

**FILE REF:** RM150473  
**TO:** Blair Devlin – Manager, Resource Consents  
**FROM:** Aaron Burt  
**DATE:** 2 December 2015  
**SUBJECT:** **Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991 (RMA).**

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M & B Ross has applied for subdivision consent to create three allotments, to breach the 8,000m<sup>2</sup> average lot area, and to further subdivide an allotment, including any balances, that has previously been used to calculate the average allotment size. Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (the NES) for the subdivision of HAIL land.

On 27 October 2015 the application was limited notified and notice of the application was served on surrounding properties in the near vicinity of the application site that may be adversely affected by the proposal. The submission period closed on 24 November 2015. No submissions were received.

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

***Section 100. Obligation to hold a hearing***

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard at a hearing.

It is considered that a formal hearing of the application is not necessary for the substantive determination of this application.

Prepared by



Aaron Burt  
**PLANNER**

Approved by



Blair Devlin  
**MANAGER, PLANNING PRACTICE**



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER s104 RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	M & B Ross
<b>RM reference:</b>	RM150473
<b>Application:</b>	<p>Subdivision consent to create three allotments, to breach the 8,000m<sup>2</sup> average lot area, and to further subdivide an allotment, including any balances, that has previously been used to calculate the average allotment size.</p> <p>Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (the NES) for the subdivision of HAIL land.</p>
<b>Location:</b>	548 Speargrass Flat Road, Wakatipu Basin
<b>Legal Description:</b>	Lot 1 Deposited Plan 338396 held in Computer Freehold Register 157905.
<b>Zoning:</b>	Rural Residential (North Lake Hayes)
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification Decision:</b>	Limited Notified
<b>Final Decision:</b>	<b>GRANTED SUBJECT TO CONDITIONS</b>
<b>Date Decisions Issued:</b>	22 December 2015

**SUMMARY OF DECISIONS**

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the RMA. Consent is granted under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. 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 TRIM file and responses to any queries) by Paula Costello, Senior Planner, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Section 2.0 of the Section 42A (S42A) report prepared for Council (attached as Appendix 2) provides a full description of the proposal, the site and surrounds and the consenting history.

## 2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was limited notified on 27 October 2015.

No submissions were received and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 2 December 2015.

## 3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 7.0 of the S42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 8.3 of the S42A report outlines Part 2 of the Act.

### 3.1 RELEVANT PLAN CONSIDERATIONS

The subject site is zoned Rural Residential - North Lake Hayes and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to rule 15.2.3.3[i] as the proposal breaches Site Standard 15.2.6.2[iv] which requires the total lots to be created by subdivision in the Rural Residential zone at the North end of Lake Hayes, including balance lots, to be not less than the zone average of 8,000m<sup>2</sup>. It is proposed to create three lots with an average lot size of 7057m<sup>2</sup>. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to rule 15.2.3.3[iv] for the proposed further subdivision of land, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.2[iv]. The application site was a resultant allotment of subdivision RM030258 which was a complying subdivision pursuant to the 8,000m<sup>2</sup> lot average Rule 15.2.6.2[iv].

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

### 3.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the Detailed Site Investigation prepared on behalf of the applicant, the proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site.

- Pursuant to Clause 9 of the NES, the application requires **controlled activity** consent

## 4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

## 5. PRINCIPAL ISSUES

The principal issues arising from the application, section 42A report are:

- A revised landscape plan is required to identify and retain mature trees that are necessary to provide for rural character and amenity. The plan must also identify additional planting and ensure its establishment and maintenance.
- Conditions of consent can adequately address all considerations associated with infrastructure and servicing.
- Conditions are required to ensure that potential effects on rural character and amenity are mitigated.

The findings relating to these principal issues are outlined in Section 8.1 of the attached S42A report.

## 6. ASSESSMENT

### 6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8 of the S42A report prepared for Council and provides a full assessment of the application. Relevant conditions of consent can be imposed under section 220 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- Conditions of consent can ensure that the proposal will not result in more than minor adverse effects on the character of the landscape or rural amenity.
- Subject to appropriate mitigation of effects associated with maintaining the character of the landscape and rural amenity, the proposal will not have more than minor effects on the environment; and
- Consent conditions can ensure that the proposal is consistent with the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

### 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.2 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the District Plan and the Proposed District Plan.

### 6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 8.3 of the S42A report.

## 7. DECISION ON CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 220 of the RMA.

## 8. OTHER MATTERS

*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).

### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Aaron Burt on phone (03) 441 0499 or email [aaron.burt@qldc.govt.nz](mailto:aaron.burt@qldc.govt.nz)

Report prepared by



Aaron Burt  
**PLANNER**

Decision made by



Paula Costello  
**SENIOR PLANNER**

**APPENDIX 1 – Consent Conditions**  
**APPENDIX 2 – Section 42A Report**

## **APPENDIX 1 – CONSENT CONDITIONS**

### General Conditions

1. That the subdivision must be undertaken/carried out in accordance with the plans:

- **Proposed Subdivision Plan: 3870.2R.1G. Issue G, 4 Aug 2015.**
- **Engineering Plan: 3870.2R.2B. Issue B, 1 July 2015.**
- **Lot 3 Driveway Detail: 3870.2R.3A. 22 June 2015.**
- **Landscape Plan: 3870.2R.4A. Issue A, 4 Aug 2015.**

**stamped as approved on 21 December 2015**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

### Specific Conditions

#### **General**

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:

- a) The provision of a water supply to Lots 2 & 3 in terms of Council's standards and connection policy. The individual connections shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.
- b) The provision of a foul sewer connection from Lots 2 & 3 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.
- c) The provision of a right-of-way accessing Lot 3 designed in accordance with Council's standards. This shall include provision for the disposal of stormwater runoff.
- d) The provision of a fire hydrant with adequate pressure and flow to service Lots 2 & 3 with a Class FW2 fire supply in accordance with the NZ Fire Service Code of Practice for Fire fighting Water Supplies 2008. This shall be provided via a new 100mm connection to the existing Council main located to the east and shall be located on or near the head of new right-of-way accessing Lot 3. Any lesser risk must be approved in writing by Fire Service NZ.

