

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

And

In the matter of the Queenstown Lakes District Proposed District Plan
Topic 13 – Queenstown Mapping

Statement of Evidence of Christopher Bruce Ferguson

Dated 12 June 2017

Mount Christina Limited (#764)

Solicitors

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**anderson
lloyd.**

1. INTRODUCTION

- 1.1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have 20 years' experience as a resource management practitioner.
- 1.2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 1.3 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including the landscape planning evidence of Stephen Skelton;
 - (b) The decisions made by the Otago Regional Council on the proposed Otago Regional Policy Statement (notified on 1 October 2016);
 - (c) The s.42A report prepared by Mr Buxton (24 May 2017) and associated expert evidence prepared for the Council by Dr Read (Landscape), Mr Davis (Ecology), Mr Glasner (Infrastructure), and Mr Mander (Transport);
 - (d) The further submission made by Bernie Napp (Straterra), as summarised within **Appendix 1**.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5 I confirm that I have visited the site on many occasions and am familiar with the area through over ten years of working within and around the area for a range of land owners.

2. SCOPE OF EVIDENCE

- 2.1 I have been asked to prepare evidence on Planning Map 9 of the Proposed District Plan ('**PDP**'), including consequential changes to Chapter 22, by Mount Christina Ltd ('**MCL**'). I was involved in the initial assessment of the notified provisions and the preparation of submissions and further submissions, for this client.

3. EXECUTIVE SUMMARY

- 3.1 This evidence has been prepared to address the appropriate zoning of a portion of land located adjacent to Camp Hill, and forming part of the land known as Earnslaw Station. The land is currently subject to an area of Rural Residential Zone of around 15ha in area. This zone has existed on the Site for many years, under the Operative District Plan, and was rolled over unchanged into the Proposed District Plan. In addition to the zoning history, the Site is subject to an approved subdivision consent enabling 26 residential allotments covering both the Rural Residential Zone and a portion of adjacent Rural General zoned land.
- 3.2 The submission seeks to amend the boundary of the zone, to better align the zone with the topography of the Site and to recognise the appropriate development area as established by the approved subdivision consent. The Council s.42A reports are generally supportive of the realignment of the zone to better reflect the land form, and recommend that the submission by MCL be accepted in part.
- 3.3 This evidence proposes that the realigned zone be subject to additional controls to manage the effects of future subdivision and development. These include a restriction to 36 residential units (as is provided for in the current zone), a maximum building height of 5.5m, and a building setback from the zone boundaries of 20m. I
- 3.4 These restrictions have been considered by Mr Skelton in his assessment of the rezoning and the Site from a visual and landscape perspective. Mr Skelton considers that the realignment of the zone boundary and associated rules will result a rural residential area which is sensitive to the landscapes values.

- 3.5 Given the conclusions reached by Mr Skelton, and the restrictions proposed, I consider that the realigned zone would better meet the outcomes anticipated for protection of landscape values as well as provision for rural living opportunities. I consider that this would be a more efficient and effective outcome than either the existing zone alignment or the relocation of the zone as suggested by the Council officers.

4. BACKGROUND

Description of the Site

- 4.1 Mount Christina Ltd owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. The Site is an area of land forming part of the Earnslaw Station, located below the north-western flanks of Camp Hill to the south of the Earnslaw Burn and a short distance from the boundary of the Aspiring National Park. The Dart River passes the Site a few kilometres to the west and the entrance to the Rees Valley to the south east.
- 4.2 The submission relates to land contained within a single title, legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423 (the “**Site**”). The Site is split zoned between Rural Residential zone (RRZ) and Rural zone (RZ) under both the Operative District Plan and the Proposed District Plan.

Resource Consent History

- 4.3 A subdivision consent was approved in 2004 for the development of 36 residential allotments wholly within the RRZ¹. That consent has not been given effect to and has since lapsed. However, this represents the anticipated yield for the RRZ portion of the Site.
- 4.4 Since that time, MCL obtained resource consent (RM050144) for the subdivision of the Site into 26 rural living allotments located straddling the RRZ and the RZ. As part of that consent two large areas of land located within the RZ (Operative District Plan), beyond the Site, were

¹ RM040455

identified for view protection purposes. The conditions of consent prevent the erection of any buildings or other structures on these open areas, and ensue their maintenance in open pasture in perpetuity.

- 4.5 As is recorded within the decision of the Commissioner on RM050144, the RRZ part of the Site does not follow existing topography and has “slipped” to the west with the result that a large space has been created between the zone’s eastern edge and the base of Camp Hill. The Council Commissioner for that resource consent accepted that “*the majority of the proposal would fall within the more logical topographical area described by Messrs Kirkland and Hohneck as the intended extent of the Rural Residential Zone*”².
- 4.6 Consent RM050144 has since been subject to a number of extensions of time to extend the lapse date, and was modified most recently in September 2015 (RM150569). The consent has been given effect to through an application for s.223 in April 2017 (prior to the lapsing date), which was subsequently issued on 18 May 2017³.
- 4.7 A copy of the consent (RM050144 as amended by RM150569 & EX050144) is attached as **Appendix 2** to this evidence, together with a copy of the s.223 certificate. By giving effect to this consent, I consider the layout of this subdivision to form a part of the receiving environment.

Operative District Plan

- 4.8 Under the ODP the Site is split-zoned RRZ and RZ, and is within an area of Outstanding Natural Landscape. Below is an extract of ODP Planning Map 9 (Glenorchy Rural, Lake Wakatipu) showing the area of the MCL land and surrounding zoning.

² Para 12, Page 3, Decision on RM050144 Commissioner Michael Parker (9 Nov 2005).

³ Note: the submission said the consent would lapse on 9 May and the Council reporting officer has assumed the lapsing did occur. However, the consent was given effect to through an application for s223 prior to the lapsing date which was subsequently issued.

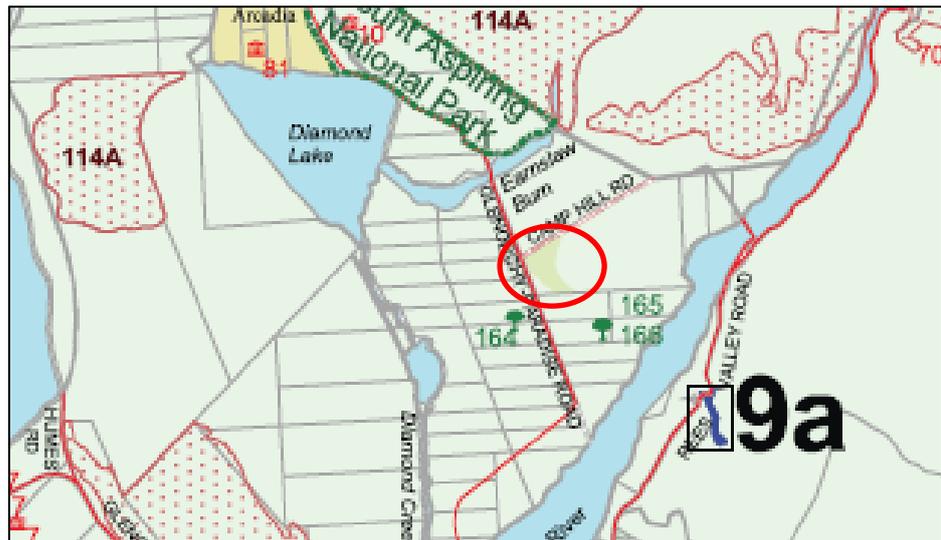


Figure 1: Extract from Operative District Plan - Planning Map 9 (Glenorchy Rural, Lake Wakatipu)

Proposed District Plan (2015)

- 4.9 The zoning proposed in the PDP aligns directly with that in the ODP.
- 4.10 Under the PDP the Site is again split-zoned RRZ and RGZ, and remains within an area of Outstanding Natural Landscape. Below is an extract of PDP Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover) showing the area of the MCL land and surrounding zoning.



Figure 2: Extract from Proposed District Plan - Planning Map 9 (Glenorchy Rural, Lake Wakatipu)

5. SUMMARY OF PROPOSED RELIEF (AS SOUGHT IN SUBMISSION)

- 5.1 The proposed relief sought in submission #754 is to realign the shape and area of the RRZ to better match with the topography of the Site. The nature of the proposed zone adjustment is illustrated on the map attached to the submission contained within **Appendix 3**.
- 5.2 The submission also sought amendments to the objectives, policies and rules of Chapter 22: Rural Residential and Rural Lifestyle. These changes were proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan. Evidence on this chapter was provided as part of hearing stream 02⁴ and is not repeated here.

6. STATUTORY CONSIDERATIONS

Otago Regional Policy Statement (Operative)

- 6.1 In preparing or changing the district plan, the Council is required to “give effect to” any regional policy statement⁵. The relevant policies of the operative Regional Policy Statement (**ORPS**) are contained within **Appendix 4**.
- 6.2 The ORPS provides a very general policy framework for the management of the natural and physical resources within rural areas. The objectives of most relevance are 5.4.1 relating to the sustainable management of the Otago land resource, 5.4.2 seeking to avoid, remedy or mitigate degradation of the natural and physical resources from activities using the land resource, 5.4.3 seeking to protect outstanding natural features and landscapes, and 9.4.3 seeking to avoid, remedy or mitigate the adverse effects of Otago’s built environment on Otago’s natural and physical resources.
- 6.3 Policy 5.5.6 has a focus on the recognition and protection of outstanding natural features and landscapes, whilst Policy 9.5.4 addresses the effects of urban development and settlement. This policy is concerned with the management of the effects of growth. Associated with this is Policy 9.5.5 addressing the quality of life for people and communities within Otago’s built environments.

⁴ Statement of Evidence of Christopher Bruce Ferguson, 21 April 2016

⁵ s.74(2), Resource Management Act 1991

- 6.4 Taken together the relevant provisions of the ORPS relating to the management of the effects of built development on the natural and physical resources of a district, provide wide scope for how territorial authorities may wish to manage this issue at the local level. In my view the objectives and policies of the ORPS do not conflict with the intended outcomes for the RRZ. The change sought to the zone boundary on the submitters Site will result in appropriate development that ensures the protection of the outstanding natural landscape of this area, and development will proceed within an appropriate framework set by the zone provisions and the approved consent.

Otago Regional Policy Statement 2016 (Decision Version)

- 6.5 In reviewing the District Plan, the Council is required to “have regard to” any proposed regional policy statement⁶. The Otago Regional Council has released decisions on submissions to the proposed Regional Policy Statement on 1 October 2016 (**RPS(DV)**), with many of the provisions now under appeal. The extent of these appeals and the relative weight which can be afforded to the RPS(DV) is addressed in more detail within legal submissions for MCL. The provisions of the RPS(DV) of most relevance to this submission relate to the identification and management of landscape values and management of development. The relevant provisions from the RPS(DV) are contained within **Appendix 4**.
- 6.6 In relation to landscapes, the relevant objective is for Otago’s significant and highly-valued natural resources to be identified, and protected or enhanced⁷. The structure of the landscape policies is to identify outstanding landscapes, as well as highly valued landscapes (being the equivalent to the s.7 Rural Landscapes identified under the PDP). The RPS(DV) expects district plans to set objectives, policies and methods to implement policies in the RPS(DV) as they relate to the district council areas of responsibility and identify and manage areas of outstanding or highly valued landscapes.
- 6.7 For outstanding natural landscapes (and similarly for highly valued landscapes⁸), the RPS(DV) has a layered policy that seeks to protect, enhance and restore outstanding natural landscapes and features by:

⁶ s.74(2), Resource Management Act 1991

⁷ Objective 3.2, Otago Regional Policy Statement (Decision Version), 1 October 2016

⁸ Policy 3.2.6, *Ibid*

- avoiding adverse effects on those values which contribute to the significance of the landscape;
- avoiding, remedying or mitigating other adverse effects;
- recognising and providing for the positive contributions of existing introduced species to those values;
- controlling the adverse effects of pest species; and
- encouraging enhancement of those areas and values which contribute to the significance of the natural landscape⁹.

6.8 In relation to this policy hierarchy, the proposed changes to the RRZ boundary will have very little impact on the identification, or management of those parts of the wider surrounding landscape identified as having higher or outstanding landscape values, given the very small area of RRZ within a vast ONL. Thus the approach is consistent with giving effect to this objective and associated policies.

6.9 The provisions under the RPS(DV) provide much greater support for urban growth and development than the operative RPS, with the primary objective in this context being to ensure that development is well designed, reflects local character and integrates effectively with adjoining rural environments¹⁰. The proposed zone boundary change provides for a clearly defined area that encompasses already consented rural residential development. The development anticipated is appropriate in achieving the intent of this objective and policy for residential development within the wider rural environment.

Strategic Directions, Proposed Queenstown Lakes District Plan

6.10 The provisions sought are to be assessed as to whether they are the most appropriate way to achieve the relevant objectives of the PDP¹¹. The Strategic Direction Objectives contained within Chapter 3 of the PDP and considered as part of the hearings on Streams 01A and 01B, establish a range of objectives of relevance to this submission.

⁹ Policy 3.2.4, *Ibid*

¹⁰ Objective 4.5, *Ibid*

¹¹ s.32(1), Resource Management Act 1991

- 6.11 I presented evidence at the hearing on Stream 01B (before a differently composed Panel) in relation to the Strategic Directions Chapters¹². As part of that evidence, I suggested a range of additions and changes to those provisions and this evidence is prepared on the basis of the position advanced at the hearing on Stream 01B. I attach within **Appendix 5** the relevant objectives and policies from the Strategic Directions Chapters, as amended through my earlier evidence.

Chapter 3 Strategic Direction

- 6.12 The objectives within Chapter 3 provide overall strategic direction for the management of district wide issues relating to the management of land within the Queenstown Lakes District.
- 6.13 Objective 3.2.1.6 identifies that the rural areas play a role in providing for rural living and this is directly relevant to this proposed RRZ and ensuring that the boundary of the zone is appropriately located to ensure best use of the rural land resource.
- 6.14 Strategic Objective 3.2.5.1 seeks to ensure protection of ONF/L from inappropriate development. The Site falls within an area of Outstanding Natural Landscape in terms of the mapping included within the PDP (although the landscape classifications may or may not apply to the rural lifestyle or rural residential zones depending on decisions reached by the Panel). The changes proposed are considered to provide greater protection of the natural character of the ONL than under the *status quo* and are therefore consistent with Objective 3.2.5.1.
- 6.15 Objectives 3.2.5.3 and 3.2.5.4 further reinforce the need to ensure that development is undertaken in an area able to absorb change and in appropriate locations. The Site is located within a part of the landscape that has been approved for subdivision under the RRZ and RZ. The prior subdivision approvals granted in relation to the Site confirm that further development of the land this Site is anticipated and the Site has the ability to absorb effects of some form of rural living development. The changes proposed to the zone boundary, as described above, will ensure that future subdivision and development will be located within a part of the landscape which has greater potential to absorb change. Appropriately aligning the RRZ with the topography of the land positively

¹² Statement of Evidence of Christopher Bruce Ferguson, 29 February 2016

implements Objective 3.2.5.4 by providing lifestyle living opportunities while protecting the landscape values of the area.

