non-complying** activity.

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not mandatory as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a subdivision or residential activity that is a restricted discretionary or discretionary activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)(i)-(iii)).

The proposal is not a prescribed activity (s95A(5)(b)(iv)).

Therefore, public notification is not precluded by Step 2.

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertake, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must be disregarded (s95D(a)-(e))

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *Trade competition and the effects of trade competition (s95D(d)).*
- C: *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Melvin Jones, Director of Crown Range Holdings Limited	Registered Owner of Lot 3 Deposited Plan 321835
Melvin Jones, Director of Bassett Rd Holdings Limited	Registered Owner of Lot 19 Deposited Plan 20799
Duane Ingley	Future owner of proposed Lot 5

3.3.2 Effects that may be disregarded – Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case, there is no applicable permitted baseline as all subdivision activity requires resource consent.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The assessment of effects on the environment below has been considered in accordance with the relevant assessment matters in both the Operative and Proposed District Plan.

Lot Sizes and Dimensions

The application proposes to undertake a boundary adjustment between two Records of Title, being proposed Lot 5 and proposed Lot 20 of LT 532665. Proposed Lot 5 in this application will be approximately 4.88ha in area while proposed Lot 20 in this application will be 34.72ha in area.

The proposal will have no bearing on the continuation of the existing or approved land uses undertaken on site and there is no intention to change the use of the sites as part of this proposal. Additionally, no changes to the current boundary treatments are proposed. The new boundary lines will not result in any additional visible planting or fencing which would further delineate or reduce the current open nature of the site.

The proposed subdivision will not provide for any additional separately saleable lots or any additional development right beyond that approved by the subdivisions referenced in Section 1 above. Proposed Lot 5 will contain the residential building platform and will be of a similar size to proposed lots 2,3,4,6 and 7 of LT 532665; it will be utilised for rural residential living purposes. Proposed Lot 20 will contain the farm building platform, the balance of Lot 5 of LT532665 less proposed Lot 5 of this application and the entirety of Lot 20 of LT532665, including the existing residential and farm buildings. Aside from the existing residential activity undertaken within Lot 20 of LT532665, the balance of proposed Lot 20 will be utilised for rural purposes. Having the area in a larger, single lot will allow for a more consistent means of land management, which is considered to result in a minor positive landscape effect. There will be no adverse effects on the ONL as a result of the proposed activity outlined in this application.

Furthermore, Council's Land Development Engineer, Cam Jones, has reviewed the application and not raised any concerns in relation to the proposed activity. It was noted that the provision for access and servicing to each allotment was approved through the previous subdivision consents referenced in Section 1 above. No changes to those means of access and servicing are proposed in this application and that which is currently approved will sufficiently service the proposed lots.

Overall, the proposed lot sizes and dimensions are not considered to result in any more than minor effects on the surrounding environment.

Consent Notice Cancellation

The application proposes to cancel the Consent Notice that will be created by RM161179 as varied by RM190413, as it relates to proposed Lot 5 Deposited Plan 532665.

If left to draw down through the proposed boundary adjustment, the consent notice would not reflect the final subdivision design and unnecessary restrictions would be imposed on part of proposed Lot 20.

New consent notices reflecting the previously approved restrictions are proposed through this application to ensure all of those aforementioned conditions are carried down to the areas of land intended to be restricted in the previous consent decisions.

Overall, due to the creation of the new consent notices effectively imposing the same conditions as those of the consent being cancelled, there are not considered to be any effects resulting from the proposal to cancel the abovementioned Consent Notice.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Limited notification is not mandatory under Step 1 as the proposal does not affect protected customary rights groups, and does not affect a customary marine title group (s95B(2)).

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is determined an affected person under section 95E (s95B(3)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity, and is not a prescribed activity (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, **and** the proposal is not a prescribed activity under (s95B(7)). Therefore proposed activity falls into the 'any other activity' category (s95B(8)), and the effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing effects on Persons (S95E(2)(a)-(c))

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 3.3.2 above.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

4.3.1 [iii] Persons who have provided written approval (s95E(3))

The persons identified in Section 3.3.1 above have provided their **written approval** and as such adverse effects on these parties are disregarded for the purpose of s95E(3).

4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The proposal will have no bearing on the continuation of the existing or approved land uses undertaken on the sites and the application does not seek to change the use of the sites as part of this proposal.

The proposed subdivision will not provide for any additional separately saleable lots. Furthermore, it will not result in any physical works and therefore will not create any amenity or nuisance effects on neighbours in respect to vegetation removal or alteration of landforms. New boundary lines are not anticipated to result in any additional visible planting or fencing which would further delineate or reduce the current open nature of the site.

As there will be no physical changes to the site, and the fact that the subdivision does not generate any additional separately saleable lots, there will be no visual effects on any owners/occupiers of adjacent properties. The proposed subdivision is therefore deemed appropriate, and any potential effects of the subdivision design on people and built form will be negligible.

Overall, it is considered that the proposed boundary adjustment subdivision will not result in adverse effects on any persons that are minor or more than minor.

4.3.3 Decision: Effects on Persons (s95B(1))

In terms of section 95E of the RMA, no person is considered to be adversely affected.

4.4 Step 4 – Further Limited Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5. OVERALL NOTIFICATION DETERMINATION

In reliance on the assessment undertaken in sections 3 and 4 above, the application is to be processed on a non-notified basis.

6. S104 ASSESSMENT

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in section 3 and 4 of this report. Conditions of consent can be imposed under s220 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

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

Operative District Plan

The subject site is zoned Rural General Zone within the Operative District Plan.

The relevant objectives and policies are contained within Section 15 – Subdivision, Development and Financial Contributions of the Operative District Plan.

The applicant has provided an assessment against the relevant objectives and policies of the Operative District Plan within Section A.3.1.2 of the applicant's AEE. This is considered accurate and is therefore adopted for the purpose of this report

The proposal is considered consistent with and not contrary to the objectives and policies of the Operative District Plan.

Proposed District Plan

The subject site is zoned part Rural Zone and part Wakatipu Basin Rural Amenity Zone within the Proposed District Plan.

The relevant objectives and policies are contained within Chapter 27 – Subdivision and Development of the Proposed District Plan.

The applicant has provided an assessment against the relevant objectives and policies of the Proposed District Plan within Section A.3.1.3 of the applicant's AEE. This is considered accurate and is therefore adopted for the purpose of this report.

The proposal is considered consistent with and not contrary to the objectives and policies of the Proposed District Plan.

Operative District Plan and Proposed District Plan Weighting

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant objectives and policies of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

6.4 SECTION 106 FOR SUBDIVISIONS

Section 106 of the RMA states that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

Parts of the subject site are identified on QLDC hazard maps as being located within identified alluvial fans. The risk of natural hazards was identified and addressed under the previous subdivisions of the site; conditions of the consents referenced in Section 1 above were considered to appropriately mitigate the potential risks associated with the alluvial fan hazard and risk of flooding. This boundary adjustment will not accelerate material damage from natural hazards beyond that already consented on site.

In this case, each of the proposed allotments will have legal and physical access. That means of access has been established by the underlying subdivision and will not change as a result of the proposed activity.

It is considered there is no reason to refuse consent under s.106 given that the land is not likely to be subject to, or likely to accelerate material damage from natural hazards and sufficient provision has been made for legal and physical access to each allotment.

6.5 PART 2 OF THE RMA

Part 2 of the RMA outlines that the purpose of the Act is to promote the sustainable management of natural and physical resources. As detailed below, the proposed activity is considered to align with the Purpose and Principles set out in Part 2 of the RMA.

The proposed activity will result in sustainable management of natural and physical resources, whilst not affecting the life supporting capacity of air, water, soil and ecosystems. The development avoids adverse effects on the environment through a number of mitigation measures.

Section 6 details matters of national importance to be recognised and provided for. Of relevance to this application are the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. An assessment of the application with respect to the effects on outstanding natural landscapes is included in Sections 3 and 4 above.

Section 7 provides other matters that Council shall have particular regard to. Of relevance to this application are *the maintenance and enhancement of amenity values*. Amenity values are defined in the Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. An assessment of the application with respect to the amenity values of the environment is included in Sections 3 and 4 above.

Section 8 of the RMA relates to the principles of the Treaty of Waitangi. There are no matters pertaining to the Treaty of Waitangi that are of concern for this application.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

6.6 DECISION 1 ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** for a boundary adjustment subdivision between two Records of Title, subject to the conditions outlined in *Appendix 1* of this decision imposed pursuant to Section 220 of the RMA.

6.7 DECISION 2 ON THE APPLICATION PURSUANT TO SECTION 221 OF THE RMA

Pursuant to section 104 of the RMA, consent is **granted** to cancel the Consent Notice imposed by RM161179 as varied by RM190413, in its entirety, as it relates to Lot 5 Deposited Plan 532665.

At the time the Consent Notice authorised by subdivision consent RM180960 is created, the consent holder shall cancel the Consent Notice Instrument, created by RM161179 as varied by RM190413, on Lot 5 Deposited Plan 532665. All costs shall be borne by the consent holder, including any fees by Council Solicitors.

7.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

It is noted that while this boundary adjustment application does not trigger the requirement for a development contribution, the future installation of service connections may trigger the requirement for development contributions.

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.

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 if all conditions have been met.

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

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 Jacob Neaves on phone (03) 450 9105 or email jacob.neaves@qldc.govt.nz

Report prepared by



Jacob Neaves
PLANNER

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Applicant's AEE

Decision made by



Alana Standish
TEAM LEADER – RESOURCE CONSENTS

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plan:
 - *Proposed Boundary Adjustment Lot 20 RM160880 & Lot 5 RM161179/190413 Eastburn Road Crown Terrace.* Prepared by Aurum Survey Consultants and dated 18 November 2019. Drawing & Issue No. 4796-1R-1C.

stamped as approved on 23 December 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.

To be completed before Council approval of the Survey Plan

3. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - b) The Survey Plan shall show the location of "Area XX" on proposed Lot 20, being an area containing Lot 5 of LT 532665 (RM161179 as varied by RM190413) less proposed Lot 5 of this subdivision.

Advice Note: the above area will align with consent notice conditions to ensure they are imposed on the relevant area of land.

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

4. Prior to 224c certification, evidence shall be provided to Council that Survey Plan LT 532665 has been deposited and the associated Records of Titles have been issued. That is, a s224(c) certificate shall have been issued stating that all of the conditions of the consents have been complied with.

Advice Note: the above condition seeks to ensure that the subdivisions approved under RM160880 as varied by RM171236 and RM161179 as varied by RM190413 have been completed prior to this application proceeding. This application is reliant on those subdivisions being completed first.

Ongoing Conditions/Consent Notices

5. The following advice note and conditions of the consent shall be complied with in perpetuity and shall be registered on the proposed Lot 5 by way of Consent Notice pursuant to s.221 of the Act.

Advice Note: the plans referenced below can be sourced on the Queenstown Lakes District Council file for resource consent RM161179 as varied by RM190413.

- a) All structures including any dwelling and garage shall be contained within the Residential Building Platform (RBP) as shown on the Baxter Design Group Masterplan dated 14 December 2017.

- b) The maximum height of any building shall be 5.5m above the RL level specified in Table 1 below for each lot.

Table 1: Proposed Lot Sizes and Building Platform Details

Proposed Lot	RBP Area	RBP Height
Lot 5	1000m2	5.5m above RL 590

- c) The lot owner(s) shall retain the balance of the lot not included within the curtilage area as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.
- d) The total area of structures within the residential building platform shall not exceed 65% site coverage of the building platform.
- e) Roof claddings shall be no more than two of the following:
- a) Vegetated
 - b) Steel (corrugated or tray)
 - c) Timber or slate shingles
- f) No exotic plants with wilding potential shall be planted anywhere.
- g) There shall be no amenity planting outside of the curtilage area aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats or legume planting such as Lucerne etc.
- h) The lot owner(s) shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.

The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

- a) *Cupressus leylandii* (Leyland cypress)
 - b) *Cupressus tortulosa* (Himalayan cypress)
 - c) *Cedrus deodara* (Deodar cedar)
 - d) *Eucalyptus gunii* (Cider gum)
 - e) *Cedrus atlantica* (Atlas cedar)
- i) Any exotic tree planting within the curtilage area shown on the Masterplan (*Crown Range Holdings Ltd Masterplan* prepared by Baxter Design Reference 2542-SK13 14 December 2017) with a mature height of greater than 5m shall be taken from the list of amenity trees below.
- a) *Salix babylonica* (weeping willow)
 - b) *Cedrus deodara* (Himalayan cedar)
 - c) *x Cupressocyparis leylandii* (Leyland cypress)
 - d) *Populus nigra* (Lombardy poplar)
 - e) *Acer* species (Maple excluding sycamore)
 - f) *Quercus* sp. (Oaks)
 - g) *Ulmus* sp. (Elms)

- j) Indigenous tree planting may occur anywhere within the curtilage area shown on the approved Masterplan.
- k) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.
- l) All fencing around the residential lot, driveway, amenity planting, native regeneration area and planted areas shall be either:
 - a) timber post and rail,
 - b) waratah and wire,
 - c) deer fencing,
 - d) rabbit proof fencing.
- m) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.
- n) All exterior lighting within the residential lot shall be directed downwards and away from property boundaries, and hooded, so that light spill beyond property boundaries does not occur.
- o) All exterior lighting should be no higher than 4m above ground level and below the height of adjacent buildings. There shall be no floodlights and no lighting associated with the driveways or access onto the site.
- p) The driveway from the lot boundary to the RBP shall be formed by future owners and aligned generally as shown on the Masterplan (Attachment B).
- q) The driveway to access the RBP shall be constructed in gravel only and shall be swale edged with no kerb and channel. Timber edging to a maximum height of 300mm of driveways is permitted.
- r) Within RBP hard stand areas adjacent to buildings may be constructed of:
 - a) asphalt,
 - b) chip-seal finished with local gravels,
 - c) 'gobi' blocks
 - d) other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered residential building platform or farm building platform, with the exception of those required for firefighting purposes

- s) All outdoor structures and garden elements associated with residential use of the property shall be confined to the marked curtilage area on the Masterplan Attached as Attachment B and located no more than 10m from the primary dwelling. Such structures and garden elements include:
 - a) clothes lines
 - b) garden storage sheds (not requiring a separate resource consent),
 - c) outdoor furniture,
 - d) shade structures for outdoor living,
 - e) trampolines and commercial play structures,
 - f) swimming pool or hot tub,
 - g) paved or decked surfaces associated with outdoor living areas,
 - h) cultivated garden.

- t) All lot owner(s) are required to be part of the management organisation, mechanism or entity as required by Condition 15(i) of RM161179 as varied by RM190413. This management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organization or entity, or in the event that the management organization or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

- u) At the time that a dwelling is erected, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008), if required. The irrigation water may not be treated and should not be used for drinking.
- v) In the event that the Schedule 2A certificate issued under Condition (9) of RM161179 as varied by RM190413 contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*
- w) At the time a dwelling is erected, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system in accordance with the parameters established in the Holmes Infrastructure Design Report. The systems are to provide stormwater collection for the site and disposal of runoff from all vehicle access, parking and maneuvering areas within the site to ground soakage. No stormwater is to be discharged beyond the site boundaries.
- x) At the time a dwelling is erected, 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 secondary treatment effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the parameters established in the Holmes Infrastructure Design Report. The on-site wastewater disposal and treatment system shall provide sufficient treatment to effluent prior to discharge to land.
- y) If required under Condition (z) below a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read: "In addition to the static fire fighting storage requirement, at the time a dwelling is constructed the consent holder shall install an additional minimum 25,000 litres of onsite potable buffering storage to cater for times of peak demand.
- z) At the time a dwelling/building is erected, 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. 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 NZS 4404:2004 with amendments adopted by QLDC in 2005). 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.

aa) Wall materials for all structures shall be no more than two of the following:

- a) natural timber;
- b) painted timber;
- c) weatherboard cladding systems, similar to Linea;
- d) smooth plaster;
- e) stained plywood;
- f) local stone;
- g) corrugated iron;
- h) steel; or
- i) concrete blocks providing that it complies with colour controls.

bb) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.

cc) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with and LRV of less than 15% and greater than 5%.

6. The following advice notes and conditions of the consent shall be complied with in perpetuity and shall be registered on the proposed Lot 20 by way of Consent Notice pursuant to s.221 of the Act.

Advice Note: the following conditions shall only relate to the area shown as Area XX on DP XXXXXX, being the same area as Lot 5 of DP 532665 (RM161179 as varied by RM190413) less proposed Lot 5 of this subdivision (RM180960).

Advice Note: the plans referenced below can be sourced on the Queenstown Lakes District Council file for resource consent RM161179 as varied by RM190413.

- a) All structures including any farm building shall be contained within the Farm Building Platform (FBP) as shown on the Baxter Design Group Masterplan dated 14 December 2017.
- b) The lot owner(s) shall retain the balance of the lot not included within the FBP, Ecological Gully Area or Indigenous Vegetation Enhancement Areas as shown on the Crown Range Holdings Ltd Master Plan prepared by Baxter Design Reference 2542-SK13 Date 14 December 2017 as open pasture to be used for grazing, traditional farming such as cropping or mowing (for hay or baleage). This land shall remain free of buildings, woodlots and treecrops (for example olives, grapevines and orchards). It is noted that this shall not preclude the construction of post and wire or post and netting fences for the management of stock.
- c) Roof claddings shall be no more than two of the following:
 - a) Vegetated
 - b) Steel (corrugated or tray)
 - c) Timber or slate shingles
- d) No exotic plants with wilding potential shall be planted anywhere.
- e) With the exception of planting within the Ecological Regeneration Area, there shall be no amenity planting on the lot aside from 'agricultural related' planting. By way of example this 'agricultural related' planting could include shelterbelts, pastoral grasses, crops such as barley or oats of legume planting such as Lucerne etc.
- f) The lot owner(s) shall retain all shelterbelts located within their lot that are marked on the Masterplan as being retained, to a minimum height of 8m, with a minimum of two rows of trees.

The shelter belts shall not be inappropriately limbed or trimmed. Should any tree in the shelterbelt die or become diseased, the lot owner shall replace that tree with a non-wilding evergreen species from the list specified in this condition that would reach a mature height of a minimum of 8m and be of a similar bulk. Successive planting required by this condition shall be irrigated and shall be undertaken in the middle or east side of existing shelterbelts (where possible) to ensure ongoing screening and a height of 8m.

- a) *Cupressus leylandii* (Leyland cypress)
- b) *Cupressus tortulosa* (Himalayan cypress)
- c) *Cedrus deodara* (Deodar cedar)
- d) *Eucalyptus gunii* (Cider gum)
- e) *Cedrus alantica* (Atlas cedar)
- g) All existing matagouri and other native grey-shrubland species or indigenous grasslands shall be maintained.
- h) Planting in the Ecological Gully Area shall be sourced from local seed stocks where possible and contain, but not be limited to, the following native species:
 - a) *Discaria toumatou* (matagouri)
 - b) *Nothofagus solandri* var. *cliffortioides* (mountain beech)
 - c) *Sophora microphylla* (kowhai)
 - d) *Coprosma propinqua* (mingimingi)
 - e) *Coprosma* sp
 - f) *Corokia* sp.
 - g) *Olearia odorata* (tree daisy)
 - h) *Melicytus alpinus* (porcupine shrub)

- i) Planting in the Indigenous Vegetation Enhancement Areas as shown on the Masterplan (*Crown Range Holdings Ltd Masterplan*' prepared by Baxter Design Reference 2542-SK13 14 December 2017) shall be grown from local seed stocks where possible.
- j) All fencing around the native regeneration area and planted areas shall be either:
 - a) timber post and rail,
 - b) waratah and wire,
 - c) deer fencing,
 - d) rabbit proof fencing.
- k) Gates over 1.2m in height or any other road front 'furniture' other than simple stone walls or fencing is prohibited.
- l) Within FBP hard stand areas adjacent to buildings may be constructed of:
 - a) asphalt,
 - b) chip-seal finished with local gravels,
 - c) 'gobi' blocks
 - d) other permeable or natural paving systems.

No hard stand areas may be formed outside of a registered farm building platform, with the exception of those required for firefighting purposes.

- m) All lot owner(s) are required to be part of the management organisation, mechanism or entity as required by Condition 15(i) of RM161179 as varied by RM190413. This management organisation, mechanism or entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.

In the absence of a management company, organization or entity, or in the event that the management organization or entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

- n) In the event that the Schedule 2A certificate issued under Condition (9) of RM161179 as varied by RM190413 contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*
- o) Wall materials for all structures shall be no more than two of the following:
 - a) natural timber;
 - b) painted timber;
 - c) weatherboard cladding systems, similar to Linea;
 - d) smooth plaster;
 - e) stained plywood;
 - f) local stone;
 - g) corrugated iron;
 - h) steel; or
 - i) concrete blocks providing that it complies with colour controls.
- p) Final finishes shall have a LRV of less than 28% and greater than 5% and be in the range of natural greys, browns and greens.

- q) All steel roofing shall be painted or otherwise colour treated and be within the natural greys, brown and greens. Acceptable hues shall be recessive and with and LRV of less than 15% and greater than 5%.
- r) Any building erected within the farm building platform shall be for agricultural, farming, equine or related purposes or for residential accessory building's not intended for living purposes. Residential units within the FBP are prohibited.
- s) The maximum height of any farm structures to be located within the farm building platforms shall be 8m above original ground level.

Advice Notes

1. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.

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/>

APPENDIX 2 – APPLICANT’S AEE

INFORMATION PERTAINING TO AN APPLICATION FOR RESOURCE CONSENT

For:

SUBDIVISION (BOUNDARY ADJUSTMENT)

On behalf of:

Martin & Suzanne Lawn

CONSENT APPLICATION SUMMARY

Location:	Eastburn Road
Proposal:	Boundary Adjustment between Lot 5 RM161179 & Lot 20 RM160880
Type of consent:	Subdivision – Boundary Adjustment
Legal description:	Lot 20 LT 532665 and Lot 5 LT 532665 (Titles not yet issued) – Subject to existing subdivision consents RM160880 & RM161179/190413.
Zone:	Rural General
Activity status request:	Controlled
Date prepared:	18 November 2019
ASCL file reference:	4796

Part A.) Information provided in accordance with the Fourth Schedule of the Resource Management Act 1991

A.1. Description of the Activity

A.1.1. Proposal & Site Description

Consent is sought under section 88 of the RMA to undertake a boundary adjustment subdivision between two consented Rural General lots, being Lot 5 LT 532665 & Lot 20 LT 532665, subject to completion of RM160880 & RM161179/190413.

Each lot is currently subject to subdivision under existing subdivision consent decisions, however two of the purchasers of the lots under subdivision wish to vary the internal boundaries between their lots.

Lot 20 is consented under an existing boundary adjustment subdivision consent, and as a result of this proposal this lot would increase from the approved 16.88Ha up to 34.72Ha.

Lot 5 would reduce from 23.15Ha down to 4.88Ha, and Lot 20 would increase from 16.8ha to 34.72ha.

No other changes are proposed. All access and services proposed and/or catered for under the original consents and consent decisions (RM160880 & RM161179) will remain unchanged. All building platforms and curtilage areas will be unchanged.

All landscaping requirements and all associated consent notices in relation to the current subdivision will remain unchanged. There will be no change to land-use regarding the land, which consists of rural pastoral grazing land effectively swapping from one lot to the other. Therefore, there will be no landscape effects other than potential rural type post and wire fencing, which is already allowed for as of right in relation to the current land use.