- e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

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

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

**To be completed before issue of the s224(c) certificate**

7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water and Wastewater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (5) above.
- c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
- e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water and Wastewater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent. This includes damage to any existing private right-of-way accesses.
- g) An amended landscape plan shall be submitted to council for certification. The landscape plan shall:
- i) Identify the lot boundaries and existing trees (as of 1st September 2015) within each lot over 6m in height to be retained to retain an established treed context for future development in keeping with the surrounding landscape. Trees to be identified shall exclude all wilding species as follows; Contorta or lodgepole pine (*Pinus contorta*), Radiata or Monterey Pine (*Pinus radiata*), Scots pine (*Pinus sylestris*), Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Corsican pine (*Pinus nigra*), Bishops Pine (*Pinus muricate*), Ponderosa Pine (*Pinus Ponderosa*), Mountain Pine (*Pinus mugo*), Maritime Pine (*Pinus pinaster*), Sycamore, Hawthorn, Boxthorn and problematic species Birch (*Betula*), Alder (*Alnus*), Wattle (*Acacia*) and Privet (*Ligustrum*).
  - ii) Include the extension of the screen planting buffer along the total extent of the boundary of Lots 2 and 3 with the adjacent esplanade reserve as an informal planting in keeping with natural form of the land and avoiding straight lines. Planting to be to of a varying width but no less than 4m or up to the access drive edge. Planting shall be a

mix of indigenous species found naturally in this habitat and shall be at a density no less than one plant per 1.5m. Planting shall include a mix of indigenous grasses, shrubs and trees to form a closed canopy within 5 years and shall exclude any ornamental cultivars or variegated forms of indigenous species.

- h) All indigenous planting identified on the certified subdivision landscape plan shall be fully implemented with plants at a grade of no less than a PB3. All plants shall be mulched to suppress weeds and retain moisture, plant protectors installed to deter pest damage and irrigated to ensure healthy growth.

### **Ongoing Consent Notices**

8. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for **the relevant lots**, providing for the performance of any ongoing requirements. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice.

Conditions to be attached to the titles of Lots 1, 2 and 3.

- a) All existing trees within the property as identified within the certified subdivision landscape plan shall be retained. If any of these trees shall die or become diseased they shall be replaced within 12 months. Replacement trees shall be with a tree no less than 2m in height at time of planting, and shall be double staked and planted to best horticultural practice. Replacement trees shall have a mature height of no less than 6m, and be of similar form and nature of the tree to be replaced and may include indigenous species. Replacement trees shall be of a species typical in the rural landscape and shall exclude highly ornamental or variegated species, and wilding and problematic species as listed below:
- i) Contorta or lodgepole pine (*Pinus contorta*), Radiata or Monterey Pine (*Pinus radiata*), Scot pine (*Pinus sylestris*), Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Corsican pine (*Pinus nigra*), Bishops Pine (*Pinus muricate*), Ponderosa Pine (*Pinus Ponderosa*), Mountain Pine (*Pinus mugo*), Maritime Pine (*Pinus pinaster*), Sycamore, Hawthorn, Boxthorn, Birch (*Betula*), Alder (*Alnus*), Wattle (*Acacia*) and Privet (*Ligustrum*).
- b) The areas of indigenous planting alongside the esplanade boundary within Lots 2 and 3 as identified on the certified subdivision landscape plan (RM150473) shall be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced within 8 months as per the certified plan to maintain a closed canopy or complete coverage of indigenous vegetation within planted areas.
- c) All boundary fencing shall be standard farm fencing of post and wire (including rabbit proof fencing). There shall be no lineal planting of trees or shrubs along property boundaries to avoid accentuating property boundaries.
- d) All external lighting shall be down lighting only and shall not create light spill beyond the property. External lighting shall not be used to accentuate or highlight built form as viewed from beyond the property.
- e) Gateways shall exclude monumental gateway features or lighting, and are to be of a standard timber or steel farm gate in keeping with the rural character of the location.

### Accidental Discovery Protocol

9. Under the Heritage New Zealand Pouhere Taonga Act (2014) an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. For pre-contact Maori sites this evidence may be in the form of bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as



bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Burials/koiwi tangata may be found from any historic period.

In the event that an unidentified archaeological site is located during works, the following applies;

- (i) Work shall cease immediately at that place and within 20m around the site.
- (ii) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
- (iii) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
- (iv) If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
- (v) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
- (vi) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
- (vii) Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
- (viii) Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.

**Advice Note:**

- This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.

**APPENDIX 2 – SECTION 42A REPORT**

**FILE REF: RM150473**

**FROM** Aaron Burt  
**SUBJECT** Report on a limited notified consent application.

**SUMMARY**

**Applicant:** M & B Ross

**Location:** 548 Speargrass Flat Road, Wakatipu Basin

**Proposal:** Subdivision consent to create three allotments, to breach the 8,000m<sup>2</sup> average lot area, and to further subdivide an allotment, including any balances, that has previously been used to calculate the average allotment size.

Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (the NES) for the subdivision of HAIL land.

**Legal Description:** Lot 1 Deposited Plan 338396 held in Computer Freehold Register 157905.

**Zoning:** Rural Residential (North Lake Hayes)

**Limited Notification Date:** 27 October 2015

**Closing Date for Submissions:** 24 November 2015

**Submissions:** Nil

**Implications For:**

i)	Policy	No
ii)	Annual Plan	No
iii)	Strategic Plan	No

## RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. The adverse effects of the activity can be adequately mitigated so that effects on the wider environment are minor.
2. The effects of the activity can be mitigated, so that application is consistent with the Objectives and Policies of the District Plan and Proposed District Plan.
3. The proposal is consistent with Part 2 of the Resource Management Act 1991 (the Act).

## REPORT

### 1.0 INTRODUCTION

My name is Aaron Burt and I hold the qualification of Bachelor of Resource Studies from Lincoln University. I have approximately seventeen years experience as a planner in roles within the Department of Conservation, various Councils in New Zealand and the United Kingdom. I have worked for Lakes Environmental/Queenstown Lakes District Council as a Resource Consents Planner since September 2007. I am a Full Member of the New Zealand Planning Institute and have appeared before the Environment Court as an expert witness.

In my role I have processed a large number of resource consents, including notified rural subdivisions.

### 2.0 PROPOSAL & SITE DESCRIPTION

Consent is sought for a subdivision to create three allotments, to breach the 8,000m<sup>2</sup> average lot area, and to subdivide land that has been previously used to calculate the 8,000m<sup>2</sup> average allotment size.