- 6.16 As part of the Strategic Directions provisions there is a suite of objectives under the goal of enabling a safe and healthy community that is strong, diverse and inclusive for all people. This includes a mix of housing opportunities is realised¹³, and the proposed zone boundary change will positively achieve this goal. Rural living is a form of housing at the low end of the density spectrum and will therefore help to ensure a mix of housing opportunities are provided across the District.

Chapter 6 Landscape

- 6.17 The objectives from Chapter 6 Landscape, as notified, recognise and provide for the management of landscape values as a significant resource for the District. To align with the provisions of s.6(b) and s.7 of the Act and also of the higher order regional policy documents, the PDP seeks to identify Outstanding Natural Landscapes and Features, as well as Rural Landscapes. The framework of landscape provisions under Chapter 6 provides for the identification of these categories of landscape under Objective 6.3.1, to achieve the goal that landscapes are managed and protected from the adverse effects of subdivision, use and development.
- 6.18 The primary objective relating to the District's landscapes is that the District contains and values ONF/Ls that require protection from inappropriate subdivision and development¹⁴. The proposed change to the boundary of the RRZ would extend the zone into an area currently identified as part of the wider ONL, but where it has been accepted that there is capacity to absorb change. This realignment will however avoid development at the edge of the prominent escarpment within the Site. On this basis, the change to the zone boundary achieves Objective 6.3.1.
- 6.19 Complementing the landscape policies within Chapter 6 are a number of important enablers, as follows:

¹³ Objective 3.2.6.2 (Revised Proposal), PDP

¹⁴ Objective 6.3.1, PDP (as notified)

- (a) Provision for rural living and any special zones to locate within areas that can accommodate change (Policy 6.3.1.6¹⁵).
 - (b) Provision for residential subdivision and development in locations where the character and value of the District's landscapes are maintained (Policy 6.3.2.2¹⁶).
- 6.20 Through these provisions it is clear the PDP anticipates and provides for enablement of rural living and residential subdivision, subject to the landscape being able to accommodate change and maintenance of the character and values of those landscapes. A part of protection of ONF/Ls is the recognition of areas that where the landscape can accommodate change as RRZ (or Rural Lifestyle or Special Zones) under Policy 6.3.1.6. In the case of this Site it has been determined that the use of the land for rural residential development is appropriate and can be accommodated in this area, noting that the RRZ is already established in the ODP and the change in the boundary of the zone is consistent with the area approved by consent as being appropriate. On this basis, I believe the proposed zone boundary adjustment is consistent with the objectives and policies of Chapter 6.

Chapter 22: Rural Lifestyle and Rural Residential

- 6.21 The objectives of Chapter 22 place a particular focus on the protection of the landscape including character and visual amenity values and ensuring development for rural living is located in areas above to absorb change. Given the existing recognition of the land through zoning and consenting, and the current landscape advice, the proposed realignment of the zone boundary is consistent with these objectives.

7. ANALYSIS OF THE RELIEF SOUGHT

- 7.1 In essence the submission seeks to realign the zone boundary to better match the topography of the land and the form of the consented subdivision. The submission does not seek to change the nature of the RRZ or to change the way in which this would be applied to the realigned zone boundary.

¹⁵ As amended through my statement of evidence dated 29 February 2016.

¹⁶ Ibid

Scale of Development

- 7.2 The area of the RRZ established under the ODP, and carried over to the PDP, is some 15ha. The minimum area per residential unit is 4,000m² and with allowance for access, etc, this zone provides a development capacity of 36 residential units as demonstrated through the previous consent.
- 7.3 The original subdivision consent for the Site, for the RRZ area only, provided for 36 lots. The most recent subdivision consent approved 26 residential lots (plus three common lots and two lots for scenic protection) over an area of some 28ha (covering all of the RRZ and extending into the RGZ). As stated above, I consider that this consent establishes the receiving environment.
- 7.4 The realigned zone boundary would also encompass some 28ha of land (aligning with the subdivision area), which at the minimum area per residential unit of 4,000m² and with allowance for access, etc, this expanded area would enable around 49 houses¹⁷.
- 7.5 In order to provide certainty around the level of development sought, and to ensure that this remains consistent with the extent of development that could be anticipated under the existing RRZ, it is proposed that development within this particular area be limited to a maximum of 36 residential allotments. This will ensure that if future development is to occur, the level of development will not exceed a threshold considered acceptable from a landscape/visual perspective. In short, the proposal seeks the rationalisation of the zone without any new development opportunities being conveyed.
- 7.6 To achieve this outcome, it is proposed that an additional rule be introduced to Chapter 22: Rural Residential and Lifestyle and Chapter 27: Subdivision and Development to restrict subdivision within this Site to a maximum of 36 residential lots to align with the current zoning yield.
- 7.7 I consider that this approach will provide certainty over the level of development that could occur and which is considered to be appropriate in this location. I also note that this approach is consistent with that applied elsewhere in the Plan.

¹⁷ Mr Buxton assumes 49 units at paragraph 11.11 and Dr Read assumes 48 units at paragraph 15.3 of her evidence.

Protection of escarpment / scenic views

7.8

7.9 Mr Skelton has considered the necessity to provide for protection of views to and through the Site, and to retain openness within the Site. In terms of views to the Site, it is proposed that there be a building setback of 20m from the boundaries of the zone. This setback would ensure that there is sufficient separation between buildings and the top of the escarpment, so that buildings are not located on or near the terrace edge. It would also provide separation for buildings from the base of Camp Hill.

7.10 In terms of views through the Site (to Camp Hill in particular) and the general openness, it is acknowledged that there are a range of ways that this could be achieved through different design outcomes or development layout. The subdivision assessment matters for the RRZ are comprehensive and would allow for consideration of openness at the time of any further subdivision consent.

7.11 In addition, it is also proposed to include a specific rule in relation to building height to restrict the prominence of buildings. To align with the approved consent and as recommended by Mr Skelton, it is proposed to restrict building height within this particular zone to 5.5m.

Landscape

7.12 An assessment of the landscape effects of subdivision and development within the small area of ONL located beyond the RRZ was provided at the time of the current resource consent application (RM050144) in evidence of Mr Ben Espie and a separate report prepared for the Council by Mr Rhys Girvan. That consent application sought to move development away from the RRZ to not provide for development on the prominent escarpment in that zone but instead to provide for development on rural land located on an elevated terrace towards the base of Camp Hill. The consent was granted on the basis that the impact in landscape terms will be to *“If vegetation can be retained for a longer duration to ensure an equivalent screening effect results, I consider this application significantly reduces the prominence of residential development and aids protecting the wider open and natural character of the landscape. From the Glenorchy-Paradise Road, the proposed subdivision of Rural Residential zoned land will have far greater ability to*

allow residential development to be visually absorbed into the landscape when compared with the subdivision layout approved under RM040455.¹⁸

- 7.13 The proposed realignment of the zone has been assessed by Mr Skelton, who has considered the realigned zone in the light of the proposed restrictions outlined above (a maximum of 36 residential lots, a 20m building setback from zone boundaries and a maximum building height of 5.5m). Mr Skelton considers that the realigned zone boundary would closely follow the natural lay of the land and the realignment of the zone boundary and associated rules will result a rural residential area which is sensitive to the landscapes values.

8. FURTHER SUBMISSIONS

- 8.1 Only one further submission was received in relation to the submission from MCL. This further submission is summarised in **Appendix 1**. There were no other original submissions of relevance to this area.

Further Submission #1015 Bernie Napp (Straterra)

- 8.2 This further submission does not relate to the zoning of the land *per se* or to the change in the location proposed for the zone. Instead it relates to the wording proposed for Policy 22.2.2.3 in the Rural Residential and Rural Lifestyle Zones Chapter and suggests alternative wording. The content of Chapter 22 was explored in hearing stream 02 and is not relevant to this current hearing in relation to the planning maps and zoning.

9. SECTION 42A REPORT

- 9.1 The s42A reports provided by Council are generally supportive of the realignment of the zone to better reflect the land form. The s.42A recommends that the submission by MCL be accepted in part.
- 9.2 The assessment by Dr Read agrees that *“From a landscape perspective it would be desirable to locate development along the eastern boundary of the site where it would be backed by the landform of Camp Hill. It would also be desirable to avoid development occurring on or close to*

¹⁸ Previous subdivision consent for 36 allotments, RM040455, October 2004.

*the terrace escarpments.”. Dr Read goes on to recommend that the zoning be reconfigured but as she has a concern over the total scale of development she has recommended a smaller area than that sought in the submission on the basis that “*These alterations would reduce the extent of the adverse effects on the character and quality of the landscape of future development in accordance with the zoning and is of a comparable area allowing for a similar level of development. I do not consider that there can be any justification for increasing the area of the RR zoning in this location as the adverse effects on the landscape character and quality would be exacerbated by additional residential use.*”.*

- 9.3 Dr Read does not however appear to have considered other methods to restrict the scale of development within the area. Based on the evidence from Mr Skelton and the proposal to restrict total development to a maximum of 36 allotments, I do not consider that the area of the zone needs to be geographically constrained in the way suggested by Dr Read.
- 9.4 This also then relates to the conclusions reached by Mr Buxton who has stated a preference for what he refers to as “option 1” which is the realigned smaller area suggested by Dr Read. For the reasons set out above, I consider this to be too simplistic an approach that does not fully recognise the situation and which would not be an efficient or effective approach to address the issues in this location.
- 9.5 Mr Buxton does however acknowledge a second option which would align with that sought by the submitter and supported in the evidence above. This would enable rezoning as requested subject to specific controls, and it is recognised by Mr Buxton that this “*would to some extent address the sensitive nature of the site*”. I consider that this is an appropriate approach to addressing the key issues of landscape and visual amenity values. I also note that Mr Buxton has assumed that the consent has lapsed and may not be aware that it has had a s.223 certificate issued, thus enabling it to be considered part of the receiving environment (although noting that whether that s.223 approval will be ultimately relied on remains to be seen).
- 9.6 Mr Buxton then goes on to raise concerns over replication of the consent conditions within rules being complicated and inflexible. In this case I do not consider this to be a particular concern as the key elements that

impact on visual amenity can easily be controlled through rules and there is no necessity to replicate all conditions within the rules to ensure appropriate protection of landscape values. Having a maximum limit on the number of residential lots necessitates that large parts of the zone will be open space as it equates to an average area of some 7,700m² site area per unit (nearly double the area anticipated in the zone generally). The additional setback requirements and the limited scale of dwellings, together with the assessment process which is part of any subdivision consent, is sufficient to ensure that adequate protection is given to the landscape and visual amenity values of the Site and wider area.

- 9.7 If a different form of development were sought in the future, then it would require a new subdivision consent as a controlled or restricted discretionary activity¹⁹. This would enable consideration of any new subdivision layout in terms of its ability to remain appropriate to the Site and setting and to avoid, remedy or mitigate adverse effects. Landscape mitigation could then be considered on a case specific basis. I do not consider it appropriate or necessary to attempt to include these elements within the zone rules given the scale of development is relatively small and this area has been assessed as having the ability to absorb change to accommodate this level of rural living development.
- 9.8 Mr Buxton has set out specific controls as possibly including²⁰:
- (a) *limiting the number of dwellings/lots to 26 (similar to the Ferry Hill subzone);*
 - (b) *restricting dwellings to the upper terrace;*
 - (c) *limiting the height of dwellings; and*
 - (d) *requiring screening of the dwellings and open spaces to reduce visual impact from Glenorchy-Paradise Road and Rees Valley Road.*
- 9.9 As I have set out above, I consider it appropriate to limit the total development within this area to 36 residential lots as that represents a level of development acceptable to maintain landscape values (and

¹⁹ Activity status for subdivision consents is not yet determined and is dependent on decisions on the Subdivision chapter.

²⁰ Evidence of Robert Buxton, 24 May 2017, paragraph 11.15

aligns with the currently anticipated yield for the RRZ). I also consider it appropriate to place limits on the location and scale of dwellings as set out above.

- 9.10 In relation to the amended zone shown by Dr Read and Mr Buxton, I also note that this would create a substantial separation between the zone and the Glenorchy Paradise Road with the intervening land being zoned rural. Thus any access to the development would cross some distance of rural zoned land rather than being contained largely within the zone to which it relates. I consider it is necessary to recognise that the zone will be accessed from the main road and that the RRZ should extend towards the road boundary to provide for appropriate access and access treatment predominantly within the zone rather than in a disconnected manner.
- 9.11 The Council officer report also includes commentary that the proposed zone boundary realignment does not cause any concern from an ecological or infrastructure perspective. I do note however that Mr Mander opposes the submission on transportation and traffic grounds, from the position of assuming that the larger zone would lead to additional dwellings and therefore additional traffic movements. As set out above, the proposal is to limit development to a maximum of 36 residential lots would be a theoretical capacity based on the zone as notified and a representation of previous consenting history. Therefore, there would be no additional traffic beyond what is anticipated by the size of the notified zone.

10. SECTION 32AA EVALUATION

- 10.1 I have prepared a summary evaluation under section 32AA of the Act to supplement the proposed change to the planning map as discussed above. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed. In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

The extent to which the objective of the proposal is the most appropriate way to achieve the purpose of the Act s.32(1)(a)

10.2 The proposed boundary change does not seek any alteration to the existing objectives of the Plan in relation to strategic outcomes, landscapes or the RRZ. As set out in sections above, the proposed change is consistent with the strategic objectives for protection of landscape values, provision for low density residential development and the character of the RRZ, as provided for in chapters 3, 6 and 22 of the PDP.

The key objective for the RRZ seeks to ensure that the district's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development. The boundary realignment is appropriate in giving effect to this objective.

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

10.3 The reasonably practicable options available to MCL to provide for the use and development of its land under the PDP include:

- a) Retention of the status quo with no change to RRZ and implementation of subdivision and development through resource consent.
- b) Amend the boundary of the existing RRZ to follow a more logical landscape boundary, based on topography and landscape character.

10.4 Retention of the *status quo* relies on the implementation of the current consent and in particular the provision of restrictive covenants to manage the effects of subdivision and development on landscape values. Retaining the notified zoning would allow for different development outcomes within the zone boundary that could create more development and less protection of landscape values. This option, would provide less alignment with the objectives seeking landscape protection.

10.5 Aligning the zone boundary to better follow topography and the landscape values of the Site would avoid the need to secure protections through consent and create a more enduring form of management of the natural and physical resources of this area. The current zone aligns with Objective 3.2.5.4, to recognise the finite capacity for residential activity in

rural areas. The proposed zone would carry the same benefit, but have the additional benefit of protecting the outstanding natural landscape from inappropriate subdivision, use or development.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

10.6 Effectiveness: The proposed change to the zone boundary as a method of implementing the plan provisions, is an appropriate basis for achieving Objective 3.2.5.4, because it enables the efficient use the available land use without compromising the qualities of the landscape.