Note that a variation to the current subdivision consent is not appropriate as this proposed boundary adjustment transaction will be between subsequent owners of the subdivided lots and the current owner/developer is not a related party to that transaction.

Further to the above, this boundary adjustment will not be able to go ahead until the current subdivision is completed with s224c issued, survey data deposited, new titles issued, and consent notices registered. It is therefore acknowledged that this potential consent decision would not be able to be given effect to until that time where the current subdivision has been completed.

Allowing this boundary adjustment consent to be approved now, will allow the parties to this boundary adjustment transaction to formalise sale and purchase agreements, confirm finance, and put them in a position to proceed quickly and efficiently as soon as the underlying titles issue, without having to wait and then go through a potentially lengthy resource consent process at that time.

All risk in this instance is borne by the future lot owners on the basis that the current subdivision is completed. There is no way this proposed boundary adjustment can occur ahead of, or affect the existing subdivision consent, or the existing lots.

No additional titles will be created as part of this proposal.

A.1.3. Other resource consents required

A.1.3.1. Historical consents

RM160880 & RM161179/190413 are both relevant to this application & s223 certification has been issued by Council for LT 532665 which deals with both consents on a single title plan.

A.1.3.2. Additional consents needed

No additional consents are required (further to this application).

A.2. Part 2, Resource Management Act 1991

Matters of national importance

The proposal recognises the matters of national importance as listed in Part 2, Section 6 of the Resource Management Act 1991, and where relevant those matters are provided for.

In particular this subdivision does not involve:

- Coastal environment, wetlands, lakes or rivers
- Outstanding natural features and landscapes
- Significant indigenous vegetation and habitats
- Maori culture, traditions, land, waahi tapu or taonga
- Historic heritage
- Protected customary rights

Other matters

The proposal recognises other matters as listed in Part 2, Section 7 of the Resource Management Act 1991, and where relevant those matters are provided for.

In particular this subdivision is not contrary to:

- Kaitiakitanga or stewardship
- Efficient use of resources and energy (including renewable energy)
- Maintenance and enhancement of amenity values & quality of the environment
- Intrinsic values of ecosystems and protection of habitats (trout and salmon)
- Effects of climate change

A.3. Section 104(1)(b), Resource Management Act 1991

Assessment of the activity against any relevant provisions of certain documents:

A.3.1. Queenstown Lakes District Plan

Under the Queenstown Lakes District Council District Plan the site is located in the Rural General Zone, while under the Proposed District Plan the site is located in the Wakatipu Basin Rural Amenity Zone.

A.3.1.1. Relevant Site & Zone Standards

Chapter 15 (Operative Plan) – Subdivision - Rules:

15.2.6.3(i)(a) – The activity is a **discretionary activity** under 15.2.6.3(i)(a) in regards to there being no set minimum lot size in the Rural General zone.

15.2.6.3(i)(bb) (i)&(v) – **Non-complying activity** as the lots proposed to be subject of the boundary adjustment do not yet have existing/separate certificates of title, and the non-residential farm building platform as approved by RM161179 will be absorbed from lot 5 into lot 20.

Chapter 27 (Proposed Plan) – Subdivision - Rules:

27.5.3 – **Non-complying activity** as the titles subject of the boundary adjustment are not yet existing.

Overall, the application is considered to be a **non-complying** activity.

A.3.1.2. Relevant Operative District Plan Policies and Objectives

Part 4 (District Wide Issues)

Comments in regard to the relevant district wide objectives as follows;

Nature conservation values: This proposal has minimal effects.

Air quality: This proposal has minimal effects.

Landscape & visual amenity: This proposal has no effects further than already evaluated and consented under previous decisions RM161179/190413.

Tangata Whenua: We are not aware of any relevant site values in this regard.

Open space & recreation: The proposal has minimal effects.

Energy: The proposal has minimal effects.

Natural hazards: No natural hazards have been identified on this site.

Urban growth: No additional building platforms are proposed.

Chapter 15 (Subdivision)

Comments in regard to relevant Subdivision Objectives and Policies

Objective 1 – Servicing

Will not be affected by the proposed boundary adjustment. Existing buildings on lot 20 are already serviced. Servicing of lot 5 on the approved building platform as largely already been achieved with s223 certification issued, and s224c application soon to be sent in to Council. Servicing of lot 5 will be governed by satisfying the relevant consent conditions and registering of ongoing consent notices as required by RM161179/190413.

Objective 2 – Costs to be met by subdividers

As above. In this instance the subdividers will be the ongoing owners so will be responsible for any costs by default.

Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

There are no effects caused by this proposal that have not already been evaluated and approved by current subdivision consents approved for the creation of lots to be subject of this boundary adjustment. The only potential effect created by the new boundary at lot 5 is to potentially erect additional rural farm fencing on the eastern 230m boundary, which is already allowed in relation to the land-use at the proposed location anyway. The northern 120m section of the proposed lot 5 boundary is already deer fenced.

Objective 5 – Amenity Protection

No change to amenity as the land-use will continue in the same fashion as approved by current consents. If anything, the proposal to enlarge lot 20 will enable better utilization of the land for rural grazing purposes. The applicants and current owners of lot 20 are already set-up and are running stock on the land and already have suitable infrastructure on site to continue that land-use efficiently, as opposed to a new owner of lot 5 coming in fresh and without yards, sheds etc to enable efficient use of the 22.2ha for lot 5 as it stands under RM161179/190413.

In turn, the reduction of lot 5 to ~4.88ha will result in a more manageable lifestyle block for the incoming owner while still being large enough to continue the rural intent of the land-use.

There will be no effect on vegetation and any covenants established under RM161179/190413 for maintaining vegetation will continue to run with the land via the issue of new titles following the proposed boundary adjustment.

A.3.1.3. Relevant Proposed District Plan Objectives

Section 27 (Subdivision)

27.2.1 – Subdivision enabling quality environments

This proposal will have no recognisable effect on the landscape or amenity of the area. Servicing of existing building platforms and dwellings will not change. The resulting lot sizes follow the same character as the lots approved under existing consents, which results in no greater degree of non-compliance than what already exists.

27.2.2 – Subdivision design achieves benefit for all parties

The boundary adjustment will have no effect on future residents or the community. In fact, this proposal will benefit future residents as this proposal is at their request. The land-use will not change.

27.2.4 – Natural features, indigenous biodiversity, and heritage values are identified and enhanced

These issues have been addressed as part of existing consents and this proposal has no further effect.

27.2.5 – Infrastructure and services

All existing, no effect as a result of this proposal.

27.2.7 – Boundary adjustments, cross-lease and unit titles subdivision provided for

The location of the boundaries under this proposal seeks to shift the bulk of land area out of lot 5 and in to lot 20 which will have the effect of allowing each lot to better achieve suitable land-use in accordance with the intentions of the new owners. Lot 5 results in a manageable sized lifestyle block that is still rural in nature, will lot 20 will be better utilized for pastoral rural purposes in accordance with the current farming infrastructure available to the lot 20 owners.

Any relevant easements for services would be existing under the current subdivision and be carried forward at the time the boundary adjustment follows.

A.3.2. National Environmental Standard for Contaminants in Soil

Pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012, an investigation of records pertaining to Lots 2 & 3 DP 321835 has been undertaken. The land has been in rural use and there is no indication of HAIL activities being undertaken. The land use will not change as part of this proposal and no new titles are being created.

QLDC GIS data does not identify the subject lot as being subject to liquefaction, erosion or seismic hazards.

No other documents are considered relevant to this application (pursuant to Section 104(1)(b)).

A.4. Assessment of Effects on the Environment

A.4.1. Information pursuant to Clause 6, Schedule 4 RMA 1991

A.4.1.a. Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

No alternative locations are proposed.

A.4.1.b. An assessment of the actual or potential effect on the environment of the proposed activity:

The proposal will not create any significant adverse effects on the environment, land-use will remain the same, no additional building platforms or access is proposed, proposed servicing remains unchanged.

A.4.1.c. Where the activity includes the use of hazardous substances and installations, an assessment of the risks to the environment which are likely to arise from such use:

Not applicable.

A.4.1.d. Where the activity includes the discharge of any contaminant, a description of:

- (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
- (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:**

Not applicable.

A.4.1.e. A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

Not applicable.

A.4.1.f. An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:

No parties are considered affected by this proposal, no consultation was undertaken.

A.4.1.g. Where the scale or significance of the activity's effects are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom:

No monitoring is required.

A.4.1.h. 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:

Not applicable.

A.4.2. Matters pursuant to Clause 7, Schedule 4 RMA 1991

A.4.2.a. Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

There will be no effect on the rural area resulting from this boundary adjustment.

A.4.2.b. Any physical effect on the locality, including any landscape and visual effects:

There will be no visual effect on the landscape from the subdivision.

A.4.2.c. Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

No additional effects are anticipated.

A.4.2.d. Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

No additional effects are anticipated.

A.4.2.e. Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

No additional discharge or unreasonable emission of noise is anticipated.

A.4.2.f. Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

No risks are anticipated.

Part B.) Additional Information: Services and Access

B.1. Services

Proposed lots are currently already serviced or required to be serviced under the existing approved consents. No changes are to be made to these services as part of the boundary adjustment.

B.3. Easements, Covenants and Consent Notices

All existing and proposed easements under existing consents are to be retained. No new easements are required.

D. Conclusion

It is anticipated this application will be assessed as a non-complying activity based on the boundary adjustment rules for the relevant zones.

We submit that the proposal is consistent with the policies and objectives of the Proposed and Operative District Plans, and the effects of the proposed activity are minimal.

Should you have any queries, please contact the undersigned in the first instance.

Yours faithfully,

Aurum Survey Consultants



Daniel Batchelor
Licensed Cadastral Surveyor (BSurv)
Mobile 021498848
dan@ascl.co.nz

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180960

Monday, 23 December 2019

QUEENSTOWN LAKES DISTRICT COUNCIL

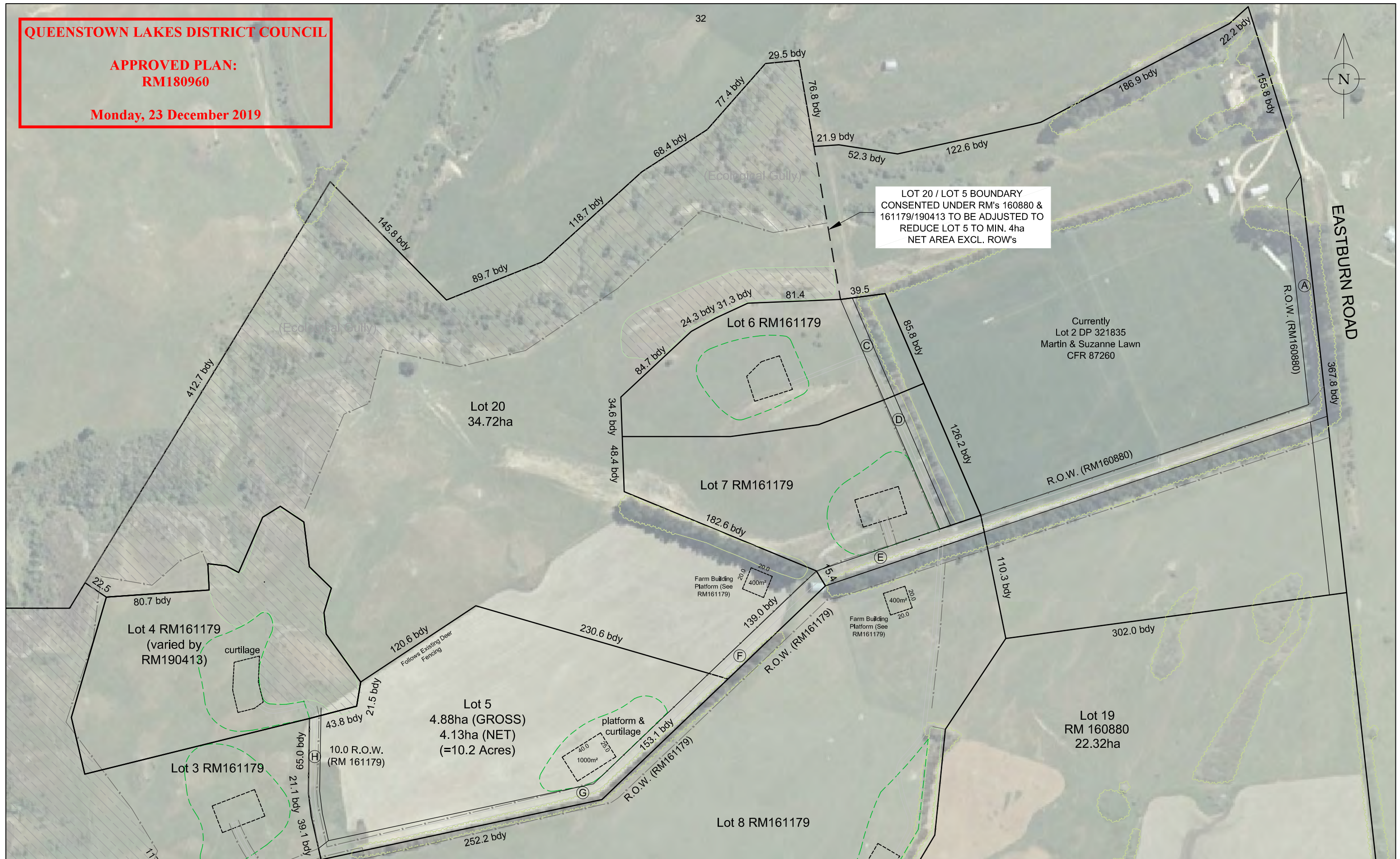
APPROVED PLAN:
RM180960

Monday, 23 December 2019

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180960

Monday, 23 December 2019



NOTE:

- NOTE:

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PROPOSED BOUNDARY ADJUSTMENT
LOT 20 RM160880 & LOT 5 RM161179/190413
EASTBURN ROAD
CROWN TERRACE

DATE:	18 Nov 2019
BY:	D Batchelor

Scale 1:3000
Original Plan A3

DRAWING & ISSUE No.
4796-1R-1C



PO Box 2493
Wakatipu 9349
Ph 03 442 3466
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Email admin@ascl.co.nz



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Martin Lawn
RM reference:	RM200240
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for subdivision consent to undertake a boundary adjustment between two Records of Title, and to establish a building platform on one of the lots; and</p> <p>Land use consent for the removal of exotic vegetation over 4m in height, and for a density breach associated with a future residential unit on proposed Lot 33.</p>
Location:	Eastburn Road, Crown Terrace
Legal Description:	Lot 33 Deposited Plan 417527 held in Record of Title 469939 Lot 5 Deposited Plan 532665 held in Record of Title 872415 Lot 20 Deposited Plan 532665 held in Record of Title 872420
Operative Zoning:	Rural General Zone
Proposed Zoning:	Rural Zone and Wakatipu Basin Rural Amenity Zone
Activity Status:	Non-Complying
Notification Decision:	Publicly Notified
Delegated Authority:	Erin Stagg, Senior Planner
Final Decision:	Granted Subject To Conditions
Date Decisions Issued:	1 March 2021

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Sections 108 and 220 of the RMA. The consent only applies if the conditions outlined are met.
2. 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 Erin Stagg, 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 *Appendix 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 1 October 2020.

The submission period closed on 20 October 2020 with no submissions being received.

There are no submitters that 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 Katrina Ellis (Team Leader, Resource Consents) on 26 February 2021.

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 must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9 of the S42A report outlines Part 2 of the Act.

3.1 RELEVANT PLAN CONSIDERATIONS

THE OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General Zone in the ODP. The proposed activity requires resource consent under the ODP for the following reasons:

- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4 (i) for any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a Non-Complying Subdivision Activity.

The proposal breaches the Zone Standard listed in Rule 15.2.6.3 (i) (bb) in relation to boundary adjustments in the Rural General Zone, and the proposal breaches the Zone Standard listed in Rule 15.2.6.3 (i) (c) in relation to boundary adjustments in the Rural General Zone. The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:

- (i) Each of the existing lots must have a separate Certificate of Title.
- (ii) Any approved residential building platform must be retained in its approved location; and
- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

In this instance, the proposal breaches (iii) and (v) above as a new residential building platform is identified on proposed Lot 33 and the existing farm shed within Lot 33 DP 417527 will be transferred to proposed Lot 20.

Advice Note: The applicant's AEE triggers Rule 5.3.3.3(i)(b) for the identification of any building platform. That rule is not considered applicable to this application as the proposed platform is only sought as part of the subdivision component of this application, not as a separate land use component.

THE PROPOSED DISTRICT PLAN

The subject site is part zoned Rural Zone and part zoned Wakatipu Basin Rural Amenity Zone in the PDP. The proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **non-complying** activity resource consent pursuant to Rule 27.5.25 for any subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.18.

Rule 27.7.19.6. states telecommunication reticulation must be provided to all allotments in new subdivisions in zones other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

In this instance, the application does not propose to any install reticulated telecommunication services. Instead, wireless telecommunications are proposed.

Rules that have legal effect under s86B(1) but are not yet treated as operative are:

- A **restricted discretionary** activity resource consent pursuant to Rule 24.4.29 for clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres. In this instance, the application proposes to remove existing willows greater than 4m in height along the northern and north-western boundaries of Lot 33 DP 417527. The matters to which Council's discretion is restricted are:
 - a. The extent of clearance;
 - b. Trimming and works within the root protection zone;
 - c. Replacement planting.
- A **non-complying** activity resource consent pursuant to Rule 24.5.1.5 for a breach of the permitted residential density. The rule states that for all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area is permitted.
In this instance, the application seeks consent for a density breach associated with the proposed residential building platform on proposed Lot 33.
- A **non-complying** activity resource consent pursuant to Rule 27.5.19 for subdivision that does not comply with the minimum lot areas specified in Part 27.6 of the Proposed District Plan.

Part 27.6 states the minimum lot area for sites within the Wakatipu Basin Rural Amenity Zone is 80ha. The proposal fails to meet this standard as both proposed Lot 33 and proposed Lot 20 will be less than 80ha in area.

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

Based on the applicant's review of both Council records and the Otago Regional Councils records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

3.3 OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **non-complying** activity.

4. SUMMARY OF EVIDENCE HEARD

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

5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application and Section 42A report are:

- Whether the proposed activity can be undertaken without resulting in an unacceptable level of landscape and visual amenity effects.
- Whether the proposed allotments are of an appropriate size and dimensions.
- Whether the proposed allotments and future residential unit can be appropriately accessed and serviced.
- Whether there was any risk from natural hazards.

The findings relating to these principal issues of contention are outlined in the attached Section 42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8.2.4 of the s42A report prepared for Council and provide a full assessment of the application. The actual and potential effects are in relation to Landscape Character and Visual Amenity, Lot Sizes, Dimensions and Land Use, Access, Infrastructure Servicing, Earthworks, Natural Hazards, Reverse Sensitivity, and Positive Effects. Where relevant conditions of consent can be imposed under Section 108 of the RMA as required to avoid, remedy or mitigate adverse effects.

Based on the conclusions reached in the s42A assessment referenced above, undertaken with regard to both the Operative District Plan and Proposed District Plan, it is considered that the proposal will result in effects on the environment that are considered to be appropriate. The proposal will not permanently alter the character of the surrounding environment in a significantly adverse way. The adverse effects of the proposal can be adequately mitigated through conditions of consent.

Overall, subject to proposed mitigation, it is considered that the environment can absorb the proposed development and activity without resulting in unacceptable adverse effects.

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

An assessment against the Objectives and Policies of the Operative District Plan and the Proposed District Plan have been addressed in Section 8.3 of the s42A report prepared for Council and provides a full assessment of the application.

The proposal is considered generally consistent with, and not contrary to the objectives and policies of the Operative District Plan and Proposed District Plan.

6.3 RELEVANT REGIONAL POLICY STATEMENT PROVISIONS (s104(1)(b)(v))

This matter is considered under Section 8.4 of the s42a report. Overall, the proposal is considered in accordance with the Regional Policy Statements.

6.4 OTHER s104 MATTERS (s104(1)(C))

An other matter relevant to consider under s104 for this proposal is precedent.

This matter is considered under Section 8.5 of the s42A report. Overall, it is not considered that the application would create a precedent.

6.5 SUBDIVISION (s106 RMA)

Section 106 of the RMA states that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

An assessment of the proposal against s106 of the RMA is considered under Section 8.6 of the s42A report.

There is no reason to refuse consent under s.106 given that the land is not likely to be subject to, or likely to accelerate material damage from natural hazards and sufficient provision has been made for legal and physical access to each allotment.

6.6 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

An assessment of the proposal against s104D of the RMA is considered under Section 8.7 of the s42A report

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has not been met as the application will have an adverse effects on the environment which I consider more than minor.

With respect to the second threshold test under Section 104D, on balance, the application is not contrary to the relevant objectives and policies of the Operative District Plan or the Proposed District Plan. As such the proposal meets this gateway test and pass through the s104D gateway.

6.7 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.

7. DECISION ON 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 *Appendix 1* of this decision imposed pursuant to Sections 108 and 220 of the RMA.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is considered a "Development" in terms of the Local Government Act 2002 as it will generate a demand for network infrastructure and reserves and community facilities.

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 *Appendix 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 Jacob Neaves on phone (03) 450 9105 or email Jacob.Neaves@qldc.govt.nz

Report prepared by

Decision made by



Jacob Neaves
PLANNER



Erin Stagg
SENIOR PLANNER

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Section 42A Report

APPENDIX 1 – CONSENT CONDITIONS

APPENDIX 1 – RECOMMENDED CONSENT CONDITIONS – RM200240

APPENDIX 1 – RM200240 – DECISIONS 1 (A) & (B)

DECISION 1 (A): SUBDIVISION CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - *Proposed Subdivision Lot 20, Lot 5 LT 532665 & Lot 33 DP 417257 Eastburn Road Crown Terrace.* Prepared by Aurum Survey Consultants and dated 20 January 2020. Drawing & Issue No. 3720-8R-2C.
 - *Proposed Platform Eastburn Road Wakatipu.* Prepared by Aurum Survey Consultants and dated 9 November 2020. Drawing & Issue No. 3720-6R-1E.
 - *Lot 33 – Lawn – Eastburn Landscape Plan* prepared by Patch Landscape Design Architecture Planning. Dated 9 June 2020. Reference: PA18275 IS08.

Stamped as approved on 28 February 2021

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.

Environmental Management, Engineering and Landscaping

General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent. Current version 1.1.

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

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

4. Prior to any works commencing on site the Consent Holder shall complete the Short Form Environmental Management Plan.

<https://www.qldc.govt.nz/media/vprartis/emp-short-form-template-for-environmental-management-plans-small-scale-builds-june-2019.pdf>

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.
9. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
10. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
 - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 33 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2018). For all surface water or ground water takes this shall include the results of chemical test results no more than 5 years old and bacterial test results no more than 3 months old at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>) and be accompanied by a laboratory report with non-compliances highlighted and outlining any necessary remedial means of remedial treatment.
 - b) The provision of a sealed vehicle crossing to Lot 20 from Eastburn 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 or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
 - c) The provision of an access way to Lot 33 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.
 - d) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
11. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "*Traffic Control*

Devices Manual Part 8: Code of practice for temporary traffic management'. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

12. Prior to commencing any work on the site 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 to ensure that neighbouring sites remain unaffected from earthworks. 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.

