File: RM020538

Valuation Number: 2918411300

9 January 2003

Meadow One Ltd C/- Clark Fortune McDonald PO Box 553 QUEENSTOWN

Attention: Mr C Vivian

Dear Sir

# DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL RESOURCE MANAGEMENT ACT 1991 MEADOW ONE LTD – RM020538

I refer to your application for subdivision and land use consent under Section 88 of the Resource Management Act 1991 for the comprehensive development of the Meadow Park zone. The Meadow Park zone is located on the north-western corner of Manse and Malaghan's Road, Arrowtown. The site is legally described as Part Lot 2 Deposited Plan 20467, and is 29.93 hectares in area. The land is contained within Certificate of Title 15A/430.

The application was considered by the Queenstown Lakes District Council's Hearings Panel acting under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 26 November 2002.

#### **Appearances**

The applicant was represented by Ms Jo Appleyard (Chapman Tripp), Mr Carey Vivian (Clark Fortune McDonald), Mr Paddy Baxter (Baxter Brown), and the applicant, Mr Jim Boult.

Ms Appleyard presented submissions to the Panel, noting that a submission had been received from Arrowtown Promotion & Business Association Inc, which had not been forwarded to the Consent Authority. Ms Appleyard tabled this to the Panel in order for them to determine its status. The applicant accepted the request from Queenstown Self Storage Limited that sought to prevent deciduous trees being planted on their common boundary provided it only relates to Lot 2 DP 27675.

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Ms Appleyard advised the Panel that agreement has been reached with Arrow Irrigation Ltd to accommodate their concerns regarding an agreement that the walkway will be distant from the water race, and that safety concerns would be dealt with.

Mr Boult (Meadow One Ltd) spoke of the long term management of the Design Urban Edge (DUE) and advised that a condition of the sale contracts for Titles is the creation of a landowners' group which will be empowered to ensure individual property owners comply with consent conditions, and maintain their properties in a manner as foreseen by those conditions. The management of the open spaces will be by a body corporate on an annual fee basis.

Mr Carey Vivian tabled written evidence to the Panel. Mr Vivian advised that the applicants are in negotiations to have LPG reticulation throughout the subdivision; however, until this has been finalised, future owners will be encouraged to use gas. Mr Vivian advised the rules of Meadow One zone ensure that the ecological enhancement is undertaken before any dwelling is constructed.

Mr P Baxter (Baxter Brown Ltd) assured the Panel that it has never been the applicant's intention for a gated development. Discussions had been held with the Wakatipu Environmental Society Inc (WESI) who did not agree to there being two access points onto the site; therefore the application was amended to show one access, which Mr Baxter believed appropriate. Mr Baxter confirmed that the structure planting would be planted by the developer and controlled by way of consent notice.

Mr Max Henry (Queenstown Self Storage) spoke to his submission, noting his concern with trees being planted close to their boundary and possible overhanging branches blocking their gutter. Mr Baxter confirmed there would be a setback of 5.0 metres from Mr Henry's property before the planting of any trees. Mr Henry considered this would meet his concerns.

Mr Tony Strain of Arrow Irrigation Co spoke to the Panel and advised discussions had been held with the applicant resulting in their general satisfaction. Arrow Irrigation does not want their races to be used as walkways, nor do they wish to take any liability for possible accidents from children or animals.

Mr Ben O'Malley of Millbrook Resort spoke to the Panel. He was concerned with the extension of some lots into the OS-MR area and questioned how the applicant would stop any activities outside OS-MR to Malaghans Road and Mr Baxter advised consent memorandums would state the only use permitted on that area would be for pastoral use.

Ms Jean Malpas spoke to the Panel on behalf of WESI and requested a condition that at no stage the site is to become a gated community.

#### **Considerations**

Transitional District Plan

The property is zoned Rural A in the Lakes-Queenstown Wakatipu Combined Transitional District Plan. The proposal is not specifically provided for within this zone and therefore requires resource consent for a non-complying activity pursuant to Sections 374(4) and 405(2)(a) of the Resource Management Act 1991.

Proposed District Plan

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District

Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under these decisions the site is zoned Meadow Park zone and the proposed activity requires the following resource consents:

#### Land Use:

- A controlled activity resource consent pursuant to Rule 12.22.3.2(ii) for the redesign of the access to the existing dwelling on the site;
- A controlled activity resource consent pursuant to Rule 12.22.3.2(iii) for the ecological restoration of Activity Area OS-HL. Council's control is limited to the species and plantings to be undertaken and long-term management of the ecological restoration.
- A discretionary activity resource consent pursuant to Rule 12.22.3.3(iv) for buildings and landscaping located within the DUE area. The Council's discretion is limited to the following matters:
  - (a) the number, size and location of building platforms, associated access and earthworks;
  - (b) maximum building heights;
  - (c) species to be planted and their maintenance;
  - (d) landscaping earthworks, including mounding and ponds;
  - (e) the provision of open space and retaining views of outstanding natural landscapes and features from Malaghans Road;
  - (f) the long term management of the Design Urban Edge.

No land use consents for individual dwellings are sought at this stage.

#### Subdivision

- A controlled activity resource consent pursuant to Rule 15.2.3.2 for the subdivision of land within the RES, OS-HL, OS-MR and OS-IND activity areas.
- A controlled activity resource consent for the subdivision of land within the DUE and partly in the OS-MR and RES activity area.

The application was publicly notified pursuant to Rule 12.22.4, which requires that the design of the Design Urban Edge area be subject to public notification.

#### Procedure

The application was publicly notified on 21 September 2002 and the period for making submissions closed on 18 October 2002. A total of 5 submissions were received, of which four were in opposition, and one neutral.

#### Resource Management Act 1991

As the proposed activity is non-complying it was assessed in terms of Sections 104 and 105(2)(A) of the Resource Management Act 1991.

Under Section 105(2)(A) of the Resource Management Act 1991, the Panel was aware that the Council cannot grant consent for a non-complying activity unless it is satisfied that the adverse effects of the activity are no more than minor and the application is not contrary to the provisions of either the Transitional District Plan or the Proposed District Plan.

#### **Decision**

Consent is granted pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 and 220 of the Resource Management Act 1991:

#### **Subdivision Conditions:**

- That the activity be undertaken in accordance with the application and plans (*Clark Fortune McDonald & Associates, Subdivision Plan Butel Park: Drawing 8188e*) stamped as "Approved Plans" dated 16 December 2002 and attached to this decision, with the exception of the amendments required by the following conditions of consent.
- That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - a) the administration, monitoring and supervision of this consent; and
  - b) charges authorised by regulations.
- 4 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:1981 with the amendments to that standard adopted on 1 June 1994, except where specified otherwise.
- The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under section 104 of NZS4404:1981 "Code of Practice for Urban Land Subdivision", in relation to this development.