The application site is Lot 1 Deposited Plan 338396, which has an area of 2.1173 hectares

The proposed subdivision is sought to create the following allotments:

- Lot 1: 9,226m<sup>2</sup> to contain an existing dwelling.
- Lot 2: 6,486m<sup>2</sup> to contain an existing shed and garage.
- Lot 3: 5,467m<sup>2</sup>.

The three allotments will have an average allotment area of 7,057m<sup>2</sup>.

The site has been previously subdivided under RM030258, which created Lot 2 DP338396 (area 4,126m<sup>2</sup>) and Lot 1 DP 338396 (area 2.1173 hectares), from Lot 1 DP 25912 (area 2.5360 hectares). The RM030258 subdivision complied with the lot average requirement, because the average was 12,680m<sup>2</sup>.

It is noted that had the three lots currently proposed been instead integrated into the RM030258 subdivision of Lot 1 DP 25912, the average allotment area would instead be 6,340m<sup>2</sup>. Because the proposed subdivision seeks to create three additional allotments from a lot that was previously used to demonstrate compliance with the 8,000m<sup>2</sup> average, a discretionary consent is required.

The site is currently serviced for water, sewerage, stormwater, power and telecommunication, which all serve the existing dwelling located within proposed Lot 1.

### *Site and Locality Description*

Council's consultant Landscape Architect, Mr Richard Denney has provided a description of the site and surrounds in his Landscape Assessment report, attached as Appendix 1 to this report. Mr Denney's description is adopted.

### *Relevant Site History*

Subdivision consent RM030258 (granted 15 September 2003) approved the subdivision of Lot 1 Deposited Plan 25912 to create one additional allotment. The subdivision complied with all relevant rules contained within Section 15 of the (then) Proposed District Plan, and was a controlled activity in that regard.

Consent has been granted under RM150859 on 1 December 2015, to establish a new dwelling and semi-detached garage, with associated earthworks, landscaping and access as a replacement to an existing dwelling (to be demolished). That dwelling is to be located on proposed Lot 1 RM150473.

## **3.0 SUBMISSIONS**

No submissions have been received.

## **4.0 CONSULTATION AND WRITTEN APPROVALS**

No written approvals have been provided in support of the application.

## **5.0 RELEVANT PLAN CONSIDERATIONS**

### **5.1 THE DISTRICT PLAN**

The subject site is zoned Rural Residential - North Lake Hayes and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to rule 15.2.3.3[i] as the proposal breaches Site Standard 15.2.6.2[iv] which requires the total lots to be created by subdivision in the Rural Residential zone at the North end of Lake Hayes, including balance lots, to be not less than the zone average of 8,000m<sup>2</sup>. It is proposed to create three lots with an average lot size of 7057m<sup>2</sup>. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to rule 15.2.3.3[iv] for the proposed further subdivision of land, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.2[iv]. The application site was a resultant allotment of subdivision RM030258 which was a complying subdivision pursuant to the 8,000m<sup>2</sup> lot average Rule 15.2.6.2[iv].

### **5.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH**

Based on the Detailed Site Investigation prepared on behalf of the applicant, the proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site.

- Pursuant to Clause 9 of the NES, the application requires **controlled** activity consent

### **5.3 SUMMARY OF APPLICATION STATUS**

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

## 6.0 INTERNAL REPORTS

### 6.1 LANDSCAPE ARCHITECT'S REPORT

This report, prepared by Richard Denney, is attached as **Appendix 1**. Mr Denney advises that conditions of consent are necessary to mitigate adverse effects associated with rural character and amenity.

Mr Denney's assessment is adopted and referred to within this report.

### 6.2 ENGINEER'S REPORT

This report was prepared by Alan Hopkins, Council's Consulting Engineer, and is attached as **Appendix 2**. Mr Hopkins recommends conditions with regard to servicing and access.

Mr Hopkins' assessment is adopted and referred to within this report.

## 7.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- Any actual and potential effects on the environment; and
- The Regional Policy Statement and Proposed Regional Policy Statement; and
- The QLDC District Plan and Proposed Plan.

Overall, the application is for a Discretionary Activity, as such the application must be considered under Section 104B which provides for the consent authority to grant or refuse consent, and in granting consent may impose conditions under Section 220.

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 8.3 of this report outlines Part 2 of the RMA in more detail.

## 8.0 ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment guided by Assessment Criteria District Plan Provisions
- (ii) Objectives and Policies Assessment

### 8.1 EFFECTS ON THE ENVIRONMENT

#### 8.1.1 The Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, all subdivisions require resource consent, and as such there is no relevant permitted baseline for consideration with respect to the proposed subdivision.

The application assumes that as the minimum area required for a dwelling is 4000m<sup>2</sup>, then the creation of a dwelling can be established 'as of right' and the effects of the subdivision are therefore the same. However, the creation of a dwelling requires resource consent, with Council's control relating to the location and external appearance of buildings, associated earthworks, access, landscaping, and services.

Case law has established that the permitted baseline cannot include the future state of the environment as it might be modified by implementing future resource consent applications (because these are too speculative).

As such, there is no permitted baseline for the subdivision, and it cannot be assumed that an undefined theoretical residential development will be appropriate in a location assumed by the subdivision.

### 8.1.2 Existing Environment and Receiving Environment

It is noted that consent has been granted under RM150859 to demolish the existing house on the site, and to construct another dwelling in its place.

The receiving environment includes surrounding land that contains residential building platforms and dwellings.

### 8.1.3 Assessment of Effects on the Environment

The relevant assessment matters are found in Part 15 of the District Plan and have been considered where relevant in the assessment to follow:

#### Part 15 Subdivision, Development and Financial Contributions

- 15.2.3.6[b] *Subdivisions in the Rural Residential area north of Lake Hayes,*
- 15.2.6.4[i] *Lot Sizes and Dimensions,*
- 15.2.7.3 *Subdivision Design,*
- 15.2.11-15.2.13 and 15.2.15 *Infrastructure,*
- 15.2.8.3 *Property Access,*
- 15.2.18.2 *Easements*
- 15.2.10.4 *Natural and Other Hazards,*

As the application is for a Discretionary activity, Council's control and discretion is not restricted to these listed matters.

The application has also been assessed by Council's consultant Landscape Architect Mr Richard Denney and consultant Engineer Mr Alan Hopkins. Their comments are incorporated into the following assessment.