To be monitored throughout earthworks

13. The earthworks and batter slopes shall be undertaken in accordance with the recommendations of the report by GeoSolve ('*Geotechnical Report. Lot 33 DP 417527, 106 Eastburn Road, Queenstown.*' GeoSolve ref 200605, dated 20/10/2020).
14. 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.
15. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required to construct an approved vehicle crossing and provide a power connection to the site.
16. Hours of operation for earthworks, shall be:
 - Monday to Saturday (inclusive): 7.30am to 6.00pm.
 - Sundays and Public Holidays: No Activity.

No machinery shall start up or operate earlier than 7.30am. All activity on the site is to cease by 6.00pm.

To be completed before Council approval of the Survey Plan

17. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - b) The Survey Plan shall show the location of the Building Platform on proposed Lot 33 as Covenant Area XX.

Advice Note: Covenant Area XX above may ultimately be referenced differently given there will already be an Area XX on the Survey Plan, as per the requirements in c) below.

- c) Areas XX, C, AJ, BA & BB as shown on Deposited Plan 550017 shall also be shown on the Survey Plan for this application.

Advice Note: These areas relate to the consent notice restrictions from RM180960 that will draw down to proposed Lot 20 of this application. While the consent notice will still reference DP 550017, the areas are to be shown on the new survey plan for completeness. An advice note should also be included on the Survey Plan to that effect, noting the areas are subject to a Land Covenant (Consent Notice).

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

18. All existing willow trees along the northern boundary of proposed Lot 33 shall be removed. This includes any Grey Willow and Crack Willow. They shall not be replaced.
19. The landscape plan referenced in Condition (1), being *Lot 33 – Lawn – Eastburn Landscape Plan*, shall be expanded to include grades and quantities of the proposed species including extending the line of Lawson's Cypress as far to the west as is needed within proposed Lot 33 to screen the building platform from northern views from Eastburn Road and Lot 3 Deposited Plan 336049.
20. The expanded landscape plan referenced in Condition (19) above, less the willows removed as per Condition (18), shall be implemented and completed prior to issue of 224c for the subdivision.

Advice Note: this condition may be bonded.

21. Prior to 224c certification, evidence shall be provided to Council that Survey Plan LT 550017 has been deposited and the associated Records of Titles have been issued. That is, a s224(c) certificate shall have been issued stating that all of the conditions of the consents have been complied with.

Advice Note: the above condition seeks to ensure that the subdivision approved under RM180960 has been completed prior to this application proceeding. This application is reliant on that subdivision being completed first.

22. 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 Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water reticulation (including private laterals and toby positions).
 - b) 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.
 - c) The completion and implementation of all works detailed in Condition (10) above.
 - 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 development and that all the network supplier's requirements for making such means of supply available have been met.
 - e) The submission of Completion Certificates from both the Contractor and Approved Engineer for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

Ongoing Conditions/Consent Notices

23. In the event that the Engineering Acceptance issued under Condition (10) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a consent notice (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Records of Title detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or

Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act.

24. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Title of proposed Lot 33 by way of Consent Notice pursuant to s.221 of the Act:

Engineering

- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area XX as shown on Land Transfer Plan XXXXXX.

Advice Note: Area XX may be referenced differently as per the advice note under Condition 17 b) above. This consent notice restriction shall match the reference ultimately imposed by that condition.

- b) 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 an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Civilised Limited, dated 17 February 2020, including the recommendation to provide secondary treatment to effluent prior to discharge to ground. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.

The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.

- c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005 (revised 2018), by the consent holder, and the results forwarded to the Environmental Health Team Leader at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the 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.
- d) At the time a residential unit is erected on the lot, the owner for the time being shall construct an access way to the residential unit 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.
- e) Prior to the occupation of any residential unit on the lot, domestic water and firefighting storage is to be provided. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve within a 55,000 litre combination of tanks tank (or alternative). 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 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 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 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 adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any subdivision consent). 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 13km 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 unit / building.*

- f) The lot has not been provided with reticulated underground telecommunications services. Telecommunications for the lot will need to be obtained via alternative methods such as satellites or wireless. It will be the responsibility of the lot owner to provide the alternative telecommunication services to their lot. If the lot owner desires a hardwire connection, the cost and responsibility for this connection shall sit with the lot owner for time being, and any cables shall be located within an easement or road reserve, and shall be underground and in accordance with the network provider's requirement.

Building Controls

- g) Building height shall not exceed 5.5m from the set RL of 648.5
- h) The total footprint of all buildings on site on site shall not to exceed 500m².

- i) No continuous length of any one elevation of a building shall exceed 12m.
- j) All external walls, joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes and solar panels shall be coloured in the natural hues of green, brown or grey with a light reflectivity value of between 7% and 22%.
- k) The roofing materials of all buildings shall be corrugate, or tray steel, shingles or cedar finished in dark recessive tones of grey, green or brown with a light reflective value of between 6% and 20%. A living roof of a vegetation coverage consistent with the surrounding landscape is also appropriate.
- l) If painted, all exterior colours should have a matt finish.
- m) All ancillary structures and buildings (for example: garden sheds and garages) shall be clad and coloured to match the principal dwelling.
- n) All curtains, blinds or other window coverings (internal and external) are to match the exterior colour controls.
- o) Solar panels shall only be installed where they are not visible from public roads or public walking tracks.

Landscape Controls

- p) All planting implemented in accordance with landscape plans for resource consent RM200240 shall be maintained as per the landscape plan and the conditions of that consent to ensure healthy growth. All planting shall be irrigated, protected from animal damage and kept weed free. All plants that die or become diseased shall be replaced with the same species within the next available planting season.
- q) There shall be no planting outside of the curtilage area beyond that which is shown on the approved landscape plan for RM200240.
- r) All external landscape lighting shall be down lighting only and not be used to highlight buildings or landscape features visible from beyond the property boundary.
- s) All external landscape lighting shall be no higher than 1.2m above ground level and be limited to the curtilage area only, as identified on the approved landscape plan for RM200240.
- t) All external lighting shall be directed downwards and housed such that the light source (filament, LED) is not visible from beyond the residential curtilage area, as identified on the approved landscape plan for RM200240.
- u) All domestic landscaping and structures including but not limited to clotheslines, outdoor seating areas, external lighting, play structures, vehicle parking, pergolas, and ornamental or amenity gardens and lawns shall be confined to the curtilage area as shown on the approved landscape plan for RM200240.
- v) All water tanks to be partially or wholly buried. If partially buried, tanks shall be of dark recessive colouring which meets the building colour controls and/or visually screened by planting as to be not visible from beyond the subject property boundary.
- w) Any entranceway structures from the property boundary shall be a maximum height of no more than 1.2m and shall be constructed of natural materials such as timber, steel or schist stone as to not be visually obtrusive (monumental) and consistent with traditional rural elements and farm gateways.
- x) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised and vegetated to blend seamlessly into the natural landforms.

- y) No concrete kerb and channelling shall be used for the access road and driveway.
 - z) All fencing to be post and rail and post and wire only.
25. Should any planting be required within proposed Lot 20 of this subdivision as a result of Condition 19 above (which necessitates extending the line of Lawson's Cypress as far to the west as is needed to screen the building platform within proposed Lot 33 from northern views from Eastburn Road and Lot 3 Deposited Plan 336049), a consent notice shall be registered on the Title of proposed Lot 20 to ensure the below requirement shall be complied with in perpetuity:
- a) All planting implemented in accordance with landscape plans for resource consent RM200240 shall be maintained as per the landscape plan and conditions of that consent to ensure healthy growth. All planting shall be irrigated, protected from animal damage and kept weed free. All plants that die or become diseased shall be replaced with the same species within the next available planting season.

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. *The existing consent notice registered on Lot 20 of RM180960 will draw down to Lot 20 of this application. It will not draw down to Lot 33 of this application. For completeness, it is recommended the consent holder liaise with Council's subdivision team at the time of subdivision to ensure the existing consent notice registers on the applicable Record of Title in this subdivision.*

For Your Information

Monitoring

The conditions in your decision will advise if monitoring is required. 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

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the [Engineering Acceptance Application Form](#) and submit to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found [here](#).

Development Contribution

If this 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, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

APPENDIX 1 – RM200240 – DECISIONS 1 (A) & (B)

DECISION 1 (B): LAND USE CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - *Proposed Subdivision Lot 20, Lot 5 LT 532665 & Lot 33 DP 417257 Eastburn Road Crown Terrace.* Prepared by Aurum Survey Consultants and dated 20 January 2020. Drawing & Issue No. 3720-8R-2C.
 - *Proposed Platform Eastburn Road Wakatipu.* Prepared by Aurum Survey Consultants and dated 9 November 2020. Drawing & Issue No. 3720-6R-1E.
 - *Lot 33 – Lawn – Eastburn Landscape Plan* prepared by Patch Landscape Design Architecture Planning. Dated 9 June 2020. Reference: PA18275 IS08.

Stamped as approved on 28 February 2021

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. All land use activities authorised by way of this consent, being those authorising the removal of exotic vegetation over 4m in height, and those authorising a density breach associated with a future residential unit on proposed Lot 33 are to be undertaken in accordance with the conditions contained within RM200240: Decision 1(A).

Advice Note

1. *This consent shall lapse 5 years after the date of commencement of the consent, as per the requirements under s125 of the RMA. That is, regardless of the timing of the subdivision, this consented density breach will lapse 5 years after the date of commencement of the consent.*

For Your Information**Monitoring**

The conditions in your decision will advise if monitoring is required. 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

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We’ve provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance

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If this 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, this information is available [here](#).

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200240

Sunday, 28 February 2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200240

Sunday, 28 February 2021

QUEENSTOWN LAKES DISTRICT COUNCIL

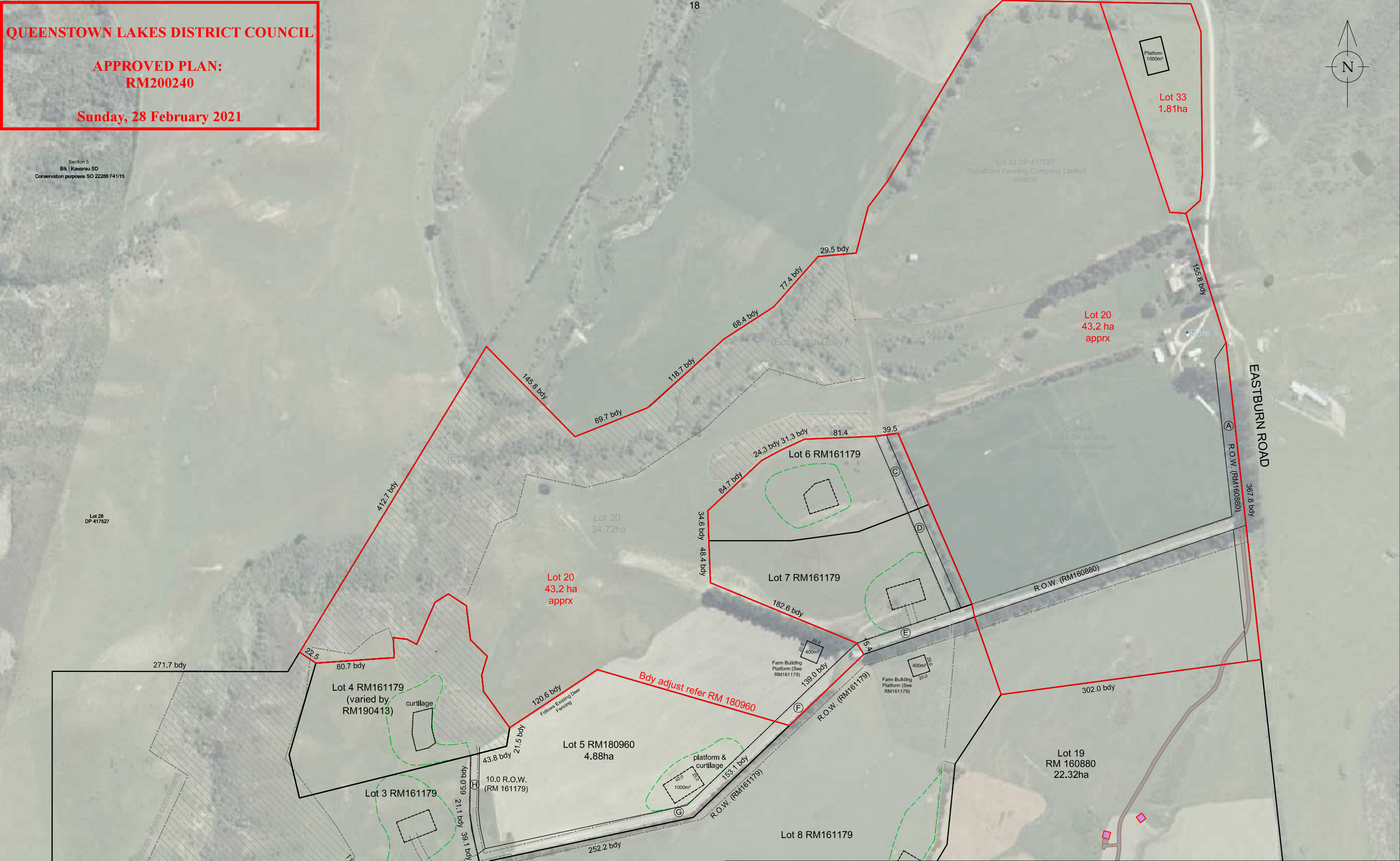
APPROVED PLAN:
RM200240

Sunday, 28 February 2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200240

Sunday, 28 February 2021



NOTE:

- EASEMENTS MAY BE NEEDED FOR SERVICES.
- ALL RIGHT OF WAY EASEMENTS CREATED/CONSENTED PREVIOUSLY UNDER RM160880 & RM161179/190413.
- ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.

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PROPOSED SUBDIVISION
LOT 20, LOT 5 LT 532665 & LOT 33 DP 417257
EASTBURN ROAD
CROWN TERRACE

DATE: 20 Jan 2020	Scale 1:4000 Original Plan A3	DRAWING & ISSUE No.
BY: B McLeod		3720-8R-2C
		PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz

DATE: 20 Jan 2020	Scale 1:4000 Original Plan A3	DRAWING & ISSUE No.
BY: B McLeod		3720-8R-2C
		PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz

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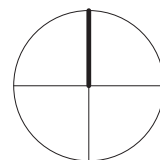
Document Set ID: 6090678
Version: 1, Version Date: 12/12/2020

PROPOSED PLATFORM EASTBURN ROAD WAKATIPU	DATE: 9 Nov 2020	Scale 1:1000	DRAWING & ISSUE No.
	BY: B McLeod	Original Plan A3	3720-6R-1E
		PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz	

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200240

Sunday, 28 February 2021



APPENDIX 2 – S42A REPORT

FILE REF: RM200240

TO The Commission

FROM Jacob Neaves, Planner

SUBJECT Report on a publicly notified consent application.

SUMMARY

Applicant: Martin Lawn

Location: Eastburn Road, Crown Terrace

Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) for subdivision consent to undertake a boundary adjustment between two Records of Title, and to establish a building platform on one of the lots; and

Land use consent for the removal of exotic vegetation over 4m in height, and for a density breach associated with a proposed future residential unit on proposed Lot 33.

Legal Description: Lot 33 Deposited Plan 417527 held in Record of Title 469939
Lot 5 Deposited Plan 532665 held in Record of Title 872415
Lot 20 Deposited Plan 532665 held in Record of Title 872420

Operative Plan Zoning: Rural General Zone

Proposed Plan Zoning: Rural Zone and Wakatipu Basin Rural Amenity Zone

Public Notification Date: 1 October 2020

Closing Date for Submissions: 30 October 2020

Submissions: No submissions were received for this application

RECOMMENDATION

That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be acceptable for the following reasons:
 - The proposed subdivision will not directly provide for any discernible level of development or physical works beyond that which could presently be undertaken on site.
 - The landscape can absorb the proposed boundary adjustment without resulting in unacceptable adverse effects.
 - Each of the proposed allotments can be appropriately serviced and are not subject to a significant natural hazard risk.
 - The proposed subdivision can be undertaken without resulting in any significant landscape and visual amenity effects subject to conditions of consent that will ensure those effects are mitigated to an acceptable standard.
2. The proposed activity will result in some very minor positive effects.
3. Overall, on balance, the proposal is consistent with, and not contrary to, the objectives and policies of the Operative District Plan or the Proposed District Plan.
4. The proposal does promote the overall purpose of the RMA.

1. INTRODUCTION

My name is Jacob Gregory Neaves and I hold the qualification of a Bachelor of Science, with a major in Land Planning and Development and a minor in Environmental Management, from the University of Otago. I am an Associate Member of the New Zealand Planning Institute.

I have 7 years of experience, having been employed at the Queenstown Lakes District Council (Council) as a Planner for 2.5 years, since June 2018. Prior to that I was employed by the Buller District Council as a Planner for 4.5 years, beginning in January 2014.

I confirm I have read and understood 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

2.1 PROPOSAL AND SITE DESCRIPTION

A copy of the application and accompanying assessment of effects and supporting reports can be found in the "Application" section of the Agenda.

I refer the Commission to the report entitled, '*APPLICATION FOR RESOURCE CONSENT TO UNDERTAKE A BOUNDARY ADJUSTMENT AND ESTABLISH A RESIDENTIAL BUILDING PLATFORM*', prepared by Jake Woodward, Resource Management Planner of Southern Planning Group, attached as *Appendix 1* to this report, and hereon referred to as the applicant's AEE.

In short, the application seeks to undertake a boundary adjustment subdivision between Lot 33 Deposited Plan 417527 and proposed Lot 20 of RM180960 to create proposed Lot 33 of approximately 1.81ha and proposed Lot 20 of approximately 43.29ha. Prior to the subdivision, Lot 33 Deposited Plan 417527 is 10.91ha and Lot 20 of RM180960 will be 22.17ha.

It also seeks consent to establish a 1,000m² residential building platform on proposed Lot 33, under the provisions of the Operative District Plan, noting that the Proposed District Plan does not enable the establishment of a building platform.

The applicant has provided a detailed description of the proposal, the site description and receiving environment and the resource management background in Sections 2.0, 3.0 and 4.0 of the applicant's AEE. This description is considered generally accurate and is adopted for the purpose of this report with the following additional comments.

Following a request for further information, the applicant confirmed the application is seeking consent for proposed Lot 33 to breach the permitted density of the Wakatipu Basin Rural Zone for the construction of future residential unit on the site.

Following recommendations from Council's landscape architect, Ms Snodgrass, the applicant confirmed the application is also seeking consent for the removal of the willow trees along the northern boundary of proposed Lot 33, the majority of which are greater than 4m in height.

In addition to the above, I refer the Commission to Section 2.0 of the Landscape Assessment Report from Mr Skelton in the "Application" section of the Agenda which provides a detailed description of the site and surrounding landscape. Council's Landscape Architect, Ms Snodgrass, adopts that description with a number of additions, as described in Section 3.0 of her Landscape Assessment Report (*Appendix 3* to this report).

A complete description of the relevant consent history is outlined within Section 2.2 of this report below. For clarity, Figures 1, 2 and 3 below depict the existing and proposed subdivision layouts of the site.

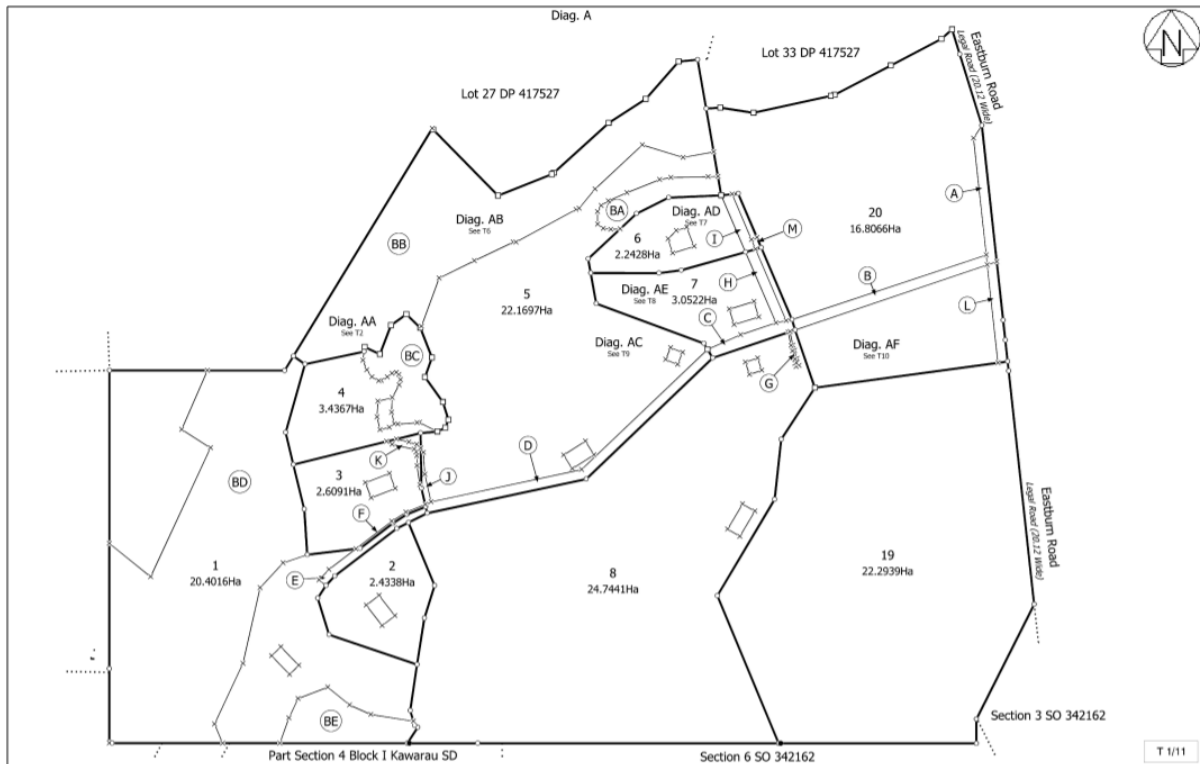


Figure 1: Existing title layout created by RM160880 as varied by RM171236 and RM161179 as varied by RM190413.