10.7 Efficiency:

Benefits	Costs
<p><i>Environmental</i></p> <p>The relocation of RRZ back from the prominent terrace escarpment will provide for greater certainty over the effects of development within the landscape and also protection of open space.</p> <p>The revised location provides a better framework to protect the outstanding landscape from inappropriate subdivision and development.</p>	<p><i>Environmental</i></p> <p>The change to the nature of the Site will be visible and the future development of this may be perceived by some to come at an environmental cost.</p> <p><i>Economic</i></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and could contribute to a reduction of visitors to the area.</p> <p><i>Social & Cultural</i></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p> <p>Parts of the Site contain prominent landforms and there could be negative impacts on the quality of the landscape and the amenity values of this area if not protected.</p>

Summary of reasons for proposed provisions s.32(1)(b)(iii)

10.8 The changes sought to the boundary of the RRZ provides the most appropriate way of achieving the relevant objectives of the PDP because:

- (a) It provides additional low density rural living opportunities in an area where there is capacity to absorb visual change without degrading landscape character or visual amenity values.

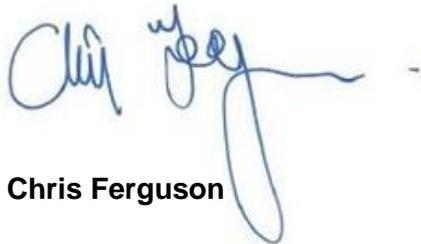
- (b) It will result in a framework to more appropriately ensure positive outcomes from the effects of future development on the landscape.

Risks of acting or not acting s.32(2)(c)

- 10.9 Given the location of the Site and the detailed understanding of the Site through previous consent processes, there is a high level of knowledge of the Site and its context. I do not consider that there is any significant risk of unknowns that would mean that the zone boundary realignment should not proceed.

11. CONCLUSION

- 11.1 Having regard to this assessment and the evaluation above, I consider that the proposed realignment of the RRZ boundary as sought is appropriate, with respect to alternatives and the relative effectiveness and efficiency of the proposed provisions. I consider that the proposed zone boundary will assist to achieve the sustainable management purpose of the Act and is a preferred outcome over the existing zone boundary.



Chris Ferguson

12 June 2017

APPENDIX 1

Summary of Further Submission

Bernie Napp (Straterra)- Further Submission 1015

- General support for submission point 764.5, subject to the proposed amendments below:

Amend 22.2.2.3 as follows: Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, except in the case of location-specific and/or temporary activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not significantly degraded ~~diminished~~ and the vitality of the District's commercial zones is maintained ~~not undermined~~.

APPENDIX 2

Copy of Resource Consent RM050144 as amended by
RM150569 & EX050144



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
CHANGE/CANCELLATION OF CONDITIONS – SECTION 127
NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104 &
SECTION 125 - EXTENSION TO LAPSE DATE
RESOURCE MANAGEMENT ACT 1991

Applicant:	Mt Christina Limited
RM reference:	RM150569 & EX050144
Application:	Application under section 127 of the Resource Management Act 1991 (RMA) to change Conditions of resource consent RM050144 to amend staging and minor changes to the approved subdivision boundaries. This is also an application under section 125 of the (RMA) for an 18 month extension of lapse date to resource consent RM050144.
Location:	Glenorchy-Paradise Road, Glenorchy
Legal Description:	Lot 1-2 Deposited Plan 395145 and Section 2 Survey Office Plan 404413 as held within Certificate of Title 455423
Zoning:	Rural Residential & Rural General
Activity Status:	Discretionary
Decision Date:	1 September 2015

SUMMARY OF DECISIONS

Consent Variation to RM050144

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 Quinn McIntyre, Senior Planner, on 1 September 2015 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 RM050144 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 Quinn McIntyre, Senior Planner, as delegate for the Council.

Extension of time to RM050144

1. In accordance with Section 125(1A)(b) of the RMA, consent is **GRANTED** to extend the lapse date of RM050144 by **18 months** years. This decision is made by Quinn McIntyre, Senior Planner, on 1 September 2015 under delegated authority pursuant to Section 34A of the RMA.
2. To reach the decision, the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Quinn McIntyre, Senior Planner, as delegate for the Council.

This document contains two separate decisions, the first a being a variation to conditions of RM050144 pursuant to section 127 of the Resource Management Act 1991, and the second an extension of time to RM050144, pursuant to section 125 of the Resource Management Act 1991. Both decisions are separated under their respective headings.

1. Section 127 Consent Variation to RM050144

1.1 PROPOSAL AND SITE DESCRIPTION

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows:

- (1) *The holder of a resource consent may apply to Council for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*
- (3) *Sections 88 to 121 shall apply, with all necessary modifications, as if –*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.*

Proposal

Consent is sought under section 127 of the RMA to change Conditions 1, 9, 14, 17 and 19 of resource consent RM050144 (subsequently varied by RM070285 and RM120508) which was granted on 14 November 2005 for a 26 lot residential subdivision.

Conditions 1, RM050144 (as varied by RM120508) states;

1. *That the activity be undertaken in accordance with the Darby Partners Limited Plans and specifications titled "Earnslaw Station Subdivision Layout Plan SL-04 and Staging Plan SL-03 dated August 2012– stamped as approved 9 October 2012); Earnslaw Station Master Development Plan dated 11 November 2005; Proposed Mitigation Plans – Cross Sections, Proposed Mitigation Plans – Planting Plans dated 12 July 2005, stamped as "Approved Plans" and dated 11 November 2005 and the application as submitted, with the exception of the amendments required by the following conditions of consent.*

Conditions 9 (9e, 9f, 9m, 9n and 9p) RM050144 (as varied by RM120508) states;

9. *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 conditions on a continuing basis:*
 - e) *The following restrictions shall apply to Lots 101, 102, 103, 104 and 107, shown on the 'Subdivision Layout Plan' drawing number SL-04 dated August 2012 and identified as Covenanted areas: Meadow Commons 1, Meadow Commons 2, the hatched Southern View Protection Area, and the hatched Northern View Protection Area respectively:*
 - i) *There shall be no buildings or other structures placed or erected on these areas.*
 - ii) *The area shall be maintained in natural pasture for perpetuity.*
 - iii) *There shall be no further planting other than pasture grass similar to that existing or any indigenous planting which is complementary to the existing vegetative cover within that area and which is first approved in writing by the a landscape architect appointed by the Council.*

- m) *Activity on Lots 11-26 and Lots 2-7 (including the placement of structures, equipment or other manmade or natural materials) shall be prohibited within the planting covenant areas identified within each of these lots on the approved plan (referenced SL-04 dated August 2012), with the exception that driveways and/or fences can be located within those planting covenant areas.*
- n) *Planting within covenant areas on each Lot (as illustrated on plan reference SL-04 dated August 2012) shall be implemented prior to the construction of any buildings on that lot. Planting densities shall be as follows:*
- *Trees - 1 per 3m (average)*
 - *B Shrubs - 1 per 2m (average)*
 - *Grasses - 1 per 1-1.5m (average)*
- p) *No trees within Lots 100, 106, 109, 103, 9 or the Planting Covenant Areas within Lots 1-26 shall be removed or pruned with the following exceptions:*
- i) *Those trees approved by condition 13 for removal with respect to the provision of roading and those within the areas of Lots 6 & 7.*
 - ii) *Those trees deemed by an independent arborist as unsafe and/or at the end of their life. In which case, upon maturity the replacement planting must be adequate to screen the residential development that the preceding tree screened.*
 - iii) *The approved landscaping plan (referenced MDP-Adgn (based on Subdivision Layout Plan SL-04 dated August 2012) provides for planting within the Planting Covenant Areas which is intended to replicate the screening effect of the existing vegetation. Existing vegetation adjacent to any lot may be removed when replacement screen vegetation planted on that Lot has reached a height of 8 metres so that it will generally replicate the screening effect of the existing vegetation in relation to views of that Lot from Queenstown-Glenorchy Road.*

Conditions 14, RM050144 (as varied by RM120508) states;

14. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, an amended landscape plan shall be submitted for the Council's approval. All existing tree specimens within Lot 100, 103, 106 and 109 shall be retained until an amended landscape plan is submitted for approval by Council (C/- Lakes Environmental). The landscape plan shall be designed to achieve the following objectives:*
- a) *Screen future residential dwellings from the Glenorchy-Paradise Road to the south of the site; and*
 - b) *Provide a vegetated backdrop for residential dwellings on to the terrace area when viewed from the Glenorchy-Paradise Road to the north.*
 - c) *Identify those existing trees within Lots 6, 7, 100, 106 and 109 to be removed:*
 - i) *to enable the construction of the road to serve Lots 2-7 and Lots 9-26*
 - ii) *from the lot area/building areas of Lots 6 & 7*
 - d) *The approved landscape plan shall indicate species, new location and density of vegetation to replace vegetation to be removed.*
 - e) *Where vegetation is to be removed, vegetation (identified in the amended approved plan) shall be first established.*

Conditions 17, RM050144 (as varied by RM120508) states;

17. Pursuant to section 220(3) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:
- a) That Lot 100 (legal access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - b) That Lot 101 (Meadow Commons 1) be held as to eight undivided one eighth shares by the owners of Lots 01-08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
 - c) That Lot 106 (legal access) be held as to eight undivided one eighth shares by the owners of Lots 09 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - d) That Lot 102 (Meadow Common) be held as to seven undivided one seventh shares by the owners of Lots 10 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - e) That Lot 105 (Legal Access) be held as to seven undivided one seventh shares by the owners of Lots 17-23 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - f) That Lot 107 (Meadow Commons 3) be held as to five undivided one fifth shares by the owners of Lots 17-21 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - g) That Lot 108 (Legal Access) be held as to three undivided one third shares by the owners of Lots 24-26 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - h) That Lot 109 (Legal Access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).

Conditions 19, RM050144 (as added by RM120508) states;

19. a) The development may be undertaken in up to four stages:
- (i) Stage 1 – Lots 01 – 08, Access Lots 100 and 109, and Lot 101 Meadow Commons 1;
 - (ii) Stage 2 – Lots 09 – 16, Access Lot 106 and Lot 102 Meadow Commons 2;
 - (iii) Stage 3 – Lots 17 – 23, Access Lot 105 and Lot 107 Meadow Commons 3; and
 - (iv) Stage 4 – Lots 23 – 24 and Access Lot 108
- b) The stages may be implemented in any order, and more than one stage may be implemented at the same time. Conditions 1 – 18 above apply as appropriate to each stage to enable the implementation of that stage. In particular, in order to ensure legal access:
- (i) When Stage 24 is implemented, ROW A (as shown on the Staging Plan) must be created for the benefit of Stages 2 – 4.
 - (ii) When any of Stages 2 – 4 are implemented, ROW A must be created (if not already created) and ROWs B, and C must be created."

The application report proposes the following changes to conditions (added text underlined, deleted text ~~struck through~~);

1. That the activity be undertaken in accordance with the Darby Partners Limited Plans and specifications titled "Earnslaw Station Subdivision Layout Plan SL-04BSL-04 and Staging Plans SL-03E & SL-05SL-03 dated 24 July 2015 ~~August 2012~~ — stamped as approved ~~9 October 2012~~ 24 August 2015; Earnslaw Station Master Development Plan dated 11 November 2005; Proposed Mitigation Plans – Cross Sections, Proposed Mitigation Plans – Planting Plans dated 12 July 2005, stamped as "Approved Plans" and dated 11 November 2005 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
9. 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 conditions on a continuing basis:

[Conditions (a)-(d) remain unchanged]

- e) The following restrictions shall apply to Lots 101, 102, 103, 104 and 107, shown on the 'Subdivision Layout Plan' drawing number SL-04BSL-04 ~~dated August 2012~~ dated 24 July 2015 and identified as covenanted areas: Meadow Commons 1, Meadow Commons 2, the hatched Southern View Protection Area, and the hatched Northern View Protection Area respectively:
 - (i) There shall be no buildings or other structures placed or erected on these areas.
 - (ii) The area shall be maintained in natural pasture for perpetuity.
 - (iii) There shall be no further planting other than pasture grass similar to that existing or any indigenous planting which is complementary to the existing vegetative cover within that area and which is first approved in writing by a landscape architect appointed by the Council.

[Conditions (f) – (l) remain unchanged].

- m) Activity on Lots 11-26 and Lots 2-7 (including the placement of structures, equipment or other manmade or natural materials) shall be prohibited within the planting covenant areas identified within each of these Lots on the approved plan (referenced SL-04 dated 24 July 2015 ~~BSL-04 dated August 2012~~), with the exception that driveways and/or fences can be located within those planting covenant areas.
- n) Planting within the covenant areas on each Lot (as illustrated on plan reference SL-04B dated 24 July 2015 ~~SL-04 dated August 2012~~) shall be implemented 14 prior to construction of buildings on that Lot. Planting densities shall be as follows:
 - Trees -1per 3m (average)
 - Shrubs -1 per 2m (average)
 - Grasses-1 per 1-1.5m (average)

[Condition (o) remains unchanged].

- p) No trees within Lots 100, 106, 109, 103, 9, 110 or the planting covenant areas within Lots 1-26 shall be removed or pruned with the following exceptions:
 - (i) Those trees approved by condition 13 for removal with respect to the provision of roading and those within the areas of Lots 6 & 7.
 - (ii) Those trees deemed by an independent arborist as unsafe and/or at the end of their life. In which case, upon maturity the replacement planting must be adequate to screen the residential development that the preceding tree screened.
 - (iii) The approved landscaping plan (referenced MDP-Adgn(based on Subdivision Layout Plan SL-04B dated 24 July 2015 ~~SL-04 dated August 2012~~) provides for planting within the planting covenant areas which is intended to replicate the screening effect of the existing vegetation. Existing vegetation adjacent to any Lot may be removed when replacement screen vegetation planted on that Lot has reached a height of 8 metres so that it will generally replicate the screening effect of

the existing vegetation in relation to views of that Lot from Queenstown-Glenorchy Road.

