



QUEENSTOWN
LAKES DISTRICT
COUNCIL

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

| | |
|---------------------------|--|
| Applicant: | J Veint |
| RM reference: | RM110010 |
| Location: | Glenorchy-Paradise Road, Glenorchy Rural |
| Proposal: | An application to establish a Structure Plan for Arcadia Station. |
| Type of Consent: | Land Use |
| Legal Description: | Lot 2 Deposited Plan 409271 and Lot 11 Deposited Plan 25326 held in Computer Freehold Register 434244 Otago; Lot 1 Deposited Plan 409271 held in Computer Freehold Register 434245 Otago; Lot 13 Deposited 25326 held in Computer Freehold Register OT17B/743 Otago; and Section 1-2 Block II Dart Survey District held in Computer Freehold Register OT7D/1300 Otago. |
| Valuation Number: | 2911132002 |
| Zoning: | Rural Visitor |
| Activity Status: | Controlled Activity |
| Notification: | Non-notified |
| Commissioner: | Commissioner Sinclair |
| Date Issued: | 11 May 2011 |
| Decision: | Granted with conditions |

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This is an application for resource consent under Section 88 of the Resource Management Act 1991 to establish a Structure Plan for Arcadia Station. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 10 May 2011. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

Under the District Plan the site is zoned Rural Visitor and the proposed activity requires:

- A **controlled** activity resource consent pursuant to Rule 12.4.3.2(i) Structure Plan whereby each structure plan within the Rural Visitor Zone must show the locations where activities are to be undertaken, landscaping, open space and details of density of development.

Overall, the application is considered to be a **controlled** activity.

Notification Determination

The application was considered on a non-notified basis in terms of Section 95A and 95B whereby the consent authority was satisfied that the adverse effects of the activity on the environment are not likely to be more than minor and whereby no persons or order holders were, in the opinion of the consent authority, considered to be adversely affected by the activity.

Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans drawn by Baxter Design Group – Arcadia Rural Visitor Zone Structure Plan, Ref: 1540 Paradise Veint Structure Plan 10 Nov 2010 (**as approved 2 May 2011**) the Structure Plan Design Guidelines received 29 March 2011 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. 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 \$100.
3. At the time this consent is given effect to the consent holder shall register a covenant on the Computer Freehold Register requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010.

Reasons for the Decision

Proposal

The applicant seeks to establish a Structure Plan for Arcadia Station. It is intended that the Structure Plan will provide a framework to guide future land use development by defining future development areas, landscaping restrictions, density of development and open space, while protecting and enhancing key features of the site.

The Structure Plan encompasses 11 development areas as follows:

- Residential 1A (Res 1A);
- Residential 1B (Res 1B);
- Residential 2 (Res 2A, B and C);
- Visitor Accommodation Area 1 (Arcadia Homestead);
- Visitor Accommodation Area 2A (V/A2A);

- Visitor Accommodation Area 2B (V/A2B);
- Visitor Accommodation Area 3A (V/A3A);
- Visitor Accommodation Area 3B (V/A3B);
- Commercial Area (COM);
- Open Space (OS); and
- Lakeside Recreation (LR).

These development areas are illustrated on the Structure Plan below.