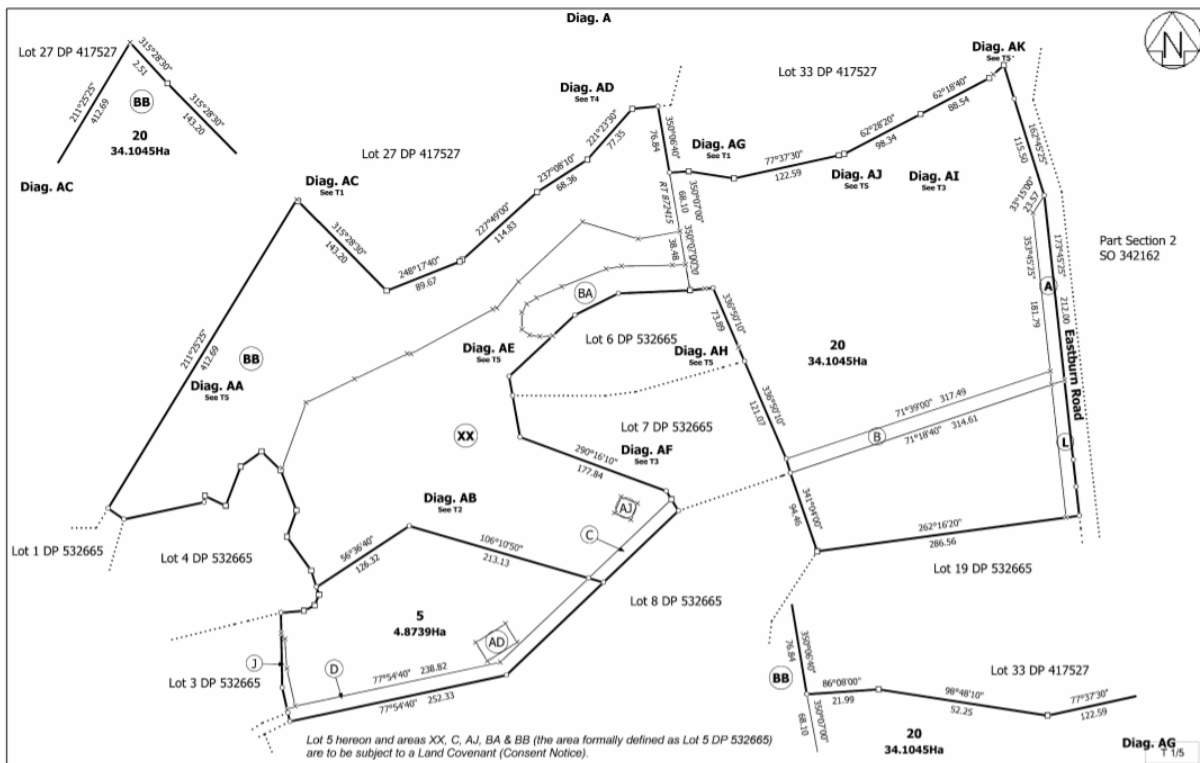


Figure 2: Forthcoming title layout approved by RM180960. Title Plans yet to deposit.



Figure 3: Proposed title layout sought by this application (RM200240).

At the time of subdivision the existing Consent Notice, imposed on what will be Lot 20 DP 550017 via the implementation of RM180960, will draw down to proposed Lot 20 in this application. The restrictions and conditions will continue to apply to the areas of land to which they relate. The applicant has confirmed they do not wish to cancel or vary the existing consent notice as part of this application.

2.2 RELEVANT PLANNING HISTORY

Relevant Site History

- RM080912:** Resource consent RM080912 was granted on 13 October 2008 for a boundary adjustment subdivision between eleven Records of Title. This application granted consent to establish existing Lot 33 Deposited Plan 417527. 224c certification was subsequently undertaken and the associated titles deposited on 31 March 2009. This application was a controlled activity boundary adjustment; therefore, no residential use of the site was approved through this subdivision. The existing farm building was retained within the lot.
- RM160880:** Resource consent RM160880 was granted on 2 November 2016 for a boundary adjustment subdivision between three Records of Title.
- RM171236:** Resource consent RM171236 was granted on 13 December 2017 for a variation to RM160880 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations.
- RM161179:** Resource consent RM161179 was granted on 16 February 2018 by Consent Order of the Environment Court (ENV-2017-CHC-85) approving the subdivision of the subject site into 8 allotments, each with a residential building platform and a farm building platforms on Lots 5 and 8. Resource consent RM161179 also granted consent to relocate a farm building and to undertake earthworks on a HAIL site. This application included the imposition of consent notice restrictions of proposed Lots 1 – 8 of that subdivision.

RM190413: Resource consent RM190413 was granted on 10 June 2019 for a variation to RM161179 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations, building platform design and landscaping.

All of the abovementioned applications, less RM080912, were given effect to simultaneously. A single application was made to Council's Subdivision Team to encompass each of the above proposals. On 20 October 2020 Council undertook certification in accordance with Section 224c of the RMA to confirm all of the conditions of the subdivision consent were complied with and therefore titles could be issued. Records of Title subsequently deposited with the associated title plan reference DP 532665. That title layout is depicted in Figure 4 below, with the application site highlighted by blue polygons.

RM180960: Resource consent RM180960 was granted on 23 December 2019 for a boundary adjustment subdivision between two Records of Title (Lots 5 and 20 of the abovementioned subdivision – DP 532665). It also included consent to cancel the Consent Notice imposed by RM161179 as varied by RM190413, as it related to Lot 5 Deposited Plan 532665.

An application was made to Council's Subdivision Team to complete the proposal approved under RM180960. On 23 November 2020 Council undertook certification in accordance with Section 224c of the RMA to confirm all of the conditions of the subdivision consent have been complied with and therefore titles could be issued. The associated title plan reference is LT 550017. At the time of writing this report the titles in question are yet to deposit.

The boundary adjustment subdivision proposed in this application will not be undertaken until LT 550017 deposits, as it relies on Lot 20 of that subdivision.

While the current application site consists of Lot 33 DP 417527, Lot 5 DP 532665 and Lot 20 DP 532665, the proposed subdivision will ultimately be between Lot 33 DP 417527 and Lot 20 DP 550017 (Lot 20 of RM180960).



Figure 4: Aerial photograph detailing the current subject site and surrounds.

3. SUBMISSIONS

3.1 SUBMISSIONS

No submissions have been received for this application following the public notification period.

Although they did not make a submission, it is noted that the Otago Regional Council contacted Council regarding the risk of natural hazards in relation to the proposed subdivision. The matter was subsequently addressed by the applicant and is discussed further in the associated section of this report below, being Section 8.2.4.

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)
Crown Range Holdings Limited	Registered Owners of historic Lot 3 Deposited Plan 321835

At the time this application was lodged, Crown Range Holdings Limited was the landowner of an 80ha lot that comprised part of the application site. However, the completion of the subdivision by Crown Range Holdings Limited referred to in Section 1 of this report above (DP 532665) resulted in the title layout depicted in Figure 4 above. The applicant, Martin Lawn, is now the registered owner of all of the land subject to this application (along with Suzanne Lawn).

5. PLANNING FRAMEWORK

5.1 PLANS STATUS

In considering the Proposal, I have had regard to both the Operative District Plan and Proposed District Plan.

The site is zoned Rural General under the ODP.

Decisions on Stage 1 of the PDP were issued on 7 May 2018, and decisions on Stage 2 were issued on 7 March 2019. The site was part zoned Rural and part zoned Wakatipu Basin Rural Amenity Zone under the PDP.

Council notified Stage 3 of the Proposed District Plan (Stage 3 and 3b Notified Version) on 19 September 2019 (Stage 3) and 31 October 2019 (Stage 3b). Decisions on submissions for Stage 3 (3 and 3b) are still pending.

A weighting exercise in respect of the relevant provisions of the ODP and PDP is undertaken in Section 8.3.3 of this report.

5.2 THE OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General Zone in the ODP. The purpose of the Rural General Zone is outlined in Part 5.3.1.1 of the Operative District Plan 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 nature conservation 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;*
- *Protects the ongoing operations of Wanaka Airport;*
- *Protects the ongoing operation of Queenstown Airport.*

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of the rural lands including alpine areas and national parks.

The relevant provisions of the Plan that require consideration can be found in Section 5 (Rural Areas) and Section 15 (Subdivision, Development and Financial Contributions).

The proposed activity requires resource consent under the ODP for the following reasons:

- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4 (i) for any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a Non-Complying Subdivision Activity.

The proposal breaches the Zone Standard listed in Rule 15.2.6.3 (i) (bb) in relation to boundary adjustments in the Rural General Zone, and the proposal breaches the Zone Standard listed in Rule 15.2.6.3 (i) (c) in relation to boundary adjustments in the Rural General Zone. The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:

- (i) Each of the existing lots must have a separate Certificate of Title.
- (ii) Any approved residential building platform must be retained in its approved location; and
- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

In this instance, the proposal breaches (iii) and (v) above as a new residential building platform is identified on proposed Lot 33 and the existing farm shed within Lot 33 DP 417527 will be transferred to proposed Lot 20.

Advice Note: The applicant's AEE triggers Rule 5.3.3(i)(b) for the identification of any building platform. That rule is not considered applicable to this application as the proposed platform is only sought as part of the subdivision component of this application, not as a separate land use consent that could be undertaken independently from the boundary adjustment.

5.3 THE PROPOSED DISTRICT PLAN

The subject site is part zoned Rural Zone and part zoned Wakatipu Basin Rural Amenity Zone in the PDP.

The majority of the site is within the Wakatipu Basin Rural Amenity Zone and the purpose of this zone, as outlined in Part 24.1 of the Proposed District Plan, is:

The purpose of the Zone is to maintain and enhance the character and amenity of the Wakatipu Basin. Schedule 24.8 divides the Wakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Landscapes. However, all buildings except small farm buildings and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes. Buildings and development in the Zone and the Precinct are required to be set back from Escarpment, Ridgeline and River Cliff Features

shown on the planning maps, to maintain the distinctive and high amenity landscapes of the Wakatipu Basin.

The relevant provisions of the Plan that require consideration can be found in Chapter 21 (Rural), Chapter 24 (Wakatipu Basin), and Chapter 27 (Subdivision and Development)

The proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **non-complying** activity resource consent pursuant to Rule 27.5.25 for any subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.18.

Rule 27.7.19.6. states telecommunication reticulation must be provided to all allotments in new subdivisions in zones other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

In this instance, the application does not propose to any install reticulated telecommunication services. Instead, wireless telecommunications are proposed.

Rules that have legal effect under s86B(1) but are not yet treated as operative are:

- A **restricted discretionary** activity resource consent pursuant to Rule 24.4.29 for clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres. In this instance, the application proposes to remove existing willows greater than 4m in height along the northern boundary of proposed Lot 33. The matters to which Council's discretion is restricted are:
 - a. The extent of clearance;
 - b. Trimming and works within the root protection zone;
 - c. Replacement planting.
- A **non-complying** activity resource consent pursuant to Rule 24.5.1.5 for a breach of the permitted residential density. The rule states that for all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area is permitted. In this instance, the application seeks consent for a density breach associated with the proposed residential building platform on proposed Lot 33.
- A **non-complying** activity resource consent pursuant to Rule 27.5.19 for subdivision that does not comply with the minimum lot areas specified in Part 27.6 of the Proposed District Plan. Part 27.6 states the minimum lot area for sites within the Wakatipu Basin Rural Amenity Zone is 80ha. The proposal fails to meet this standard as both proposed Lot 33 and proposed Lot 20 will be less than 80ha in area.

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

Based on the applicant's review of both Council records and the Otago Regional Councils records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

5.5 OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **non-complying** activity under both the ODP and PDP.

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. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (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.*

In addition, Section 104D (Particular Restrictions on non-complying activity) states that:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

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.*

In addition, a consent authority may refuse subdivision in certain circumstances as directed by Section 106. Section 106 states:

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
 - (a) *there is a significant risk from natural hazards; or*

(b)[Repealed]

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

(a) the likelihood of natural hazards occurring (whether individually or in combination); and

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

(2) Conditions under subsection (1) must be—

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108.

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.

Section 108 and 220 empower the Commission to impose conditions on a resource consent.

7. INTERNAL REPORTS

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

- Engineering Report. Prepared by Mr Cameron Jones, Land Development Engineer for Council (attached as *Appendix 2* to this recommendation).
- Landscape Assessment Report and Peer Review. Prepared by Ms Michelle Snodgrass, Consultant Landscape Architect for Council (memo attached as *Appendix 3* to this recommendation).

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

It is important to understand the landscape classification of the site in order to undertake a complete assessment of the associated effects of any activity within the vicinity.

8.1.1 Operative District Plan

When assessed pursuant to the provisions of the ODP, both the applicant's Landscape Architect, Mr Skelton, and Council's Landscape Architect, Ms Snodgrass, are in agreement that Lot 33 and the portion of Lot 20 subject to this application sit within the VAL, outside of the ONL noting that the southern portion of lot 20 is within the ONL.

8.1.2 Proposed District Plan

Under the Proposed District Plan the Wakatipu Basin Zone is broken into landscape units and the entirety of proposed Lot 33 is located within Landscape Character Unit 20: Crown Terrace of the Wakatipu Basin Rural Amenity Zone.

The majority of proposed Lot 20 is located within Landscape Character Unit 20: Crown Terrace of the Wakatipu Basin Rural Amenity Zone. However, there are portions of Lot 20 located within the Rural Character Landscape of the Rural Zone, and the Outstanding Natural Landscape of the Rural Zone. The land to the east, on the far side of Eastburn Road, is located within an Outstanding Natural Landscape of the Rural Zone.

For completeness, the PDP zoning and landscape classification of the site is depicted in Figure 5 below. The Rural Zone is coloured yellow; the Wakatipu Basin Rural Amenity Zone is coloured blue; and the ONL boundary is marked with a brown dotted line.

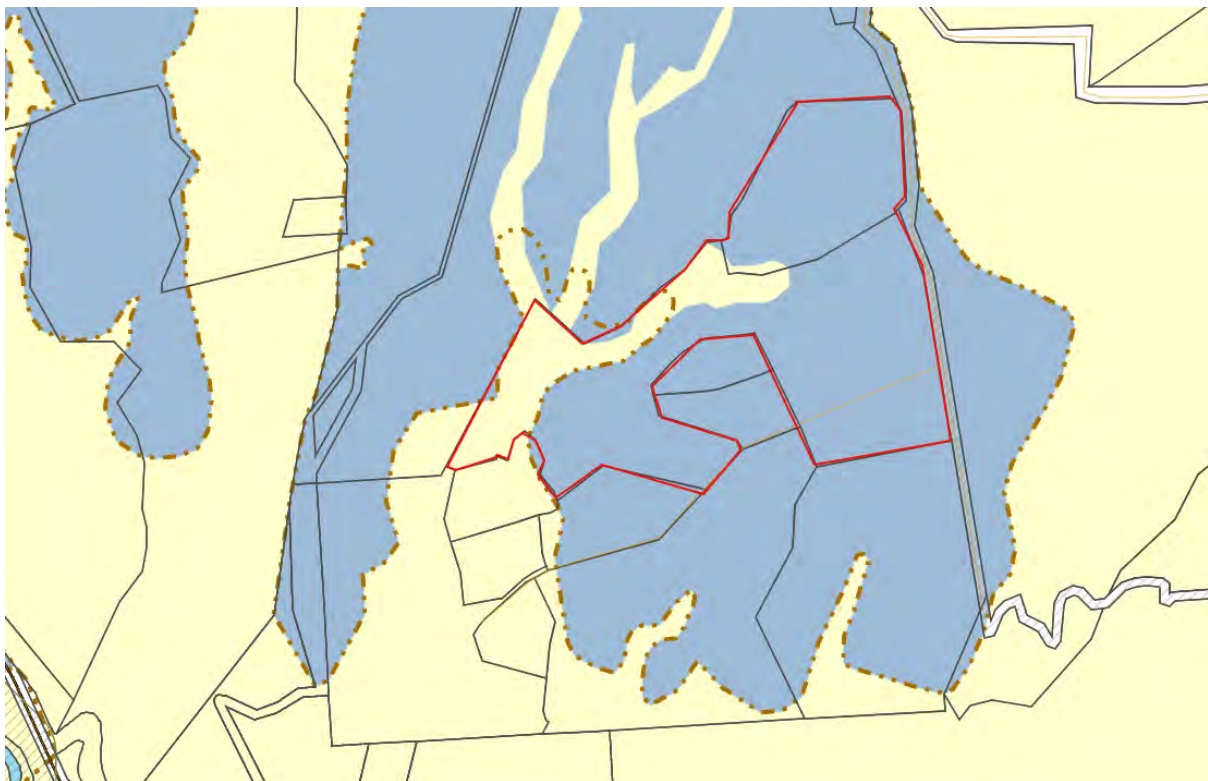


Figure 5: Zoning and Landscape Classification as determined by decisions on Stages 1 and 2 of the Proposed District Plan.

8.2 EFFECTS ON THE ENVIRONMENT

8.2.1 The Permitted Baseline

The permitted baseline allows for a comparison of the potential adverse effects of the proposal against what is permitted as of right under the District Plan (provided it is not fanciful).

The consent authority may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect.

In this case, there is no applicable permitted baseline of any relevance as all subdivision activity requires resource consent under both the ODP and PDP.

8.2.2 The Existing Environment

A complete list of the relevant subdivision consents and the site history is outlined within Section 2.2 of this report above and will not be repeated here.

A description of the existing farming activities, buildings and structures across the application site is adequately described in Section 2.1 of the applicant's AEE and will not be repeated here.

It is also acknowledged the Transitional Surface associated with the Queenstown Airport Corporation Limited designation (Designation Reference No. 4 in the ODP and PDP) extends above the application site. The height of this surface is well above the ground level of the site, as well as the maximum height of the buildings and vegetation proposed in this application.

8.2.3 The Receiving Environment

The wider receiving environment is adequately described in Section 2.2 of the applicants AEE, and the landscape reports from Mr Skelton and Ms Snodgrass, and will not be repeated here.

The primary addition of note is that the most up to date information on the subdivisions occurring within the vicinity is outlined within Section 2.2 of this report above. Aside from those subdivisions, there are no known unimplemented consented developments of direct relevance to this proposal within the immediate receiving environment.

It is acknowledged resource consent RM181929: Royalburn Station Limited has been applied for on the adjoining site to the north. That application seeks consent to undertake a 7 lot subdivision, comprised of 5 residential lots and 2 balance lots. At the time of writing this report a decision is yet to be made on that application.

Furthermore, two existing sections, each being approximately 0.8ha in area, are located to the north of the application site, directly west and downslope of Eastburn Road, much like proposed Lot 33 of this application. Each of these sections contain residential building platforms, one of which is currently subject to the construction of the residential unit approved under resource consent RM200017.

8.2.4 Actual and Potential Effects on the Environment

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

- 8.2.4.1 Landscape Character and Visual Amenity
- 8.2.4.2 Lot Sizes, Dimensions and Land Use
- 8.2.4.3 Access
- 8.2.4.4 Infrastructure Servicing
- 8.2.4.5 Earthworks
- 8.2.4.6 Natural Hazards
- 8.2.4.7 Reverse Sensitivity
- 8.2.4.8 Positive Effects

This assessment of actual and potential effects on the environment is guided by, but not limited to due to the overall non-complying activity status, assessment matters provided in the Operative District Plan and the Proposed District Plan, as well as those matters of discretion listed in Sections 5.3 of this report above, where appropriate.

8.2.4.1 – Landscape Character and Visual Amenity

The landscape classification outlined in Section 8.1 of this report above is particularly relevant for the assessment of actual and potential effects on landscape and visual amenity as it forms the basis of the following assessment by outlining the applicable assessment matters in the District Plan.

To provide context to the matter, a Landscape Assessment Report, prepared by Steve Skelton, Registered Landscape Architect of Patch Landscape Design Architecture Planning, was supplied with the application to identify and evaluate the landscape and visual effects likely to arise from the proposed activity. Mr Skelton concludes that overall, the proposal seeks to locate development in a discrete part of the landscape. The proposal will result in no more than low adverse effects on landscape character and visual amenity.

Ms Michelle Snodgrass, Consultant Landscape Architect for Council, subsequently undertook an independent peer review of the application and associated Landscape Assessment Report; that Landscape Assessment Report and Peer Review was received on 11 September 2020. Ms Snodgrass ultimately concludes that she agrees with the report from Mr Skelton that the proposed building platform will result in no more than low adverse effects on landscape character and will be visually absorbed within the patterns and processes of the landscape and will not adversely affect visual amenity values to a more than low degree (Mr Skelton), or moderate to negligible in her opinion. Further, that the landscape effect in her opinion will be low because it mimics an existing development pattern and the proposed building platform is an element that is not uncharacteristic of the receiving landscape. Finally, she states in her opinion the proposal is appropriate and can be absorbed by the landscape resulting in effects that will be less than minor.

Following a recommendation in the report from Ms Snodgrass, the application was amended to include the removal of willow trees along the north and north-western boundaries of Lot 33 DP 417527. Given the willows are wilding exotic trees, and new landscaping is proposed to screen and mitigate the visual effects of the proposed platform, I do not consider this amendment to substantially change the scope of the application or result in a different level of effects that was warrant re-notification of the application.

It is also worth clarifying a point due to inconsistency between some of the plans and documents supplied with the application. That is, the application does not propose to form an accessway from the boundary of proposed Lot 33 to the building platform, nor does it propose to undertake any earthworks within the building platform.

I have considered both of the landscape assessments, the assessment within the applicants AEE and the amendments to the application. These assessments will not be repeated here; however, I will outline my rationale, and points of agreement and disagreement within the relevant framework of the District Plan assessment matters below.

The below assessment has been split into ODP and PDP sections due to different policy framework between the operative and proposed plans.

Operative District Plan

Effects on Natural and Pastoral Character

The site and surrounding landscape has been described above and will not be repeated in full here. It sits within a generally open VAL atop the crown terrace, surrounded by an ONL to the northeast and southwest.

Mr Skelton considers the site and proposed building platform will be seen as part of the Crown Terrace VAL landscape and not as part of the Crown Range ONL, except from very distant viewpoints. From these distant places the context vegetation to the east of the platform will visually absorb any future built development within the proposed platform. He continues on to state the proposed vegetation between the road and the curtilage area will provide a buffer between these two-character areas. The development will result in very low adverse effects on the open character of the ONL. Ms Snodgrass agrees with Mr Skelton that the proposed development will have very low adverse effects on the adjacent ONL.

The proposed building platform will be set back from the more open landscape of the terrace and separated from the more natural landscape character of the mountains by Eastburn Road. The proposed development will be set within a pattern of existing and approved rural living development in this part of the Eastburn Road corridor. Mr Skelton considers the natural and open character of the landscape will be adversely affected to a low degree and the proposal will not cross or near a threshold where the landscape would appear over-domesticated. It will appear as a rural living element which is cohesive with the existing patterns of development in the landscape within the wider open and natural lands of the Eastburn end of the Crown Terrace. The platform will be located within an elevated sloping bank at the edge of a working farm. All of the productive farming activity that makes up the arcadian pastoral character of the surrounding visual amenity landscape will be contained within one lot and will not be compromised by the boundary adjustment or proposed platform. Ms Snodgrass agrees with Mr Skelton that the platform is set back from the more open paddocks on the terrace, and is set within a pattern of existing rural living development along the western side of Eastburn Road. Further, she agrees that the open character of the landscape will be adversely affected to a low degree.

As outlined within the application, both mitigation planting and design controls are proposed to mitigate potential adverse effects associated with the subdivision and establishment of a building platform. Mr Skelton supports the proposed establishment of Cypress trees to the north of the platform. He concludes they will provide meaningful mitigation within 3 years and within 10 years will completely screen the development from northerly views including those areas on Eastburn Road. Mr Skelton also discusses the indigenous context vegetation to the east of the proposed platform. It will provide a buffer between the platform and road, and better link the natural character of the Crown Range and Swiftburn gully while appearing cohesive with the approved rural living type development on the neighbouring sites. It will not completely screen a future building but will buffer it within a frame of natural character while retaining views from the road towards the open landscape and the Wakatipu Basin to the west. Ms Snodgrass also supports the proposed Cypress plantings as per the reasons in her report. She agrees with the abovementioned conclusions in relation to the amount of screening the proposed landscaping will provide.

Overall, in reliance on the above expert conclusions, the effects of the proposed subdivision and establishment of residential building platforms on openness of landscape and natural and pastoral character are considered to be appropriate.

Visibility of Development

Visibility of the site and proposed building platform varies but it is generally considered that views of the future development within the residential building platform would not dominate views or significantly detract from the existing landscape character of the site. As above, proposed landscaping will assist in mitigating adverse visual amenity effects by both providing screening and softening views of any future built form.