[Conditions (q) and (r) remain]

14. Prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, an amended landscape plan shall be submitted for the Council's approval (~~C/ Lakes Environmental~~). All existing tree specimens within Lot 100, 103, 106, ~~and 109~~ and 110 shall be retained until an amended landscape plan is submitted for approval by Council. This landscape plan shall be designed to achieve the following objectives:
- (c) identify those existing trees within Lots 6, 7, 100, 106, ~~and 109~~ and 110 to be removed:
- (i) To enable the construction of the road to serve 2 – 7 and Lots 9 – 26;
- (ii) From the Lot area/building areas of Lots 6 & 7.
17. Pursuant to section 220(3) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:
- i) That Lot 100 (legal access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- j) That Lot 101 (Meadow Commons 1) be held as to eight undivided one eighth shares by the owners of Lots 01-08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
- k) That Lot 106 (legal access) be held as to ~~six~~eight undivided one ~~six~~eight shares by the owners of Lots ~~1109~~ - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- l) That Lot 102 (Meadow Common) be held as to seven undivided one seventh shares by the owners of Lots 10 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- m) That Lot 105 (Legal Access) be held as to seven undivided one seventh shares by the owners of Lots 17-23 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- n) That Lot 107 (Meadow Commons 3) be held as to five undivided one fifth shares by the owners of Lots 17-21 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- o) That Lot 108 (Legal Access) be held as to three undivided one third shares by the owners of Lots 24-26 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- p) That Lot 109 (Legal Access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- q) That Lot 110 (Legal Access) be held as to two undivided ½ shares by the owners of Lots 09 & 10 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
- 19.
- a) The development may be undertaken in up to ~~four~~five stages:
- (i) Stage 1 – Bulk Title Lots 1 – 4;

- (ii) Stage 2 - Lots 01 – 08, Access Lots 100 and 109, and Lot 101 Meadow Commons 1;
 - (iii) Stage 32 – Lots 09 – 16, Access Lot 106 and Lot 102 Meadow Commons 2;
 - (iv) Stage 43 – Lots 17 – 23, Access Lot 105 and Lot 107 Meadow Commons 3; and
 - (v) Stage 54 – Lots 23 – 24 and Access Lot 108.
- b) The stages may be implemented in any order, and more than one stage may be implemented at the same time. Conditions 1 – 18 above apply as appropriate to ~~each~~ stages 2 - 5 to enable the implementation of that stage. In particular, in order to ensure legal access:
- (iii) When Stage 24 is implemented, ROW A (as shown on the Staging Plan) must be created for the benefit of Stages 32 – 54.
 - (iv) When any of Stages 32 – 54 are implemented, ROW A must be created (if not already created) and ROWs B, ~~and~~ C and D must be created."

The altered scheme plan and change to conditions above has been further altered to reflect matters raised by Council's processing engineer. An updated scheme plan and confirmation to the change to the proposal was received by the applicant via email on 10 August 2015. The associated revisions to conditions and 1, 9, 14, 17 and 19 are reflected in the decision below.

It is also proposed to remove condition 18 of RM050144 as the requirements of this condition have already been given effect to under RM070582 for an associated subdivision on site and is therefore redundant. Condition 18 RM050144 states:

18. Pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:

That Lots 103, 104 and the residual area of Section 37 Block I Earnslaw Survey District heron be held in the same certificate of title (CSN Request 485469).

Additional to the proposed changes in the application, this decision amends conditions 3, 7, 9 and 17 to remove redundant references to CivicCorp and Lakes Environmental (for tidiness sake).

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section 2, 3 and 4 of the report entitled *Resource Consent Application, Mt Christina Limited, Rural Residential Subdivision, Camp Hill Glenorchy (July 2015)*, prepared by Sean Dent of Southern Planning Group, 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 application for a variation is to provide for altered staging of the development and for minor alterations to internal property boundaries and access, and changes to the ownership structure of the access and common lots. The proposal is considered to be within the scope of section 127.

Note that the first variation to RM050144, being RM070285, only changed condition 1. Condition 1 has since been changed by RM120508. Therefore hereon RM070285 will not be referred to in this report.

1.2. ACTIVITY STATUS

1.2.1 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 Conditions 1, 9, 14, 17 and 19 of resource consent RM050144 and add in a new condition to alter the staging sequence and to make minor changes to some boundaries and access.

1.3. 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.

1.4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

1.4.1 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)).*
- C: *Any person that has provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e))*

No written approval has been supplied with this application.

1.4.2 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 the permitted baseline is found within section 6.2 of the application report. This assessment is comprehensive and is considered accurate and is adopted for the purpose of this report. Essentially, the permitted baseline is limited to minimal earthworks. There is no permitted baseline for subdivisions and residential buildings at the subject site.

1.4.3 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 Assessment of Effects provided at section 6.2 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

In addition to the Assessment of Effects in the application report, Council's Resource Management Engineer, Mr Michael Wardill and Council's Subdivision Planner, Ms Liz Simpson, have reviewed the proposal. Mr Wardill (in coordination with Ms Simpson) revised the applicant proposed condition set to ensure the proposed layout and staging is implementable and undertaken in a way that ensures all created lots have legal access and provision for services, regardless of the stage. Mr Sean Dent, agent for the applicant, has confirmed the revises the condition set is appropriate, and as such the revision now forms the proposal. Mr Wardill noted that based on the revised conditions, no lots created will be landlocked. Furthermore, the existing consent notice still adequately addressed provision for services. Based on the updated condition set, Mr Wardill raised no concerns, and therefore the change in environmental effects in terms of services and access are considered negligible.

1.4.4 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.

1.5. 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).

1.5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

1.5.2 PERMITTED BASELINE (s95E(2)(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 6.2 of the application report. This assessment is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. Essential, the permitted baseline is limited to minimal earthworks. There is no permitted baseline for subdivisions and residential buildings at the subject site.

1.5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account Sections 5.1 and 5.2 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:

127 *Change or cancellation of consent condition on application by consent holder*

- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
- (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*

In determining affected parties, case law highlights that it is important to note that it is the effects of the change (not the activity itself), which are relevant. The appropriate comparison is between any adverse effects, which there may have been from the activity in its original form, and any adverse effects, which would arise from the proposal in its varied form.

The RM050144 application was processed on a publicly notified basis. Section 4.6 of the application report addresses the submissions received for RM05144 and assesses effects of the proposed changes on any person. I consider this assessment accurate and adopt it for the purpose of this report.

Having regard for the above, it is determined that the variations will not have any adverse effects upon the submitters under RM050144 or any other person.

1.5.4 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.

1.6. OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in Sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

1.7. S104 ASSESSMENT

1.7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in Section 4 of this report.

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

The relevant objectives and policies are contained within Part 15 Subdivision, Development and Financial Contributions of the District Plan.

Objectives and policies require the provision of services, and the protection of amenity values through the subdivision process. There are no relevant changes in this regard.

No significant effects to character, landscape and rural amenity are anticipated as a consequence of the revised subdivision. The proposal will therefore accord with the relevant objectives and policies of the District Plan.

1.7.3 OTHER MATTERS (s104(1)(c))

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

Please contact the Council if you require a Development Contribution Estimate.

1.7.4 PART 2 OF THE RMA

The applicant has provided an assessment against Part 2 of the RMA under section 8.0 of the application report. This assessment is considered accurate and is adopted for the purpose of this report. Additionally, the proposed changes are minor and do not significantly alter the development outcomes of RM050144. Therefore the altered subdivision remains consistent with Part 2 of the RMA.

1.7.5 DECISION ON VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted** for the application by Mt Christina Limited to change Conditions 1, 3, 7, 9, 14, 17 and 19 of resource consent RM050144 as varied by RM120508, such that:

1. Condition 1 of resource consent RM050144 is amended to read as follows (deleted text ~~struck through~~, added text **bold and underlined**):
 1. That the activity be undertaken in accordance with the Darby Partners Limited Plans and specifications titled "Earnslaw Station Subdivision Layout Plan SL-04**04C**, **dated 03 August 2015** and Staging Plan SL-03**E & SL05 dated August 2012 - 24 July 2015** – stamped as approved ~~9 October 2012~~ **1 September 2015**); Earnslaw Station Master Development Plan dated 11 November 2005; Proposed Mitigation Plans – Cross Sections, Proposed Mitigation Plans – Planting Plans dated 12 July 2005, stamped as "Approved Plans" and dated 11 November 2005 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. Condition 3 of resource consent RM050144 is amended to read as follows (deleted text ~~struck through~~, added text **bold and underlined**):
 3. The consent holder shall pay to the ~~Council-Civic Corporation Limited~~ **Council** an initial fee of \$240 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.

3. Condition 7 of resource consent RM050144 (now condition 8) is amended to read as follows (deleted text ~~struck through~~, added text bold and underlined):
4. Prior to 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) If the water supply will ultimately serve more than 25 people for more than 60 day per year then the applicant is to notify Public Health South, PO Box 2180, Queenstown, Phone 03 442 2500 of the details of the water supply.
 - d) The consent holder shall provide evidence to Council—~~(C/ CivicCorp)~~, of a responsible body (management group) which will undertake responsibility for the maintenance and carry out the on going monitoring of the water supply to ensure that it continues to comply with the Drinking Water Standard for New Zealand 2000.
 - e) The consent holder shall obtain any necessary consents from the Otago Regional Council for the water supply. A copy of this consent shall be forwarded to the Council ~~(C/ CivicCorp)~~.
 - f) The consent holder shall provide a power and telecommunications supply to the net area of all lots. These connections shall be underground from any existing reticulation.
 - g) The consent holder shall provide evidence to Council—~~(C/ CivicCorp)~~, of a responsible body (management group) which will undertake responsibility for the maintenance of all private roading within the subdivision.
4. Condition 9 (a, e, m, n & p) of resource consent RM050144 is amended to read as follows (deleted text ~~struck through~~, added text **bold and underlined**):
9. 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 conditions on a continuing basis:
- a) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli, by the management group for the lots, and the results forwarded to Queenstown Lakes District Council. ~~(C/ CivicCorp)~~—The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
 - e) The following restrictions shall apply to Lots 101, 102, 103, 104 and 107, shown on the 'Subdivision Layout Plan' drawing number SL-04C dated ~~August 2012~~**03 August 2015** and identified as Covenanted areas: Meadow Commons 1, Meadow Commons 2, the hatched Southern View Protection Area, and the hatched Northern View Protection Area respectively:
 - (i) There shall be no buildings or other structures placed or erected on these areas.
 - (ii) The area shall be maintained in natural pasture for perpetuity.

- (iii) There shall be no further planting other than pasture grass similar to that existing or any indigenous planting which is complementary to the existing vegetative cover within that area and which is first approved in writing by the a landscape architect appointed by the Council.
- m) Activity on Lots 11-26 and Lots 2-7 (including the placement of structures, equipment or other manmade or natural materials) shall be prohibited within the planting covenant areas identified within each of these lots on the approved plan (referenced SL-04C dated ~~August 2012~~ **03 August 2015**), with the exception that driveways and/or fences can be located within those planting covenant areas.
- n) Planting within covenant areas on each Lot (as illustrated on plan reference SL-04C dated ~~August 2012~~ **03 August 2015**) shall be implemented prior to the construction of any buildings on that lot. Planting densities shall be as follows:
- Trees - 1 per 3m (average)
 - B Shrubs - 1 per 2m (average)
 - Grasses - 1 per 1-1.5m (average)
- p) No trees within Lots 100, 106, 109, 103, 9, **110** or the Planting Covenant Areas within Lots 1-26 shall be removed or pruned with the following exceptions:
- (i) Those trees approved by condition 13 for removal with respect to the provision of roading and those within the areas of Lots 6 & 7.
- (ii) Those trees deemed by an independent arborist as unsafe and/or at the end of their life. In which case, upon maturity the replacement planting must be adequate to screen the residential development that the preceding tree screened.
- (iii) The approved landscaping plan (referenced MDP-Adgn (based on Subdivision Layout Plan SL-04C dated ~~August 2012~~ **03 August 2015**) provides for planting within the Planting Covenant Areas which is intended to replicate the screening effect of the existing vegetation. Existing vegetation adjacent to any lot may be removed when replacement screen vegetation planted on that Lot has reached a height of 8 metres so that it will generally replicate the screening effect of the existing vegetation in relation to views of that Lot from Queenstown-Glenorchy Road.
5. Condition 14 of resource consent RM050144 is amended to read as follows (deleted text ~~struck-through~~, added text **bold and underlined**):
14. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, an amended landscape plan shall be submitted for the Council's approval ~~(C/ Civic Corp)~~. All existing tree specimens within Lot 100, 103, 106, ~~& 109~~ **& 110** shall be retained until an amended landscape plan is submitted for approval by Council. The landscape plan shall be designed to achieve the following objectives:
- a) Screen future residential dwellings from the Glenorchy-Paradise Road to the south of the site; and
- b) Provide a vegetated backdrop for residential dwellings on to the terrace area when viewed from the Glenorchy-Paradise Road to the north.
- c) Identify those existing trees within Lots 6, 7, 100, 106, ~~& 109~~ **& 110** to be removed:
- i) to enable the construction of the road to serve Lots 2-7 and Lots 9-26
- ii) from the lot area/building areas of Lots 6 & 7

- d) The approved landscape plan shall indicate species, new location and density of vegetation to replace vegetation to be removed.
- e) Where vegetation is to be removed, vegetation (identified in the amended approved plan) shall be first established.
6. Condition 17 of resource consent RM050144 is amended to read as follows (deleted text ~~struck-through~~, added text **bold and underlined**):
17. Pursuant to section 220(3) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:
- a) "That Lot 100 hereon (legal access) be held as to ~~nine eight~~ undivided one **ninth eight** shares by the owners of Lots 1 – 08 **and Lot 11** as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed). **Note: Lots 01-08 are in Stage 2, whilst Lot 11 is in Stage 3.**
 - b) That Lot 101 (Meadow Commons 1) be held as to eight undivided one eighth shares by the owners of Lots 01 - 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
 - c) That Lot 106 hereon (legal access) be held as to ~~five sixth~~ undivided one **fifth sixth** shares by the owners of Lots ~~11-12~~ - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - d) That Lot 102 hereon (Meadow Common) be held as to seven undivided one seventh shares by the owners of Lots 10 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - e) That Lot 105 hereon (Legal Access) be held as to seven undivided one seventh shares by the owners of Lots 17- 23 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)."
 - f) That Lot 107 (Meadow Commons 3) be held as to five undivided one fifth shares by the owners of Lots 17 - 21 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
 - g) That Lot 108 (Legal Access) be held as to three undivided one third shares by the owners of Lots 24 - 26 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - h) That Lot 109 (Legal Access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - i) **That Lot 110 (Legal Access) be held as to three undivided 1/3 shares by the owners of Lots 09 - 11 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).**
7. Condition 19 (now condition 18) of resource consent RM050144 is amended to read as follows (deleted text ~~struck-through~~, added text bold and underlined):

18. a) The development may be undertaken in up to five stages, being:
- i) Stage 1 – **Bulk title Lots 1 – 4 and Access Easements A – D;**
 - ii) **Stage 2 -** Lots 01 – ~~08-09~~, Access Lots 100, ~~and~~ **109, 110** and Lot 101 Meadow Commons 1;
 - iii) **Stage 2-3** – Lots ~~09-10~~ – 16, Access Lot 106 and Lot 102 Meadow Commons 2;
 - iv) **Stage 3-4** – Lots 17 – 23, Access Lot 105 and Lot 107 Meadow Commons 3; and
 - v) **Stage 4-5** – Lots 23 – 24 and Access Lot 108.
- b) **Stage 1 must precede all others.** The **remaining** stages may be implemented in any order, and more than one stage may be implemented at the same time. Conditions 1 – ~~17~~ above apply as appropriate to each stage to enable the implementation of that stage. ~~In particular, in order to ensure legal access:~~
- i) ~~When Stage 1 is implemented, ROW A (as shown on the Staging Plan) must be created for the benefit of Stages 2 – 4.~~
 - ii) ~~When any of Stages 2 – 4 are implemented, ROW A must be created (if not already created) and ROWs B and C must be created."~~

8. Condition 18 of resource consent RM050144 be removed:

~~18. Pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:~~

~~That Lots 103, 104 and the residual area of Section 37 Block I Earnslaw Survey District heron be held in the same certificate of title (CSN Request 485469).~~

Advice note

- All other conditions of RM050144 shall continue to apply.