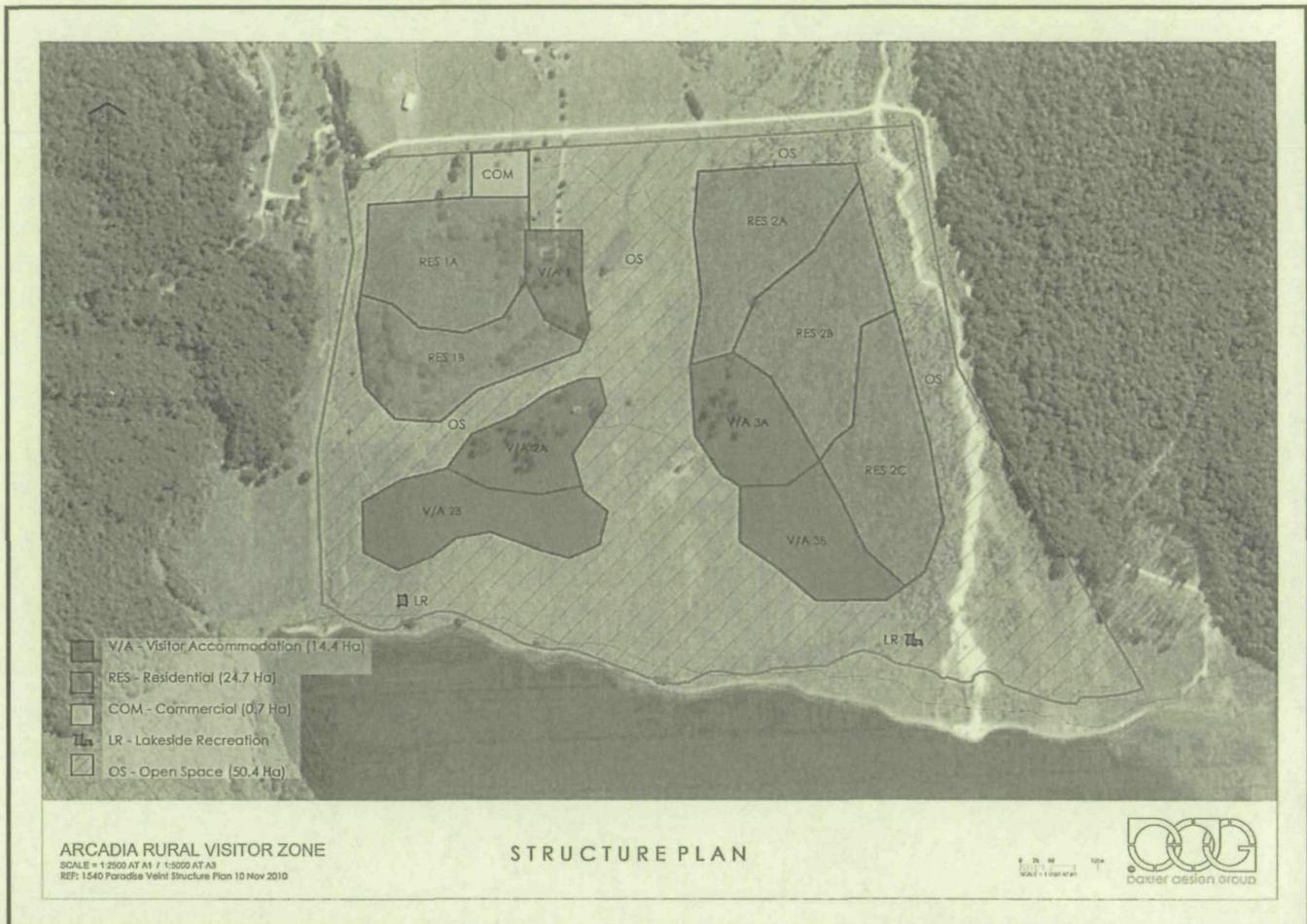


Figure 1 Structure Plan

The Structure Plan will be accompanied by a number of design guidelines determining density, wall colour, materials, claddings, building height, roof pitch and cladding, roading, fencing, vegetation, and curtilage areas

Finally the applicant has volunteered that the resource consent decision includes a condition that will tie future land use development to the Structure Plan and supporting Design Guidelines document.

It is noted that while the Rural Visitor Zone contains a controlled activity rule for a structure plan, it does not contain a corresponding standard or rule requiring that a structure plan must be approved prior to development.

Site and Locality Description

The site is located to the south and west of the Glenorchy-Paradise Road at the base of the Diamond Lake /Paradise Valley, north of Diamond Lake and south-west of Turret Head. The site encompasses the Arcadia Station and Homestead.