The subject site is well confined by topography such that it is contained within the southern part of the Crown Terrace landscape. The proposed platform sits within a bank positioned below, and sheltered by Eastburn Road. Ms Snodgrass notes that any future building within the platform will not break the line and form of any ridges, hills or slopes and the proposed earthworks and planting will not reduce the visual amenity of the landscape. This is accurate and aligns with the direction sought in both the ODP and PDP.

Both Mr Skelton and Ms Snodgrass have undertaken site visits and compiled a list of the various views of the site, from both public and private viewpoints in their reports. These lists will not be repeated in full here. Mr Skelton notes in terms of private places, the proposed platform may be visible from some of the adjacent pastoral lands. However, it is considered landform and vegetation will provide significant mitigation such that the proposal will not be visible from any rural living areas aside from those associated with the applicant. Ms Snodgrass agrees with Mr Skelton's assessment of the proposed platform in relation to a number of private views, with her conclusions being that magnitude of effects on visual amenity will range from negligible to low depending on the private view in question. Additionally, it is also acknowledged that during the public notification process, direct notice of the application was served on all of the private landowners within the vicinity that could have views of the

site from anywhere on their property. No submissions were received from any landowners during the public notification process.

The nearby Crown Range Road represents an extremely frequented public place, being one of the key transport links between Queenstown and Wanaka. Mr Skelton considers visibility from the Crown Range Road and associated visual amenity effects that could arise from this proposal. He considers that any views of the platform from the road would be reasonably difficult to see and would only be fleeting, in-between occasional breaks in the vegetation across a short portion of the road. Ms Snodgrass concludes that the magnitude of effect on visual amenity of the proposed building platform as experienced from Crown Range Road will be negligible for the reasons outlined in her report.

Mr Skelton notes the only public place where the proposal may be highly visible is when viewed from Eastburn Road. He considers that the proposed cypress trees to the north of the platform will mitigate views of the proposal from more northerly locations while the proposed context vegetation to the east of the platform and curtilage area will provide a buffer. He is of the opinion that this vegetation will ensure the proposal is not visually prominent such that it would detract from views, private or public, which are otherwise characterised but natural or arcadian pastoral landscapes. Ms Snodgrass agrees that the degree of visibility from Eastburn Road will be high. However, due to the proposed planting the degree of visibility will be high initially but reducing to low-nil at 10 years from implementing the proposed planting. Ms Snodgrass concludes the magnitude of effect on visual amenity of the proposed platform, a future house and mitigation planting will be moderate from Eastburn Road due to the location of the platform being close to the road, however she does not believe the proposal will change the character of the wider landscape. It is acknowledged that this moderate effect is only for the short portion of Eastburn Road directly adjoining the site and it will decrease over time as the mitigation planting creates a buffer between the platform and road. Further, while being a public place, Eastburn Road is frequented far less than the Crown Range Road given it is a dead-end road only servicing a limited number of private properties.

This application does not propose any earthworks associated with the building platform, or with an accessway from the boundary of Lot 33 to the platform. Any future earthworks and/or associated with development of the platform can be assessed at the time the resource consent for a residential unit is applied for. The implementation of the subdivision and associated landscaping will provide for instant mitigation landscaping that will only improve over time as it establishes and grows. When Lot 33 is ultimately developed as per the direction sought by the application there will be clearly be more mitigation planting than at present, thereby lessening potential adverse visual amenity effects compared to a situation where an accessway and physical building platform were created at subdivision stage and left as more visible scars on the landscape. It is noted that Mr Skelton assessed a potential accessway location within his report and noted it would cross the site along existing contours and near an existing fence and would therefore adversely affect the naturalness of the landscape with respect to existing natural topography to a low degree.

The proposed boundary between Lots 20 and 33 will follow an existing fence line at the bottom of a slope, being the existing line between productive farming activity and a grassed slope. It will not give rise to any arbitrary lines and patterns on the landscape with respect to the existing character of the environment.

Overall, I consider effects on visual amenity to be acceptable. The implementation of proposed landscaping will assist in mitigating associated adverse effects and ensuring a future residential unit and accessway are absorbed into the surrounding environment, while also minimising adverse visual effects. Should consent be granted, I recommend a condition of consent that the proposed landscaping plan is implemented prior to the completion of the subdivision and then maintained in order to ensure visual amenity effects are mitigated appropriately.

Form and Density of Development

The proposal utilises existing topography such that the proposed building platform on Lot 33 will be recessed into the least visible part of existing Lot 33, thereby retaining the balance of the site as open, productive land.

Mr Skelton considers the proposal will not introduce any densities which are indicative of urban areas and that it best locates development where it will have the least effect on landscape character and visual amenity. He ultimately concludes that the proposal and the density it represents will not change the character of the landscape and will not preclude residential development or subdivision on neighbouring land because the adverse effects would be unacceptably large.

Ms Snodgrass confirms she agrees with Mr Skelton that the building platform is located where access is aggregated with the existing homestead node at 108 Eastburn Road. She also agrees that the location of the platform retains the open and flatter paddocks west of proposed Lot 33 in their current pastoral state. The design control relating to the maximum building height below Eastburn Road and the proposed native planting between the platform and the road will eventually result in a house and associated domestic elements that are not highly visible.

Furthermore, the design and landscape controls proposed go above and beyond the bulk and location standards of the District Plan to further mitigate the potential effects of any future development within Lot 33. Ms Snodgrass has not raised any concerns in relation to the controls proposed by Mr Skelton and volunteered by the applicants. I consider them appropriate in this instance as they will provide for meaningful mitigation and control over future built form. Should consent be granted, these controls can be imposed as consent notice restrictions to ensure they apply indefinitely.

Overall, I do not consider the form and density of development of the proposal to result in an unacceptable level of effects for the reasons outlined above.

Cumulative effects of development on the landscape

Cumulative effects of development take into account activities that are part of the existing environment, activities that can be undertaken as a permitted activity, and the receiving environment. 'Cumulative effects' are referred to in the definition of 'effect' in section 3 of the RMA as effects that can build up over time or occur in combination with other effects.

The proposed activity has the potential to result in cumulative effects of development on the landscape due to the proposed establishment of a building platform on a site that has no permitted development right under the current applicable ODP planning framework.

As this is a boundary adjustment subdivision, no additional records of title will be created. It will result in the establishment of a building platform. Under the ODP planning framework a landowner could apply for a controlled activity resource consent to construct a residential unit within the platform. While an additional consent would be required, this proposal takes a step towards enabling a level of development beyond that which is presently permitted by the ODP.

Following the above, Mr Skelton considers the proposed development and creation of a building platform will not lead to further degradation of the landscape such that it represents a threshold with respect to the landscape's ability to absorb change. Ms Snodgrass agrees with Mr Skelton in this respect.

The proposed development will not lead to infrastructure consistent with urban landscapes and will not lead to a spread of further development or over domestication of the site or wider vicinity beyond that applied for in this application.

Overall, I consider cumulative effects of the proposed development to be appropriate.

Rural Amenities

The proposed development will not reduce visual access to open space and views across Arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained. The building platform location and height controls will ensure future built form is recessed into the sloping bank below Eastburn Road and the associated landscaping will only cover an area around the curtilage area.

It will not compromise the ability to undertake agricultural activities on the site or surrounding land. The boundary adjustment will retain all of the productive farming land across the two lots subject to this

application and contain them in one lot for effective land management. Consistent land management of a larger area will support increasing consistent pastoral character and retaining it. The portion of land being transferred to existing Lot 20 is already managed as one part of the wider rural activity on that lot and this boundary adjustment will provide for that activity to continue going forward. In addition, the creation of Lot 33 and the proposed building platform adjoining Eastburn Road is not considered to hinder any of the adjoining sites within the vicinity undertaking farming activity.

Proposed Lot 33 consists of an area of land not presently farmed due to its elevation and slope, mirroring the land to the north which is of a similar elevation and slope, and not farmed either. While the building platform will present a change in land use by providing for a future residential unit, Mr Skelton and Ms Snodgrass agree due to its location this would only result in a low level of effects.

The proposed infrastructure servicing requirements will not result in any infrastructure consistent with urban landscapes such as street lighting and curb and channelling. Landscaping will be consistent with traditional rural elements and recommended conditions of consent will ensure this is the case.

Overall, as a result of the above, effects on rural amenities resulting from the proposal are considered to be appropriate.

Overall Landscape Character and Visual Amenity Effects under the ODP

As a consequence of the above, I consider the proposed activity can be undertaken without resulting in any unacceptable landscape and visual amenity effects subject to conditions of consent that will ensure those effects are mitigated to an acceptable standard.

Overall, adverse effects in relation to landscape and visual amenity are considered to be appropriate.

Proposed District Plan

The site and surrounding landscape has been described above and will not be repeated in full here. Section 24.8 of the PDP describes the associated landscape character unit (LCU 20: Crown Terrace) in detail. Of note, the unit generally exhibits a relatively high degree of openness. It also retains a reasonably high degree of naturalness as a consequence of its predominantly open and pastoral character combined with its proximity to the vastly scaled and relatively undeveloped Crown Range landscape to the east. Generally, the unit displays a working rural landscape character with a reasonably spacious patterning of rural residential development in places. The relatively open and exposed nature of the unit, in addition to its importance as a scenic route and as a transition between the Wakatipu Basin and the Crown Range, makes it highly sensitive to landscape change.

Landscape and Visual Amenity

Regarding land use, Schedule 24.8 for LCU 20 describes the land use as being predominantly in rural production with loose groupings of rural residential development throughout the unit. The subject site and proposed platform is within one of those loose groupings of rural residential development in the LCU's eastern extents. Ms Snodgrass considers the proposed platform responds adequately to the landscape character in that it is a single building platform and is located below Eastburn Road and generally follows a pattern established by existing development.

LCU 20 describes the wider area as being highly visible from the Crown Range Road. Mr Skelton notes the subject site is an exception as its vicinity to the foot of the Crown Range mountains allows the landform to screen the proposed development area from most of the Crown Range. There are some intermittent exceptions where the platform may be visible intermittently from the road, as described in his report. As discussed above, these views are highly limited to passengers in elevated vehicles across a short portion of the road through breaks in the vegetation. Ms Snodgrass agrees with Mr Skelton that the visual amenity as experienced from the Crown Range Road will be adversely affected to a low degree. A complete assessment of the visibility of the proposed platform and associated effects is undertaken above and will not be repeated here. The above findings and conclusions are applicable to both the site in an ODP and PDP context.

Mr Skelton considers the high degree of openness that LCU 20 maintains will not be degraded to a more than low degree as the open visible parts of the site will be retained in their present state. Ms Snodgrass agrees that the location of the proposed platform maintains a sense of openness and spaciousness of the site as it will not be out in a paddock, but close to Eastburn Road.

In his assessment Mr Skelton also assesses the proposal against the other key features of LCU 20, including coherence, naturalness, sense of place and potential landscape issues and constraints associated with additional development. He considers that the proposal will fit into this coherent pattern or rural living, natural and pastoral characters and will not adversely affect the coherence of the landscape. He is also of the opinion that it will conform with the existing sense of place and will continue to integrate building into the landscape with an extension of the shelterbelt to the north and the presence of the native context planting to the east of the curtilage area. Ms Snodgrass agrees that the proposed planting will complement the existing landscape character and in particular the escarpment, gullies and nearby mountain slopes.

The location and design controls associated with the proposed platform will ensure that a future residential unit will be well controlled such that its height, colours, scale and landscape treatments will complement the existing landscape character and visual amenity values of the site and surrounding landscape through ensuring built form is appropriately scaled, coloured and recessed in the wider landscape. Ms Snodgrass and Mr Skelton agree on this point.

Specifically regarding potential effects of the proposal on the ONL, an assessment on the matter has been undertaken under the ODP section above and is considered applicable in this instance. Ms Snodgrass agrees with Mr Skelton that the proposed development will have very low adverse effects on the adjacent ONL.

Part 27.9.3.3 of the subdivision chapter of the PDP also provides assessment matters relating to landscape and visual amenity which can assist in guiding an assessment of a subdivision against the PDP. When considering the extent to which the proposal is consistent with objectives and policies relevant to the matters of discretion, Ms Snodgrass states the proposal is consistent with objectives and policies relating to landscape as it will maintain the landscape character and visual amenity values of the Landscape character Unit.

When considering the extent to which the subdivision provides for low impact design that avoids or mitigates adverse effects on the environment, Ms Snodgrass finds the subdivision allows for the maintenance of farming use of the majority of the site, thereby mitigating the effects of an additional platform by repeating the established development pattern of smaller residential lots balanced by larger agricultural lots. She is of the mind this will result in a low impact design. As discussed in the section of this report below on lot sizes dimensions and land use, the subdivision has been designed to retain all existing productive land uses while providing for residential development that does not exceed the permitted density under the PDP.

Overall Landscape Character and Visual Amenity Effects under the PDP

As a consequence of the above conclusions and expert landscape architect findings, I consider the proposed activity can be undertaken without resulting in any unacceptable landscape and visual amenity effects subject to conditions of consent that will ensure those effects are mitigated to an acceptable standard.

Summary

Overall, adverse effects in relation to landscape and visual amenity are considered to be appropriate when assessed under the frameworks provided by both the ODP and PDP.

8.2.4.2 – Lot Sizes, Dimensions and Land Use

Under the Operative District Plan, there is no prescribed minimum lot size within the Rural General Zone. Under the Proposed District Plan, there is no prescribed minimum lot size within the Rural Zone while the minimum lot size within the Wakatipu Basin Rural Amenity Zone is 80ha. None of the proposed allotments will comply with the minimum lot size of the Wakatipu Basin Rural Amenity Zone, as noted

in the application. However, as this is a boundary adjustment, no additional separately saleable allotments are proposed. Lot 20 will increase from 34.01ha to approximately 43.29ha while Lot 33 will decrease from 10.91 to 1.81ha.

The proposal will have no bearing on the continuation of the existing land uses undertaken on site and there is no intention to change the use of the productive farming areas on site as part of this proposal. Additionally, no changes to the current boundary treatments are proposed. The new boundary lines are not anticipated to result in any additional visible planting or fencing which would further delineate or reduce the current open nature of the site. Lot 33 is of a sufficient size to contain a future residential unit and associated residential activity while Lot 20 will increase to contain all of the flat, productive, farming activity across the site, which is considered to result in a more effective means of land management that will assist in enabling the continuation of the rural use.

The effects of the subdivision on landscape character and visual amenity values have been assessed in the associated section of this report above and will not be repeated here. Mr Skelton and Ms Snodgrass agree that the boundary adjustment will maintain the rural production character of the landscape with spacious patterning of rural living development because of the carefully considered location of the building platform, coupled with the fact the boundary adjustment will enlarge Lot 20 for consistent, effective farming activity.

Generally speaking, subdivision sets up future land use. While this subdivision and establishment of a building platform will not provide for any more of a development right than presently exists under the current PDP planning framework, that is under the PDP a restricted discretionary activity resource consent would be required both now and after the proposed subdivision to construct a residential unit, it will create a canvas that is more suited to residential development than the present site. While the platform will give no development right under the PDP, registering a building platform on the applicable Record of Title as a defined geographical area in which building is anticipated on the lot will provide an additional layer of certainty as to the control in terms of where buildings will be sited and serviced. Additionally, a new platform will align with the wording of recommended prior to 224c conditions and the consent notice restrictions.

While the future construction of any residential unit requires consent, it is noted that the unlike the ODP, the PDP provides for a permitted density of one residential unit on the site as it currently stands. This provides for a level of anticipation that existing Lot 33 could one day contain a residential unit. This application does not seek to increase that allowable density across the site by any means. It seeks to retain it for proposed Lot 33 while creating a more precise and more appropriate location as to where a residential unit could be constructed in the future without compromising the pastoral character of the site.

It is acknowledged the PDP framework may change as substantial appeals have been lodged in respect of relevant parts of the Stage 2 decisions and there will be a (likely lengthy) process of mediation and court hearing before determination of those appeals. That is, while the establishment of new platforms within the Wakatipu Basin Rural Amenity Zone does not presently provide for any development right, it may do in the future dependent on the aforementioned appeals process.

Under the ODP planning framework, which is still operative at the time of writing this report, a controlled activity resource consent would be required to establish a future residential unit within the proposed platform. At present, a discretionary activity resource consent would be required under the ODP to establish a residential unit on the site as there is no residential building platform approved by resource consent. While this application does not eliminate the need for a future consent under the ODP, it provides for a more streamlined consenting pathway which enables the construction of a residential unit on a site which has been designed for such an activity. In this instance, consenting a residential building platform as part of a boundary adjustment subdivision is considered appropriate for the reasons outlined above.

Given the nature of the existing and proposed land uses and development, each of the proposed lots are considered to be of a sufficient size to cater for their intended uses with regard to infrastructure servicing, in that a residential dwelling and associated rural living can be provided for. As detailed in the associated sections of this report below, Mr Jones is satisfied that access to, and the servicing of, Lot

33 is feasible. Lot 20 currently has a sufficient means of obtaining legal and physical access, as well all of the necessary services. This application does not propose any changes to Lot 20 in that respect.

However, it is acknowledged that the lot size of proposed Lot 33 cannot cater for the use intended by the zone as it is not large enough to farm. However given that the lot is already challenging to farm, and that the boundary adjustment would result in Lot 20 being more viable for farming, this outcome is considered acceptable in this instance.

I consider the siting and slope of proposed Lot 33 and the associated building platform to be suitable for future development with regard to natural hazard risk. As detailed in the natural hazards section below, effects in relation to natural hazards are considered to be appropriate.

Overall, for the above reasons effects in relation to lots sizes, dimensions and land use are considered to be appropriate.

8.2.4.3 – Access

Proposed Lot 20 obtains legal and physical access via a number of existing vehicle crossings that extend from Eastburn Road, including the recently formed Preservation Lane right of way. Mr Jones is satisfied sufficient access exists to Lot 20 and makes no recommendations in this regard.

Existing Lot 33 Deposited Plan 417527 is served by an existing vehicle crossing that extends from Eastburn Road and passes through Lot 20 Deposited Plan 532665 before reaching the site. This access arrangement will not change via this subdivision, as depicted on the scheme plans supplied with the application. That is, proposed Lot 33 will continue to gain access over proposed Lot 20.

While physical access to Lot 33 presently exists, it is not formed to any known standard or covered by a right of way for legal passage over Lot 20. The applicants propose a right of way over Lot 20 in favour of Lot 33. Mr Jones is satisfied that forming an access which complies with Council's requirements for width and gradient will be easily achieved and he recommends that conditions of consent are imposed to ensure this occurs prior to 224c certification. I consider this to be an acceptable approach and solution.

Access to the right of way will be via the existing vehicle crossing referenced above. Mr Jones has assessed the vehicle crossing location and notes he is satisfied that the vehicle crossing complies with District Plan requirements for sight distances, length, and break over angles. As Eastburn Road has been recently sealed, he recommends a condition that the crossing be sealed prior to 224c certification. I consider this to be an acceptable approach.

For clarity, an accessway from the boundary of Lot 33 to the building platform is not proposed in this subdivision, despite being depicted on a number of the plans supplied with this application. Contrary to the wording in his engineering report, Mr Jones later supplied an addendum confirming he is satisfied deferring the formation of the accessway to the platform until such time that a residential unit is proposed on the site is appropriate. He recommends a consent notice be imposed on Lot 33 to ensure that an accessway is constructed to the required standards at the time a residential unit is erected on the lot. Such a consent notice will ensure any potential effects are mitigated to an acceptable standard.

Overall, effects in relation to access are considered appropriate. Should consent be granted, I recommend that conditions of consent and consent notices be imposed, as recommended by Mr Jones, to ensure that each of the lots are appropriately serviced at the both the time of subdivision and the time of future development.

8.2.4.4 – Infrastructure Servicing

The proposed means of servicing the residential unit have been discussed in the applicant's AEE and associated appendices. Mr Jones has reviewed the application in full and his associated findings are outlined in his report. Those findings will not be repeated in full here but are discussed as necessary below.

A number of residential units are located across Lot 20, all of which are presently serviced. No changes are proposed to any of the development within Lot 20 as part of this application which would necessitate

additional service connections; Mr Jones makes no comments in relation to the level of servicing provided to Lot 20.

There is no wastewater reticulation within the vicinity. An on-site wastewater disposal system is proposed to be installed at the time a future residential unit is constructed within the building platform on Lot 33. John McCartney of Civilised Ltd was commissioned by the applicant to prepare an infrastructure feasibility report in relation to wastewater disposal at the building platform location; that report was supplied as *Appendix H* to the application. Mr McCartney concludes that given the lot size, it is appropriate and feasible to install an individual lot system to provide the necessary wastewater infrastructure to service the proposed future dwelling. Mr Jones has not raised any concerns in relation to the findings in Mr McCartney's report, he recommends a consent notice be imposed to ensure an effluent disposal system is designed and installed to the required standards at the time a residential unit is erected on the lot.

There is no stormwater reticulation within the vicinity. The applicant's AEE notes it is proposed to dispose of stormwater runoff for Lot 33 to soak pits onsite, for which a consent notice condition has been volunteered to advise that design of soak pits will need to be undertaken at the time of construction of a residential dwelling. Mr Jones finds that given the size of the site, stormwater can be disposed of on site from a future residential unit without concern. He does not consider a consent notice is required in this respect and is satisfied that the specific design of a stormwater disposal system can be assessed as part of the associated Building Consent process for any residential unit. He makes no recommendations in this regard.

Regarding a potable water supply for the proposed building platform, the preferred source will be via an onsite bore that will service the proposed platform only. This bore is yet to be drilled with the intention being that this source of water will be confirmed prior to the completion of the subdivision. The applicant's AEE states if the drilling of the preferred bore fails to produce an appropriate potable water supply, water can be provided via an existing 150mm bore located within the curtilage of the dwellings located on Lot 20. The applicant provided evidence from Southdrill Limited that the existing bore on Lot 20 has capacity to provide a sufficient supply to Lot 33, if that option is ultimately pursued (*Appendix F* to the application). The applicant also provided sufficient evidence from Citilab that the water quality is deemed suitable for drinking purposes (*Appendix G* to the application). Mr Jones has reviewed the application and supporting documentation and is not significantly concerned with either of the two options outlined above. Conditions of consent are recommended to ensure a sufficient system is provided prior to the completion of the subdivision; should the existing bore be used, an easement will be provided for the legal conveyance of water to Lot 33. It is noted the bore is restricted to permitted water take of 25,000L per day, as per the Otago Regional Council's Regional Plan: Water. The demand of the proposed building platform will be a minimum supply for 2,100L per day. Given the present demand of the bore could be approximately 15,000L per day (considering the existing land uses within Lot 20 and the consented land uses on Lot 19 DP 532665 to the south which are yet to be established), I consider there sufficient capacity in this bore to service the proposed building platform, if required.

Specifically regarding firefighting, at the time of future development of the building platform, it is proposed to store water onsite in plastic holding tanks containing a minimum static reserve of 45,000L to be provided for firefighting, in accordance with the requirements of SNZ PAS 4509:2008. The applicant volunteers a consent notice be imposed outlining the above as a requirement for future landowners. Mr Jones agrees with this approach and has recommended consent notice wording to this effect.

The application proposes to extend power underground to the building platform within Lot 33. Confirmation has been provided by Aurora confirming that a power supply can be afforded to the proposed building platform. Therefore, conditions of consent have been recommended that an appropriate reticulated electricity supply is extended, underground, to the building platform prior to 224c certification.