2. Section 125 Time Extension to RM050144

2.1. DECISION ON EXTENSION OF LAPSE DATE

Consent to the extension request is granted in accordance with section 125(1A)(b) of the RMA such that RM050144 shall now lapse on 9 May 2017.

2.2. REASONS FOR DECISION

Resource consent RM050144, granted on 14 November 2005, approved a 26 lot residential subdivision. Consent is sought to for an 18 month extension of time to RM050144, so that it will lapse on 9 May 2017 instead of 9 November 2015. The 18 month timeframe is sought in order to enable the proposed changes to the staging (as per the s127 change to conditions under RM120569) to be given effect to. This timeframe sought will provide for an updated scheme plan to be created for Section 223 approval and for physical works to occur over two summer periods (in attempt to avoid winter works). While this time extension is sought to give effect to the variation that is concurrently sought, a separate assessment and decision is required for each. This decision on whether the time extension is appropriate has been made independently on whether or not the variation is granted.

Section 125(1A)(b) of the RMA allows the Council to grant an application for an extension to the lapse date of a resource consent, provided that such an application is received prior to the date of expiration, and provided the following matters have been taken into account:

- (i) *whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
- (ii) *whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*
- (iii) *the effect of the extension on the policies and objectives of any plan or proposed plan.*

RM050144 has been subject to previous time extensions. A detailed history of this can be found in section 3.1 of the application report. Currently, consent is due to lapse on 9 November 2015.

This application was lodged on 27 July 2015 prior to the lapsing date stipulated in Section 125(1A)(b) of the RMA, allowing consideration under this section as follows:

(i) Substantial Progress or Effort

In determining if substantial progress or effort has been, and continues to be, made towards giving effect to the consent, the RMA does not require that the work is completed.

A description of the progress made is outlined in section 6.2 of the application report under the subheading “*Effects of the Proposed Extension of Time*”, which should be read in conjunction with this report. Overall, the subdivision and infrastructure works have been progressed, including attaining consent to establish a bore for water supply, preparation of a subdivision plan with easements and an application for 223 approval (which was declined due to issues with the subdivision staging). In light of this, substantial progress and effort has been made to give effect to the subdivision consent.

(ii) Whether written approvals have been obtained

RM050144 was publically notified and five submissions were received. No written approvals were sought for this time extension.

The applicant has stated that the subdivision can be given effect to prior to the November 2015 lapse date. However the time extension sought is to cater for the proposed changes in staging. The effects on persons from the subdivision will be indifferent to the effects at the time consent was granted. Therefore no person is considered to be adversely affected by the extension.

(iii) Effect on the Policies and Objectives of the Plan or Proposed Plan

There has been no changes to the relevant provisions of the Queenstown Lakes District Plan, and therefore are no changes to the assessment of objectives and policies undertaken in processing RM050144. Overall, the time extension is considered consistent with the objectives and policies assessment at the time consent was granted.

Conclusion

In conclusion, it is considered that substantial progress and effort has been made to giving effect to the subdivision through the consent history, progressing the water supply requirements and attempt for section 223 approval. No person is considered affected by the time extension and there are no changes to the policy environment that need to be considered.

Given the reasons above, the application to extend the lapse date of resource consent RM050144 for a period of 18 months is considered to be appropriate.

Administrative Matters – Variation RM150569 and Time Extension EX050144

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 Quinn McIntyre on phone (03) 443 0125 or email quinn.mcintyre@qldc.govt.nz.

Report prepared by



Katrina Ellis
PLANNER

Decision made by



Quinn McIntyre
SENIOR PLANNER

APPENDIX 1 – Updated conditions of resource consent RM050144

APPENDIX 2 – Updated Scheme Plan and Staging Plans

APPENDIX 3 - Applicant's AEE

APPENDIX 1 – UPDATED CONDITIONS OF RESOURCE CONSENT RM050144 AND SUBSEQUENT VARIATION RM120508

1. That the activity be undertaken in accordance with the Darby Partners Limited Plans and specifications titled "Earnslaw Station Subdivision Layout Plan SL-04C, dated 03 August 2015 and Staging Plan SL-03E & SL05 dated 24 July 2015 – stamped as approved 1 September 2015); Earnslaw Station Master Development Plan dated 11 November 2005; Proposed Mitigation Plans – Cross Sections, Proposed Mitigation Plans – Planting Plans dated 12 July 2005, stamped as "Approved Plans" and dated 11 November 2005 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. 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.
3. The consent holder shall pay to the Council an initial fee of \$240 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
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.
5. The 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 development 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.
6. Prior to the commencement of any works on the land being subdivided and prior to certification pursuant to Section 223 of the Resource Management Act 1991, 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) Information detailing a water supply that shall provide water to the subdivision. Documentation that is required shall include a pump test for the bore that indicates the sustainable capacity of the bore, water quality tests that indicate bacterial levels (test shall be not more than 3 months old) and chemical levels (test shall be not more than 5 years old), and any necessary consents from the Otago Regional Council. Said documentation shall be submitted to Council for approval prior to any other works on site. An alternative water supply shall be secured and approved by Council if the proposed bore does not meet Council standards.
 - b) The provision of a water supply to the boundary of each lot in terms of the Council's standards. Each lot shall be supplied with a minimum of 1,000 litres per day of potable water that complies with the requirements of the Drinking Water Standard for New Zealand 2000.
 - c) The provision of a reticulated water supply adequate to service the resultant residential allotments with the requirements for a W3 fire hazard category in accordance with the requirements of SNZ PAS 4509:2003 and in accordance with the Council's standards.
 - d) The formation of a sealed intersection of the access road with Glenorchy – Paradise Road, Either; designed in accordance with the Austroads Guides to Road Design and the Queenstown Lakes District Council District Plan, OR designed by an appropriately experienced traffic engineer that shall demonstrate suitable mitigation for any noncompliance with the Queenstown Lakes District Council District Plan to ensure a safe intersection.
 - e) The formation of all right of ways and access lots to Council's Standards being the Rural Rooding Corridors Guideline. Rights of ways / access lots serving 10 or more lots shall consist of a 6.25 metre wide sealed formation in a 20 metre wide road reserve. Rights of ways serving 5 or more lots but less than 10 lots shall generally consist of a 5.5 metre wide sealed formation in a 10 metre wide road reserve. Rights of ways serving less than 5 lots

shall consist of a minimum 3.5 metre wide metalled formation in a 6 metre wide road reserve. Except that in respect of the access way adjoining Lots 9-16, these requirements shall be subject to the amended roading plan referred to in condition xx

- f) The provision of an access to all lots from adjacent access roads to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the Partially Operative District Plan. This access shall be sealed if it is from a sealed formation. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made to continue any roadside drainage.
 - g) 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. These details shall be submitted to Council for approval prior to commencement of works. This shall include any earthworks associated with the construction of building platforms and any earthworks required to prevent possible flooding of building platforms.
 - h) The consent holder shall install measures to control and or mitigate any silt run-off and sedimentation that may occur during earthworks construction. 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.
 - i) The consent holder shall put in place measures to minimise the spread of dust during earthwork construction.
7. Prior to 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) If the water supply will ultimately serve more than 25 people for more than 60 day per year then the applicant is to notify Public Health South, PO Box 2180, Queenstown, Phone 03 442 2500 of the details of the water supply.
 - d) The consent holder shall provide evidence to Council, of a responsible body (management group) which will undertake responsibility for the maintenance and carry out the on going monitoring of the water supply to ensure that it continues to comply with the Drinking Water Standard for New Zealand 2000.
 - e) The consent holder shall obtain any necessary consents from the Otago Regional Council for the water supply. A copy of this consent shall be forwarded to the Council.
 - f) The consent holder shall provide a power and telecommunications supply to the net area of all lots. These connections shall be underground from any existing reticulation.
 - g) The consent holder shall provide evidence to Council, of a responsible body (management group) which will undertake responsibility for the maintenance of all private roading within the subdivision.
8. Prior to section 224c, the consent holder shall submit a contour plan undertaken by a suitably qualified surveyor, which shows the finished ground level throughout the subdivision. If the ground level on the build-able area within the resultant sections has not changed, this shall be certified as such by a suitably qualified surveyor.
9. Prior to certification pursuant to section 224c 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 conditions on a continuing basis:

- a) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli, by the management group for the lots, and the results forwarded to Queenstown Lakes District 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 management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
- b) In the event that the number of persons to be accommodated on any of the lots is to be greater than five, then the Queenstown Lakes District Council will require commensurate increases in the water supply to that lot at the rate of 200 litres per extra person per day.
- c) At the time that a dwelling is proposed on any lot, a suitably qualified person shall design an on site stormwater disposal system that will dispose of all stormwater from impervious surfaces on the lot.
- d) At the time that a dwelling is proposed on any lot, a suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:
- Specific design by a suitably qualified professional engineer.
 - A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.
 - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
 - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
 - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
- e) The following restrictions shall apply to Lots 101, 102, 103, 104 and 107, shown on the 'Subdivision Layout Plan' drawing number SL-04C dated 03 August 2015 and identified as Covenanted areas: Meadow Commons 1, Meadow Commons 2, the hatched Southern View Protection Area, and the hatched Northern View Protection Area respectively:
- i) There shall be no buildings or other structures placed or erected on these areas.
 - ii) The area shall be maintained in natural pasture for perpetuity.
 - iii) There shall be no further planting other than pasture grass similar to that existing or any indigenous planting which is complementary to the existing vegetative cover within that area and which is first approved in writing by the a landscape architect appointed by the Council.
- f) There shall be no further subdivision of Lots 1-26 and Common Lots 101, 102 & 107 other than an amalgamation and/or a boundary adjustment that does not result in the creation of any new additional certificate of title or additional residential building platform.
- g) Exterior materials for all dwellings and buildings shall be limited to cedar weatherboard, natural stone endemic to the area, brick or masonry with plaster finish painted with recessive colours, or a combination of the above.
- h) Roof materials shall be cedar shakes or shingles, slate or membrane roofing systems for flat roofs (dark grey to black tones).
- i) Exterior roof and wall colours shall be finished in natural tones and colours in the range of browns, dark greens or dark grey/blue greys.
- j) Any fences shall be post and wire, ha-ha walls and/or post and rail fences.

- k) The height of buildings on Lots 14-20 shall be restricted to a maximum building height of 5.5m above existing ground level, and those on Lots 21 to 26 to 5m above existing ground level.
- l) Any future dwelling or accessory building to be erected on Lots 1 - 26 shall be located entirely within the building platform annotated and accurately dimensioned on the title plan.
- m) Activity on Lots 11-26 and Lots 2-7 (including the placement of structures, equipment or other manmade or natural materials) shall be prohibited within the planting covenant areas identified within each of these lots on the approved plan (referenced SL-04C dated 03 August 2015), with the exception that driveways and/or fences can be located within those planting covenant areas.
- n) Planting within covenant areas on each Lot (as illustrated on plan reference SL-04C dated 03 August 2015) shall be implemented prior to the construction of any buildings on that lot. Planting densities shall be as follows:
- Trees - 1 per 3m (average)
 - B Shrubs - 1 per 2m (average)
 - Grasses - 1 per 1-1.5m (average)
- o) No exotic plantings, of a height at maturity greater than 1.5m, shall occur outside of the designated residential building platform.
- p) No trees within Lots 100, 106, 109, 103, 9, 110 or the Planting Covenant Areas within Lots 1-26 shall be removed or pruned with the following exceptions:
- i) Those trees approved by condition 13 for removal with respect to the provision of roading and those within the areas of Lots 6 & 7.
 - ii) Those trees deemed by an independent arborist as unsafe and/or at the end of their life. In which case, upon maturity the replacement planting must be adequate to screen the residential development that the preceding tree screened.
 - iii) The approved landscaping plan (referenced MDP-Adgn (based on Subdivision Layout Plan SL-04C dated 03 August 2015) provides for planting within the Planting Covenant Areas which is intended to replicate the screening effect of the existing vegetation. Existing vegetation adjacent to any lot may be removed when replacement screen vegetation planted on that Lot has reached a height of 8 metres so that it will generally replicate the screening effect of the existing vegetation in relation to views of that Lot from Queenstown-Glenorchy Road.
- q) The northern side of the ha-ha features on Lots 11 - 26 shall only be used for pastoral activities.
- r) No further subdivision of Lots 1 - 26 (other than for the purposes of undertaking a boundary adjustment subdivision).
- s) Prior to any residential activity taking place on any land contained within Lots 1 & 2, the consent holder shall install all necessary services and access to the lots being developed, in accordance with Council's standards.
- t) At the time of further development of any land contained within Lots 1 & 2, development contributions for roading shall be paid in accordance with Council's policy at that time. No credits shall be given for the lots.
10. All necessary easements shall be granted or reserved.

11. Slope support shall be installed in areas of the access way where a suitably qualified engineer deems necessary in order to ensure that the resulting batter crests do not migrate into adjoining lots.
12. There shall be no overhead street lighting established in association with the proposal. Any street lighting shall be limited to bollards no higher than 1.0 metres above finished ground level.
13. No outdoor feature shall be continuously illuminated.
14. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, an amended landscape plan shall be submitted for the Council's approval. All existing tree specimens within Lot 100, 103, 106, 109 & 110 shall be retained until an amended landscape plan is submitted for approval by Council. The landscape plan shall be designed to achieve the following objectives:
 - a) Screen future residential dwellings from the Glenorchy-Paradise Road to the south of the site; and
 - b) Provide a vegetated backdrop for residential dwellings on to the terrace area when viewed from the Glenorchy-Paradise Road to the north.
 - c) Identify those existing trees within Lots 6, 7, 100, 106, 109, & 110 to be removed:
 - i) to enable the construction of the road to serve Lots 2-7 and Lots 9-26
 - ii) from the lot area/building areas of Lots 6 & 7
 - d) The approved landscape plan shall indicate species, new location and density of vegetation to replace vegetation to be removed.
 - e) Where vegetation is to be removed, vegetation (identified in the amended approved plan) shall be first established.
15. If koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered, then work shall stop to allow a site inspection by the appropriate runanga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to their removal and preservation.
16. The applicant will pay for an archaeological survey of the residential lot areas by the archaeologist nominated by Te Ao Marama Inc. on behalf of Oraka-Aparima Runaka Inc. The applicant will pay for a maximum field investigation of 2 days.
17. Pursuant to section 220(3) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed on the survey plan as follows:
 - a) That Lot 100 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 01 - 08 and Lot 11 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed). Note: Lots 01-08 are in Stage 2, whilst Lot 11 is in Stage 3.
 - b) That Lot 101 (Meadow Commons 1) be held as to eight undivided one eighth shares by the owners of Lots 01 - 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
 - c) That Lot 106 hereon (legal access) be held as to five undivided one fifth shares by the owners of Lots 11 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).