#### **Land, Flora and Fauna:**

Mr Denney identifies that the subject site does not include any areas of identified significant indigenous vegetation.

Any adverse effects on the environment with respect to land, flora and fauna are considered to be less than minor.

#### **Subdivisions in the Rural Residential area north of Lake Hayes:**

The relevant assessment matters relating to subdivisions in the Rural Residential area north of Lake Hayes are located in section 15.2.3.6[b]:

- (i) *The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:*
  - (a) *rural character*
  - (b) *landscape values*
  - (d) *visual amenity*

Section 8.2 of the District Plan describes the character of the Rural Residential zone at the north of Lake Hayes as being "*characterised by a diversity of lot sizes, comprehensive amenity and riparian planting, and generous setbacks from roads and internal boundaries*", and that in general terms, "*rural activities are not likely to remain a major use of land in the Rural Residential Zone or a necessary part of the rural residential environment*".

The rural character of the area, as led by the District Plan, consists of a residential density whereby on average there is one residential unit per 4,000m<sup>2</sup> for lots equal to or greater than 8,000m<sup>2</sup>, and an average allotment size of 8,000m<sup>2</sup>.

The assessment of lot averages is a necessary consideration for the zone, as the North Lake Hayes zone anticipates a diversity of lot sizes, with smaller 4,000m<sup>2</sup> lots being offset by larger lots to maintain a rural environment. However, the zone also anticipates one dwelling per 4000m<sup>2</sup>, which provided no other consents are required, could be considered as a controlled activity. In this context, the zone could hypothetically accommodate a substantial increase in the number of dwellings beyond what currently exists. This however must be considered in context, as it is not possible to assume that the greater zone will be developed to that extent, and that multiple residential units would be established on single sites. It is instead more appropriate to recognise the zone average, and that the balance of site sizes it promotes, facilitates increased options for establishing dwellings within sites, in locations that have then been determined the most appropriate to avoid, remedy or mitigate adverse effects on the character of the rural environment. By increasing the variety of lot sizes, the plan increases the options for mitigating the effects of residential development on the Rural Residential environment.

Also, because a sequence of subdivisions can potentially occur in a manner whereby smaller lots are continually created, the District Plan requires that a discretionary consent is required to further subdivide land that has been previously used to calculate the 8,000m<sup>2</sup> average allotment size.

Whilst the proposed three lot subdivision of Lot 1 Deposited Plan 338396 will result in an average lot size of 7,057m<sup>2</sup>, as previously discussed, the site has been subdivided under RM030258, which complied with the lot average requirement. Had the three lots currently proposed been instead integrated into the RM030258 subdivision of Lot 1 DP 25912, the average allotment area would instead be 6,340m<sup>2</sup>.

This is at odds with the intention of the zone to provide a variety of lot sizes, and whilst the minimum of 4,000m<sup>2</sup> can be met, the development conflicts with the average 8,000m<sup>2</sup> lot size requirement. A consequence of this further subdivision is that the average lot size is further reduced and the rural character of the environment will be diminished because of a reduction in larger lots that contribute to the diversity of the zone. Therefore the resultant lot sizes will have an effect on the environment with respect to the anticipated rural character. The further development of the site, having regard to it previously being used to demonstrate compliance with the 8,000m<sup>2</sup> requirement, will result in four potential allotments that do not provide for the variety of allotment sizes and increased options to locate subsequent residential development anticipated in the zone. Adverse cumulative effects would arise, as a balance of lot sizes on the site and greater environment would be diminished, so that the density of allotments would be greater than otherwise anticipated by further subdivision, and for the rural residential environment. A three lot subdivision of Lot 1 DP 25912 would have otherwise resulted in an allotment average of 8,453m<sup>2</sup>.

Mr Denney advises that the proposed development would intensify the domestic use of the site and reduce rural character.

However, it is acknowledged that the overall zone anticipates a higher level of domestic development. Mr Denney determines that the retention of a number of larger trees in the site are necessary to ensure that a potential development will not further diminish rural character. This would assist to ensure that rural landscape and visual amenity values are not adversely degraded.

Given the preceding assessment, adverse effects on the environment in terms of the rural landscape and visual amenity values will be minor, subject to appropriate landscaping and the retention of mature trees.

#### **Lot Size, Averages and Dimensions:**

The relevant assessment matters pertaining to lot sizes and dimensions are located in section 15.2.6.4[i] and relate to:

- (a) *Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;*



- (d) *The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.*
- (g) *In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.*

The purpose of the Rural Residential zone “*is to provide for low density residential opportunities as an alternative to the suburban living areas of the District*”.

Proposed Lot 1 would contain an existing dwelling, and the reduced area of proposed lot 1 (compared to the greater application site) would not diminish the ability of the lot to contain the dwelling.

The subdivision would create proposed lots 2 and 3, and these would otherwise be of an adequate size to contain a residential unit, and would fulfil the purpose of the zone to accommodate residential living in a rural context. There is no permitted baseline for residential development, although a 4,000m<sup>2</sup> allotment can contain a dwelling, albeit that the matters for control are applied to the location and external appearance of buildings, including access and landscaping.

The previous assessment associated with the average allotment areas and rural character facilitated by a diversity of lot sizes, is similarly applied to the assessment matters under this section. The further reduction in the average lot size (taking into account RM030258), will reduce the diversity of lot sizes and have an adverse effect on rural character. However, it is determined that the retention of mature trees, and additional landscaping can assist to preserve rural character.

Overall, it is considered that conditions can ensure that adverse effects on the environment, from the reduced average lot size will be minor.

#### **Subdivision Design:**

The relevant assessment matters pertaining to subdivision design are located in section 15.2.7.3 and relate to:

- (i) *The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.*
- (v) *The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).*
- (vi) *The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.*

The proposed allotments are not unduly shaded by topography and would allow potential built form to take advantage of solar gain. Effects in this regard are considered to be less than minor.

No earthworks are proposed and there will be no consequent effects.

However, as discussed throughout this report, the density of development proposed would result in effects on the environment that must be mitigated by landscaping, so that they will be minor.

#### **Infrastructure:**

It is determined that subject to conditions of consent, the lots can be adequately serviced.

Council’s engineer advises that water should be provided via a 100mm pipe to allow provision of a hydrant, and that confirmation must be provided to demonstrate compliance with Council’s standards.