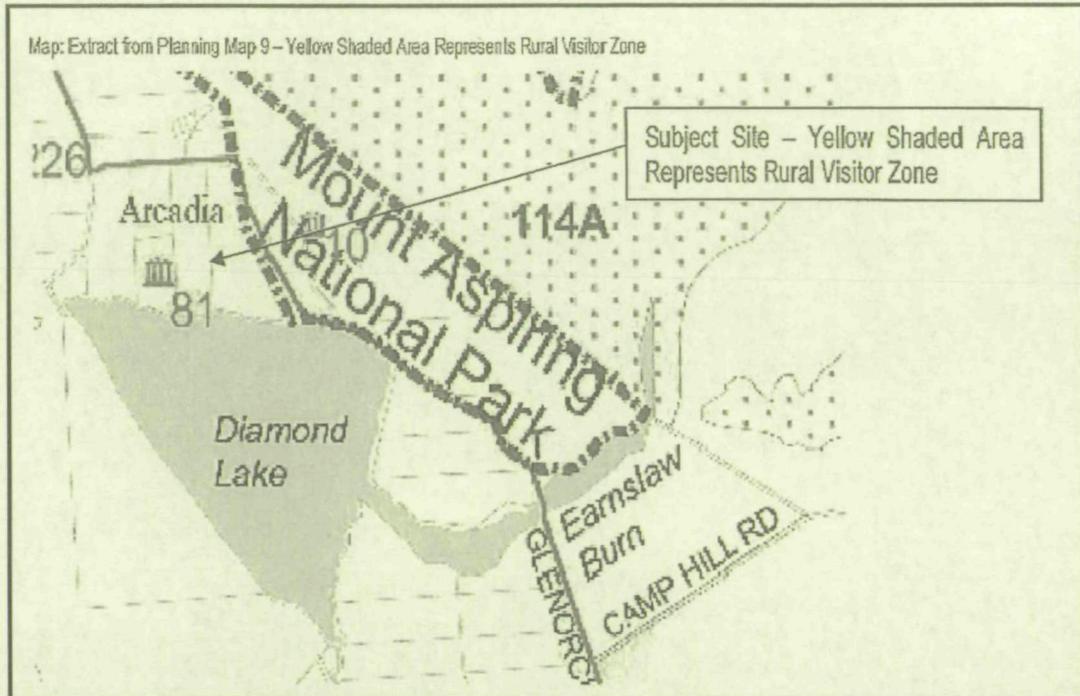


Figure 2: Location of Subject Site.

Arcadia Homestead is listed as a protected feature under the District Plan. There are a number of implement sheds associated with the homestead, as well as another dwelling owned by the Applicant. The land containing the Arcadia Homestead and bounded by Diamond Lake and the Paradise Road is zoned "Rural Visitor". This is an area of approximately 89 hectares.

Site History

Arcadia House was designed and built in 1883 by William Mason who proposed to use the surrounding 128 hectares as a retirement farm. The property was later sold and used as a guest house for over 50 years. In 1943 the property was sold to the Veint family who continued to operate the property as a guest house until 1949 when it was purchased by the Miller family with whom it remained until 1998. The property is now overseen by the applicant. The remainder of the property is grazed and used as farmland.

Effects on the Environment

The District Plan does not specify any relevant Assessment Matters but it focuses on the criteria that must be met for each Structure Plan. This will form the basis of the following assessment.

It is of relevance that the Structure Plan does not provide any certainty with regards to the granting of further consents. All buildings and visitor accommodation require controlled activity consents, commercial and retail activities require discretionary resource consents. Equally, as identified above, the District Plan does not contain any provisions requiring an approved Structure Plan to be complied with although the applicant is volunteering this as a condition of consent.

Baseline

The site is located in the Rural Visitor Zone. This zoning is significant in understanding the environment.

The purpose of this zone *"is to complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area"*. In association with this zoning the District Plan anticipates -

- Buildings;
- Residential Activity;
- Visitor Accommodation; and
- Commercial Recreation Activities.