### **Engineering**

- Prior to the certification pursuant to Section 223 of the Resource Management Act 1991 and prior to the commencement of any works on the land being subdivided, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following engineering works required:
  - a) The provision of a water supply reticulation system in accordance with Council's Code of Urban Subdivision, Clause 501.1.2.4 as amended by the amendments of 1 June 1994. The reticulated water supply shall be adequate to service the resultant

residential allotments with the requirements of New Zealand Standard Fire service Code of Practice 1992 and New Zealand Standard 4404: 1981 for a class 'E' fire risk

- b) Each new residential lot created shall have a separate water connection that can be independently isolated from the main supply. This connection shall be in accordance with Councils Standards, including the amendments to the water connection policy adopted on 17 March 2000. The cost of making all connections shall be borne by the applicant.
- c) The provision of a reticulated wastewater disposal system providing connections from each lot to the existing Council reticulated foul sewage system. The costs of making these connections shall be borne by the applicant. The reticulation shall be appropriately sized to cater for any upstream catchments.
- d) The provision for stormwater disposal from all roads and lots. Stormwater from grassed swales is to be directed to piped stormwater reticulation that has an appropriate discharge. The costs of making the connections shall be borne by the applicant. Any reticulation shall be appropriately sized to cater for any upstream catchments. The applicant shall obtain any necessary consent from the Otago Regional Council.
- e) The provision for an overland flow path for the passage of any stormwater unable for any reason to pass through the stormwater drainage system. The applicant shall ensure that future residential dwellings do not obstruct these paths.
- f) The provision of protection of all future residential dwellings from flooding resulting from any reasonably foreseeable failure of the Arrow Irrigation Company water race.
- g) The proposed roads to vest are to be constructed in accordance with Council's Standards. The roads are to be sealed and are to have grassed swales, street lighting and footpaths, as detailed by the applicant at the hearing.
- h) The construction of all rights of ways and access lots to Council's standards.
- i) The realignment and construction of the access from Malaghans Road to the existing dwelling on Lot 7 to Council's standards.
- j) The construction of the intersection to the subdivision from Manse Road in accordance with Austroads "Intersection at Grade" standard.
- k) The construction of a vehicle crossing to all rear lots and access lots.
- The provision of a second access road into the subdivision from Manse Road between the northern end of the zone and the adjacent industrial land. The access road shall run along side the Council owned reserve strip and shall be appropriately screened. The road shall be constructed in accordance with Council's standards and shall be similar in construction as the main road as detailed at the hearing.

- m) The nature, extent and detail of any earthworks proposed in relation to this subdivision including measures to be put in place to control silt and sediment runoff during rain events.
- n) The consent holder shall specify procedures to be put in place to minimise the spread of dust during earthwork construction.
- Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant 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.
  - b) The completion of all works detailed in condition (6) above.
  - c) The provision of certification by a Registered Engineer experienced in soils investigations, in accordance with NZS4431 for all areas of fill within the proposed lots (if any).
  - d) Payment to the Council of headworks fees for water and wastewater for the additional 44 residential lots. The current financial contributions for the Arrowtown Sewerage and Water Schemes will not apply. The Council will confirm the applicable financial contributions prior to development of the property.
  - e) Payment to the Council of a reserves contribution to the value of \$25,457.00 (incl. GST)
  - f) Where this subdivision or development involves the vesting of assets in the Council, the consent holder shall submit to CivicCorp a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan
  - g) The consent holder shall provide an electricity and telecommunications supply to the nett area of each residential allotment. These supplies shall be underground from any existing reticulation.
  - h) Application is to be made to the Manager: Support Services, CivicCorp for a road name for all new roads to be vested in the Council.
- Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following condition on a continuing basis:
  - a) At the time that a dwelling is proposed on any lot the owner for the time being shall construct a vehicle crossing in accordance with the approved drawings if one has not been constructed at the time of subdivision.

- b) At the time that a dwelling is constructed on any lot the owner for the time being is to ensure that all construction is contained within boundaries of the lot and that the only access to the lot for all construction vehicles and delivery of goods to the lot is to be from the vehicle crossing constructed at the time of subdivision or constructed in accordance with Condition (a) above. The owner for the time being is responsible for repairing and making good any damage to any road infrastructure for the frontage of the lot being developed or to the frontage of any other lot caused by development activities on the owners lot.
- c) If there is to be more than one household unit located on any lot, the owner for the time being shall pay headworks fees to the Queenstown Lakes District Council for Water and Sewerage at the appropriate rates applicable for each additional unit at the time that the second or subsequent unit is constructed.
- d) At the time a dwelling is constructed on any of Lots 2 8, the property owner for the time being shall submit a landscaping plan for approval to the Principal: Resource Management (Civic Corporation). The landscape plan shall be designed to meet the following objectives:
  - (i) There shall be no fences or other structures erected within that part of the lot located in the OS-MR area. There shall be no planting on that part of the lot within the OS-MR apart from that indicated in the approved structural planting plan.
  - (ii) Continuation of the mitigating effect of the structural planting on the boundary of the OS-MR area by planting suitable species.
- e) At the time a dwelling is constructed on any of Lots 1 and 17 22, the property owner for the time being shall submit a landscaping plan for approval to the Principal: Resource Management (Civic Corporation). The landscape plan shall be designed to meet the following objectives:
  - (i) There shall be no structureres, fences or any other development within the OS-HL area apart from the ecological restoration and planting in accordance with the approved structural planting plan.
  - (ii) Planting of suitable species to maintain the integrity of the ecological restoration of the OS-HL area.

#### f) <u>Design Control</u>

- (i) Dwellings on any of Lots 1 6, 8 12, 16, and 28 30 shall be located within the building platform on that lot, and shall comply with all setback requirements.
- (ii) Roofing materials are to cedar shingles or Shakes in a natural finish, natural slate or similar, or Iron roofing in "Burnt Umber', "Earth Green', 'Mediterranean Olive', 'Ironsand', Grey Friars' or New Denim Blue' or similar.

- (iii) All roofs are to be in gable form, with pitches between 25 and 35 degrees. Lean to and verandah roof pitches are required to be les than the main roof.
- (iv) Wall claddings are to comprise smooth plaster, horizontal schist, natural finish weatherboards, painted weatherboard in recessive hues, painted corrugated iron in similar colours as those approved for roofing. Wall claddings are not to include fibre cement weatherboards, sidings and roofing, uncoated fibre material, PVC sidings, unpainted iron or steel, unpainted concrete masonry, imitation timber, brick or masonry, metal weatherboards, compressed fibre mineral weatherboards, or any metal or asphalt based, aggregate covers tiles or shingles.
- (v) A-frame designs or timber pole frame designs or construction are not permitted.
- (vi) No dwelling shall exceed 6 metres in height in the DUE and 7 metres in the RES Activity Area.