The engineer’s assessment discussed the need for a fire fighting supply as follows:

*The applicant has not indicated how they proposes to service Lot 2 & 3 for fire fighting. Given the rural location fire fighting would normally be provided via on-site storage in accordance with PAS SNZ 4509:2008. However a Council 100mm main is located 20-30m to the east of proposed Lots 2 & 3 and it is therefore recommend a branch to this main be extended west to the head of the proposed Lot 3 right-of-way and terminate with a new hydrant. To ensure this hydrant is correctly installed I recommend a consent condition that prior to the commencement of works design plans be submitted for approval for the provision of a hydrant at the head of the Lot 3 right-of-way access in accordance with PAS SNZ 4509:2008*

The engineer advises that conditions of consent can ensure that the proposed allotments can provide for wastewater disposal.

Overall, it is considered the proposed subdivision can be suitably serviced by existing reticulation and consent conditions. Therefore adverse effects with respect to infrastructure are considered to be less than minor.

**Property access:**

The relevant assessment matters pertaining to access are located in section 15.2.8.3 and relate to access construction, safety and efficiency.

The engineer has provided the following assessment in this regard:

*“Lots 2 will be accessed directly from the existing gravel RoW and I am satisfied that the existing access RoW is formed to Council standards and does not require any upgrades.*

*The dwelling on proposed Lot 1 is accessed via an existing gravel driveway from the RoW. I am satisfied that the existing RoW and gravel driveway to Lot 1 is formed to Council standards and does not require any upgrades.*

*An extension to the existing access RoW will be required to access Lot 3. It is proposed that this extension runs down the eastern boundary of Lot 2 and an easement created to cover this area. To ensure that the proposed access way to Lot 3 is constructed in accordance with Council standards I recommend a consent condition that prior to the commencement of works design plans be submitted for approval.*

*To ensure legal access is maintained to all lots I recommend a consent condition that all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.”*

Given the above assessment, and recommended consent conditions, adverse effects on the environment with respect to access safety and traffic generation are considered to be less than minor.

**Easements:**

The engineer recommends a consent condition that all necessary easements be granted or reserved. No adverse effects on the environment are anticipated with respect to easements.

**Natural Hazards:**

The application site is located within an area identified on the QLDC Hazards Register Maps as being of possibly moderate risk of liquefaction is a seismic event. A hazards report submitted with the application concludes that appropriate foundation designs can mitigate any associated risk to built form, and Mr Hopkins accepts this finding. As such it is considered unlikely the application will contribute to additional natural liquefaction hazard risk and conditions can ensure appropriate foundation design.

The north-eastern corner of proposed Lots 2 & 3 contains a very small area identified as flood plain under QLDC hazard maps. The boundary of this flood plain is unclear and does not appear to accurately follow the alignment of Mill Creek. The applicant has not provided a specific flood hazard assessment for the site in this regard. Mr Hopkins advises that from his site visit, he confirms that Mill Creek is located within an esplanade reserve 15-20m to the east of Lot 2 & 3 boundaries. Mill Creek is incised at this point and located approximately 3-4m below the proposed lots. This is confirmed by a groundwater level of 4.8m identified in the Geosolve liquefaction assessment. The land to the east of Mill Creek sits below the proposed lots and this is clearly the flood plain identified on the hazard

maps. The land within the lots gradually rises to the west, and Mr Hopkins satisfied that the proposed lots are located above the surrounding flood plain and free from the hazard identified on QLDC hazard maps.

Overall, adverse effects on the environment with respect to natural hazards are considered to be less than minor.

#### **Contaminated Soils and Human Health (NES):**

The applicant has provided a report from G. Davis of Davis Consulting Group, which is titled 'Proposed Subdivision Consent, 548 Speargrass Flat Road, Detailed Site Investigation.'

The report addresses the underlying use of the site, as a commercial horticulture operation.

The report concludes that based on the analytical results and the proposed subdivision, the risk to people residing on the site is acceptable. The DSI confirms that the site is suitable for residential activity and it is highly unlikely that there is a risk to human health associated with the proposed subdivision.

Having regard to the advice of the DSI, it is accepted that it is highly unlikely that there is a risk to human health from the proposed subdivision, given the nature of the proposed development

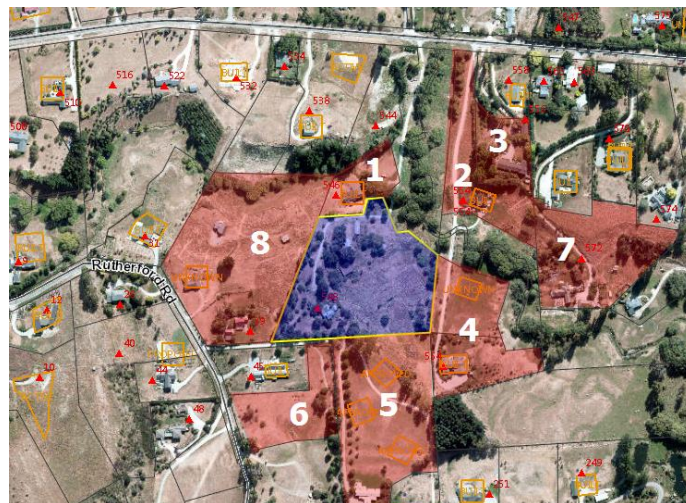
Any effects are determined to be minor.

#### **8.1.4 Consideration of Effects on Persons**

The proposal was directly served upon surrounding properties (identified in the table and Figure 1 below) and information was provided inviting those persons to make a submission if they so required.

This was in response to Council's determination that those persons were affected within the meaning of section 95E in relation to the activity.

Figure 1 i.d.	Person (owner/occupier)	Address (location in respect of subject site)
1	D & S Matthews	546 Speargrass Flat Road
2	B G Bond & R J Knox	554A Speargrass Flat Road
3	R A Brough and others	556 Speargrass Flat Road
4	R E Somerville and others	Speargrass Flat Road
5	United Estates Ranch Ltd	Rutherford Road
6	Cherry Modes Ltd	Rutherford Road
7	P & A Gamson, and Banco Trustees Ltd	572A Speargrass Flat Road
8	M & R Buckerham and others	39 Rutherford Road



**Figure 1**

No submissions have been received from any of the persons identified above.