- d) That Lot 102 hereon (Meadow Common) be held as to seven undivided one seventh shares by the owners of Lots 10 - 16 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - e) That Lot 105 hereon (Legal Access) be held as to seven undivided one seventh shares by the owners of Lots 17- 23 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)."
 - f) That Lot 107 (Meadow Commons 3) be held as to five undivided one fifth shares by the owners of Lots 17 - 21 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed)
 - g) That Lot 108 (Legal Access) be held as to three undivided one third shares by the owners of Lots 24 - 26 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - h) That Lot 109 (Legal Access) be held as to eight undivided one eighth shares by the owners of Lots 01 – 08 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
 - i) That Lot 110 (Legal Access) be held as to three undivided 1/3 shares by the owners of Lots 09 - 11 as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (CSN Request to be confirmed).
18. a) The development may be undertaken in up to five stages, being:
- i) Stage 1 – Bulk title Lots 1 – 4 and Access Easements A – D;
 - ii) Stage 2 - Lots 01 – 09, Access Lots 100, 109, 110 and Lot 101 Meadow Commons 1;
 - iii) Stage 3 – Lots 10 – 16, Access Lot 106 and Lot 102 Meadow Commons 2;
 - iv) Stage 4 – Lots 17 – 23, Access Lot 105 and Lot 107 Meadow Commons 3; and
 - v) Stage 5 – Lots 23 – 24 and Access Lot 108.
- b) Stage 1 must precede all others. The remaining stages may be implemented in any order, and more than one stage may be implemented at the same time. Conditions 1 – 17 above apply as appropriate to each stage to enable the implementation of that stage.

APPENDIX 2 – Updated Scheme Plan and Staging Plans

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150569

Tuesday, 1 September 2015

NOTES:

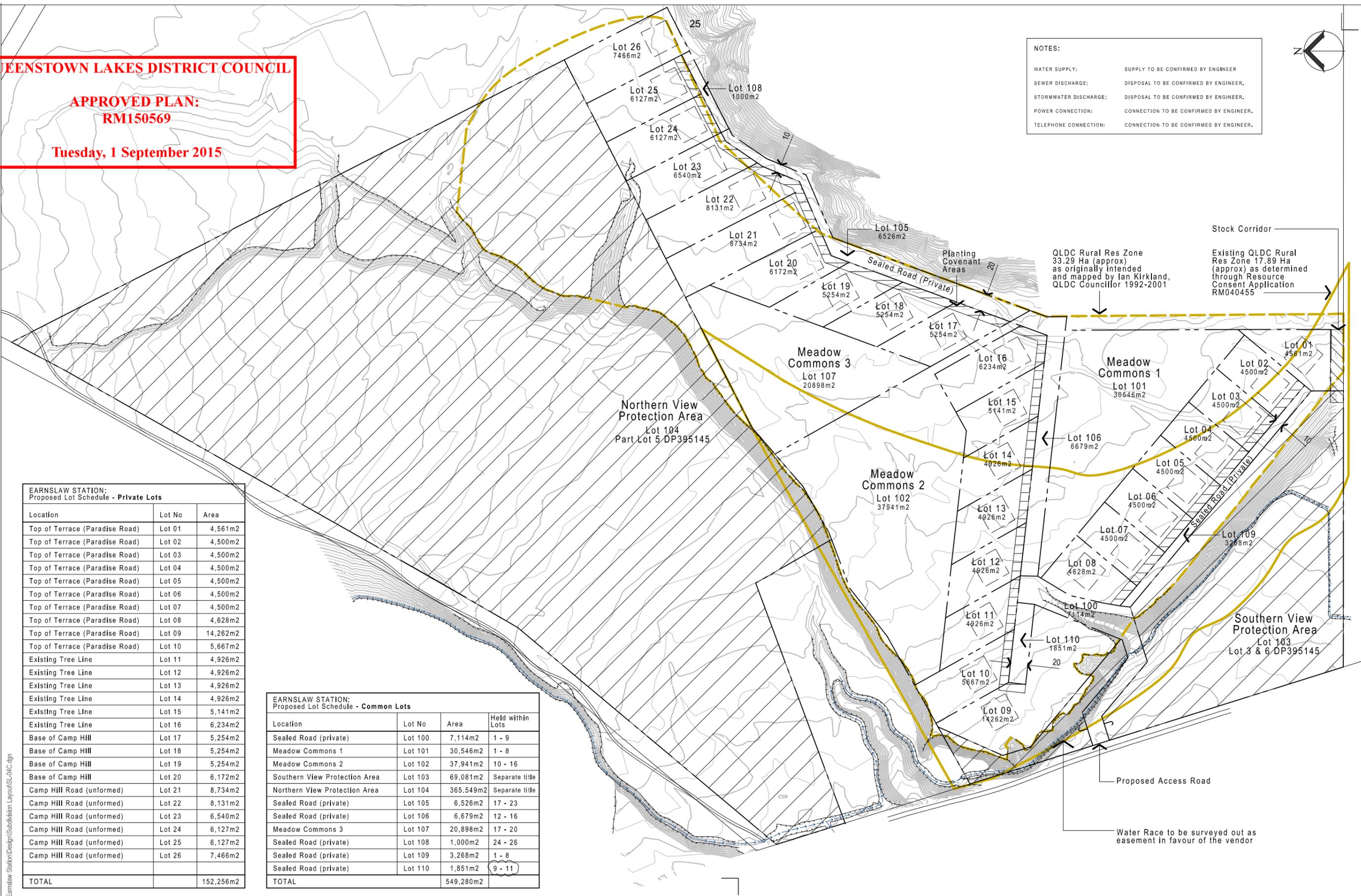
WATER SUPPLY: SUPPLY TO BE CONFIRMED BY ENGINEER

SEWER DISCHARGE: DISPOSAL TO BE CONFIRMED BY ENGINEER.

STORMWATER DISCHARGE: DISPOSAL TO BE CONFIRMED BY ENGINEER.

POWER CONNECTION: CONNECTION TO BE CONFIRMED BY ENGINEER.

TELEPHONE CONNECTION: CONNECTION TO BE CONFIRMED BY ENGINEER.



**EARNSLAW STATION:
Proposed Lot Schedule - Private Lots**

Location	Lot No	Area
Top of Terrace (Paradise Road)	Lot 01	4,561m ²
Top of Terrace (Paradise Road)	Lot 02	4,500m ²
Top of Terrace (Paradise Road)	Lot 03	4,500m ²
Top of Terrace (Paradise Road)	Lot 04	4,500m ²
Top of Terrace (Paradise Road)	Lot 05	4,500m ²
Top of Terrace (Paradise Road)	Lot 06	4,500m ²
Top of Terrace (Paradise Road)	Lot 07	4,500m ²
Top of Terrace (Paradise Road)	Lot 08	4,628m ²
Top of Terrace (Paradise Road)	Lot 09	14,262m ²
Top of Terrace (Paradise Road)	Lot 10	5,667m ²
Existing Tree Line	Lot 11	4,926m ²
Existing Tree Line	Lot 12	4,926m ²
Existing Tree Line	Lot 13	4,926m ²
Existing Tree Line	Lot 14	4,926m ²
Existing Tree Line	Lot 15	5,141m ²
Existing Tree Line	Lot 16	6,234m ²
Base of Camp Hill	Lot 17	5,254m ²
Base of Camp Hill	Lot 18	5,254m ²
Base of Camp Hill	Lot 19	5,254m ²
Base of Camp Hill	Lot 20	6,172m ²
Camp Hill Road (unformed)	Lot 21	8,734m ²
Camp Hill Road (unformed)	Lot 22	8,131m ²
Camp Hill Road (unformed)	Lot 23	6,540m ²
Camp Hill Road (unformed)	Lot 24	6,127m ²
Camp Hill Road (unformed)	Lot 25	6,127m ²
Camp Hill Road (unformed)	Lot 26	7,466m ²
TOTAL		152,256m²

**EARNSLAW STATION:
Proposed Lot Schedule - Common Lots**

Location	Lot No	Area	Held within Lots
Sealed Road (private)	Lot 100	7,114m ²	1 - 9
Meadow Commons 1	Lot 101	30,546m ²	1 - 8
Meadow Commons 2	Lot 102	37,941m ²	10 - 16
Southern View Protection Area	Lot 103	69,081m ²	Separate title
Northern View Protection Area	Lot 104	365,549m ²	Separate title
Sealed Road (private)	Lot 105	6,526m ²	17 - 23
Sealed Road (private)	Lot 106	6,679m ²	12 - 16
Meadow Commons 3	Lot 107	20,898m ²	17 - 20
Sealed Road (private)	Lot 108	1,000m ²	24 - 26
Sealed Road (private)	Lot 109	3,268m ²	1 - 8
Sealed Road (private)	Lot 110	1,851m ²	9 - 11
TOTAL		549,280m²	

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darby partners limited



notes/key:

job/drawing title:

**Earnslaw Station
Subdivision Layout Plan - RM050144 Revision**

consultants:

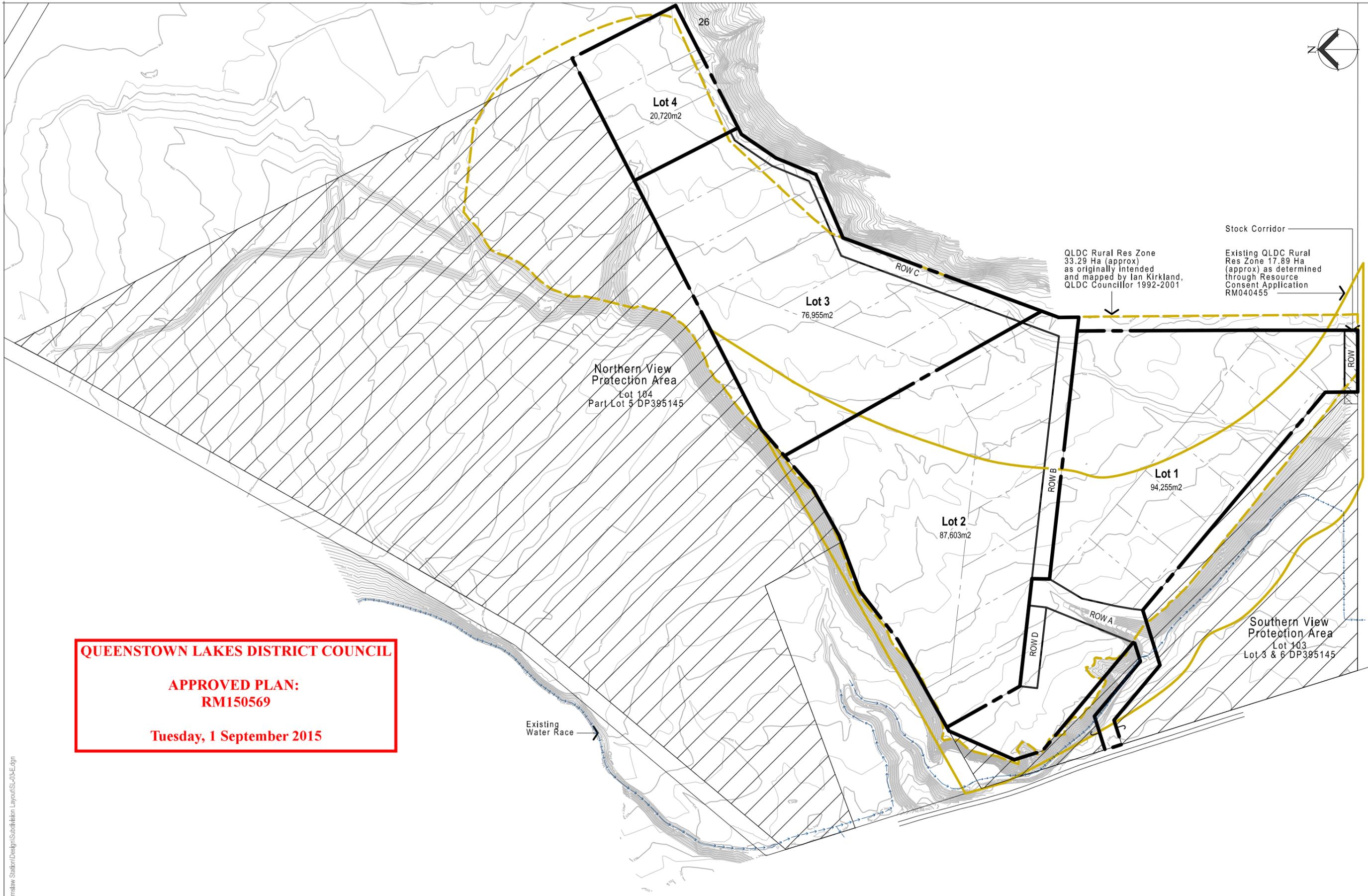
Revisions:	No.	Description	Date	RT
	C	Amend RM050144 - Boundaries & shared lots	30.08.12	RT
	A	Amend RM050144 - Boundaries & shared lots	28.11.14	RT
	B	Add held within Lots column to schedule	24.07.15	RT
	C	Amended held within Lots for Lot 110	03.08.15	RT

designed/drawn:	approved:	date:
RT	JD	03.08.15
drawing no:	SL-04C	

Contractors to verify all dimensions on site prior to commencing work. Figured dimensions to be taken in preference to scaled dimensions. The copyright of this drawing remains with Darby Partners Limited.



data:
Non-Verified Data:
Scanned contact print (not ortho-imaged).
LINZ Survey and Title Data supplied by PPL, 12 Jan 03 (Superseded)
Verified Data:
Site Survey Data supplied by Construction Survey Ltd, 08 July 04



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM150569
Tuesday, 1 September 2015

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darby partners limited

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 P.O. Box 1164, Queenstown, New Zealand
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notes/key:
 REFER EARNSLAW STATION LAYOUT PLAN SL-04 FOR 26 LOT SUBDIVISION LAYOUT

job/drawing title:
 Earnslaw Station
 Staging Plan - Stage 1 - Bulk Titles

consultants:

No.	Description	Date	RT
C	Consent Variation	20.08.12	RT
D	Consent Variation	28.11.14	RT
E	Updated Title	24.07.15	RT

Contractors to verify all dimensions on site prior to commencing work. Figured dimensions to be taken in preference to scaled dimensions. The copyright of this drawing remains with Darby Partners Limited.

designed/drawn: approved: date:
 RT JD 24.07.15

drawing no:
 SL-03E

graphic scale:
 Scale 1:2000 (A1)

data:
 Non-Verified Data:
 Scanned contact print (not ortho-imagery),
 (NZ Survey and Title Data supplied by PPL, 12 Jan 03
 (Superseded))
 Verified Data:
 Site Survey Data supplied by Construction Survey Ltd,
 08 July 04

APPENDIX 3

Changes sought to Planning Map 9 – as requested in the submission

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Mount Christina Limited
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

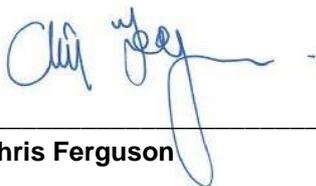
Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Mount Christina Limited (the "MCL") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

MCL confirms their submission does not relate to trade competition or the effects of trade competition.