#### Landscaping

- 9 Prior to approval pursuant to section 223 of the Resource Management Act 1991, the applicant shall submit for the approval of the Principal: Resource Management (Civic Corporation) the following:
  - a) Details identifying the stages of the structural landscaping and ecological restoration to be planted and their respective locations within Butel Park. Planting areas shall be allocated to specific years. The ecological restoration on the OS-HL is to be implemented within one (1) year. The staging of the landscaping for Butel Park shall be limited to three years, which is considered adequate time to source all the species proposed in the Structural Landscape plan.

In this instance the landscaping plan will provide for the following objectives:

- No deciduous trees are planted on the common boundary of the Meadow One zone and Lot 2 Deposited Plan 27675.
- No more than 20 metres of trees shall be planted on the south-east and south-west corners of the site adjacent to Malaghans Road.
- b) Provision of a long term maintenance and management plan for the structural planting.
- Prior to the certification pursuant to section 224(c) of the Resource Management Act 1991 the consent holder shall:
  - a) Enter into a contract with an independent third party experienced in implementing and maintaining vegetation restoration and planting plans. The contract shall provide for the full completion of the staged planting plan as required in condition 9(a). The consent holder shall submit details of this contract to the Principal: Resource Management (CivicCorp).

b) A bond shall be entered into in a form to be determined by Council's solicitors to secure performance of the works required to implement and maintain all ecological restoration and the structural planting for Butel Park. The consent holder shall present the final details of the anticipated cost for establishing and maintaining the works outlined in conditions 9(a) and 8(a), above and the bond shall be the sum of these proposed works. The cost of setting up the bond is to be bone by the consent holder.

The bond shall be released upon request when Civic Corporation Limited's Compliance Section has inspected the required work and is satisfied that the condition is satisfactorily completed.

This document is to be approved by Council's solicitors and the cost is to be borne by the consent holder.

#### **General Conditions**

- The public walk ways are not to be fenced and shall be protected by an easement in gross in favour of the Council. The walking tracks are to be available to the public at all times.
- All necessary easements are to be granted or reserved.
- Lot 200 is to be vested in the Queenstown Lakes District Council as Road.
- The vesting of a 5cm Local Purpose Reserve (segregation) along the Manse Road frontage of Lots 25 and 30 to prevent future vehicular access to Manse Road.

#### 15 Amalgamation Conditions

- (i) That Lot 102 hereon be held as to four undivided one quarter shares by the owners of Lots 27, 28, 29 and 30 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith (See CSN Request 135851.)
- (ii) That Lot 104 hereon be held as to six undivided one sixth shares by the owners of Lots 5, 6, 8, 9 10 and 11 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. (See CSN Request 135851.)
- (iii) That Lot 105 hereon be held as to nine undivided one ninth shares by the owners of Lots 1, 2, 3, 4, 12, 13, 14, 15 and 16 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith (See CSN Request 135851.)
- (iv) That Lot 106 hereon be held as to four undivided one quarter shares by the owners of Lots 1, 2, 3 and 16 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith (See CSN Request 135851.)

(v) That Lots 103, 107 and 108 hereon be held as to forty three undivided one forty third shares by the owners of Lots 1 – 6 and 8 – 44 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith (See CSN Request 135851.)

#### LANDUSE CONDITIONS

- That the activity be undertaken in accordance with the application and plans (*Clark Fortune McDonald & Associates, Subdivision Plan Butel Park: Drawing 8188e; Baxter Brown "Butel Park Structural Planting Plan, dated 01 August 2002; and N C Simpson "Butel Park Ecological Restoration of the hill slope and planting plan", dated June 2002)*) stamped as "Approved Plans" dated 16 December 2002 and attached to this decision, with the exception of the amendments required by the following conditions of consent.
- That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - a) the administration, monitoring and supervision of this consent; and
  - b) charges authorised by regulations.
- The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
- 5 That upon completion of the proposed activity, the consent holder shall contact the Compliance Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

#### Engineering

- All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:1981 with the amendments to that standard adopted on 1 June 1994, except where specified otherwise.
- Prior to the commencement of any work on the site, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (6), to detail the following engineering works required:
  - a) The provision of a water supply reticulation system in accordance with Council's Code of Urban Subdivision, Clause 501.1.2.4 as amended by the amendments of 1 June 1994. The reticulated water supply shall be adequate to service the resultant residential allotments with the requirements of New Zealand Standard Fire service

- Code of Practice 1992 and New Zealand Standard 4404: 1981 for a class 'E' fire risk.
- b) Each new residential lot created shall have a separate water connection that can be independently isolated from the main supply. This connection shall be in accordance with Councils Standards, including the amendments to the water connection policy adopted on 17 March 2000. The cost of making all connections shall be borne by the applicant.
- c) The provision of a reticulated wastewater disposal system providing connections from each lot to the existing Council reticulated foul sewage system. The costs of making these connections shall be borne by the applicant. The reticulation shall be appropriately sized to cater for any upstream catchments.
- d) The provision for stormwater disposal from all roads and lots. Stormwater from grassed swales is to be directed to piped stormwater reticulation that has an appropriate discharge. The costs of making the connections shall be borne by the applicant. Any reticulation shall be appropriately sized to cater for any upstream catchments. The applicant shall obtain any necessary consent from the Otago Regional Council.
- e) The provision for an overland flow path for the passage of any stormwater unable for any reason to pass through the stormwater drainage system. The applicant shall ensure that future residential dwellings do not obstruct these paths.
- f) The provision of protection of all future residential dwellings from flooding resulting from any possible future failure of the Arrow Irrigation Company water race.
- g) The realignment and construction of the access from Malaghans Road to the existing dwelling on Lot 7 to Council's standards.
- 8 The consent holder shall complete all works detailed in condition 7 above and submit 'asbuilt' plans and information required to detail all engineering works completed in relation to or in association with this development.
- 9 The consent holder shall provide certification by a Registered Engineer experienced in soils investigations, in accordance with NZS4431 for all areas of fill within the proposed lots (if any).
- The consent holder shall pay to the Council headworks fees for water and wastewater for the additional 44 residential lots. The current financial contributions for the Arrowtown Sewerage and Water Schemes will not apply. The Council will confirm the applicable financial contributions prior to development of the property. The applicable financial contributions will be based upon infrastructure upgrades required to service 100 household equivalents within the Meadow Park property and future demands from the Arrowtown contributing area.
- Payment to the Council of a reserves contribution to the value of \$25,457.00 (incl. GST)