It is determined that conditions of consent can appropriately mitigate any potential effects associated with rural character and amenity. This will ensure that the character of the area is not degraded, and that any effects associated with rural amenity will be mitigated so that they will be less than minor.

### **8.1.5 Conclusion to Actual and Potential Effects on the Environment**

Having considered the findings of the Landscape and Engineering Assessments, it is my opinion that recommended conditions of consent can ensure that any adverse effects of the proposed activity can be appropriately mitigated so that they are not more than minor.

## **8.2 OBJECTIVES AND POLICIES**

Operative District Plan

The policies and objectives of the Operative District Plan are contained in Part 8 (Rural Living) and Part 15 (Subdivision) of the District Plan are relevant to this consent.

With regard to the objectives and policies contained in Part 8, these seek to ensure that any effects on rural amenity are remedied and that proposals will not undermine the landscape and visual amenity of the surrounds.

The proposed activity will not undermine the landscape and visual amenity of the surrounds.

The proposed activity will not result in any significant loss of natural character and is therefore considered consistent with the relevant objectives and policies in Part 8.

### **Part 15 – Subdivision**

#### **Objective 1 – Servicing**

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

The application and engineering assessment confirm that all the lots can be appropriately serviced subject to conditions and requirements of consent. Development contributions may be levied to account for additional demand placed on Council's infrastructure.

#### **Objective 5 – Amenity Protection**

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

*Policies:*

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

The lot sizes and dimensions will be appropriate for rural residential development, and built form will be consistent with the density anticipated for the zone. The potential adverse effects have been determined to be less than minor, and sufficiently mitigated by conditions of consent. The proposal is considered to meet this objective and policy.

Overall, the proposal is considered to meet the relevant objectives and policies of the District Plan.

#### Proposed District Plan

The proposed District Plan seeks to make provision for lots to be subdivided down to a minimum lot area of 4,000m<sup>2</sup>.

Therefore the proposal is considered generally consistent with both the proposed and operative objectives and policies.

### 8.2.1 Summary of Objectives and Policies

Overall, where adverse effects are identified, the proposal can avoid, remedy or mitigate those effects, and the proposed development is overall consistent with the relevant objectives and policies of the District Plan and the Proposed District Plan.

### 8.3 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

*managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The proposal sufficiently avoids, remedies or mitigates potential adverse effects on the environment and will not compromise the life-supporting capacity of air, water, soil or ecosystems.

The residential development will provide for the future use of the land, thereby enabling the applicants and/or future purchasers of the lot to provide for their social and economic well-being.

It is considered that the proposal promotes the sustainable management of natural and physical resources and as such is consistent with the purpose and principles of the Act.

Under Part 2 of the Act, regard must be had to the relevant matters of Section 7 – Other Matters, including:

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

It is my opinion that the proposal constitutes an efficient use of natural resources as landscaping and development controls will not materially lessen those resources. In addition the domestication of the site will not materially degrade amenity values, nor will it diminish the quality of the environment.

Overall I consider the application meets the purpose and principles of sustainable management set out in Part 2 of the Act.

## 9.0 CONCLUSION

M & B Ross has applied for subdivision consent to create three allotments, to breach the 8,000m<sup>2</sup> average lot area, and to further subdivide an allotment, including any balances, that has previously been used to calculate the average allotment size. Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (the NES) for the subdivision of HAIL land.

Having regard to the matters set out in section 104 and foregoing assessment, it is my conclusion that the proposal is appropriate in this location. The reasons for this conclusion are as follows:

- Conditions of consent can ensure that the proposal will not result in more than minor adverse effects on the character of the landscape and rural amenity.

- Subject to appropriate mitigation of effects associated with maintaining the character of the landscape, the proposal will not have more than minor effects on the environment; and
- Consent conditions can ensure that the proposal is consistent with the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies of the District Plan (operative).

Therefore, in accordance with Section 104B of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.

In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan, and Proposed Plan, and can meet the purpose of the Act.

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**Prepared by:** Aaron Burt  
Planner

**Reviewed by:** Paula Costello  
Senior Planner



**Attachments:** Appendix 1 - Landscape Architect's Report  
Appendix 2 - Engineering Report

**Report Dated:** 23 December 2015

**APPENDIX 1 – LANDSCAPE ARCHITECT'S REPORT**

**M E M O**

**FILE REF:** RM150473 M&B Ross

**TO:** Aaron Burt - Planner

**FROM:** Richard Denney - Landscape Architect

**DATE:** 8<sup>th</sup> September 2015

**SUBJECT:** Landscape assessment

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1. An application has been received for subdivision consent to create three lots that do not meet the required zone average at 548 Speargrass Flat Road, Lake Hayes. The site is legally described as Lot 1 DP 338396 and is 2.1173 hectares in area. In terms of the Queenstown Lakes District Council District Plan the site is zoned Rural Residential – North Lake Hayes. I understand from council's planner that the status of the activity is discretionary.
2. The proposal entails the subdivision of the existing lot into three lots as:
  - Lot 1 0.9226 hectares in area with an existing dwelling
  - Lot 2 0.6486 hectares in area with an existing shed and garage
  - Lot 3 0.5467 hectares.
3. The landscape plan identifies an existing macrocarpa to be removed from the site in the vicinity of the existing sheds. An area of indigenous planting is proposed within proposed Lot 2 between the proposed access drive and the northeast boundary of the lot and the neighbouring Mill Creek esplanade reserve.
4. Resource consent RM030258 granted consent for the subdivision of the parent Lot 1 DP 25912 to create two lots, Lot 2 DP 338396 with a net area of 4126m<sup>2</sup>, and Lot 1 DP 338396 with an area of 2.1173 hectares (average lot size of 12,680m<sup>2</sup>). I understand from councils planner that this subdivision should be included as part of the lot average for the proposed subdivision. This would result in an average lot size through subdivision of 6340m<sup>2</sup> and would be below the 8000m<sup>2</sup> average required for the zone.
5. There are a number of consent notices and easements relating to access and services but nothing of direct relevance to landscape matters. A history of the site is provided with the site investigation report dated May 2015 by Davis Consulting Group attached to the application. The report identifies that the site was used for the market gardening of flowers and facilities associated with that activity still exist on the site including a tunnel house, storage shed and drying shed.
6. There are a number of dwellings within the vicinity although their presence in the landscape is diminished by the gully topography and the extent of mature trees that create an intimacy to the landscape. There is a faint pattern of mature trees of predominantly willow following the course of Mill Creek. This pattern is diffused by the surrounding mature trees creating an almost semi woodland quality mixed with small open fields and rural dwellings. There is informality to the landscape and a sense of established rural settlement with mature exotic trees mixing with scrubber vegetation and a partial awareness of the underlying natural gully landform. The resulting landscape is a pleasant Arcadian landscape.
7. The property is located some 200m south of Speargrass Flat Road. Views towards the property from Speargrass Flat Road are significantly restricted by the gully topography and the extent of mature trees. The site is located within a gully system and partly occupies an upper flat gully escarpment and a low-lying gully flat adjacent to Mill Creek. The land on the lower and upper flats has a slight unevenness. Adjacent to the northeast boundary of the subject property is council owned esplanade reserve on either side of Mill Creek. The surrounding landscape is characterised by a mix of large exotic trees and small open paddocks and domestic open