MCL would like to be heard in support of its submission.

If other persons make a similar submission then MCL would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

Mount Christina Ltd

23rd day of October 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and matters raised, in the Submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. Mount Christina Ltd owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. Its land has been identified within the Rural Residential and Rural General Zone under the Proposed Queenstown Lakes District Plan ("PDP"). It has the same zoning under the operative District Plan.
2. The purpose of this submission to the PDP is to realign the shape and area of the rural land as Rural Residential to better match with the topography of the site. The submission also seeks to make some minor amendments to the rules, policies and objectives for the rural residential zone to achieve a better alignment between the relevant objectives of the PDP and the proposed methods.

SECTION B: REASONS FOR, AND MATTERS RAISED, IN THE SUBMISSION

Description of the Site

3. The site is an area of land forming part of the Earnslaw Station, located below the north western flanks of Camp Hill to the south of the Earnslaw Burn and a short distance from the boundary of the Aspiring National Park. The Dart River passes the site a few kilometres to the west and the entrance to the Rees Valley to the south east.
4. The land to which the submission relates to land contained within a single title, legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423.

Resource Consent History

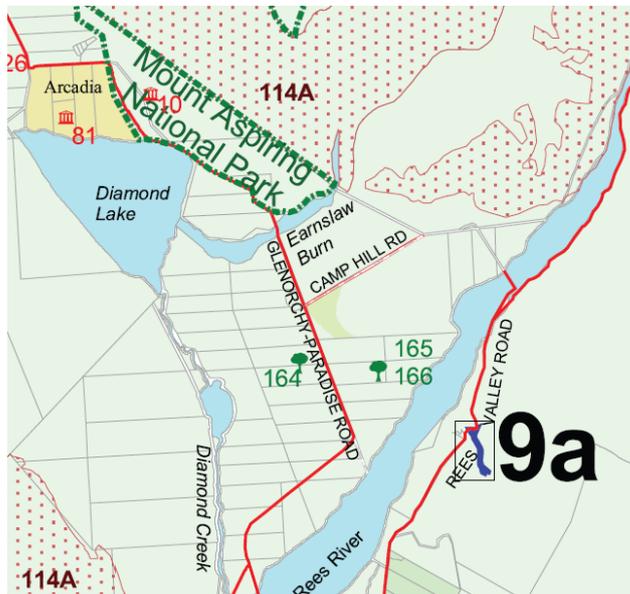
5. MCL holds an approved resource consents for the subdivision of the site into 26 rural living allotments located within the rural residential zone and partly within the rural general zone. That original subdivision consent RM050144 has been since varied and implemented in part with an extension given to the lapsing date, to now lapse on 9 May 2017.
6. As is recorded within the decision of the Commissioner on RM050144, the zoning of the rural residential part of the site does not follow existing topography and has "slipped" to the west with the result that a large space has been created between the zones eastern edge and the base of Camp Hill. The Council Commissioner for that resource consent accepted that "*the majority of the proposal would fall within the more logical topographical area described by Messrs Kirkland and Hohneck as the intended extent of the Rural Residential Zone*"¹.
7. As part of this proposal two large areas of land located within the Rural General Zone (operative District Plan) were identified for view protection purposes. Within these areas it is

¹ Para 12, Page 3, Decision on RM050144 Commissioner Michael Parker (9 Nov 2005)

proposed to prevent the erection of any buildings or other structures and for their maintenance in natural pasture in perpetuity.

8. The rural area surrounding this zone falls within an outstanding natural landscape. Below is an extract of PDP Planning Map 9 (Glenorchy Rural, Lake Wakatipu) showing the area of the MCL land and surrounding zoning.

Planning Map 9 (Glenorchy Rural, Lake Wakatipu)



Proposed Relief

9. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to the MCL.
10. A number of small changes are sought to the objectives, policies and rules of Chapter 22 Rural Residential and Rural Lifestyle. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also remove any unnecessary restrictions.
11. The proposal is adjust the rural residential zone across the MCL land described above to logically match with topography. The nature of the proposed adjustment is illustrated on the map of the proposed rural residential zone attached to and forms a part of this submission within **Appendix 1**. The primary relief sought by MCL is to replace the rural residential zone shown on Planning Map 9 with that shown on the plan attached within Appendix 1.
12. The specific changes sought to the PDP provisions are detailed within Section C of this submission.

Subdivision

13. Whilst the district wide submission by Darby Planning LP addresses the subdivision chapter generally, MCL seek to specially address the elevation in the default status of all subdivision from controlled activities to discretionary activities (unrestricted).
14. MCL challenges the veracity of the Council s.32 assessment of the proposed changes sought to the subdivision chapter and considers that this assessment has not adequately considered:

- (a) The commercial impacts of the lack of certainty to landowners and investors;
 - (b) The flow on effects that this uncertainty will create in terms of being able to deliver affordable housing and provide security over the mechanisms to create separate land tenure;
 - (c) The transaction and administrative costs and inefficiencies of administering a discretionary regime. The Council has sought to reduce uncertainty through the introduction of rules relating to non-notification of consent, but this fails to adequately address the lack of certainty relating to the merits of any particular proposal, including proposals that meet all of the other standards including minimum lot size for subdivision; and
 - (d) Minor applications for boundary adjustment have been also removed from the subdivision chapter and this creates further uncertainty over proposal with typically very little to no adverse effects on the environment.
15. For these reasons, MCL seek to have the provisions of the subdivision chapter withdrawn and replaced with the operative plan provisions from Chapter 15. Controlled activity status for subdivision together with appropriate standards relating to lot sizes and servicing infrastructure is considered this the most appropriate method to implement the objectives of the PDP having regard to their effectiveness and efficiency.

Section 32AA Evaluation

16. The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed changes sought to the rural residential zone. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
17. In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

Proposed District Plan Policy Framework

18. The relevant objectives from the PDP are outlined below.

Chapter 3 Strategic Directions

Objective 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

19. The site falls within an area of Outstanding Natural Landscape in terms of the mapping included within the PDP, although the landscape classifications are not intended to apply to the rural lifestyle of rural residential zones. The nature of the proposed relief to adjust the existing rural residential zone to better match with the underlying landform and as approved by the Council in terms of resource consent RM050144.
20. An assessment of the landscape effects of subdivision or development within the small area of ONL located beyond the rural residential zone was provided at the time of the original application in evidence of Mr Ben Espie and a separate report prepared by the Council by Mr R Girvan.
21. The changes proposed to the boundary of the rural residential zone, involved shifting its location off a prominent escarpment in that zone and onto rural land located on an elevated terrace towards the base of Camp Hill. The impact of this change in landscape terms will be to "significantly reduce the prominence of residential development within the rural residential zone compared with that approved in the underlying subdivision". In this regard the change to the

zones location as proposed by MCL will result in less effect on landscape values than if the existing zone was implemented.

22. Taken together the changes are considered to provide greater protection of the natural character of the ONL than under the status quo and is therefore consistent with Objective 3.2.5.1.

Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

23. The MCL land is located with a part of the landscape that has been approved for subdivision under the provision of the rural residential zone and part rural general zone. The changes proposed to the zone boundary, as described above, will ensure that future subdivision and development will be located within a part of the landscape which has greater potential to absorb change.

Objective 3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

24. Retaining the MCL within the rural residential zone positively implements Objective 3.2.5.4 by maximising the lifestyle living opportunities within the area of the available land.

Objective 3.2.6.2 Ensure a mix of housing opportunities

25. Rural living is a form of housing at the low end of the density spectrum and will therefore help to ensure a mix of housing opportunities are provide across the District.

Chapter 6 Landscapes

6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

26. As above, the proposed changes to the boundary of the rural residential zone into an area of ONL is a trade off involving extending development into a small area of ONL that has capacity to absorb change and the avoidance of development on a prominent escarpment included within the zone. The net change in landscape effects is considered positive. On this basis, the change to the zone boundary achieve Objective 6.3.1.

6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

27. The proposed relief seeks to achieve greater definition of the zone boundary, which is based on topography and landscape inputs. If the proposed boundary has greater landscape logic and can be more readily understood on the ground there is less potential to incremental growth and the creation of adverse cumulative effects.

6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

28. This objective is very similar to Objective 3.2.5.1, discussed above. The net change resulting from the change to the boundary of the zone will offer greater protection of a prominent landscape feature in favour of development within an area of landscape less visible. On this basis the proposed relief will achieve Objective 6.3.4.

Evaluation

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

29. The reasonably practicable options available to MCL to provide for the use and development of its land under the PDP includes:
- (a) Retention of the status quo with no change to rural residential zone and implementation of subdivision and development through resource consent.
 - (b) Amend the boundary of the existing rural residential zone to follow a more logical landscape boundary, based on topography and landscape character.
30. Retention of the status quo relies on the implementation of the current consent and in particular the provision of restrictive covenants to manage the effects of subdivision and development on landscape values.
31. Aligning the zone boundary to better follow topography and the landscape values of the site would avoid the need to secure protections through consent and create a more enduring form of management of the natural and physical resources of this area.
32. The current zone zones aligns with Objective 3.2.5.4, to recognise the finite capacity for residential activity in rural areas. The proposed zone would carry the same benefit, but have the additional benefit of protecting the outstanding natural landscape from inappropriate subdivision, use or development.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

- (a) Effectiveness:

The proposed methods are an appropriate basis for achieving Objective 3.2.5.4, because it enables the efficient use the available land use, included established roading access without compromising the qualities of the landscape.

- (b) Efficiency

Benefits	Costs
<p><i>Environmental</i></p> <p>The removal of rural residential zoning fro, the prominent terrace escarpment. This change to this part of the land will provide for greater certainty over the effects of development within the landscape and also protection of open space.</p>	<p><i>Economic</i></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p> <p><i>Social & Cultural</i></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p> <p>Parts of the site contain prominent landforms that could negatively impact on the quality of the landscape and the amenity values of this area if not protected.</p>

Summary of reasons for proposed provisions s.32(1)(b)(iii)

33. The changes sought to the boundaries of the Rural Residential Zone provides the most appropriate way of achieving the relevant objectives of the PDP because it will result in a net positive change to the effects of future development on the landscape.

Consequential and Further Changes

34. MCL seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <i>underlined bold italics</i> and deleted text shown as <i>italic strike-through</i>]
Chapter 22 – Rural Residential and Rural Lifestyle Zones		
Objective 22.2.1	The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved. Use of the word “avoid” creates too stringent a test and does not enable implementation of policies intended to enable rural living.	Amend Objective 22.2.1 as follows: Maintain and enhance <i><u>The district’s landscape quality, character and visual amenity values are maintained and enhanced</u></i> while enabling rural living opportunities in areas that can avoid detracting from <i><u>absorb development within</u></i> those landscapes <i><u>are enabled</u></i> .
Policy 22.2.1.7	Whilst the policy is appropriate to manage fire risk, the policy is not intended to manage effects on landscapes and visual amenity, and therefore would more appropriately sit under another objective, such as objective 22.2.3 addressing natural hazards.	Move Policy 22.2.1.7 to sit under Objective 22.2.3.
Objective 22.2.2	The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved.	Amend Objective 22.2.2 as follows: Ensure the <i><u>Within the rural residential and rural lifestyle zones,</u></i> predominant land uses are rural, residential and where appropriate, visitor and community activities.
Policy 22.2.2.3	The policy as worded would not allow for complementary visitor activities such as restaurants in the rural residential and rural lifestyle zones. Limited visitor focused activity would be appropriate where the scale, and intensity of the activity does	Amend Policy 22.2.2.3 as follows:

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	not adversely affect the amenity, quality, and character of these zones, to achieve objective 22.2.2.	<i>Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that <u><i>where</i></u> the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished <u><i>is adversely affected</i></u> and the vitality of the District's commercial zones is not undermined</i>
Objective 22.2.3	<p>Support in Part</p> <p>The objective is worded in the form of a policy rather than an aspirational outcome to be achieved, and does not clearly specify the outcome expected from new development with regard to natural hazard risks.</p>	<p>Amend Objective 22.2.3, as follows:</p> <p>Manage <u><i>n</i></u>New development and <u><i>adequately manages</i></u> natural hazards <u><i>risks</i></u>.</p>
Policy 22.2.3.1	<p>Oppose</p> <p>The policy wording is imprecise and does not clearly specify the action required from development to manage natural hazard risks. If the policy is seeking to manage risk from future information pertaining to natural hazards unknown at the time of notification of the PDP, that future assessment can be appropriately managed through the subdivision provisions and s.106 of the RMA. MCL seeks to have this policy deleted.</p>	Delete Policy 22.2.3.1.
Rule 22.4.2 Status of Building in the Rural Residential Zone	<p>Support</p> <p>The permitted status for the construction and external alteration of buildings in the rural residential zone is appropriate.</p>	Retain Rule 22.4.2 unchanged.