- Where this development involves the vesting of assets in the Council, the consent holder shall submit to CivicCorp a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan. The areas to be vested in the Council as recreation reserves shall be handed over in good condition to the Council after 5 years.
- The consent holder shall provide an electricity and telecommunications supply to the nett area of each residential allotment. These supplies shall be underground from any existing reticulation.
- At the time that a dwelling is proposed on any lot the owner for the time being shall construct a vehicle crossing in accordance with NZS 4404:1981 if one has not been constructed at the time of subdivision.
- At the time that a dwelling is constructed on any lot the owner for the time being is to ensure that all construction is contained within boundaries of the lot and that the only access to the lot for all construction vehicles and delivery of goods to the lot is to be from the vehicle crossing constructed at the time of subdivision or constructed in accordance with Condition 14 above. The owner for the time being is responsible for repairing and making good any damage to any road infrastructure for the frontage of the lot being developed or to the frontage of any other lot caused by development activities on the owners lot.
- If there is to be more than one household unit located on any lot, the owner for the time being shall pay headworks fees to the Queenstown Lakes District Council for Water and Sewerage at the appropriate rates applicable for each additional unit at the time that the second or subsequent unit is constructed.
- At the time a dwelling is constructed on any of Lots 2-8, the property owner for the time being shall prepare a landscape plan that ensures no planting is undertaken within the part of the site within the OS-MR area that will be inconsistent with or degrade the structural planting within the OS-MR area. The landscaping plan shall be submitted to the Council for approval, and shall thereafter be maintained in accordance with that plan.
- At the time a dwelling is constructed on any of Lots 1 and 17 22, the property owner for the time being shall submit a landscaping plan for approval to the Council. The landscape plan shall provide for planting that is consistent with the structural planting within the OS-HL area.

#### Design Control

- Dwellings on any of Lots 1 6, 8 12, 16, and 28 30 shall be located within the building platform on that lot.
  - (ii) Roofing materials are to cedar shingles or Shakes in a natural finish, natural slate or similar, or Iron roofing in "Burnt Umber', "Earth Green', 'Mediterranean Olive', 'Ironsand', Grey Friars' or New Denim Blue' or similar.

- (iii) All roofs are to be in gable form, with pitches between 25 and 35 degrees. Lean to and verandah roof pitches are required to be les than the main roof.
- (iv) Wall claddings are to comprise smooth plaster, horizontal schist, natural finish weatherboards, painted weatherboard in recessive hues, painted corrugated iron in similar colours as those approved for roofing. Wall claddings are not to include fibre cement weatherboards, sidings and roofing, uncoated fibre material, PVC sidings, unpainted iron or steel, unpainted concrete masonry, imitation timber, brick or masonry, metal weatherboards, compressed fibre mineral weatherboards, or any metal or asphalt based, aggregate covers tiles or shingles.
- (v) A-frame designs or timber pole frame designs or construction are not permitted.
- (vi) No dwelling shall exceed 6 metres in height in the DUE and 7 metres in the RES Activity Area.

#### Landscaping

- 20 Prior to the commencement of any works on the site, the applicant shall submit for the approval of the Principal: Resource Management (Civic Corporation) the following:
  - a) details identifying the stages of the structural landscaping and ecological restoration to be planted and their respective locations within Butel Park. Planting areas shall be allocated to specific years. The ecological restoration on the OS-HL is to be implemented within one (1) year. The staging of the landscaping for Butel Park shall be limited to three years, which is considered adequate time to source all the species proposed in the Structural Landscape plan.

In this instance the landscaping plan will provide for the following objectives:

- No deciduous trees are planted on the common boundary of the Meadow One zone and Lot 2 Deposited Plan 27675.
- No more than 20 metres of trees shall be planted on the south-east and south-west corners of the site adjacent to Malaghans Road.
- b) Provision of a long term maintenance and management plan for the structural planting.

#### 21 The consent holder shall:

- a) Enter into a contract with an independent third party experienced in implementing and maintaining vegetation restoration and planting plans. The contract shall provide for the full completion of the staged planting plan as required in condition 20(a). The consent holder shall submit details of this contract to the Principal: Resource Management (CivicCorp).
- b) Enter into a bond shall in a form to be determined by Council's solicitors to secure performance of the works required to implement and maintain all ecological restoration and the structural planting for Butel Park. The consent holder shall present the final details of the anticipated cost for establishing and maintaining the works outlined in conditions 20(a) and 21(a) above and the bond shall be the sum

of these proposed works. The cost of setting up the bond is to be bone by the consent holder.

The bond shall be released upon request when Civic Corporation Limited's Compliance Section has inspected the required work and is satisfied that the condition is satisfactorily completed.

This document is to be approved by Council's solicitors and the cost is to be borne by the consent holder.

The public walk ways are not to be fenced and shall be protected by an easement in gross in favour of the Council. The walking tracks are to be available to the public at all times.

#### **Reasons for the Decision**

#### The proposal

Consent is sought to undertake the development of the Meadow Park zone, which incorporates special conditions relating to public notification. The development is to be known as "Butel Park". The purpose of the zone is to create a comprehensively designed and integrated development that enhances the eastern edge to Arrowtown. This is achieved by the adoption of a structure plan that recognises the following activity areas which are provided for within the zone (as outlined in Section 12.22.1 of the Proposed District Plan):

- Residential Activity Area (RES)
- Open Space Malaghans Road (OS-MR)
- Designed Urban Edge (DUE)
- Open Space Industrial Area (OS-IND)
- Open Space Hillside (OS-HL)

Part A of the application deals with access within the Activity Area (OS-MR) and (DUE) of the Structure Plan and Ecological Restoration within the Activity Area (OS-HL). The existing access is to be realigned by reconstructing it in a curved form rather than a straight line off Malaghans Road. An ecological restoration report has been provided with the application that addresses the objectives of the Meadow Park zone.

Part B of the application provides for the subdivision of land within the RES, OS-HL, OS-MR and OS-IND Activity Areas. The subdivision will create the following lots, which are described in detail on Clark Fortune McDonald Drawing 8188/4e:

- Lots 1 6, 8 12, 16 and 28 30 which all contain land within both the DUE and OS-MR activity area. The building platform for each lot has been located within the DUE activity area. Lots 1 and 2 also contain land within the OS-HL area. The parts of the lots within the OS-MR and OS-HL areas are subject to a building restriction.
- Lot 7, which contains an existing dwelling and is the property to which the existing access is to be realigned.
- Lots 13 15, 31 44 and 22 27, which are located within the RES activity area. Lots 14 and 15 also contain land within the OS-HL area, which is subject to a building restriction.