grassed areas. There is an existing dwelling within proposed Lot 1 within an established context of mature trees and gardens. Proposed Lots 2 and 3 are located on the lower flat within a more open field next to Mill Creek. An old shed and garage occupy part of proposed Lot 2 adjacent to the toe of the gully escarpment face that separates Lot 2 from Lot 1. A shared access drive comes off Speargrass Flat road and follows the line of Mill Creek through a small gully and forks to the neighbouring property (Lot 2 DP 338396) and the subject site. The neighbouring dwelling to the north is a large renovated villa recently relocated to the site, which sits adjacent to a small tributary to Mill Creek.

## **ASSESSMENT**

8. The appropriate assessment matters within the District Plan are sections 15.2.3.6, 15.2.6.4, and 15.2.7.3, Assessment Matters for Resource Consents (Subdivision, Development & Financial Contributions).

### **Section 15.2.3.6**

*(a) Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites*

9. The subject property does not include any areas of identified significant indigenous vegetation, heritage items and archaeological sites.

*(b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)*

10. The proposed development would intensify the domestic land use of the site and reduce rural character. There is however a higher level of domestic type development anticipated within the zone. The site includes established trees that form part of the character of the site and surrounding landscape. Such trees I consider provide a scale and a sense of establishment to the landscape, and enable buildings and domestic activities to be integrated within the landscape and retain a rural character. The site has a number of large trees that are of value to the rural character of the broader landscape and would provide context and scale to potential built form. I recommend that the subdivision landscape plan be amended to identify the retention of the larger trees (above 6m in height) on the site. This would ensure that structural framework of larger trees are retained and enable future development to sit comfortably into the broader landscape setting. Trees to be protected and retained via an approved landscape plan

should include the large rural tree species such as the oaks, poplars, elms etc. and exclude wilding species such as Douglas fir, and problematic species such as birch.

11. The proposed development would not affect public access to the esplanade reserve
12. The subdivision itself would not adversely affect adjoining land use. The proposed subdivision would enable future rural living development to intensify and domesticate the landscape. As noted above this is generally anticipated within the zone. Subject to identification of some of the larger trees to be retained I consider the proposed subdivision would enable an overall character consistent with the surrounding landscape without undue prominence of later built form.

#### **Section 15.2.6.4**

##### *i Lot Size and Dimensions*

(a) *Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;*

13. Section 8.2 Rural Living Areas Rules defines the purpose of zone as follows.

‘The purpose of Rural-lifestyle and Rural-Residential Zones is to provide for low-density residential opportunities as an alternative to the suburban living areas of the District.

The Rural Residential Zone is anticipated to be characterised by low density residential areas with ample open space, landscaping and with minimal adverse environmental effects experienced by residents. Rural activities are not likely to remain a major use of land in the Rural Residential Zone or a necessary part of the rural residential environment’.

The Rural Residential zone at the north of Lake Hayes is anticipated to be characterised by a diversity of lot sizes, comprehensive amenity and riparian planting, and generous setbacks from roads and internal boundaries.

14. The proposed lots are of sufficient size and dimension to fulfil the purpose and land use of the zone as residential living within a rural context. Proposed Lot 1 is separated from Lot 2 and 3 by a natural escarpment face of the gully and is within a context of the existing dwelling and established treed landscape within the property. This character of the proposed lot would remain largely unchanged and the new internal boundary would follow a logical natural topographical line in the landscape. Lots 2 and 3 would divide the lower flat and open field resulting in a likely intensification of land use for domestic purposes similar to that of the neighbouring lots to the north and east. Potential future buildings would reduce the openness of Lots 2 and 3. The overall lot average (6340m<sup>2</sup>) of the proposed subdivision, including the consented subdivision of RM030258 would be below the 8000m<sup>2</sup> lot average anticipated for the zone. If proposed Lots 2 and 3 were retained as one lot, the lot average of such a subdivision would be above the 8000m<sup>2</sup> and two residential dwellings could be developed within the lot resulting in the same effects on the ground as the proposed subdivision. The Lake Hayes sub-zone is contradictory in this regard as the zone enables a density of dwellings at one dwelling per 4000m<sup>2</sup> but only enables subdivision to an average of 8000m<sup>2</sup>. In terms of domestic and built form effects on landscape character the zone generally anticipates residential densities to one dwelling per 4000m<sup>2</sup>. The potential effects upon the landscape beyond that generally anticipated by the two dwellings per 8000m<sup>2</sup> would be boundary effects. I recommend that lineal boundary planting be avoided between the proposed lots and fencing is of standard farm fencing of post and wire (including rabbit proof fencing). I also recommend that proposed buffer planting be extended through to Lot 3 to provide some unification between the sites and a visual and environmental buffer for the proposed density of residential development adjacent to the reserve.

(d) *The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.*

15. There is no uniform or consistent pattern of subdivision within the zone. Rather subdivision has a fragmented pattern that appears to have resulted from gradual and incremental breakdown of larger lots across the zone. There is a loose association of subdivision pattern in relation to the

natural landform and waterways with some boundaries conforming to the natural lines of the land. The proposed subdivision would follow the natural line of the toe of the escarpment face between Lot 1 and Lots 2 and 3. The boundary between Lots 2 and 3 on the lower flat would be a more arbitrary line dividing the flat roughly in two. Given the treed and undulating nature of much of the landscape the vertical elements of trees and landform would tend to override any boundary fence lines such that legal boundaries would be are not as apparent as in more open countryside. Any boundary planting along such a line that might accentuate fragmentation of the land should be avoided. Overall I consider the pattern of subdivision has some correlation to landform that is logical and a pattern that is not inconsistent with the randomness of surrounding subdivision.