The application does not propose to extend reticulated telecommunications to the proposed building platform on Lot 33, instead opting to provide for a wireless telecommunications connection at the time of future development. In his report Mr Jones notes insufficient evidence was supplied to confirm wireless telecommunications were suitable. However, following the completion of the engineering report the applicants provided additional evidence from Lightspeed Technology Group Ltd, who are included

on the register of Chorus' non-retail users provided by the Commerce Commission NZ. Chorus itself is listed as a Telecommunications and Broadcasting Network Operator in accordance with the Telecommunications Act 1987/2001. The correspondence confirms that high speed internet (speeds of 100/100 Mbps upload/download) is available by wireless service to the proposed platform from an existing tower on Coronet Peak. Given the certainty that a suitable standard of wireless service is available to the platforms, it is considered appropriate to allow for the proposed lots to be serviced by wireless telecommunications. The supply is considered secure and is of a higher speed than could be achieved via a reticulated copper line. A consent notice is recommended to advise future landowners that the platform is not serviced by reticulated telecommunications but a wireless solution is available.

Overall, adverse effects in relation to infrastructure servicing are considered to be appropriate. I recommend that conditions be imposed to ensure that the proposed building platform is appropriately serviced at the time of subdivision.

8.2.4.5 – Earthworks

A minor amount of earthworks are proposed in this application, being those associated with the short ROW over Lot 20 and the installation of some services to the building platform on proposed Lot 33. These earthworks will be less than the 400m³ permitted within the Wakatipu Basin Rural Amenity Zone and will not breach any of the earthworks standards within the ODP or PDP.

No major earthworks are proposed in relation to the building platform sought in this application. That is, the formation of the accessway to the platform from the site boundary, and the formation of a level area for a future building foundation, are being deferred until such time that a residential unit is proposed on the site.

Land development activities can have adverse effects on the surrounding environment if adequate controls are not in place, such as erosion and sediment runoff, dust, and site contamination. To help avoid, reduce or mitigate these effects, Council has developed a set of guidelines for large-scale developments. These guidelines were approved by Council in June 2019 and provide guidance to consent holders, contractors and consultants for the environmental management plans they must submit alongside resource consent applications. This proposal falls into the Low Risk category as defined by the guidelines. Conditions of consent are recommended, in accordance with these guidelines, to ensure an environmental management plan is prepared and adhered to, in order to mitigate the associated risks to the environment to an acceptable level.

There is built development within the wider environment, with a number of the surrounding properties containing established residential units. Site management conditions of consent are recommended to ensure that any nuisance effects on residents are mitigated.

Overall, effects resulting from the proposed earthworks are not considered to be any more than minor.

8.2.4.6 – Natural Hazards

Council's hazard maps identify that the site is overlain by several alluvial fan hazard layers, and that there is a landslide hazard to the northeast of the proposed building platform location.

Following a request for further information, the applicant supplied a geotechnical report from GeoSolve Limited to determine the subsoil conditions, provide geotechnical inputs and confirm the suitability of 106 Eastburn Road for a proposed building platform. That GeoSolve report ultimately concludes proposed Lot 33 is considered to be suitable for residential building from a geotechnical aspect provided specific engineering inputs are provided during detailed design of the project. Further, it states the alluvial fan and other natural hazard risks (including landslide) are considered to be low and no special provisions are considered necessary. Mr Jones accepts this expert advice and does not make any recommendations in this regard. Appropriate foundation design can be finalised at the time of future development.

As noted in Section 3.1 of this report above, Warren Hanley, Senior Resource Planner Liaison of the ORC and Andrew Welsh, ORC Spatial Analyst of the ORC's natural hazards team, have provided feedback on the application but not in the form of a submission on the application. The ORC was

generally in agreement with the natural hazard findings of the GeoSolve report, however some queries were raised in relation to the potential for interaction between the landslide and alluvial fans above the site; ORC recommended some additional assessment be provided. Paul Faulkner, Senior Engineering Geologist of GeoSolve subsequently provided an additional assessment as an email addendum to the initial report. Following a review of the justification in the addendum, the ORC confirmed they had no further concerns in relation to the proposed activity. The abovementioned ORC feedback and associated Geosolve responses can be sourced on the resource consent file for this application and will not be repeated here.

The Otago Regional Council's (ORC) GIS shows that the site is within liquefaction Domain A, meaning the likely risk due to liquefaction is "low to none." As a result, Mr Jones makes no recommendations with regard to liquefaction risk.

Overall, effects in relation to natural hazards are considered to be appropriate.

8.2.4.7 – Reverse Sensitivity

The location of relatively small rural residential sites in close proximity to farming activity can result in reverse sensitivity issues where the residents consider that the legitimate farming activity in the surrounds is detrimental to their enjoyment of their property.

In this instance I consider that proposed building platform location within Lot 33 will not result in an unacceptable level of reverse sensitivity effects. Surrounding rural activity consists of sparsely grazed pasture, rather than intensive farming activity which is more give rise to undesirable nuisance effects if situated in close proximity to residential activity. Further, the platform is positioned on an elevated bank which backs onto Eastburn Road and will be screened from farming activity to the north by proposed vegetation, all features which provide for separation between the platform and surrounding farming activity to assist in mitigating potential reverse sensitivity effects. The immediate land to the south contains the homestead node at 108 Eastburn Road which I do not consider to cause conflict with the proposed platform with regard to reverse sensitivity effects.

Overall, adverse effects in relation to reverse sensitivity are considered to be appropriate.

8.2.4.8 – Positive Effects

As discussed in this report above, I consider the proposal will result in two minor positive effects.

The first being that it provides for the removal of the willow trees along the northern bounday of proposed Lot 33. Both Grey Willow and Crack Willow are identified in Chapter 34 of the PDP as wilding exotic trees and their planting is now classified as a prohibited activity. Wilding trees are spreading across parts of the District and have visually degraded parts of the landscape, biodiversity values and can threaten the productive values of the soil resource, and reduce water yield. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation. The removal of these trees will have positive landscape and biodiversity outcomes by decreasing the chance for further degradation.

The second positive relates to the future use of the residential building platform, which as above, can be undertaken without resulting in unacceptable landscape character or visual amenity effects. While the subdivision and establishment of a building platform will not provide for any more of a development right than presently exists under the current planning framework, that is under the PDP a restricted discretionary activity resource consent would be required both now and after the proposed subdivision to construct a residential unit, it will create a canvas that is more suited to residential development than the present site. I consider this to be a very minor positive effect as, once developed, proposed Lot 33 will make a very small contribution to availability of housing stock in a market that is presently stretched and struggling to keep in touch with public demand, albeit this contribution will be at the high end of the market and as such will have no impact in positively contributing to housing affordability in the District.

Overall, the proposed activity is considered to result in a minor positive effects as outlined above.

Overall Conclusion

As above, differing zones and associated planning frameworks under the ODP and PDP result in the proposal having different effects under each Plan. That is, under the ODP the proposal creates a smaller Lot 33 with a building platform that provides for the future construction of a residential unit on the site; the effects associated with this activity are considered appropriate as per the assessment above. Whereas under the PDP the proposed subdivision and platform does not provide for any guaranteed development right. Despite this, in this instance under the PDP the formation of a smaller Lot 33 than presently exists is not considered to result in unacceptable adverse effects as per the assessment above.

Therefore, based on the conclusions reached in the assessment above, undertaken with regard to both the Operative District Plan and Proposed District Plan, I consider the proposed subdivision and establishment of a building platform will result in effects on the environment that are appropriate.

This is due to my conclusions that the adverse effects of the proposal can be adequately mitigated through conditions of consent while the positive effects will occur as intended.

Overall I consider that the environment can absorb the proposed development without resulting in unacceptable adverse effects.

8.3 RELEVANT DISTRICT PLAN PROVISIONS (s104(b))

8.3.1 The Operative District Plan

The subject site is zoned Rural General Zone in the ODP.

The relevant objectives and policies are contained within Section 4 – District-wide Issues, Section 5 – Rural Areas, Section 14 – Transport, Section 15 – Subdivision, Development and Financial Contributions and Section 22 – Earthworks of the ODP.

Section 4 – District-wide Issues

1 **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.

1.1 To encourage the long-term protection of indigenous ecosystems and geological features.

1.5 To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.

- 1.7 *To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.*
- 1.17 *To encourage the retention and planting of trees, and their appropriate maintenance.*

The application proposes to remove a couple willow trees as discussed in this report above. Ms Snodgrass considers this to be a minor benefit from a landscape perspective. The removal of these wilding exotic trees will have positive landscape and biodiversity outcomes by decreasing the chance for further degradation. The proposal is considered consistent with the above objective and policies.

1 Objective (4.2.5)
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.

- 1 *Future Development*
- 3 *Outstanding Natural Landscapes (Wakatipu Basin)*
- 4 *Visual Amenity Landscapes*
- 6 *Urban Development*
- 8 *Avoiding Cumulative Degradation*
- 9 *Structures*
- 11 *Forestry and Amenity Planting*
- 12 *Transport Infrastructure*
- 15 *Retention of Existing Vegetation*
- 16 *Wilding Trees*
- 17 *Land use*

The above objective and policies all fall under Section 4.2 of the District Wide Issues part of the District Plan and all directly relate to landscape and visual amenity (a complete list of the above is provided as Appendix 4 to this report). The proposal has been carefully considered in accordance with all of the matters outlined in the above policies. A full assessment of the proposal in relation to landscape and visual amenity values has been undertaken within Section 8.2 above and is directly applicable with respect to this matter. The key policies are specifically addressed below.

Future Development

The boundary adjustment and establishment of a building platform is considered to harmonise with the local topography, a future residential unit will be recessed into a sloping bank below Eastburn Road. The proposed development and creation of a building platform in this location will not lead to further degradation of the landscape such that it represents a threshold with respect to the landscape's ability to absorb change or appear over-domesticated.

Outstanding Natural Landscapes (Wakatipu Basin)

All of the land subject to tangible change within this application will be located within a VAL. The boundary adjustment and creation of a platform will not detract from or degrade the values of the adjoining Outstanding Natural Landscapes, or the extremities of proposed Lot 20 which boarder the ONL. I do not consider effects on the ONL to be any more than minor.

Visual Amenity Landscapes

These policies primarily seek to avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are visible from public places and roads.

The subject site is well confined by topography such that it is contained within the southern part of the Crown Terrace landscape. The proposed platform sits within a bank positioned below, and sheltered by, Eastburn Road. Any future building within the platform will not break the line and form of any ridges, hills or slopes and the proposed earthworks and planting will not reduce the visual amenity natural

character of the VAL. Topography allows the landform to screen the proposed development and platform from most of the Crown Range Road, being a highly frequented public road. There are some intermittent exceptions where the platform may be visible intermittently from the road, as described in Mr Skelton's report. As discussed above, these views are highly limited to passengers in elevated vehicles across a short portion of the road through breaks in the vegetation.

The only other public place or road where the site will be visible from is Eastburn Road. Ms Snodgrass concludes the magnitude of effect on visual amenity of the proposed platform, a future house and mitigation planting will be moderate from Eastburn Road due to the location of the platform being close to the road, however she does not believe the proposal will change the character of the wider landscape. It is acknowledged that this moderate effect is only for the short portion of Eastburn Road directly adjoining the site and it will decrease over time as the mitigation planting creates a buffer between the platform and road. The proposed mitigation planting is confined to around the curtilage area and will still allow views over the paddock and majority of what is currently Lot 33 to open pastoral land. The planting will read as an extension of the existing shelterbelt on proposed Lot 20.

Urban Development

This proposal will not result in any development within an ONL. The subdivision is not considered to unnecessarily sprawl along any roads. While Lot 33 is adjoining Eastburn Road, it is noted this is a boundary adjustment rather than the creation of an additional allotment in this location. The building platform is positioned at a lower topography than the formed carriageway of the road, and volunteered design controls will ensure a future residential unit within the platform is recessed into the ground to further mitigate visual effects and dominance when viewed from the road.

Avoiding Cumulative Degradation

This subdivision will result in the creation of a new building platform, thereby enabling the future construction of a residential unit on Lot 33. However, no additional records of title are being created and a single residential unit on a site which is presently devoid of any buildings, aside from a farm building, is not considered to be development of an inappropriate density. The development is sympathetic to the landscape by positioning the platform in the location with the highest capacity to absorb change. The platform location also allows for the retention of all of the productive rural land for continued agricultural use. Mr Skelton considers the proposed development and creation of a building platform will not lead to further degradation of the landscape such that it represents a threshold with respect to the landscape's ability to absorb change. Ms Snodgrass agrees with Mr Skelton in this respect. I do not consider the proposal to result in cumulative degradation of the landscape.

Structures

The location of the proposed building platform, coupled with the volunteered landscaping and design controls, will ensure that any future residential unit preserves the visual coherence of the visual amenity landscape. The building will be recessed into the ground and softened by adjacent landscaping and requirement to finish it in recessive, natural colours with a low light reflectivity value. The building will not compromise the values associated with any skylines, ridges, prominent slopes or hilltops.

Forestry and Amenity Planting

The proposed mitigation planting is confined to around the curtilage area and still allows views over the paddock and majority of what is currently Lot 33 to open pastoral land. The planting will read as an extension of the existing shelterbelt on proposed Lot 20. Ms Snodgrass agrees with Mr Skelton that the proposed planting will complement the existing landscape character.

Transport Infrastructure

The proposal seeks to utilise an existing vehicle crossing to provide access to the building platform within proposed Lot 33. This will reduce the need for earthworks and eliminate the need for an additional access which could have adverse cumulative landscape effects. Ms Snodgrass has assessed the effects of a potential future accessway, from the right of way to the building platform, and considers it would affect the existing natural topography to a low degree.

Retention of Existing Vegetation

The application seeks to retain the shelterbelt within proposed Lot 20 as it provides benefits to the productive use of the side, being shelter from the elements and shade for stock. This retention will assist in enabling the land is viable for continued rural use. Historic shelterbelts are recognised as forming part of the Crown Terrace landscape.

Wilding Trees

The application seeks to remove a small amount of Willow trees from the northern boundary of proposed Lot 33. This approach is considered appropriate as it will reduce the number of wilding trees within the application site thereby reducing the potential for further spread.

Land use

The proposed land uses are not considered to result in an unacceptable level of effects on the open character and visual coherence of the landscape. All of open pastoral land will be retained within a single title and utilise for continued agricultural use, while an unused sloping bank located below Eastburn Road and the aforementioned pastoral land will be used for future rural living purposes. As discussed throughout this report, existing topography and proposed landscaping and design controls will ensure that the future rural living use of Lot 33 does result in inappropriate landscape and visual amenity effects.

Overall

Overall, the proposal is considered consistent with the above objective and policies for the reasons outlined above.

- 1 *Objective 1 – Natural Hazards***
Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.
- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*
- 1.5 *To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.*

As detailed in the assessment of actual and potential effects on the environment above, effects in relation to natural hazards are considered to be appropriate. Following a review of the information provided by GeoSolve Limited, which concludes the alluvial fan and other natural hazard risks (including landslide) are considered to be low, Mr Jones confirmed he makes no recommendations with regard to natural hazards. Any risk from natural hazards can be addressed at the time of future development of Lot 33. The proposal is considered consistent with the above objective and policies.

Section 5 – Rural Areas

- 1 *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.
- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

- 1.4 *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.*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

The above objective and policies seek to retain landscape values while providing for the development where effects are considered to be appropriate. As outlined throughout this report, the proposed subdivision does not provide for any additional level of development and is not considered to result in any inappropriate adverse effects on landscape and visual amenity values.

The proposal is consistent with Policy 1.3 above. All of The productive, open, pastoral balance of the site will be retained for agricultural purposes and held in a single lot. The creation of proposed Lot 33, inclusive of the building platform, will not compromise the continued rural uses on proposed Lot 20.

Policy 1.4 requires that activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted. The establishment of a building platform for residential activity is not based on rural resources. However, as above it will not compromise the use of rural land for its intended use. The platform will be recessed into an elevated back at the edge of the site, below Eastburn Road. Therefore it is considered that, although the proposed rural living use would not be based on rural resources, the proposal would not affect the rural character of the area.

The applicant has proposed a number of building and landscape controls to assist in mitigating the adverse effects associated with the future construction of a residential unit on proposed Lot 33. Mr Skelton and Ms Snodgrass agree these will assist in mitigating the adverse effects associated with the establishment of a building platform.

The proposal, including the location of the platform, will fit into a coherent pattern of rural living, natural and pastoral characters and will not adversely affect the coherence of the landscape. The platform is positioned in a location that will not result in a future residential unit within it compromising the values associated with any skylines, ridges, hills and prominent slopes.

The proposal is considered consistent with, and not contrary to the above objective and policies.

3 *Objective 3 – Rural Amenity* ***Avoiding, remedying or mitigating adverse effects of activities on rural amenity.***

- 3.3 *To avoid, remedy or mitigate adverse effects of activities located in rural areas.*
- 3.5 *Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.*

The proposed residential unit will be sufficiently setback from all property boundaries and in addition, mitigation planting will surround it. The proposal is considered consistent with the above objective and policies.

Section 14 – Transport

2 *Objective 2 – Safety and Accessibility* ***Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.***

- 2.2 *To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.*
- 2.6 *To ensure intersections and accessways are designed and located so:*
- *good visibility is provided*
 - *they can accommodate vehicle manoeuvres*
 - *they prevent reverse manoeuvring onto arterial roads; and*
 - *are separated so as not to adversely affect the free flow of traffic on arterial roads*

Mr Jones has reviewed the proposal and recommended conditions of consent that would ensure the vehicle crossing is sealed, and the right of way to Lot 33 is formed to the required standards in order to mitigate potential adverse traffic safety effects. The proposal is considered consistent with the above objective and policies.

Section 15 – Subdivision, Development and Financial Contributions

- 1 Objective 1 - Servicing**
The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.
- 1.2 *To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.*
- 1.4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*
- 1.5 *To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
- 1.6 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.7 *To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*
- 1.9 *To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.*
- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*

The above objective and associated policies relate to the provision of services at the stage of subdivision. As noted in the abovementioned section regarding access and infrastructure servicing, adverse effects in relation to infrastructure servicing are considered to be appropriate. While reticulated telecommunications are not proposed, a sufficient wireless system can be installed at the time a residential unit is constructed, as per the assessment in this report above. It is considered appropriate

to defer wastewater and stormwater disposal until the time of future development as it will rely on on-site systems designed to cater for a residential unit which is yet to be designed. The proposal is considered generally consistent with, and not contrary to the above objective and policies.

2 Objective 2 - Cost of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.

2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

2.2 *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.*

The cost of the majority of proposed provision of services associated with this subdivision will be met by the developer. Access to Lot 33 will be upgraded to the required standard and power and water supplies will be extended to the proposed building platform. It is considered appropriate to defer wastewater and stormwater disposal until the time of future development as it will rely on on-site systems designed to cater for a residential unit which is yet to be designed; this is a standard approach in rural areas. While reticulated telecommunications are not proposed, a sufficient wireless system can be installed at the time a residential unit is constructed, as per the assessment in this report above. A consent notice will alert future landowners in this respect. In addition, development contributions will be required in accordance with Council's policy due to the proposal to establish a building platform. The proposal is considered generally consistent with, and not contrary to the above objective and policies.

4 Objective 4 - Outstanding Natural Features, Landscape and Nature Conservation Values

The recognition and protection of outstanding natural features, landscapes and nature conservation values.

4.1 *To take the opportunity to protect outstanding natural landscapes and features, nature conservation values and ecosystems through the subdivision process.*

4.2 *To ensure works associated with land subdivision and development avoid or mitigate the adverse effects on the natural character and qualities of the environment and on areas of significant conservation value.*

4.3 *To avoid any adverse effects on the landscape and visual amenity values, as a direct result of land subdivision and development.*

A portion of proposed Lot 20 is located within an Outstanding Natural Landscape. The entirety of this area is covered by consent notice restrictions imposed through the subdivisions discussed in Section 2.1 of this report above. Those restrictions protect the gully from inappropriate development and ensure the ecological plantings are retained. This application does not propose to vary the existing consent notice and the restrictions will draw down the proposed Lot 20 of this subdivision. There are no new boundaries, landscaping or physical works proposed in the ONL as part of this application. The proposal is considered consistent with, and not contrary to the above objective and policies.

- 5 Objective 5 - Amenity Protection**
The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.
- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
- 5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*

Effects on landscapes and rural amenity resulting from the proposal are considered to be appropriate, as outlined within the associated section in 8.2 of this report above. This subdivision will not result in any additional titles being created. The open, pastoral balance of the site will be retained in a single title, being proposed Lot 20. Further, each of the proposed lots are of an appropriate size to contain their existing and proposed land uses while being serviced accordingly. The subdivision design seeks to logically reflect the existing and intended land uses across the site. The proposal is considered consistent with the above objective and policies in this respect.

Despite the small size, proposed Lot 33 has been designed to fit into a unique portion of the site. It is of a sufficient size to adequately contain the proposed building platform and curtilage area, and a future residential unit. It will mirror existing lots further north along Eastburn Road. The productive area of existing Lot 33 will be held with the much larger Lot 20. It is acknowledged that Lot 33 would not be used for the intended purpose of the zone, being agricultural use, however the proposal includes the expansion of and retention of Lot 20, which would be used for agricultural purposes. The subdivision is considered to be an efficient use of the land. It will enable the rural balance to be held in a single title for ease of management and use while enabling a sloping area, already separated by a fence, to be utilised for residential activity.

The proposal generally consistent with, and not contrary to the above objective and policies.

Section 22 – Earthworks

- 1 Objective 1**
Enable earthworks that are part of subdivision, development, or access, provided that they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment.
- 1.1 *Promote earthworks designed to be sympathetic to natural topography where practicable, and that provide safe and stable building sites and access with suitable gradients.*
- 1.2 *Use environmental protection measures to avoid, remedy or mitigate adverse effects of earthworks.*
- The minor earthworks proposed in this application are sympathetic of the natural topography and will not create any unnatural form in the landscape. The minor level of earthworks proposed in this application can be undertaken entirely within the site without resulting in any adverse effects. The proposal is considered consistent with, and not contrary to, the above objective and policies.
- 2 Objective 2**
Avoid, remedy or mitigate the adverse effects of earthworks on rural landscapes and visual amenity areas.

- 2.1 *Avoid, where practicable, or remedy or mitigate adverse effects of earthworks on Outstanding Natural Features and Outstanding Natural Landscapes.*
- 2.2 *Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.*
- 2.3 *Ensure cuts and batters are sympathetic to the line and form of the landscape.*

The earthworks proposed in this application are considered to align with that sought by the above objective and associated policies. They will tie in with the existing landform and not be seen on any prominent slopes, natural landforms and ridgelines. No earthworks are proposed within the Outstanding Natural Landscape. The proposal is considered consistent with, the above objective and policies.

3 Objective 3
Ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding.

- 3.1 *Ensure earthworks, in particular, - cut, fill and retaining, - do not adversely affect the stability of adjoining sites.*
- 3.2 *Ensure earthworks do not cause or exacerbate flooding, and avoid, remedy or mitigate the adverse effects of de-watering.*
- 3.3 *Avoid the adverse effects of earthworks on steeply sloping sites, where land is prone to erosion or instability, where practicable. Where these effects cannot be avoided, to ensure techniques are adopted that remedy or mitigate the potential to decrease land stability.*

GeoSolve report ultimately concludes proposed Lot 33 is considered to be suitable for residential building from a geotechnical aspect provided specific engineering inputs are provided during detailed design of the project. Further, it states the alluvial fan and other natural hazard risks (including landslide) are considered to be low and no special provisions are considered necessary. The proposal is considered consistent with, and not contrary to, the above objective and policies.