Lots 22 - 25 also contain land within the OS-IND area, which is subject to a building restriction. Lot 23 is identified as a High Density Residential allotment.

- Lots 17 23, which all contain land in both the RES and OS-HL activity areas. The land within the OS-HL area is subject to a building restriction.
- Lots 100 and 101 (7.600m<sup>2</sup>) which are to be vested as recreation reserve areas
- Lot 200 which is to be vested as legal road, and various smaller access lots to be amalgamated with the lots gaining access over them;
- Lots 107 and 108, which are to remain as a common allotment and public walkway through out the subdivision. These areas are to be amalgamated in equal shares into each Title created within the subdivision.

Part C of the application addresses building and landscaping within the DUE Activity Area. This aspect of the application required public notification pursuant to Rule 12.22.4 of the Meadow Park zone.

The development is to be connected to the Council's reticulated infrastructure.

#### Effects on the Environment

The Panel identified the following effects in relation to the proposal. In considering these effects, the Panel noted that the application only required public notification in relation to the design of the DUE (Design Urban Edge).

#### Subdivision Design

The Meadow Park zone enables a maximum of 100 dwellings within the zone. Consent is sought for the creation of 44 lots, which will result in 43 new dwellings as there is an existing dwelling on Lot 7. The Panel formed the view that the subdivision is appropriately designed to ensure that maximum open space is retained around the periphery of the site, with the smaller, denser units within the residential activity area located in the middle of the site. The Panel noted in forming this view that the applicant had opted for a smaller number of sits than could be developed under the Meadow Park rules.

The Panel considered that the proposed landscaping is appropriate for the zone and will ensure that an appropriately designed, attractive entrance to Arrowtown is maintained. The Panel was of the view that minor amendments to the proposed landscaping was required in the vicinity of the Malaghan's Road frontage to ensure that the propped trees did not dominate the entrance to then site.

The Panel considered that density proposed would not give rise to visual clutter on the site. Overall the Panel was satisfied that the design of the subdivision is appropriate and will not result in any adverse effects that are more than minor.

#### Visual Effects

Land use consents for individual dwellings on the site have not been sought at this stage. However,

the Panel considered the design control conditions proposed by the applicant, as follows:

- Roofing materials are to cedar shingles or Shakes in a natural finish, natural slate or similar, or Iron roofing in "Burnt Umber', "Earth Green', 'Mediterranean Olive', 'Ironsand', Grey Friars' or New Denim Blue' or similar.
- All roofs are to be in gable form, with pitches between 25 and 35 degrees. Lean to and verandah roof pitches are required to be less than the main roof.
- Wall claddings are to comprise smooth plaster, horizontal schist, natural finish weatherboards, painted weatherboard in recessive hues, painted corrugated iron in similar colours as those approved for roofing. Wall claddings are not to include fibre cement weatherboards, sidings and roofing, uncoated fibre material, PVC sidings, unpainted iron or steel, unpainted concrete masonry, imitation timber, brick or masonry, metal weatherboards, compressed fibre mineral weatherboards, or any metal or asphalt based, aggregate covers tiles or shingles.
- A-frame designs or timber pole frame designs or construction are not permitted.
- The maximum height for dwellings is to be 6 metres in the DUE and 7 metres in the RES activity area.

The Panel was of the opinion that the materials proposed by the applicant are consistent with those permitted throughout the rural zones of the Proposed District Plan in order to avoid adverse visual effects. In combination with the landscaping proposed for the site, and the separation from Malaghans Road, the Panel was of the view that the proposed restrictions on materials that may be used are appropriate and will ensure that there will be no adverse effects on the amenity of the surrounding area, and within the subdivision, that are more than minor.

The Panel was of the view that the density proposed for the zone is appropriate, noting in particular that higher density development is located towards the centre of the subdivision, with larger areas around the periphery. In conjunction with the proposed landscaping, the Panel was satisfied that the density proposed will not give rise to the zone being perceived as being over domesticated or cluttered.

#### Design Urban Edge (DUE) activity area

The Panel considered the structural planting proposed within the design urban edge area. In considering the proposed landscaping the Panel was mindful of the purpose of the Design Urban Edge as detailed in section 12.22.1 of the Proposed District Plan as being to:

provide for an interesting and comprehensively designed urban edge between the open space approach to Arrowtown (including the existing residential dwelling) and new residential activities to be undertaken with thin the zone. It is intended that the design urban edge will successfully integrate a deciduous and non-deciduous treed characteristic inherent in Arrowtown's present character, into the new development. It is not necessarily intended to screen development for view from Malaghans Road.

The Panel noted that the proposed plantings included a range of deciduous and evergreen species, such as cedars, spruce, maples, birch and beech species. The Panel was satisfied that the planting

proposed for the DUE area flowed on from the landscaping proposed for the OS-MR setback from Malaghans Road. After considering the proposed landscaping, the Panel concurred with the Landscape Architect's assessment that the planting proposed is sympathetic to the existing character of plantings around Arrowtown.

The Panel noted that Lots 2-8 are bisected by the boundary between the OS-MR and DUE areas, and accepted that the structural planting plan indicates an integrated planting approach will be implemented to ensure the planting undertaken within each of these lots is consistent. The Panel adopted conditions of consent to ensure that the intended designed urban edge for the site is maintained, and that the OS-MR area remains open and free from individual treatment from property owners in order to ensure that the visual amenity it is intended to provide for is maintained. Furthermore, the Panel noted that the Meadow Park rules do not allow residential activities to be undertaken within the OS-MR activity area.

The Panel adopted the Landscape Architect's conclusion that the positioning of trees at the ends of view corridors into the site will ensure that the DUE area maintains a high amenity value, and incorporates residential properties. The Panel was satisfied, on consideration of the evidence from the applicant, that the proposed planting for the DUE area is appropriate and will ensure that the eastern entrance to Arrowtown is consistent with Arrowtown's character, and will ensure that views of the outstanding natural landscape forming the backdrop to the site are retained.

The Panel concluded that the proposed structural planting for the DUE area is consistent with the purpose of the area, providing a comprehensively designed urban edge between the open space approach to Arrowtown and the residential activities proposed.

#### Provision of Services

#### Water

The Panel noted that the applicant proposed to connect the subdivision to the reticulated supply in Arrowtown, and considered that this was acceptable.

#### Wastewater

The Panel noted that the applicant proposes to dispose of wastewater from the subdivision to the Arrowtown reticulation, and considered that this was appropriate.

#### Stormwater

The Panel heard that the applicant proposes to dispose of stormwater by way of grass swales and on site soakage, and concurred with CivicCorp's Subdivision Engineer that the use of soak holes for the disposal of stormwater from roads is not acceptable. The Panel was concerned that soak holes can become blocked with fine silts over time, and therefore agreed with the Subdivision Engineer that the stormwater swales should direct stormwater to underground reticulation that discharges to a suitable watercourse. The Panel has adopted conditions of consent to achieve this, and formed the view that there would be no more than minor effects arising from the disposal of stormwater from the subdivision in this manner.