Upon a review of the provisions of Section 12.3 Rural Visitor Zones of the District Plan, it is noted that the site is zoned as an area with higher potential to absorb change, and the zone allows for dense built form of up to four stories in height, although that development would have to meet the objectives and policies of the zone in respect of the mitigation of adverse effects on landscape and natural values.

Location of Proposed Activity Areas

There are three distinct clusters of activity/development proposed for the site. The proposed activities are predominantly residential and visitor accommodation with a small area of commercial activity located adjacent to the Glenorchy-Paradise Road. The location of each activity area is considered to be logical and sympathetic to the topography of the site and surrounding landscape. The large areas of open space will retain the rural integrity of the surrounding landscape, the view-shafts from the Glenorchy-Paradise Road down to the lake, as well as the heritage values and architecture of Arcadia Homestead. The large clusters of residential activity are located closest to public roads and adjoining sites where farming and residential activity is already established. The proposed visitor accommodation activity is largely contained on the lake side of the site and away from adjoining properties. The commercial area proposed is small relative to the size of the site and will ensure an acceptable level of rural amenity within the rural visitor area is retained. The small Lakeside Recreation Areas are located on the flat, pastoral land adjacent to the lake but will not compromise the openness of this part of the site.

Lakes Environmental's Landscape Architect (Helen Mellsop) has considered the potential effects on visual amenity as a result of the location of the activity areas. Ms Mellsop notes that when viewed from the Glenorchy-Paradise Road south of the Earnslaw Burn, and from the foreshore of the lake, future development would appear clustered against a backdrop of dark exotic and indigenous vegetation and against the higher terraces of the site. Further, that the proposed level of development that is encouraged by the Structure Plan could be absorbed without significant landscape effects, as long as buildings were appropriately designed and landscaped. The proposed density provisions and further restrictions on development will help to limit the extent of these effects.

Overall, the location of the proposed activity areas will ensure development is managed and appropriately contained to protect surrounding scenic resources.

Landscaping

Vegetation/Landscape Planting:

Ms Mellsop considers that additional indigenous vegetation, particularly along the foreshore of the lake and around any lakeside structures, adjacent to grey shrubland areas and along the small watercourse located on the western boundary would enhance the natural character and ecological values of the site. As volunteered by the applicant, the Open Space areas will be maintained in pasture and managed to ensure no weed species such as broom, gorse or sweet briar are allowed to establish. The planting of native species is also encouraged in the area east and south east of the Residential 2A, B and C areas. It is considered this will increase the visual amenity of the site, serve to extend the existing vegetation and increase the potential for development to be absorbed along that edge of these activity areas.

As stated in the proposed guidelines, where possible, in each of the residential activity areas, the mature exotic vegetation will be retained and incorporated into the landscape treatment to be approved at the time of building establishment. The Structure Plan guidelines also stipulate that if trees are to be planted then the species shall be Mountain Beech and/or similar species that currently exist within each of the activity areas. Further limitations are placed on the Residential 2A, B and C activity areas in respect of the planting of exotic species (specifically height and area of species) and this will ensure an acceptable degree of rural character is retained. Exotic tree planting is also restricted in each of the Visitor Accommodation Areas.

Ms Mellsoy has not raised any concerns regarding the proposed vegetation management for the property. This opinion is adopted and therefore it is considered that the effects in regard to landscape planting will be less than minor.

Fencing:

The applicant proposes to restrict fences to post and wire with a maximum height of 1 to 1.2 metres and courtyard walls to 1.8 metres in height and within 4 metres of the building. These restrictions on materials and height for fencing and courtyard walls will ensure that the rural character of the Rural Visitor Zone is retained. Post and wire fencing is typically rural and in keeping with the existing character, while courtyard walls are to be contained within 4 metres of buildings for visitor accommodation, no more than 1.8 metres in height and shall be built to match the building materials. The containment of the courtyard walls will ensure the domesticating elements of the development to not creep into the Open Space areas designated around the site. Ms Mellsoy does not raise any landscape issues with regard to the proposed restrictions on fencing.