Overall Conclusion

On balance, the proposal is considered generally consistent with, and not contrary to the objectives and policies of the Operative District Plan.

8.3.2 The Proposed District Plan

The subject site is part zoned Rural Zone and part zoned Wakatipu Basin Rural Amenity Zone in the PDP.

The relevant objectives and policies are contained within Chapter 3 – Strategic Direction, Chapter 6 – Landscapes and Rural Character, Chapter 21 – Rural, Chapter 24 – Wakatipu Basin, Chapter 25 – Earthworks, Chapter 27 – Subdivision and Development, Chapter 28 – Natural Hazards, Chapter 29 – Transport and Chapter 34 – Wilding Exotic Trees of the Proposed District Plan.

Chapter 3 – Strategic Direction

- 3.2.1 The development of a prosperous, resilient and equitable economy in the District.**
- 3.2.1.7 *Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled.*
- 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.*

The open, pastoral balance of the site, being proposed Lot 20, will be contained within one title. This application will not hinder the ability to use that land for the purpose of the underlying zoning any further than currently provided for by the present situation. By containing it within one title, rather than across two, effective land management is enabled. Lot 33 contains a sloping area which is not presently utilised for farming activity. Creating a residential lot within this area is not considered to result in unacceptable level of effects on landscape character or visual amenity. The proposal is considered consistent with, and not contrary to, the above objective and policies.

3.2.5 *The retention of the District's distinctive landscapes.*

- 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.*
- 3.2.5.2 *The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.*

A portion of proposed Lot 20 is located within an Outstanding Natural Landscape. The entirety of this area is covered by consent notice restrictions imposed through the subdivisions discussed in Section 2.1 of this report above. Those restrictions protect the gully from inappropriate development and ensure the ecological plantings are retained. This application does not propose to vary the existing consent notice and the restrictions will draw down the proposed Lot 20 of this subdivision. There are no new boundaries, landscaping or physical works proposed in the ONL or RCL as part of this application. This application will result in all of the rurally zoned land being contained within a single title. The proposal is considered consistent with, and not contrary to the above objective and policies.

Rural Activities.

- 3.3.20 *Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.*
- 3.3.24 *Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.*

This application enables a boundary adjustment subdivision, no additional records of title are proposed and the proposal does not propose to provide for any level of density of residential units above that currently permitted across the site by the PDP.

All of the productive, pastoral rural land utilised for farming activity will be retained within a single title to be managed appropriately. Mr Skelton considers the proposed development and creation of a building platform will not lead to further degradation of the landscape such that it represents a threshold with respect to the landscape's ability to absorb change. Ms Snodgrass agrees with Mr Skelton in this respect. Therefore I am of the opinion that the proposal would not change to character of the area to a point at which it is no longer rural in character.

The residential lot and building platform have been carefully designed to sit within the landform at the edge of the open rural environment, rather than within it, to minimise effects on the character of the rural environment. The proposal is considered consistent with, and not contrary to the above objective and policies.

Landscapes.

- 3.3.30 *Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.*

- 3.3.32 *Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.*

There are no new boundaries, landscaping or physical works proposed in the ONL or RCL as part of this application. While the size of Lot 20 will increase, those Rural zoned areas will not. The proposal is considered consistent with, and not contrary to the above objective and policies.

Chapter 6 – Landscapes and Rural Character

Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

- 6.3.4 *Avoid urban development and subdivision to urban densities in the rural zones.*
- 6.3.5 *Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.*
- 6.3.7 *Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character.*
- 6.3.10 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).*
- 6.3.11 *Encourage any landscaping to be ecologically viable and consistent with the established character of the area.*

A full assessment of the proposal in relation to landscape quality and character values has been undertaken within Section 8.2 of this report and is somewhat applicable with respect to the above objective and policies. It is noted the above objective and policies do not apply to the Wakatipu Basin Rural Amenity Zone portions of the site, only those within the Rural Zone. The proposal will not provide for any additional allotments within the Rural Zone, nor will it provide for new boundaries, landscaping or physical works within the Zone. Farming activity and existing landscape protections measures will continue as per the present arrangement on site. The proposal is considered consistent with, and not contrary to the above objective and policies.

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.***
- 21.2.1.1 *Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins*
- 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.*
- 21.2.1.5 *Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.*
- 21.2.1.6 *Avoid adverse cumulative impacts on ecosystem services and nature conservation values.*

21.2.1.9 *Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*

21.3.1.14 *Limit exotic forestry to species that do not have potential to spread and naturalise.*

The building platform is discrete and positioned in the least visually prominent location across the site, a point both Ms Snodgrass and Mr Skelton agree on. Furthermore, the platform location will entirely comply with the location standards, detailed in both the ODP and PDP, such as setbacks.

The subdivision will have no bearing on the continuation of the existing land uses undertaken on site and there is no intention to change the use of the productive farming areas on site as part of this proposal.

Conditions of consent have been recommended to ensure the firefighting capability of the site meets the required standards. Design controls have been volunteered to control future lighting. Lastly, the application proposes the removal of wilding exotic forestry.

The proposal is considered consistent with, and not contrary to the above objective and policies.

21.2.2 Objective – The life supporting capacity of soils is sustained.

21.2.2.2 *Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.*

The subdivision will have no bearing on the continuation of the existing land uses undertaken on site and there is no intention to change the use of the productive farming areas on site as part of this proposal. Increasing the size of Lot 20 to contain all of the productive farming activity across the site will enable a more effective management of the land. The proposal is considered consistent with, and not contrary to the above objective and policy.

21.2.4 Objective – Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

21.2.4.1 *New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

21.2.4.2 *Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.*

In this instance I consider that the proposed building platform on Lot 33 is separated by a sufficient distance and elevation from the productive farmland on the Crown Terrace and that any reverse sensitivity effects will be adequately mitigated by this separation. Mitigation planting will further assist in this separation of land uses. The proposal is considered consistent with, and not contrary to, the above objective and policies.

Chapter 24 – Wakatipu Basin

24.2.1 Objective – Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.

24.2.1.1 *Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.*

24.2.1.2 *Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.*

- 24.2.1.3 *Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*
- 24.2.1.4 *Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:*
- a. *controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.*
 - b. *setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.*
- 24.2.1.5 *Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*
- 24.2.1.6 *Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.*
- 24.2.1.9 *Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.*
- 24.2.1.11 *Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.*
- 24.2.1.12 *Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.*

While the subdivision will not provide for any additional separately saleable lots or any additional level of development, proposed Lot 33 will be well below 80ha in area and will decrease in size from its present land area. The proposal is contrary with the above policy 24.2.1.1 in this respect.

However, as this application proposes a boundary adjustment application, rather than the division of a site into numerous allotments, the other lot subject to the application will increase in size from its present land area. The increase in Lot 20, as discussed throughout this report will provide for the continued farming activity of the site. The proposal is consistent with the above objective and policies in this respect.

Further, as outlined above, I consider the proposed activity can be undertaken without resulting in any unacceptable landscape and visual amenity effects. Mr Skelton and Ms Snodgrass consider the proposed platform location will not detract from the adjacent ONL. Furthermore, design and landscape controls have been proposed to further mitigate the potential adverse effects of future development within Lot 33, which is considered to align with Policies 24.2.1.4 and 24.2.1.12 above.

Overall, the proposal is in conflict with Policy 24.2.1.1 due to the decrease in size of proposed Lot 33. However, the proposal is considered consistent with the overarching direction of objective 24.2.1 and each of the associated policies, aside from 24.2.1.1, due to the conclusions reached in this report above, based on the expert landscape architect findings from both Mr Skelton and Ms Snodgrass.

This approach is consistent with the principle articulated by the interim decision of the Environment Court in *Todd & Brial v QLDC & ANOR*, where it said: *the proposal, seeking subdivision of a site already well less than 80 ha in area, inherently cannot accord with Pol 24.2.1.1. However, in the design of Ch 24, as we have discussed, that does not condemn the proposal.*

In this particular instance, existing Lot 33 is well below 80ha in area and of a size where it is unlikely to be feasibly utilised for independent rural use. While there is some rural use of the site, being the paddock of non-rye horse pasture mix, this activity is undertaken in conjunction with the other rural uses on existing Lot 20. This subdivision will not compromise that rural use, but rather provide for its effective continuation in a single lot. Further, the intention to utilise proposed Lot 33 for residential use and the future construction of a residential unit will not result in an unacceptable level of landscape and visual amenity effects, nor will it result in a level of residential density above that currently permitted on existing Lot 33. As discussed throughout this report, the landscape character and visual amenity values of the Wakatipu Basin Rural Amenity Zone will be maintained. The subdivision and platform will not lead to further degradation of the landscape such that it represents a threshold with respect to the landscape's ability to absorb change.

24.2.3 *Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.*

24.2.3.2 *Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.*

24.2.3.3 *Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.*

In this instance the proposed building platform is positioned on an elevated bank which backs onto Eastburn Road and will be screened from farming activity to the north by proposed vegetation, all features which provide for separation between the platform and surrounding farming activity to assist in mitigating potential reverse sensitivity effects. The immediate land to the south contains the homestead node at 108 Eastburn Road which I do not consider to cause conflict with the proposed platform with regard to reverse sensitivity effects. The proposal is considered consistent with, and not contrary to, the above objective and policies.

24.2.4 *Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.*

24.2.4.4 *Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.*

24.2.4.8 *Encourage the removal of wilding exotic trees at the time of development.*

24.2.4.9 *Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.*

As noted elsewhere in this report, recommended consent notice conditions will ensure firefighting provisions are established to the required standards. The proposal is considered consistent with, and not contrary to, the above objective and policies

Chapter 25 – Earthworks

25.2.1 *Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.*

25.2.1.1 *Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development.*

25.2.1.2 *Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:*

- a. *Protects the values of Outstanding Natural Features and Landscapes.*
- b. *Maintains the amenity values of Rural Character Landscapes.*

- 25.2.1.3 *Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.*
- 25.2.1.4 *Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.*
- 25.2.1.5 *Design earthworks to recognise the constraints and opportunities of the site and environment.*
- 25.2.1.6 *Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.*
- 25.2.1.9 *Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.*
- 25.2.1.10 *Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.*
- 25.2.1.11 *Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.*

The minor earthworks proposed in this application are sympathetic of the natural topography and will not create any unnatural form in the landscape. The proposal falls into the Low Risk category as defined by Council's environmental management guidelines. The minor level of earthworks proposed in this application can be undertaken entirely within the site without resulting in any adverse effects. The proposal is considered consistent with, and not contrary to, the above objective and policies.

Chapter 27 – Subdivision and Development

27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.

- 27.2.1.1 *Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.*
- 27.2.1.3 *Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.*
- 27.2.1.4 *Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:*
 - a. *desirable urban design outcomes;*
 - b. *greater efficiency in the development and use of the land resource;*
 - c. *affordable or community housing.*
- 27.2.1.5 *Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.*
- 27.2.1.7 *Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.*

Proposed Lot 33 has been designed to ensure it fits into the landform and is contained by natural topography and physical features. In addition, each allotment in this boundary adjustment is of a sufficient size to be appropriately serviced for the existing and proposed land uses. The proposal is considered consistent with the above objective and policies in this respect.

However, the proposal will result in a deviation from the 80ha minimum lot size in the Wakatipu Basin Rural Amenity Zone. Furthermore, no complete land use component is included in the application to provide for any activity on proposed Lot 33, which is zoned Wakatipu Basin Rural Amenity Zone. On balance, I consider the proposal is inconsistent with and contrary to the above objective and policies.

27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

Policies 27.2.5.1 – 27.2.5.5: Transport, Access and Roads

Policy 27.2.5.6: Water supply, stormwater, wastewater

Policies 27.2.5.7 – 27.2.5.10: Water

Policies 27.2.5.11 – 27.2.5.12: Stormwater

Policies 27.2.5.13 – 27.2.5.15: Wastewater

Policy 27.2.5.16: Energy Supply and Telecommunications

Policies 27.2.5.17 – 27.2.5.18: Easements

The above objective and associated policies relate to the provision of services at the stage of subdivision (a complete list of the above is provided as Appendix 4 to this report). As noted in the abovementioned section regarding access and infrastructure servicing, adverse effects in relation to infrastructure servicing are considered to be appropriate. I recommend that conditions be imposed to ensure that the proposed building platform is appropriately serviced at the time of subdivision. While reticulated telecommunications are not proposed, a sufficient wireless system can be installed at the time a residential unit is constructed, as per the assessment in this report above. It is considered appropriate to defer wastewater and stormwater disposal until the time of future development as it will rely on on-site systems designed to cater for a residential unit which is yet to be designed. The proposal is considered generally consistent with, and not contrary to the above objective and policies.

27.2.7 Objective – Boundary adjustments, cross-lease and unit title subdivision are provided for.

27.2.7.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

- a. the location of the proposed boundaries;*
- b. in rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;*
- c. boundary treatment;*
- d. the location and terms of existing or proposed easements or other arrangements for access and services.*

The proposed subdivision is a boundary adjustment. It will have no bearing on the continuation of the existing agricultural land uses undertaken on Lot 20 (noting that Lot 33 would be used for rural living and not agricultural production) and there is no intention to change the use of the productive farming areas on site as part of this proposal. It will separate an unused portion of existing Lot 33 from the rest with the intention of using it for future rural living purposes. Additionally, no changes to the current

boundary treatments are proposed. Further, the new boundary lines are not anticipated to result in any additional visible planting or fencing which would further delineate or reduce the current open nature of the site. The proposal is considered consistent with, and not contrary to the above objective and policies.

Chapter 28 – Natural Hazards

28.3.1 B Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

28.3.1.3 *Ensure all proposals to subdivide or develop land that is subject to natural hazard risk include an assessment that is commensurate with the level of natural hazard risk.*

28.3.1.4 *Avoid activities that result in significant risk from natural hazard.*

28.3.1.5 *Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.*

28.3.1.6 *Not preclude subdivision and development of land subject to natural hazards which do not:*

- a. accelerate or worsen the natural hazard risk to an intolerable level;*
- b. expose vulnerable activities to intolerable natural hazard risk;*
- c. create an intolerable risk to human life;*
- d. increase the natural hazard risk to other properties to an intolerable level;*
- e. require additional works and costs including remedial works, that would be borne by the public;*

As detailed in the assessment of actual and potential effects on the environment above, effects in relation to natural hazards are considered to be appropriate. Following a review of the information provided by GeoSolve Limited, which concludes the alluvial fan and other natural hazard risks (including landslide) are considered to be low, Mr Jones confirmed he makes no recommendations with regard to natural hazards. Any risk from natural hazards can be addressed at the time of future development of Lot 33. The proposal is considered consistent with the above objective and policies.

Chapter 29 – Transport

29.2.2 Objective - Parking, loading, access, and onsite maneuvering that are consistent with the character, scale, intensity, and location of the zone and contributes toward providing a safe and efficient transport network.

29.2.2.1 *Manage the number, pricing, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:*

- a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;*
- b. is compatible with the classification of the road by ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling or result in unsafe conditions for pedestrians or cyclists;*
- d. provides sufficient parking spaces to meet demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans;*

h. provides adequate vehicle access width and manoeuvring for all emergency vehicles

29.2.2.11 Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.

The proposal seeks to utilise an existing vehicle crossing and form a right of way to proposed Lot 33. Mr Jones has reviewed the proposal and recommended conditions of consent that would ensure the vehicle crossing is sealed, and the right of way is formed to the required standards, in order to ensure the safety and efficiency of the adjoining roading network. There is sufficient space on both lots to provide a level of parking and manoeuvring. The proposal is considered consistent with the above objective and policies.

Chapter 34 – Wilding Exotic Trees

34.2.1 Objective – Protection of the District’s landscape, biodiversity, water and soil resource values from the spread of wilding exotic trees.

34.2.1.1 Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.

The application provides for the removal of the willow trees along the northern boundary of proposed Lot 33. Both Grey Willow and Crack Willow are identified in Chapter 34 of the PDP as wilding exotic trees and their planting is now classified as a prohibited activity. Wilding trees are spreading across parts of the District and have visually degraded parts of the landscape, biodiversity values and can threaten the productive values of the soil resource, and reduce water yield. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation. The removal of these trees will have positive landscape and biodiversity outcomes by decreasing the chance for further degradation. The proposal is considered consistent with the above objective and policy.

Overall Conclusion

While the proposal is considered consistent with most objectives and policies of the Proposed District Plan, it is acknowledged the application is contrary to the policy requiring an 80ha minimum net site area be maintained in the Wakatipu Basin Rural Amenity Zone, and inconsistent with policies seeking discourage non-compliance with minimum lot sizes, and to avoid the scenario where further consenting requirements are in place after subdivision has occurred.

While under the present PDP framework a further consent would be required to construct a future residential unit within the proposed platform, this does not differ from the present situation on site in that resource consent would be required to construct a residential unit in accordance with the permitted density. The imposition of a platform and associated design controls will not provide for any more density than is presently permitted on site, but will provide more control over potential adverse effects by restricting built form to a particular location that is considered appropriate from a landscape and visual amenity perspective.

While proposed Lot 33 will be smaller than existing Lot 33, this is a boundary adjustment so it will not provide for any additional separately saleable lots. In addition, while this reduction is contrary to Policy 24.2.1.1, it is considered consistent with the overarching direction of objective 24.2.1 which seeks to maintain landscape and visual amenity values. The intention to utilise proposed Lot 33 for residential use and the future construction of a residential unit will not result in an unacceptable level of landscape and visual amenity effects, nor will it result in a level of residential density above that currently permitted on existing Lot 33, or lead to further degradation of the landscape such that it represents a threshold with respect to the landscape’s ability to absorb change. As discussed throughout this report, the landscape character and visual amenity values of the Wakatipu Basin Rural Amenity Zone will be maintained.

Therefore, overall, on balance I consider the application to be consistent with the direction of the PDP policy framework.

8.3.3 Operative District Plan and Proposed District Plan Weighting

The proposal is considered generally consistent with, and not contrary to the objectives and policies of the Operative District Plan. The proposal is also considered generally consistent with the PDP. However, as above, it is acknowledged the proposal is contrary to a key policy in relation to lot size. Nonetheless, the subdivision is consistent with the overarching objective for that policy as discussed in the aforementioned assessment.

Despite the number of outstanding appeals, more weight should be attributed to the PDP as Chapter 24 is the most recent statement of the community's aspirations for the Wakatipu Basin, the PDP represents a significant shift in Council policy, and decisions have been made on Chapter 24 by independent commissioners. Further, given that the PDP has been subject to testing, both at the Council level hearings and within the Environment Court, it is considered that the provisions of the PDP should be afforded more weight than the ODP. Notwithstanding this, while the proposal is more aligned to the policy direction of the ODP than the PDP, it is noted that the overall conclusion under both plans is the same.

8.4 OTHER MATTERS UNDER SECTION (104(1)(b))

8.4.1 Regional Policy Statement (RPS)

Decisions on the Otago Regional Council (ORC) RPS 1998 were released on 1 October 2016. Most appeals on the document have now been resolved, though some provisions are still subject to legal processes. Accordingly, the ORC resolved to make the document partially operative (known as the Partially Operative Otago Regional Policy Statement 2019). This decision also revokes parts of the Regional Policy Statement for Otago 1998.

In summary, the purpose of the RPS (both the 1998 version and partially operative 2019 version) is to promote the sustainable management of natural and physical resources, by providing an overview of the resource management issues facing Otago, and setting policies and methods to manage Otago's natural and physical resources.

8.4.2 Operative Otago Regional Policy Statement 1998

Objective 5.4.1 seeks to promote the sustainable management of Otago's land resources in order to maintain the primary productive capacity of land resources and meet the present and reasonably foreseeable needs of Otago's people and communities. This subdivision will not result in the loss of any productive land; it will all be contained within proposed Lot 20 to provide for its effective continued use. I consider the proposal to be consistent with this Objective.

Objective 5.4.2 seeks to avoid, remedy or mitigate degradation of Otago's natural and physical resources. The natural and open character of the landscape will be adversely affected to a low degree and the proposal will not cross or near a threshold where the landscape would appear over-domesticated. I consider the proposal to be consistent with this Objective.

Objective 5.4.2 seeks to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. The development will result in very low adverse effects on the open character of the ONL. Ms Snodgrass agrees with Mr Skelton that the proposed development will have very low adverse effects on the adjacent ONL and therefore I consider the proposal to be consistent with this Objective.

Policy 5.5.3 seeks to maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to reduce the soil's life-supporting capacity. The proposal will not affect the life supporting capacity of the soils on site. I consider the proposal to be consistent with this Policy.

Overall, I consider the proposal to be consistent with the objectives and policies of the ORPS.

8.4.3 Partially Operative Regional Policy Statement 2019

Objective 3.1 seeks to recognise, maintain or enhance the values of ecosystems and natural resources. The proposal will not affect the life supporting capacity of the soils on site; all productive rural land will be contained within proposed Lot 20. I consider the proposal to be consistent with this Objective.

Objective 3.2 seeks to protect or enhance where degraded significant and highly-valued natural resources are identified, and protected or enhanced where degraded. The proposal, although adjacent to, is not within an ONL and is it not within a highly valued landscape. I therefore consider that this Objective and the associated policies does not directly relate to the application.

Objective 5.3 seeks to ensure sufficient land is managed and protected for economic production. Policy 5.3.1 seeks to manage activities in rural areas by enabling primary production, restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects, and minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency. This proposal will retain all of the productive agricultural land within the site and contain in one lot while also creating a small lot for rural living purposes. Proposed Lot 33 is not considered incompatible with the surrounding area, as outlined in this report above. I consider the proposal to be consistent with this Objective and associated policies.

Overall, I consider the proposal to be consistent with the objectives and policies of the PORPS.

Weighting between the Operative Regional Policy Statement and the Partially Operative Regional Policy Statement

I consider the proposal outlined in this application to be consistent with and not contrary to the direction sought by both the Operative Regional Policy Statement and the Partially Operative Regional Policy Statement. The proposed development will provide for an efficient use of the land that will not conflict with Otago's resource management issues.

Given that the PORPs has been subject to extensive testing, both at the Council level hearings and within the Environment Court, it is considered that the provisions of the PORPS should be afforded more weight than the ORPS. Notwithstanding this, it is noted that the conclusion under both plans is the same.

Overall Conclusion

Overall, I consider the proposal to be consistent with and not contrary to both RPS's.

8.5 PRECEDENT

It is appropriate to consider whether this proposed development will set a precedent for further development of this nature.

This is an important consideration given the size of proposed Lot 33 and the general direction sought by the underling ODP and PDP zoning of the site, specifically the non-complying element of the proposal and the inconsistency with the aim of a minimum lot size of 80ha within the Wakatipu Basin Rural Amenity Zone. There is the potential that a precedent effect could arise from this application as it could be reasonably expected that any future application for a similar activity on other properties in the area would be treated in the same way.

This application is not a subdivision for the purposes of creating any additional allotments, or providing for a residential density beyond that presently permitted by the PDP, or to transform productive rural and to a site for residential use. It is not the subdivision of a small lot away from a productive farm holding but a boundary adjustment between two sites. It will not diminish or detract from any present farming activity and the proposal to hold all of the farming activity across the application site within one allotment is considered to benefit the continued land use by enabling consistent and effective land management. Proposed Lot 33 will contain a grassed bank which has no present land use and the establishment of a residential building platform is considered to be an efficient use of the remaining land that will not result in unacceptable landscape or visual amenity outcomes.