#### Power and Telecommunications

The panel noted that confirmation had been provided from both Telecom and Delta Utility Services that their respective services can be provided to the site, and considered that these services will be required to be located underground in order to avoid adverse visual effects.

#### Landscaping

The Panel noted that the application included details of landscaping and ecological restoration proposed for the site, including indicating the species considered acceptable in the 'public' areas, being street plantings, reserve planting and other areas to be planted by the developer. The Panel noted that the developer also proposes to provide a list of approved species to private land owners within the subdivision to ensure a consistent amenity throughout the site.

The Panel was concerned that although the proposed planting and control measures were appropriate, no details had been provided as to the long term management of the landscaping within the site. The Panel noted that the applicant had indicated a body corporate type Appropriate conditions of consent will need to be imposed to ensure that once the individual sites are transferred into private ownership, the landscaping is maintained to ensure that it is not compromised by individual landowners doing their own landscaping independently of the landscaping that has been planted around them.

The applicant has also proposed landscaping in each of the activity areas, as described in the Structural Planting Plan supplies with the application. The landscaping proposed for each activity area is discussed below.

#### Residential Activity Area (RES)

The Panel noted that the landscaping proposed for the Residential activity area revolves around a centrally located open space, with plantings of large deciduous tree species around the perimeter, and adopted that planting will assist in mitigating the visual effects of future dwellings to be constructed within the Residential activity area.

#### Open Space – Malaghans Road (OS-MR)

The Panel understood that the purpose of this area is to provide a 160 metre setback from between Malaghans Road and the design urban edge, for the dual purpose of creating a defined urban edge and separating development from Millbrook. The Panel formed the view that the planting and landscaping proposed by the applicant for this area was appropriate and with some minor amendments to reduce the clustering of trees on the Malaghans Road corners of the site, would ensure that the area was appropriately maintained.

#### *Open Space – Industrial Area (OS-IND)*

The Panel noted that this area is to provide an appropriate buffer between the existing industrial area and the site. The Panel considered that the earth mounding and tree planting proposed along the boundary of the site and the industrial area will aid in reducing reverse sensitivity effects and provide an attractive backdrop to the subdivision. The Panel also considered that this area was appropriate for a secondary access to the subdivision.

The Panel accepted the submission of Queenstown Self Storage and adopted the conditions as requested by the applicant in relation to ensuring no deciduous trees would be planted along their common boundary.

Open Space – Hillside (OS-HL)

The Panel considered that the Ecological Restoration Proposal submitted by the applicant was appropriate, and considered that the long term management plan discussed earlier should also include this area.

### Summary of Landscaping

The Panel considered that comprehensive planting was proposed for the site to ensure that the development appears as an integrated whole, and concurred with the Landscape Architect that the Structural Landscape Plan and the Ecological Restoration Report satisfied the objectives for planting within each of the activity areas.

### Relocation of Access to Existing Dwelling

The Panel noted that the written approval of WESI was not obtained in relation to the relocation of the existing access as required by the Meadow Park rules, but accepted that this aspect was included within the public notification of the application. The Panel considered that the proposed realignment was consistent with the expectations of the Meadow Park rules and considered it would give rise to no more than minor effects.

#### Hazards

The Panel noted that the applicant had reached agreement with the Arrow Irrigation Company, and accepted the proposed condition that dwellings be protected from reasonably foreseeable flood events from the water race. The Panel also noted that the applicant indicated no dwellings will be built over the underground siphon, which forms part of the irrigation system.

#### Internal Dwelling Design

The Panel noted that they were unable to impose a requirement that all dwellings have gas fires, but formed the view that such an approach has merit given the existing air pollution problems in Arrowtown in winter, and urged the applicant to make every effort to provide such a restriction.

#### Access and Effects of Additional Vehicle movements

The Panel noted that the subdivision will result in approximately 340 additional vehicle movements per day, and considered that Malaghans Road is considered to be formed to an appropriate standard to accommodate the increase in vehicle movements. Similarly, Manse Road is of sufficient formation to accommodate the additional traffic. However, the Panel was not satisfied that one access into the subdivision was appropriate and was concerned that a single access may give rise to the perception that Butel Park was a 'gated community'. For these reasons the Panel considered it appropriate to provide for an additional entry at the northern end of the subdivision onto Manse Road. Provided the recommended conditions were adhered to the Panel was satisfied that there would be no more than minor adverse effects arising from the access to the subdivision.

#### Positive Effects.

The Panel considered that the proposed landscaping provides appropriate screening and assists in integrating the proposed development into the surrounding area. The integrated landscaping proposed ensures that the eastern approach to Arrowtown is appropriately developed. The Panel was concerned that the landscaping be implemented appropriately and therefore required that a planting plan be provided indicating the stages that were to be planted. The Panel noted that the applicant intended to set up a body corporate type body to oversee the ongoing maintenance and management of the planting, and have therefore translated this requirement into the conditions on this consent.

#### **Summary and Threshold Test**

The Panel considered that the adverse effects of the proposed activity are no more than minor, and the matters over which the Council has reserved control, and discretionary in terms of the DUE, are considered to be satisfied for the following reasons:

- The proposed landscaping achieves the objectives of the Meadow Park zone and its constituent activity areas;
- The effects of dwellings located within the zone will be softened by the proposed landscaping;
- The density proposed is appropriate for the area;
- Appropriate services can be provided to the subdivision;
- Realignment of the access to the existing dwelling will not result in any adverse traffic or visual effects.

#### Objectives and Policies

The Panel concurred with the Planner's report that the proposal is not provided for in the Rural A zone of the Transitional District Plan. The application was therefore considered to be a non-complying activity in terms of Section 405(2)(a) of the Resource Management Act 1991.

The Panel considered that the proposal is in accordance with the relevant objectives and policies of the Meadow Park zone and the general objectives and policies of the Transitional District Plan, and particularly the relevant provisions of the Meadow Park zone as set out and discussed below.