Curtilage:

Curtilage areas are proposed for Residential Areas 1A and 1B. Only 60% of each individual allotment within these activity areas may be used as curtilage and areas outside of the curtilage areas must be maintained in pastoral grass. The Residential 2A, B and C areas will have Homestead Areas which require the dwelling, landscaped areas, ancillary structures and garaging to be established within the designated area. These areas shall be 50% of any allotment. It is considered that the restriction on the size of the curtilage and Homestead areas will adequately contain visual effects and domestication.

Ms Mellsoy has not raised any issues in regard to the proposed curtilage and Homestead areas.

Roadways/Access:

The Structure Plan has been designed to anticipate two entrances to the site, one from the Paradise-Glenorchy Road and one to the Arcadia Homestead. A secondary road is anticipated from an unformed legal road on the western boundary to the VA2 Area. This will be linked to the open space area between VA2 and VA3 activity areas.

The applicant proposes that walkways will be an integral part of access development on the site and Baxter Design Group has recommended a circular network of walkway between residential and visitor accommodation areas, with access to the lake edge and LR facilities.

The proposed roading materials in the Lakeside Recreation area will be maintained in gravel only with swale edging and built to a maximum width of 2.5 metres. This will limit potential effects on the natural character of the lakeshore area. All other roadways within the site shall be surfaced with either gravel or chip seal and this will also help to retain elements of rural character within the site.

Open Space

Between the three main clusters of activity areas the applicant has proposed Open Space areas to allow for view shafts of the lake and of the Arcadia Homestead and to provide visual relief and contrast within the landscape. Ms Mellsoy considers that a greater setback of built development from the lakeshore is important in maintaining the landscape values of the area, however while a larger area of open space/greater setback from the lake would be preferable, the District Plan stipulates a

setback of 10 metres for buildings for Residential Accommodation and a setback of 20 metres for Visitor Accommodation. The Council retains control over the location of activities through the Structure Plan process, however there is little guidance as to what this means. In this case the proposed setbacks for the activity areas along the lake front will be greater than that required by the District Plan. Further, a number of design controls have been offered by the applicant to ensure development does not compromise the openness of the lake and acceptable level of rural amenity is retained. Ms Mellsop states that:

Potential development in line with the proposed structure plan could appear as a small resort nestled by the lake. Dense built form up to four stories in height would be apparent from public roads and from the lake shore, but intervening areas of open pastoral land would be retained. Of particular benefit would be the maintenance of open vistas from the Glenorchy-Paradise Road to Diamond Lake and to the main facade of the homestead, and retention of the natural character of the River of Jordan and its surrounds.

On balance, while it is recognised that greater setbacks are preferable, the District Plan anticipates a high level of development in this location. On balance, the Structure Plan results in positive effects.

No other concerns have been raised in regard to the proposed Open Space areas.

The landscape architects report is adopted and relied upon with regards to other landscaping effects. The adverse effects on landscape are therefore considered no more than minor.

Density of Development

Section 12 of the District Plan – Rural Visitor Zone – does not specify what the anticipated densities for development might be for that zone. The applicant has specified proposed densities for each of the eleven activity areas within the Structure Plan. The provision of the proposed densities provides greater certainty about the outcome of future development on the site. Ms Mellsop has advised that the densities proposed within each activity area could be absorbed within the property without having significant adverse effects on the landscape values of the surrounding area. Overall, it is considered that the proposed densities provided for by the Structure Plan are appropriate for the zone and within the surrounding landscape.