For the reasons set out above, it is not considered that the application would create a precedent.

8.6 SUBDIVISION (s106 RMA)

Section 106 of the RMA states that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

As detailed in the assessment of actual and potential effects on the environment above, effects in relation to natural hazards are considered to be appropriate. Following a review of the information provided by GeoSolve Limited, which concludes the alluvial fan and other natural hazard risks (including landslide) are considered to be low, Mr Jones confirmed he makes no recommendations with regard to natural hazards. Any risk from natural hazards can be addressed at the time of future development of Lot 33.

Legal and physical access will be provided to all of the proposed lots via formed vehicle crossings and a right of way extending from Eastburn Road, as detailed in the assessment of actual and potential effects on the environment above.

I consider there is no reason to refuse consent under s.106 given that the land is not likely to be subject to, or likely to accelerate material damage from natural hazards and sufficient provision has been made for legal and physical access to each allotment.

8.7 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

Section 104D has been outlined within Section 6, Statutory Considerations, of this report above.

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has not been met as the application will have an adverse effects on the environment which I consider more than minor.

Regarding the above conclusion, it is worth highlighting the fact that Ms Snodgrass concludes the magnitude of effect on visual amenity of the proposed platform, a future house and mitigation planting will be moderate from Eastburn Road, which if assessed independently, is considered to be a more than minor effect.

With respect to the second gateway test under section 104D(1)(b), on balance, the application is not contrary to the relevant objectives and policies of the Operative District Plan or the Proposed District Plan.

As above, I consider the application is contrary to the policy requiring an 80ha minimum net site area be maintained in the Wakatipu Basin Rural Amenity Zone, and there is inconsistency with policies that seek to discourage non-compliance with minimum lot sizes, and to avoid the scenario where further consenting requirements are in place after subdivision has occurred. However, overall, on balance I consider the application to be consistent with the direction of the PDP policy framework for the reasons outlined in this report above.

Accordingly, as the application has passed the second gateway tests in s104D, consent can be granted for this non-complying activity.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA outlines that the purpose of the Act is to promote the sustainable management of natural and physical resources. As detailed below, the proposed activity is considered to align with the Purpose and Principles set out in Part 2 of the RMA.

The proposed activity will result in sustainable management of natural and physical resources, whilst not affecting the life supporting capacity of air, water, soil and ecosystems. The development avoids adverse effects on the environment through a number of mitigation measures.

Section 6 details matters of national importance to be recognised and provided for. Of relevance to this application is the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. An assessment of the application with respect to the effects on the aforementioned matter of national importance is outlined within the assessment of actual and potential effects on the environment in this report above. I do not consider that the proposal will detract from the ONL values in this location.

Section 7 provides other matters that Council shall have particular regard to. Of relevance to this application are *the maintenance and enhancement of amenity values*. Amenity values are defined in the Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. An assessment of the application with respect to the amenity values of the environment is included within the assessment of actual and potential effects on the environment in this report above.

Section 8 of the RMA relates to the principles of the Treaty of Waitangi. There are no matters pertaining to the Treaty of Waitangi that are of concern for this application.

Overall, I consider the proposed subdivision will represent sustainable management and align with the overall purpose of the Act.

10. RECOMMENDATION

- It is my opinion that the proposed development will result in effects on the environment that are considered to be appropriate and that will not noticeably alter the character of the surrounding area. The effects can be adequately mitigated through conditions of consent.
- Overall, on balance, the proposal is consistent with, and not contrary to, the objectives and policies of the Operative District Plan or the Proposed District Plan.
- The application is considered to promote the purpose of Part 2 of the RMA.
- Overall, I conclude that the subdivision and land use consents can be granted. Recommended conditions are contained within Appendix 5 of this report.

Report prepared by

Reviewed by




Jacob Neaves
PLANNER

Erin Stagg
SENIOR PLANNER

Attachments:

Appendix 1	Applicant's AEE
Appendix 2	QLDC Engineering Report – Cam Jones
Appendix 3	Landscape Report – Michelle Snodgrass
Appendix 4	Relevant Objectives and Policies
Appendix 5	Recommended Conditions of Consent

Report Dated: 26 February 2021

APPENDIX 1 APPLICANT'S AEE

APPLICATION FOR RESOURCE CONSENT TO UNDERTAKE A BOUNDARY ADJUSTMENT AND ESTABLISH A RESIDENTIAL BUILDING PLATFORM

Martin Lawn

Eastburn Road, Arrow Junction

March 2020



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11.0 CONCLUSION

1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	Eastburn Road, Arrow Junction
Applicants Name:	Martin Lawn
Address for Service	Martin Lawn C/- Southern Planning Group PO Box 1081 Queenstown, 9348 jake@southernplanning.co.nz Attention: Jake Woodward
Site Legal Description:	Lot 33 Deposited Plan 417527 as held in Record of Title (RT) 469939; Lot 2 Deposited Plan 321835 as held in RT 87260; and Lot 3 DP 321835 held in RT 87261.
Site Area:	107.36 hectares (all parcels combined)
Operative District Plan Zoning:	Rural General Zone
Proposed District Plan Zoning:	Wakatipu Basin Rural Amenity Zone
Brief Description of Proposal:	Resource consent to undertake a boundary adjustment subdivision and to establish a residential building platform.

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Record of Title
Appendix [B]	Plan of existing land uses
Appendix [C]	Landscape Assessment Report and Landscape Graphics Supplement
Appendix [D]	Boundary Adjustment and Overall Scheme Plan
Appendix [E]	Landscape Plan
Appendix [F]	Water Pump and Bore Logs
Appendix [G]	Water Quality Test Results
Appendix [H]	Wastewater Report
Appendix [I]	Confirmation of Power Connection
Appendix [J]	Historical Aerial Photo (for NESCS purposes)
Appendix [K]	Affected Persons Approval



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Jake Woodward

Resource Management Planner

17 March 2020

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

2.1 Site Description

The sites subject to this application are located along Eastburn Road on the Crown Terrace and consist of several land parcels legally described as follows and illustrated in Figure 1 below:

- Lot 33 Deposited Plan 417527 as held in Record of Title (RT) 469939;
- Lot 2 Deposited Plan 321835 as held in RT 87260; and
- Lot 3 DP 321835 held in RT 87261.

A copy of the RT for the above sites are attached in **Appendix [A]**.

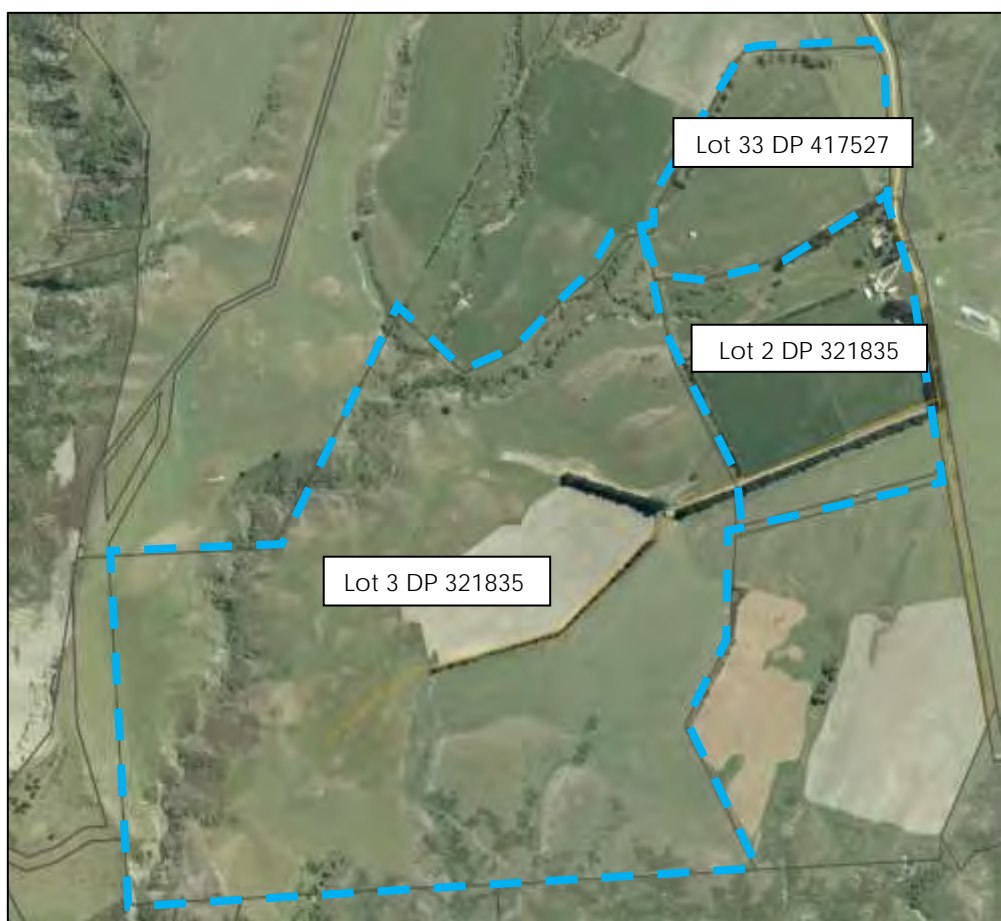


Figure 1: Aerial of subject sites and surrounding environment noting that the boundaries identified reflect the legal land parcel as it exists today and does not show approved boundaries of previously consented subdivisions (Source: QLDC GIS).

The sites are located approximately 850 metres to the south of the Crown Range-Eastburn Road intersection and are predominantly rural in character, dominated by open paddocks, fence lines, shelterbelts and pasture. In particular, the applicant advises that the following crops have been implemented (in reference to **Appendix [B]**):

- Area A consisting of approximately 10 hectares of red clover, plantain and Lucerne – planted in 2019 with an 18 year outlook;
- Area B consisting of approximately 14 hectares of broome, cocksfoot, browntop, timothy and fog (non-rye horse pasture mix planted in 2019 for a period of 18 years)
- Area C consisting of 12 hectares planted in Moata (rye grass) and turnips for short-term winter crop; and
- Area D consisting of approximately 8 hectares of Lucerne crop, again planted in 2018 with an expected period of 18 years.

The site accommodates horses and up to 58 grazing cattle, of which this number is expected to increase to around 100 grazing stock by 2021.

In terms of built form, Lot 33 at present only contains an existing semi-circular galvanised hay barn, located in the westernmost portion of the site. On Lot 2 DP 321835, this site contains an existing cottage and a number of associated sheds, and ancillary buildings located in more or less a curtilage less than 1 hectare. There are currently no buildings located on Lot 3 DP 321835.

The sites topography varies across the landscape from flat to rolling with extensive gullies and creeks.

Lot 33, being a primary focus for this application, is described as a 10.9 hectare allotment with an irregular shape. The site itself is predominantly that of an open paddock with a shed located in the western most portion of the site. The northern boundary is bordered by an existing shelterbelt. Similarly, the southern boundary contains an extensive shelterbelt system that separates the subject site from the domesticating elements on Lot 2 which contains the primary residence for the applicant.

For the purposes of this report, Lot 33 DP 417527 will continue to be referred to as Lot 33. However, Lots 2 and 3 DP 321835 will be collectively referred to as Lot 20 given these sites are currently subject to RM180960 which approved the realignment of the boundaries as illustrated in Figure 2 below.

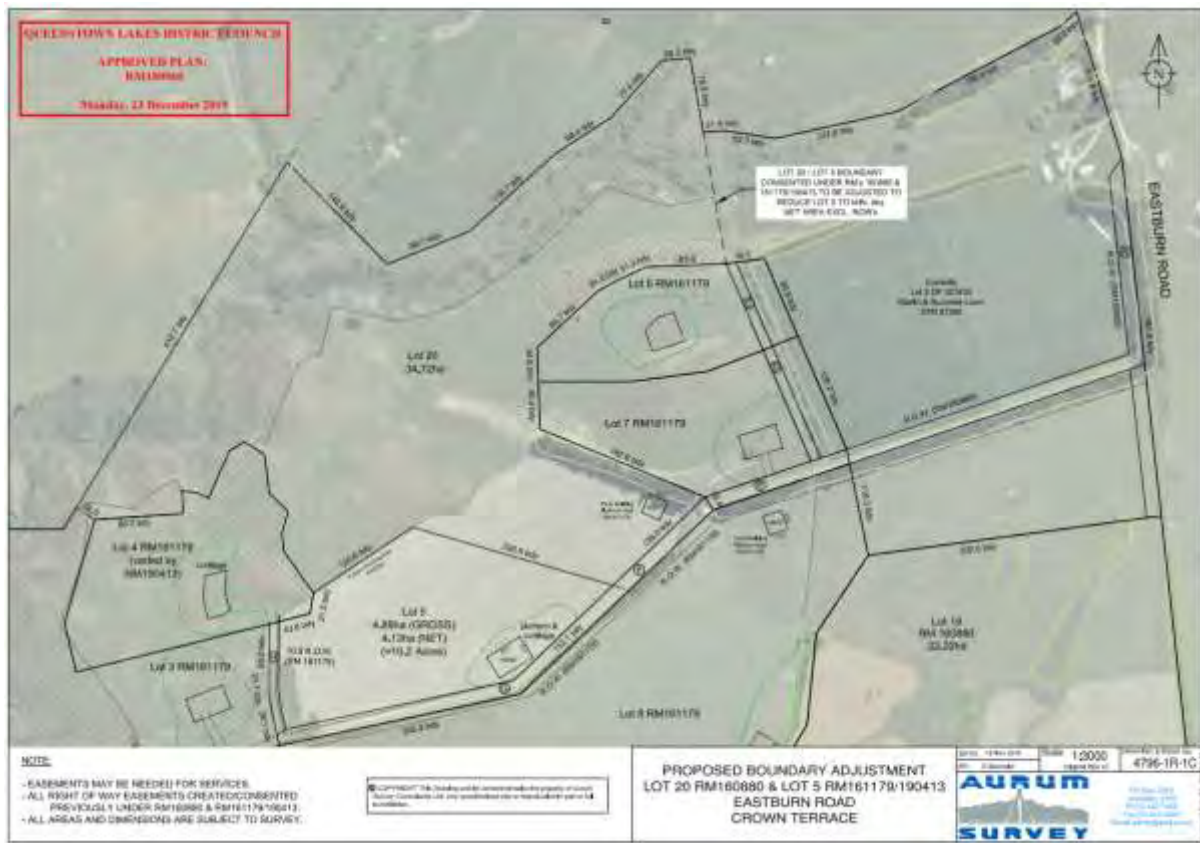


Figure 2: Approved scheme plan, RM180960, noting the extent of Lot 20.

2.2 Receiving Environment

The receiving environment has been described in detail in Section 2.0 of the Landscape Assessment, prepared by Mr Steve Skelton of PATCH Landscape Architects Limited, which is attached in **Appendix [C]**.

In brief, Mr Skelton notes that to the north of the site are two approved residential building platforms (located to the west and below Eastburn Road). To the south of the subject site is a collection of buildings on both sides of the road with the existing dwelling of the applicant located approximately 250 metres to the immediate south of the proposed RBP.

Mr Skelton also notes that there are an additional eight RBP's located further to the south of the subject site and access at the end of Eastburn Road.

Mr Skelton describes the wider Crown Terrace as being a pastoral landscape¹ dominated by pasture with swathes of willow trees and mature shelterbelts providing some vegetative structure across the terrace². Mr Skelton also observes that parts of the terrace, with particular regard to gully and stream systems, are cloaked in a mix of shrubs including exotic weeds and indigenous grey shrubland species.

¹ Paragraph 2.3 of the Landscape Assessment.

² Paragraph 2.2 of the Landscape Assessment.

In amongst the pastoral landscape, Mr Skelton notes that rural living type development has occurred in parts of this landscape but the spaciousness between buildings and wider areas of open lands maintains an open character³. Fences, pastoral units, shelterbelts, roads, farm tracks, stream channels, gullies and slopes all break the landscape up into smaller units, each with distinct character elements.

³ Paragraph 2.3 of the Landscape Assessment.

3.0 RESOURCE MANAGEMENT BACKGROUND

The sites subject to this application has been the subject of a number of previous resource consent applications for various activities including the provision of subdivisions, boundary adjustments and residential building platforms. The most relevant applications are noted below:

- RM160880: Resource consent RM160880 was granted on 2 November 2016 for a boundary adjustment subdivision between three Records of Title, being Lot 2 DP 321835, Lot 3 DP 321835 and Lot 19 DP 20799. An extract of the approved plan is attached in the following figure:

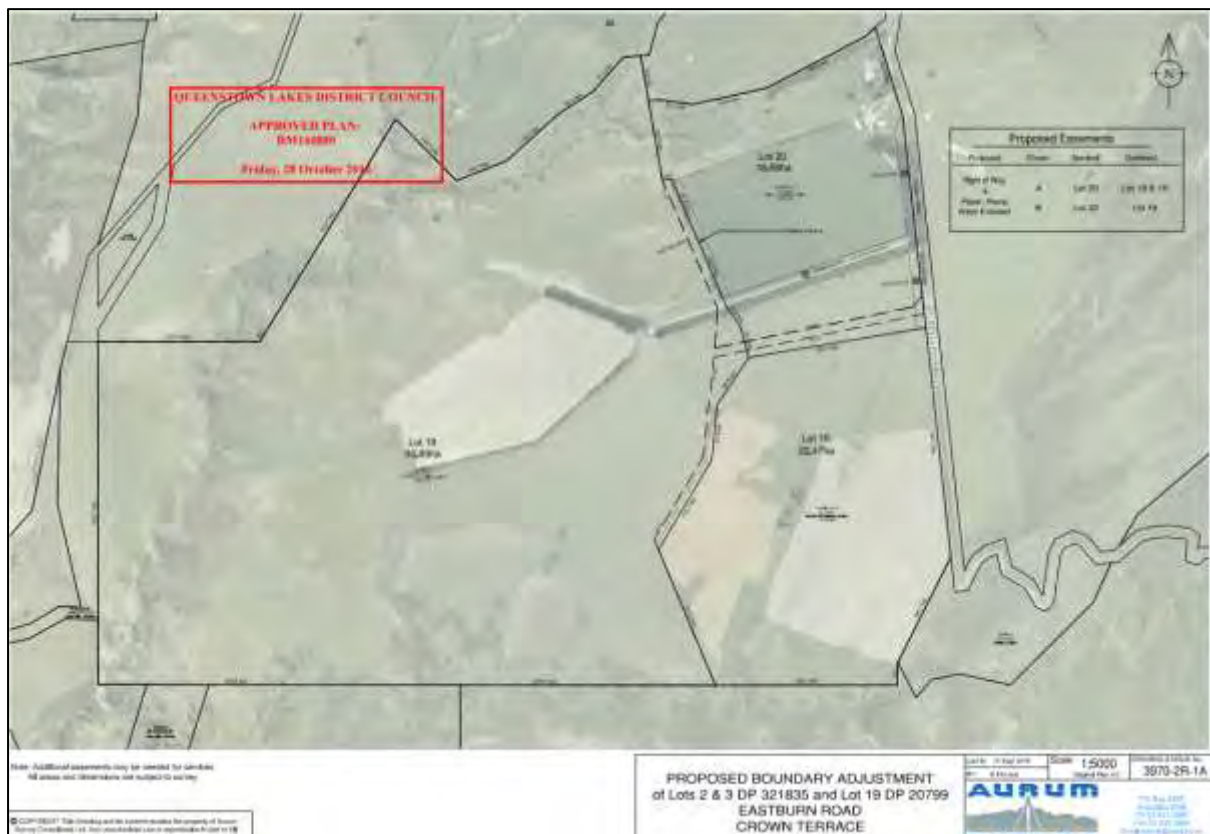


Figure 3: Approved scheme plan of RM160880.

- RM171236: Resource consent RM171236 was granted on 13 December 2017 for a variation to RM160880 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations.
- RM161179: Resource consent RM161179 was granted on 16 February 2018 by Consent Order of the Environment Court (ENV-2017-CHC-85) approving the subdivision of the subject site into 8 allotments, each with a residential building platform and a farm building platforms on Lots 5 and 8. Resource consent RM161179 also granted consent to relocate a farm building and to undertake earthworks on a HAIL site. This application included the imposition of consent

notice restrictions of proposed Lots 1 – 8 of that subdivision. AN extract of the approved scheme plan is included below:



Figure 4: Approved scheme plan of RM161179.

- RM190413: Resource consent RM190413 was granted on 10 June 2019 for a variation to RM161179 to provide for an amended subdivision design by slightly adjusting the proposed boundary locations, building platform design and landscaping.
- RM180960: Resource consent RM180960 was granted on 23 December 2019 approved a boundary adjustment subdivision between proposed Lot 5 and proposed Lot 20 of LT 532665 which will result from SD160880. As a result of this subdivision, Lot 20 would have a total area of 34.75 hectares and would consist of the original dwelling and other ancillary structures at 108 Eastburn Road and an approved farm building platform.

The following figure (Figure 2) being an extract of the approved scheme plan for RM180960 for legibility:

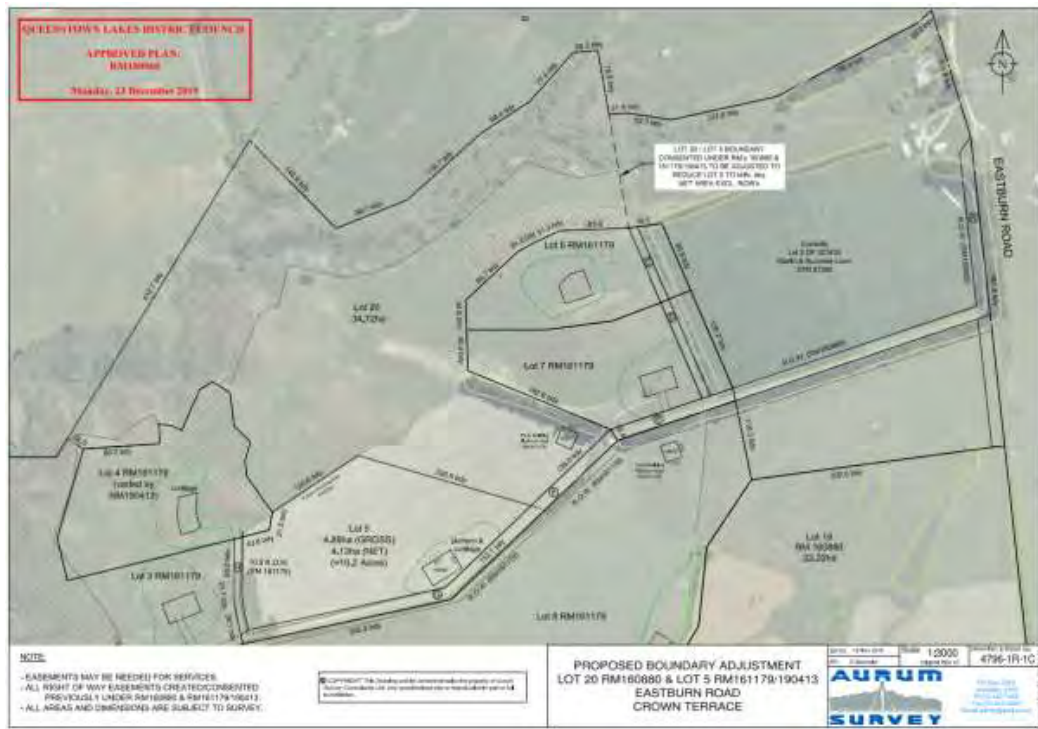


Figure 5: Approved scheme plan of RM180960.