#### Objective 1

Comprehensively designed and integrated development that:

- (a) enhances the eastern entrance to Arrowtown; and
- (b) become an integral part of Arrowtown's urban fabric

whilst having regard to:

- Surrounding landscape values;
- *Arrowtown heritage resources and character;*
- *Indigenous ecology of surrounding mountains;*
- *Air quality.*

#### **Policies**

- 1. To ensure that development of the zone is comprehensively designed and integrated through the adoption of a structure plan which in conjunction with zone rules:
  - Enables limited and geographically contained residential development; and
  - Retains open space along Malaghans Road; and
  - Prohibits additional accesses onto Malaghans Road; and improved amenity of existing access onto Malaghans Road; and
  - Retains control over the interface between residential activities and open space through Designed Urban Edge; and
  - Retains the openness and restores the ecology of the upper slopes of the zone (which is recognised as forming part of the wider Outstanding Natural Landscape); and
  - Adequately deals with reverse sensitivity issues between existing residential and industrial activities.
- 2. To discourage development inconsistent with the structure plan for the zone.
- 3. To retain control over the external appearance, design and colour of all buildings within the Meadow Park zone.

The Panel considered that the proposed development satisfied these provisions. The Panel formed the view that the proposed structural planting in each activity area is appropriate and will ensure that the areas are developed and landscaped as the Proposed District Plan anticipates for the Meadow Park zone.

The landscaping serves the purpose of partly screening the development from view, as well as forming an attractive entrance point to Arrowtown. Appropriate provision is made for planting between the residential areas and the industrial developments to the rear of the site, to assist in reducing the potential for reverse sensitivity effects.

#### **Summary and Threshold Test**

Section 105(2)(A) of the Act requires the consent authority to refuse an application for a non-complying activity unless it is satisfied that the adverse effects on the environment are minor or that the granting of consent will not be contrary to the objectives and policies of the District Plan or any Proposed Plans. The Panel has considered these matters and is of the view that the adverse effects of this proposal are no more than minor and can be mitigated by conditions of consent.

The Panel considered that the proposal is inconsistent with the objectives and policies of the Transitional District Plan.

The application was considered by the Panel to be consistent with the Purpose of the Resource Management Act 1991. Overall, the Panel was of the view that the application satisfied the threshold tests of section 105(2)(A) of the Resource Management Act 1991, and therefore considered that it was able to grant consent to the application.

#### **Conditions**

A reserve contribution is required from the developer, and has been calculated taking into account the areas that are set aside for public recreational use. The level of the increase in human occupation

of the site will be very significant, and the increased number of people in the locality will result in an increased use of the available reserves.

In order to ensure provision of water supply, foul sewer and stormwater disposal, power and telecommunications services to the proposed lot to a standard considered adequate by Council, conditions have been imposed requiring that water and sewage disposal be provided by way of connection to the Council's reticulated infrastructure. Where connection is to a Council operated service, headworks fees are payable in order to meet the extra demand created by the subdivision.

Submission of 'as-built' plans to Council is required in order that Council maintains adequate records of all connections to Council services.

#### Other Matters

On 5 October 1998, the appeal period closed in respect of the decisions released on the Proposed District Plan. An assessment of this application with regard to the appeals received confirms that no appeals have been received in respect of any of the rules cited above. Further to this there are no general appeals which influence the consideration of this application in respect of the zoning for the subject site or district wide issues, objectives and policies. It is therefore considered that significant weight can be placed by the Council on the rules of the Proposed District Plan as notified between 31 August 1998 and 14 September 1998, over and above the provisions of the Transitional District Plan.

#### Other 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 an appeal may be lodged with the Environment Court, Justice Department, P O Box 5027, Lambton Quay, Wellington not later than 15 working days from the date this decision is received.

This decision may be appealed by a submitter. You may check, after 15 working days if an appeal has been lodged by contacting the Environment Court, Justice Department on (04) 915 8300 or fax (04) 915 8303.

The conditions of this consent include the payment of an initial fee of \$80 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$80 is for the first hour of monitoring. Should your consent require more than on hour of monitoring you will be charged for the additional time.

To minimise your monitoring costs it is strongly recommended that you contact the Compliance section of CivicCorp when the conditions have been met or with any changes you may have to the programmed completion of your consent.

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

Please contact the Principal: Compliance (Civic Corporation Limited) 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 two 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 Andrew Henderson on phone (03) 443 9955.