Conclusion

The District Plan does not provide any relevant Assessment Matters to guide assessment. However the Environmental Results Anticipated (Section 12.3.5) focus on the retention of predominant rural character while providing the potential for consolidated areas to be utilised for visitor facilities, the provision of a range of accommodation and recreation buildings while ensuring the quality of the local environment is maintained, and the exclusion of activities which cause adverse environmental effects and the protection of traffic safety on local roads and State Highways. Each of the proposed activity types is considered to be appropriate and aligned with the District Plan requirements for the Rural Visitor Zone and each Activity Area is appropriately located and will be adequately managed in the future in respect of the density of development, landscaping and the retaining of rural amenity values within the zone and surrounding landscape. The proposed Structure Plan is in effect providing a mechanism to limit the possible outcomes of future development within the site, without determining them. In this regard it is a positive proposal.

Effects on Persons

The purpose of a Structure Plan is to determine the potential and appropriate areas for future development. In this instance a controlled activity resource consent is required to establish Structure Plan for the subject site. This type of activity is a paper exercise and generally anticipated within the Rural Visitor Zone. The types of activities proposed are anticipated in the Zone with the possible exception of the commercial area for which a discretionary resource consent will be required. Ms Mellsop has advised that the integrity of the zone and surrounding landscape will be retained as a result of this proposal. For these reasons no persons are considered to be adversely affected.

Objectives and Policies

The relevant objectives and policies are contained in Section 12.3 Rural Visitor Zone of the District Plan.

The objectives under 12.3.4 encourage the provision for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values, and the scope for extension of activities in the Rural Visitor Zones. The relevant policies seek to ensure that new development has regard to the landscape values which surround rural visitor areas, to ensure the expansion of activities occur at a scale, or at a rate, consistent with maintaining the surrounding rural resources and amenities and to recognise the rural values of the Rural Visitor Zone and in particular buildings at Arcadia Station.

Ms Mellsoy has advised that the proposed location, scale and density that will result from the proposed Structure Plan will be appropriately absorbed within the landscape and the historical and rural integrity of Arcadia Homestead will be retained. The provision for services such as water supply, sewage treatment and disposal, electricity and telecommunication services will be assessed at the time resource consent is applied for to development future buildings.

The Structure Plan enables activities anticipated by the Rural Visitor Zone while having regard to the surrounding landscape values.

Overall the proposal is consistent with the above objectives and policies.

Other Matters

Local Government Act 2002: Development Contributions

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

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.

For the forgoing reasons a Development Contribution is not required.

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.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

You are responsible for ensuring compliance with the conditions of this resource consent. 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 Resource Management Act 1991.

If you have any enquiries please contact Pip Riddell on phone (03) 450 0353 or email philipa.riddell@lakesenv.co.nz.