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic strike-through</i>]
Rule 22.4.5 Residential Activity	<p>Support</p> <p>The permitted status for residential activity in the rural residential zone is appropriate.</p>	Retain Rule 22.4.5 unchanged.
Rule 22.4.6 Residential Flats	<p>Support</p> <p>The permitted status for residential flats in the rural residential and rural lifestyle zones is appropriate.</p>	Retain rule 22.4.6 unchanged.
Rule 22.4.1	<p>Oppose</p> <p>Visitor accommodation is not an unexpected outcome within the rural residential zone and can be an appropriate outcome that can positively assist tourism infrastructure through a more spread of accommodation choices within different environments. The status of Visitor Accommodation can be appropriately managed as a restricted discretionary activity to ensure impacts on the amenity values for neighbours and of any increased traffic and demand for servicing infrastructure are taken into account.</p>	<p>Amend Rule 22.4.1 Visitor Accommodation to lower the activity status from Non-Complying to Restricted Discretionary, together with the addition of the following matters of discretion:</p> <p><i>Visitor Accommodation</i> <i>outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</i></p> <p><u>Councils discretion is restricted to:</u></p> <ul style="list-style-type: none"> - <u>Impacts on the amenity values of neighbouring properties</u> - <u>Traffic generation, access and parking</u> - <u>Noise</u> - <u>Signs and lighting</u> - <u>The external appearance, bulk and scale of building</u>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as italic strike-through]
<p>Rule 22.5.1 Building Materials and Colours</p>	<p>Support in Part</p> <p>LHL support in part this rule as part of the package of standards relating to building supporting permitted activity status. It is unclear however whether the rule will capture materials that have no applied finishes such as locally sourced stacked stone, untreated wood, unpainted concrete. This concern applies equally to the proposed standards relating to roof and walls colours. In terms of external finishes, this standard should be amended to relate to any material with or without any applied finish so as to capture the spectrum of possible material and colour combinations. Locally sourced stacked stone, such as schist, constructed in any number of ways (dry stacked, bagged, rendered, etc) may depending on light conditions fail to meet the very low reflectance standard of 30% for exterior finishes. The natural variation in this natural materials colour and types of construction techniques make it very hard to determine such a value. However it is a material with a long and historic connection and association with building in Central Otago and regarded as being a material that would contribute to a high quality finish. On that basis, MCL seeks to amend Rule 22.5.1 to ensure both the roof and external surfaces standards capture natural or manufactured materials that are treated or untreated together with an exemption relating to locally sourced stone (e.g. Schist).</p>	<p>Amend Rule 22.5.1 Building Materials and Colours, as follows:</p> <p><i>All buildings, including any structure larger than 5m², new, relocated, altered, re clad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</i></p> <p><u><i>The E exterior colours of all buildings materials (treated, untreated, natural or manufactured, with or without any applied finish) shall be:</i></u></p> <p><i>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</i></p> <p><i>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20% for roofs;</i></p> <p><i>22.5.1.3 Surface finishes shall have a reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</i></p> <p><u><i>These rules do not apply to any material or surface colours used inside any building.</i></u></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> <i>• Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</i> <i>• Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</i> <i>• The size and height of the building where the subject colours would be applied.</i>

Specific Provision	Submission	Decisions Sought [New text shown <u>italics</u> and deleted text shown as <i>italic strike-through</i>]
Rule 22.5.2 Building Coverage (Rural Residential Zone only)	<p>Support</p> <p>MCL supports the standard imposing a maximum building coverage of 15% as the sole standard relating to maximum building area within a site.</p>	Retain Rule 22.5.2 Building Coverage unchanged
Rule 22.5.3 Building Size	<p>Oppose</p> <p>Within a building coverage limitation of 15% applying to the rural residential zone, MCL oppose the introduction of any additional rule seeking to further limit maximum building size. Assuming a 4,000 m² site (based on the proposed minimum allotment size for subdivision) a 15% maximum building coverage could only permit up to 600 m² of building. There is no further need for controls to be imposed for any single building above 500 m² and up to the maximum building coverage of 600m². The rule adds unnecessary control and is therefore an ineffective and inefficient method of achieving the relevant objectives of the PDP.</p>	Delete Rule 22.5.3 Building Size
Planning Maps		
Planning Map 9 (Glenorchy Rural, Lake Wakatipu)	<p>Support in Part</p> <p>MCL support the identification of the rural residential zoning over its land, but seek to amend its boundaries to better recognise</p>	Amend Planning Map 9 (Glenorchy, Lake Wakatipu), to adjust the boundaries of the rural residential zone on the MCL land, in accordance with the revised zoning plan contained within Appendix 1 to this submission.

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
	topography and the landscape values of the area. The reasons for this relief are detailed in general reasons expressed above.	

Appendix 1
Adjustments to the Mount Christina Rural Residential Zone

Maps created by QLDC GIS Department



- Legend**
- Historic Heritage Features
 - Protected Tree
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RLC)
 - Roads
 - Mount Aspiring National Park
 - Territorial Authority Boundary
 - Heritage Landscape
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Hydro Generation Zone (Operative)
 - Townships (Operative)
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Special Zones
 - Water

Southland District

See Enlargement DP-001 (Map 9 Mt Christina)

25c

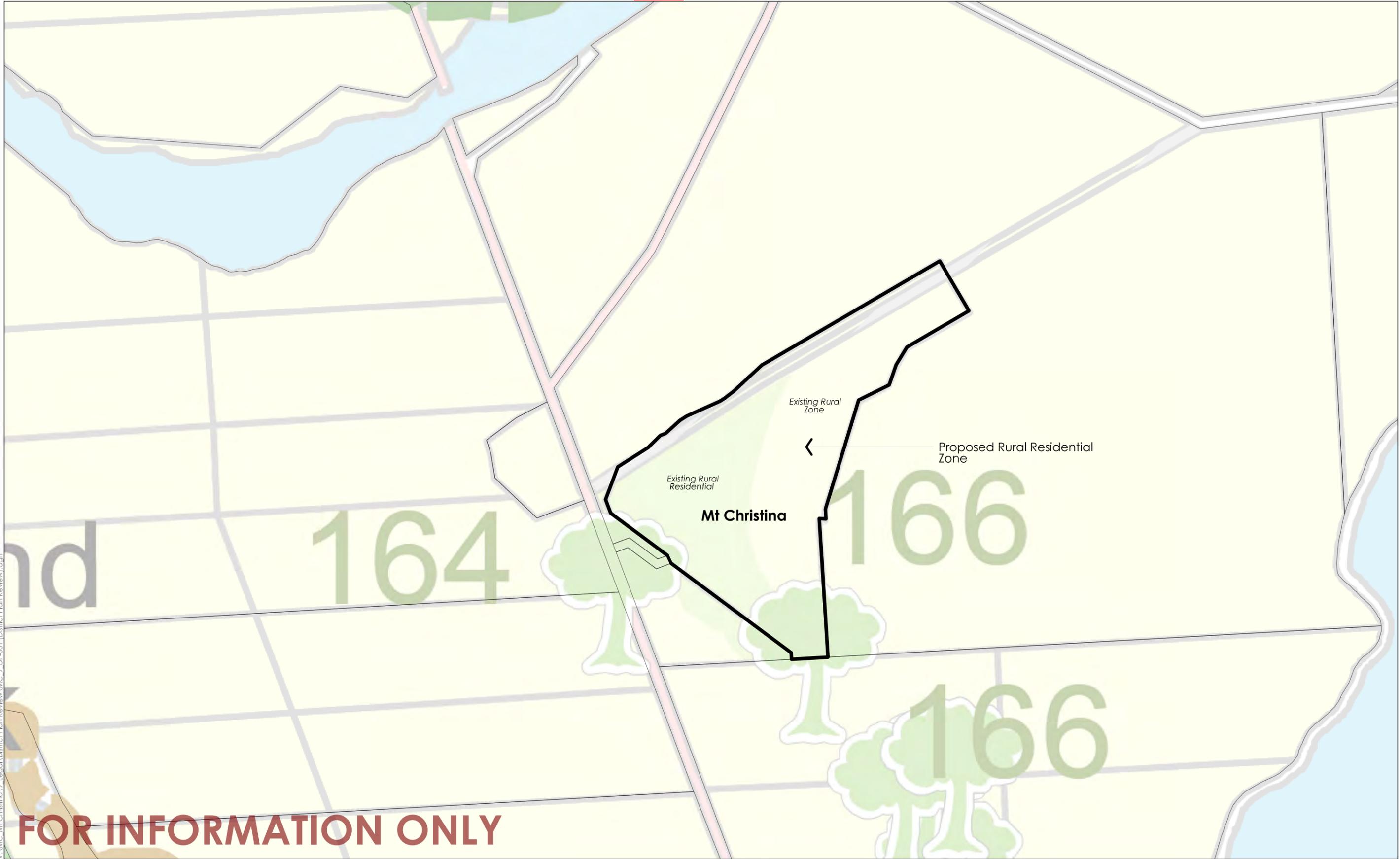
25b

25a

09

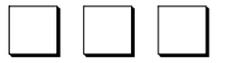


Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

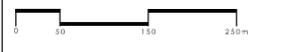


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SCALE: 1:4,000 (A1); 1:8,000 (A3)



CONSULTANTS:

NOTES:
Datum: NZGD: Linds Peak Circuit 1949

REVISION:
NO DESCRIPTION
- For Information Only

DATE	DRAWN	REVIEWED	APPROVED
21.10.15	ZC	-	-

DISTRICT PLAN REVIEW
MAP 9: MT CHRISTINA

PLAN STATUS:	JOB CODE:	DRAWING NO:	REV:
DRAFT	MC_9	DP-001	

APPENDIX 4

Relevant Objectives and Policies from the Otago
Regional Policy Statement (Operative Version)

Relevant Objectives and Policies from the Otago
Regional Policy Statement (Decisions Version
October 2016)

Relevant provisions of the operative Otago Regional Policy Statement

Objective 5.4.1 *To promote the sustainable management of Otago's land resources in order:*

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.*

Objective 5.4.2 *To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.*

Objective 5.4.3 *To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.*

Policy 5.5.4 *To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.*

Policy 5.5.6 *To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:*

- (a) Are unique to or characteristic of the region; or*
- (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or*
- (c) Represent areas of cultural or historic significance in Otago; or*
- (d) Contain visually or scientifically significant geological features; or*
- (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.*

Objective 9.4.3 *To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

Policy 9.5.4 *To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:*

- (a) Discharges of contaminants to Otago's air, water or land; and*
- (b) The creation of noise, vibration and dust; and*
- (c) Visual intrusion and a reduction in landscape qualities; and*
- (d) Significant irreversible effects on:*
 - (i) Otago community values; or*
 - (ii) Kai Tahu cultural and spiritual values; or*
 - (iii) The natural character of water bodies and the coastal environment; or*
 - (iv) Habitats of indigenous fauna; or*
 - (v) Heritage values; or*
 - (vi) Amenity values; or*
 - (vii) Intrinsic values of ecosystems; or*

(viii) Salmon or trout habitat.

Policy 9.5.5 *To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:*

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Relevant provisions of the Otago Regional Policy Statement, as amended by decisions on 1 October 2016

Objective 3.1 The values of Otago's natural resources are recognised, maintained and enhanced decisions

Policy 3.1.10 Natural features, landscapes, and seascapes

Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- b) Avoiding, remedying or mitigating other adverse effects*
- c) Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.*

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

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

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
- b) Avoiding, remedying or mitigating other adverse effects;*
- c) Recognising and providing for positive contributions of existing introduced species to those values;*
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.*

Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments

Policy 4.5.1 Managing for urban growth and development

Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- b) *Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way.*
- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*
 - i. *Minimise adverse effects on rural activities and significant soils;*
 - ii. *Minimise competing demands for natural resources;*
 - iii. *Maintain or enhance significant biological diversity, landscape or natural character values;*
 - iv. *Maintain important cultural or historic heritage values;*
 - v. *Avoid land with significant risk from natural hazards;*
- d) *Considering the need for urban growth boundaries to control urban expansion;*
- e) *Ensuring efficient use of land;*
- f) *Encouraging the use of low or no emission heating systems;*
- g) *Giving effect to the principles of good urban design in Schedule 5;*
- h) *Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

APPENDIX 5

Relevant Objectives and Policies from PDP

Relevant Objectives from PDP

(As amended by evidence of Chris Ferguson, dated 29 February 2016 or through the Councils Right of Reply 07/04/2016))

Chapter 3 Strategic Directions

Objective 3.2.1.6 The natural and physical resources of the rural areas are valued for their potential to:

- i) enable tourism, employment, rural living, visitor accommodation and recreation based activities; and**
- ii) accommodate a diverse range of rural based activities and industries that have a functional need to locate in rural areas** (Evidence of Chris Ferguson, dated 29 February 2016)

Objective 3.2.5.1 Protection of the natural character of Outstanding Natural Features and Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development. (Revised Proposal, Councils Right of Reply 07/04/2016)

Objective 3.2.5.3 Direct New Encourage and enable subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
(Evidence of Chris Ferguson, dated 29 February 2016)

3.2.5.4 Objective - Recognise there is a The finite capacity for residential activity in of rural areas to absorb residential development is considered so as to protect if the qualities of our landscapes are to be maintained.

Policies

3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

3.2.5.4.2 Provide for rural living opportunities in appropriate locations.

(Revised Proposal, Councils Right of Reply 07/04/2016)

Objective 3.2.6.2 Ensure A mix of housing opportunities is realised.
(Revised Proposal, Councils Right of Reply 07/04/2016)

Chapter 6 Landscapes

Objective 6.3.1 - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policy 6.3.1.6 Enable rural lifestyle living through applying Rural Lifestyle, Zone and Rural Residential and Special Zones plan changes in areas where the landscape can accommodate change. (Evidence of Chris Ferguson, dated 29 February 2016)

Objective 6.3.2 Avoid remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by incremental inappropriate subdivision and development (Evidence of Chris Ferguson, dated 29 February 2016)

Policy 6.3.2.2 ~~Allow~~ Provide for residential subdivision and development ~~only~~ in locations where the character and value of the District's landscapes are maintained. ~~character and visual amenity would not be degraded.~~ (Evidence of Chris Ferguson, dated 29 February 2016)

6.3.3 Objective - The Protection, maintenance or enhancement of the District's Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development. (Revised Proposal, Councils Right of Reply 07/04/2016)

Chapter 22 Rural Lifestyle and Rural Residential

Objective 22.2.1 ~~Maintain and enhance~~ The district's landscape quality, character and visual amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development ~~avoid detracting from these landscapes~~ (Evidence of Chris Ferguson, dated 21 April 2016)

Objective 22.2.2 ~~Ensure~~ Within the Rural Residential and Rural Lifestyle Zones predominant land uses are rural, residential and where appropriate, visitor and community activities (Evidence of Chris Ferguson, dated 21 April 2016)

APPENDIX 6

Summary of changes proposed

	<u>Hill (being land legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113), the maximum height for any building is 5.5m.</u>	
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c) Amend rule 22.5.11 as follows:

22.5.11	Residential Density: Rural Residential Zone 22.5.11.1 Not more than one residential unit per 4000m ² net site area. ... <u>22.5.11.4 Within the Rural Residential Zone at Camp Hill (being land legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113), there shall be no more than 36 residential units.</u>	NC
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Change Chapter 27: Subdivision and Development as follows:

d) Amend rule 27.5.1 as follows:

27.5.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

Zone		Minimum Lot Area
Town Centres		No minimum
...		
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an

		average of 4000m ²
	Rural Residential Ferry Hill Subzone	4000m ² with no more than 17 lots created for residential activity
	<u>Rural Residential Camp Hill (being land legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113),</u>	<u>4000m² with no more than 36 lots created for residential activity</u>
...		