Reviewed and Approved by **CIVICCORP** 

Jane Titchener

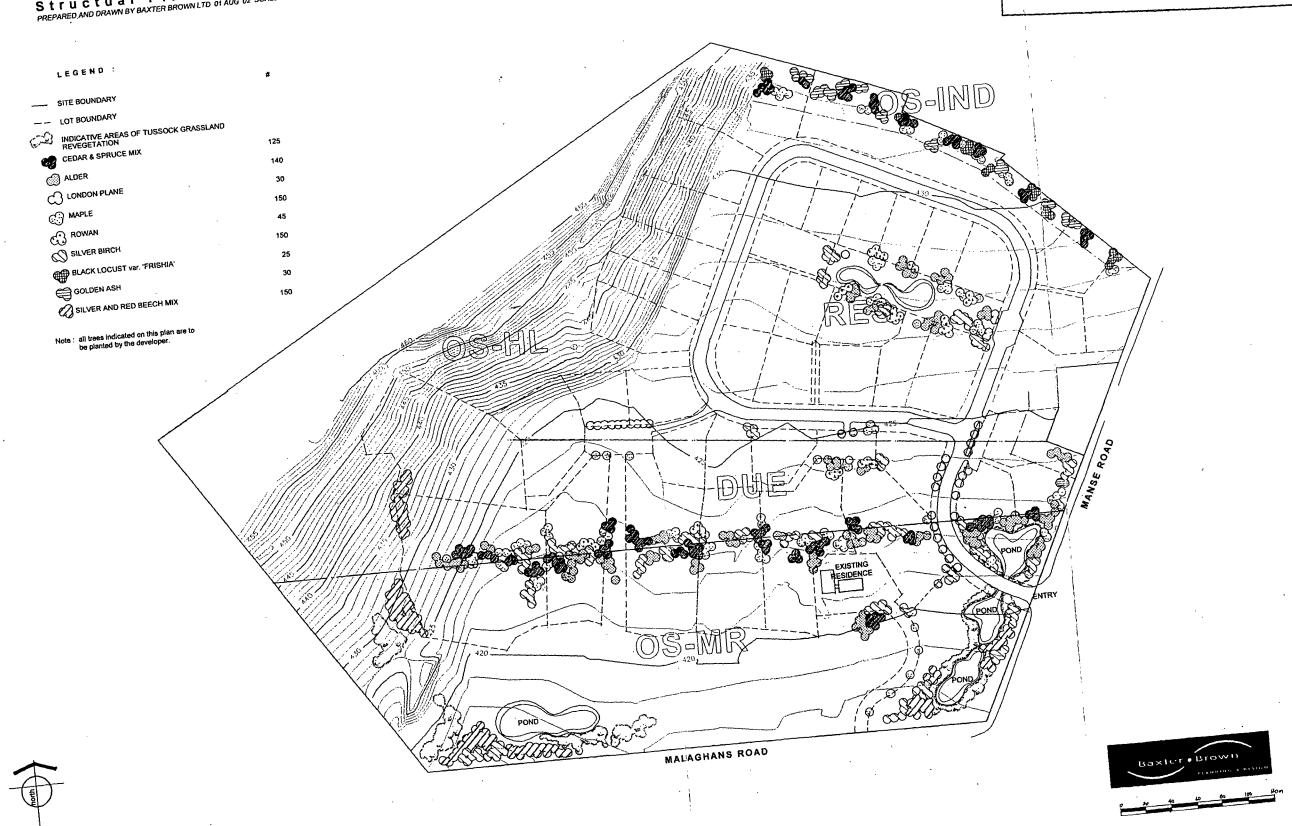
**PRINCIPAL: RESOURCE MANAGEMENT** 

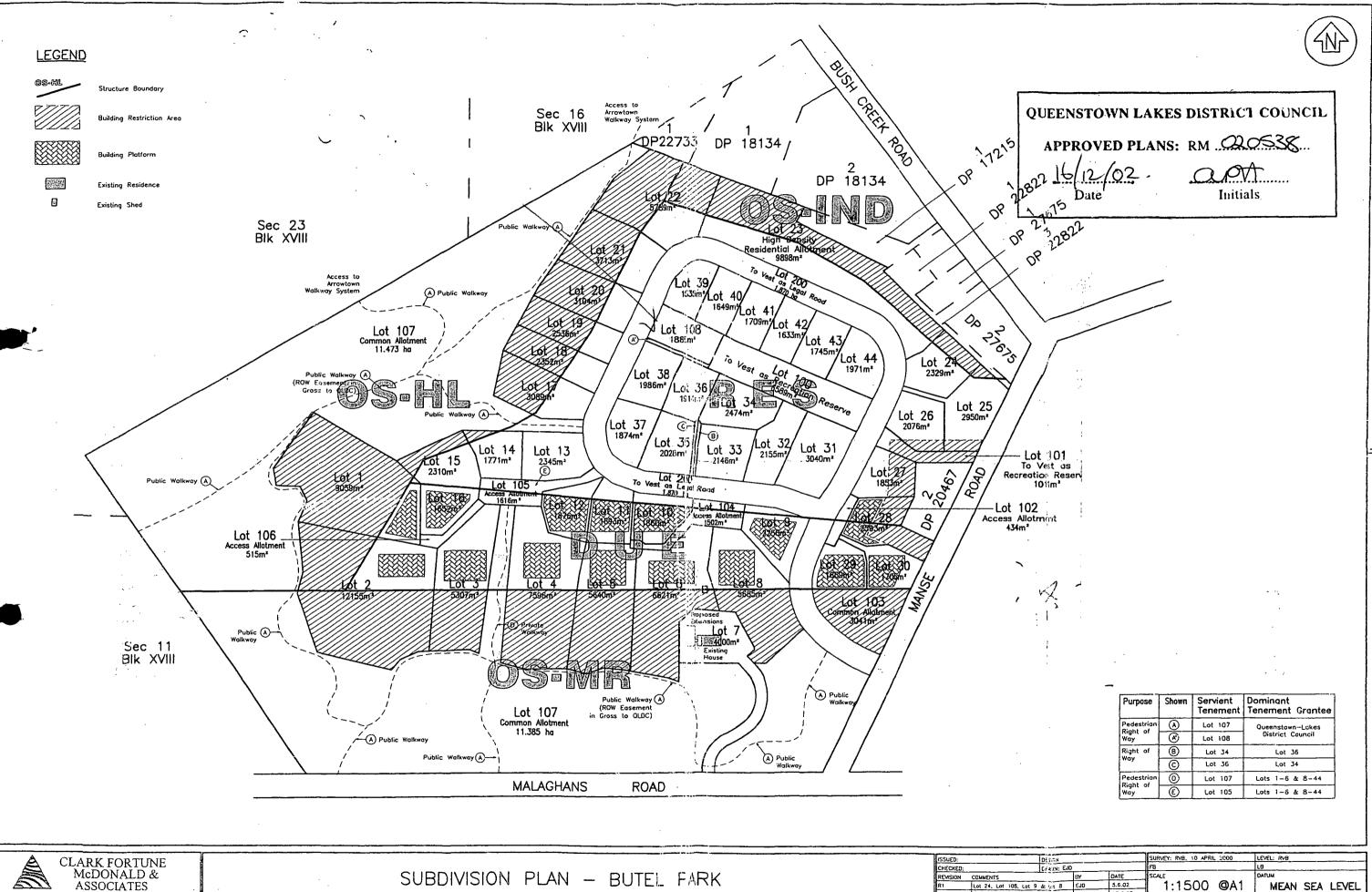
BUTEL PARK:

Structual Planting Plan

PREPARED AND DRAWN BY BAXTER BROWN LTD 01 AUG '02 SCALE 1:1500@A1 REF:2154-PP18

QUEENSTOWN LAKES DISTRICT COUNCIL APPROVED PLANS: RM 020588 <u>OOA</u> Initials 16/12/02





ASSOCIATES 303 Lower Shotover Street, P.O.Box 553 Queenstown (03)442-0990. Fax (03)442-1066. Email q.t.surv@x

PLAN3 - LOTS 1-44 PT LOT 2 DP 20467

| SSUED:   | DESIGN                       | <u></u> |         | SURVEY: RVB, 10 APRIL 2000 | LEVEL: RVB     |  |
|----------|------------------------------|---------|---------|----------------------------|----------------|--|
| HECKEO:  | CERIN: EJD                   |         |         | FB                         | L8             |  |
| REVISION | COMMENTS                     | ETY     | DATE    | SCALE                      | DATUM          |  |
| 21       | Lot 24, Lot 108, Lot 9 & Let | 8 EJ0   | 5.6.02  | 1:1500 <b>@</b> A1         | MEAN SEA LEVEL |  |
| 22       | Lot 6-8 boundary adjustrates | EJD     | 12.6.02 | 111000 0111                |                |  |
| 23       | Lat 7 share                  | EJD     | 19.6.02 | JOB No.                    | DRAWING        |  |
| ÷4       | Public walkway shifted       | EJD     | 25.6.02 | 8188                       | 8188/4e        |  |
| 25       | Building platforms           | 610     | 5.7.02  |                            | 3,307 40       |  |

## BUTEL PARK

M a s t e r p l a n
DRAWN AND PREPARED BY BAXTER BROWN LTD 2 JULY '02 SCALE 1:1500@A1 REF:2154/7a

QUEENSTOWN LAKES DISTRICT COUNCIL APPROVED PLANS: RM .QQ.0.538...