Prepared by
LAKES ENVIRONMENTAL LTD

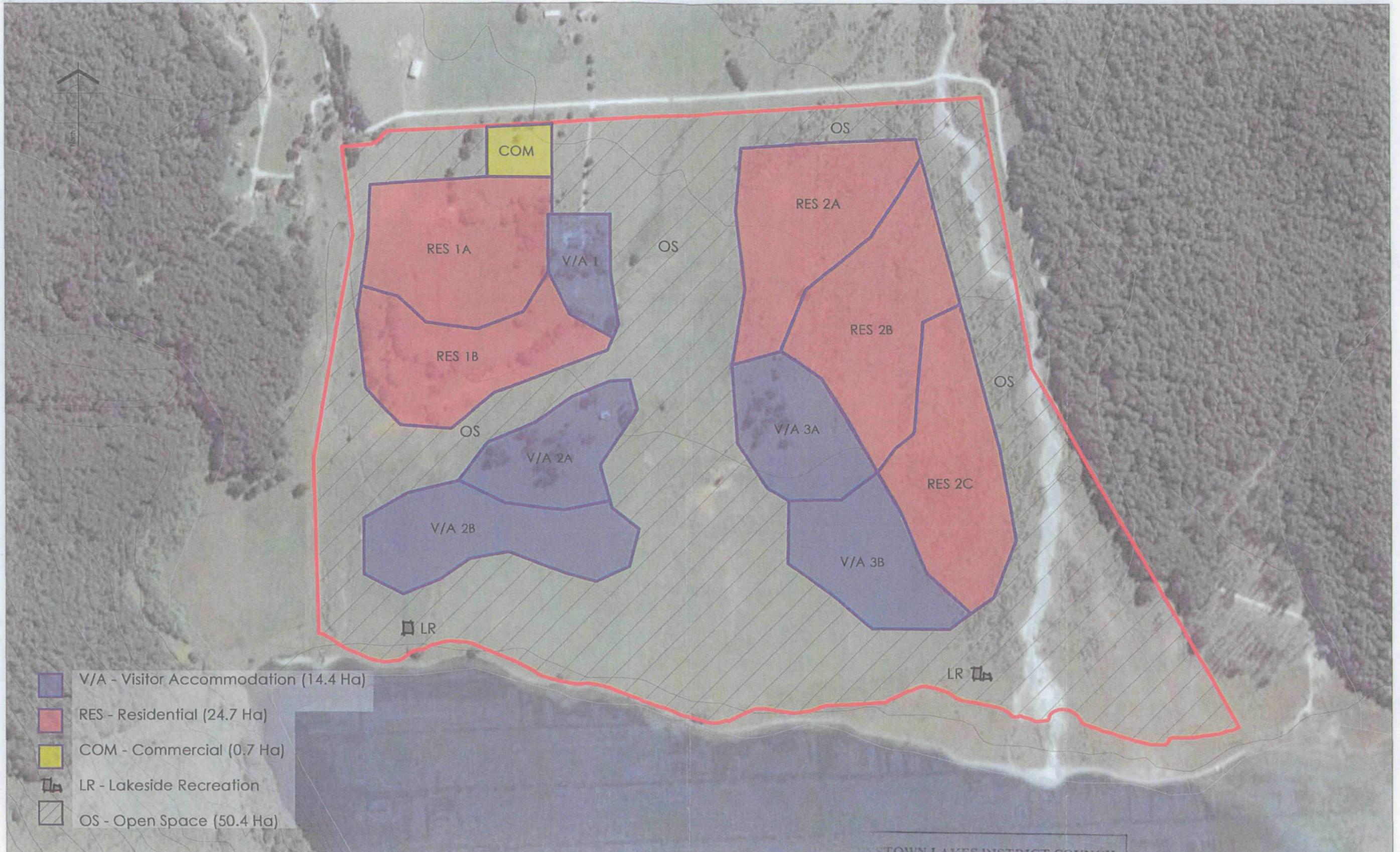
Reviewed by
LAKES ENVIRONMENTAL LTD

P Riddell

wendy baker

Pip Riddell
PLANNER

Wendy Baker
PLANNING TEAM LEADER



- V/A - Visitor Accommodation (14.4 Ha)
- RES - Residential (24.7 Ha)
- COM - Commercial (0.7 Ha)
- LR - Lakeside Recreation
- OS - Open Space (50.4 Ha)

ARCADIA RURAL VISITOR ZONE

SCALE = 1:2500 AT A1 / 1:5000 AT A3
 REF: 1540 Paradise Veint Structure Plan 10 Nov 2010

STRUCTURE PLAN

WINSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 110010

2-5-11
Date

JA
Initials

0 25 50
SCALE 1:2500 AT A1



Philippa Riddell

From: Dan Curley [dan@vivianespie.co.nz]
Sent: Wednesday, 11 May 2011 9:04 a.m.
To: Philippa Riddell
Subject: RE: Veint Update

I understand that Pip. Thanks.

From: Philippa Riddell [mailto:Philippa.Riddell@lakesenv.co.nz]
Sent: Wednesday, 11 May 2011 9:02 a.m.
To: 'Dan Curley'
Subject: RE: Veint Update

Dan, both Jenny and I have worked to ensure we addressed Jane's concerns. Your client is more than within his rights to apply for a controlled activity for buildings.

Regards
Pip

From: Dan Curley [mailto:dan@vivianespie.co.nz]
Sent: Wednesday, 11 May 2011 9:00 a.m.
To: Philippa Riddell
Subject: RE: Veint Update

Have you specifically stated what scale you consider those concerns to be in alignment to the plan?

Give me some time to think about this. Its getting to the point where the Client might apply for controlled activity buildings and I'm not sure that will be a good result.

I will come back to you.

Cheers
Dan.

From: Philippa Riddell [mailto:Philippa.Riddell@lakesenv.co.nz]
Sent: Wednesday, 11 May 2011 8:55 a.m.
To: 'Dan Curley'
Subject: Veint Update

Morning Dan,

The decision has been DNI'd again, the concern being landscape effects and a report from an expert who considers there are issues with the proposed location of the activity areas closest to the lake. The Commissioner is of the opinion that concerns of the landscape architect need to be addressed. I am unsure what more I can do from my end.

Regards
Pip

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Philippa Riddell

From: Philippa Riddell
Sent: Tuesday, 3 May 2011 2:42 p.m.
To: 'Dan Curley'
Subject: FW: Veint RM110010

Hi Dan,

I have Helen's comments for you below. I see that Helen's real concern is that development could be concentrated toward the lakeside within the two VA activity areas, and while there is a density provision and other building type controls there is no mechanism to ensure development in those activity areas will not be prominent as a result of high concentrations. While you and I both appreciate that the setback proposed is greater than what the Plan requires, I am not an expert on landscape effects and given what Helen has raised and the Commissioner's comments, it must be addressed in one form or another.

Please let me know how you wish to proceed with this.

From: Helen Mellsop [<mailto:helen.mellsop@vodafone.co.nz>]
Sent: Tuesday, 3 May 2011 1:57 p.m.
To: Philippa Riddell
Subject: RE: Veint RM110010

Hi Pip,

Just to explain in a little more detail – in my landscape assessment report of the 28th January I stated my opinion that there was potential for built development in Visitor Accommodation areas 2B and 3B to detract from the natural character of Diamond Lake, which has public access along its northern shore:

'Significant built development within 150 metres of the lake shore esplanade could also detract from the naturalness of the lake itself and the recreational experience of members of the public using the lake. The proposed design controls allow only 6000m² of built coverage in VA 2B and 3300m² in VA 3B, but these areas cover about 40,000m² and 35,000m², respectively. The structure plan could therefore result in dispersed development across the fan, detracting from its open character and legibility.

Theoretically under the currently proposed controls, the visitor accommodation development could be concentrated in the areas closest to the lake esplanade, which in the case of VA2B is only 70 metres from the esplanade, and with VA3B 120 metres. This development, particularly in VA2B, could be visually prominent from the lakeshore. While acknowledging that the zone rules specify setbacks of only 10 metres for residential development and 20 metres for visitor accommodation development, I am still of the opinion that built development in these areas be set back from the lake esplanade by at least 150 metres in order to avoid these adverse effects on the landscape values of the area surrounding the rural visitor zone.

Hope this helps in some way! Let me know if you need anything more.

Regards, Helen

helen mellsop | landscape architect

Phone | 09 846-3936 Mobile | 021 164 2808

Website | www.helenmellsop.co.nz

Email | helen.mellsop@vodafone.co.nz

From: Philippa Riddell [mailto:Philippa.Riddell@lakesenv.co.nz]
Sent: Tuesday, 3 May 2011 10:26 a.m.
To: 'Helen Mellsop'; 'Helen Mellsop'
Subject: Veint RM110010

Hi Helen,

I see in your report that you hold concerns regarding the proposed setback from Diamond Lake. I'm at a crossroads with this as the DPlan allows for a shorter setback for buildings and so in this respect what Veint is proposing is compliant. The Commissioner is wanting a greater understanding of what the effects will be on the Lake given this is the case. Would you please elaborate on this in an email for me.

Regards
Pip

Pip Riddell
● **anner**
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