*(f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.*

16. There are no identified heritage items within the site that I am aware of.

*(g) In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.*

17. Proposed Lots 2 and 3 would border esplanade reserve to Mill Creek. A right of way (RoW) easement is proposed alongside the reserve boundary and is within an area of low land that is almost swampy in nature adjacent to the waterway. I also understand there is an existing easement for services also within this area. My understanding is the RoW easement is for the 4.79m wide access drive only. Part of the land between the access drive and the reserve is proposed to be planted with mixed indigenous planting. Spacing between plants is wide and there is potential for such wide spacing for lineal planting along the bank that would not be appropriate, as it would accentuate the modification of the site and access drive. I recommend that planting be increased to a higher density of an average of 1.5m spacing to provide an effective buffer. Planting should be extended across the boundary of Lot 3 to unify the two proposed lots and accentuate the natural landform rather than the proposed boundaries that would accentuate the intensification of the proposed subdivision. Planting should also include indigenous sedges and grasses that can tolerate the saturated ground such as *Carex secta*. I consider that the area does not need to be totally screened but rather a mix of heights to visually break future built form visible from the reserve. Planting should provide an effective canopy or closed coverage of indigenous grasses, shrubs and a few trees to provide a buffer from increased runoff and potential contaminants entering the creek from future residential development.

### **Section 15.2.7.3**

*(i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.*

18. All the proposed lots would enable future buildings to be located upon relatively flat land with ample solar advantage.

*(ii) The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.*

19. The site is adjacent to an existing esplanade reserve that enables public access alongside Mill Creek with potential to enhance access to Lake Hayes. I consider there is no further need for additional access development in regards to the subject site.

*(iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones;*

20. The subject site is near the centre of zone and does not provide a zone boundary. As above I consider the boundary between Lot 1 and Lots 2 and 3 follows a natural line in the landscape that would assist in the retention of the legibility of the natural landform. The boundary between Lots 2 and 3 is more arbitrary and I recommend any boundary fencing should be standard post

and wire, and exclude boundary lineal planting to avoid accentuation of arbitrary lines in the landscape.

*(v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).*

21. Lot 1 already contains an established rural dwelling and landscape. Any potential development would be located within an existing context of mature trees and settlement. I recommend however that the large trees on the site be identified on the subdivision plan to be retained to maintain this mature landscape context for potential future development.
22. Lots 2 and 3 are in more open areas but within low-lying land within the gully floor. I consider future development would have a limited viewing catchment of just within the local vicinity of surrounding properties. Again I consider retention of some of the larger trees within these proposed lots would enable a future development to be within a mature and established context. This would enable future built form to sit comfortably within this landscape and be consistent with the treed rural living character of zone. I consider it is the mature trees that provide a degree of seclusion to the higher density rural living within the zone and the ability to retain this character within the site should be a condition of consent.

*(vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.*

23. Resource consent for earthworks is not included within the application.

#### **Proposed District Plan**

24. The site would fall within a Rural Residential subzone. The minimum lot size within the Rural Residential zone would be 4000m<sup>2</sup> with one residential unit per 4000m<sup>2</sup> net site area.
25. The rural residential zone would provide for a density of up to one dwelling per 4000m<sup>2</sup>. Construction and exterior alteration of buildings would be a permitted activity. Council would have restricted discretionary control over building materials and colours to ensure new or altered buildings are visually recessive within the surrounding landscape.
26. In terms of the proposed subdivision I consider that the assessment above adequately considers the objectives and policies identified with the proposed District Plan, Chapter 22 Rural Residential & Rural Lifestyle.

#### **RECOMMENDED CONDITIONS.**

Should consent be granted I consider that the following conditions should be included:

Prior to issuing of titles:

- i. An amended landscape plan is to be submitted to council for certification. The landscape plan shall:
  - Identify the lot boundaries and existing trees (as of 1st September 2015) within each lot over 6m in height to be retained to retain an established treed context for future development in keeping with the surrounding landscape. Trees to be identified shall exclude all wilding species as follows; Contorta or lodgepole pine (*Pinus contorta*), Radiata or Monterey Pine (*Pinus radiata*), Scots pine (*Pinus sylestris*), Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Corsican pine (*Pinus nigra*), Bishops Pine (*Pinus muricate*), Ponderosa Pine (*Pinus Ponderosa*), Mountain Pine (*Pinus mugo*), Maritime Pine (*Pinus pinaster*), Sycamore, Hawthorn, Boxthorn and problematic species - Birch (*Betula*), Alder (*Alnus*), Wattle (*Acacia*) and Privet (*Ligustrum*).
  - Include the extension of the screen planting buffer along the total extent of the boundary of Lots 2 and 3 with the adjacent esplanade reserve as an informal planting in keeping with natural form of the land and avoiding straight lines.

Planting to be to of a varying width but no less than 4m or up to the access drive edge. Planting shall be a mix of indigenous species found naturally in this habitat and shall be at a density no less than one plant per 1.5m. Planting shall include a mix of indigenous grasses, shrubs and trees to form a closed canopy within 5 years and shall exclude any ornamental cultivars or variegated forms of indigenous species.

- ii. All indigenous planting identified on the certified subdivision landscape plan shall be fully implemented with plants at a grade of no less than a PB3. All plants shall be mulched to suppress weeds and retain moisture, plant protectors installed to deter pest damage and irrigated to ensure healthy growth.

Conditions to be attached to the titles of Lots 1, 2 and 3.

- iii. All existing trees within the property as identified within the certified subdivision landscape plan shall be retained. If any of these trees shall die or become diseased they shall be replaced within 12 months. Replacement trees shall be with a tree no less than 2m in height at time of planting, and shall be double staked and planted to best horticultural practice. Replacement trees shall have a mature height of no less than 6m, and be of similar form and nature of the tree to be replaced and may include indigenous species. Replacement trees shall be of a species typical in the rural landscape and shall exclude highly ornamental or variegated species, and wilding and problematic species as listed below:
- Contorta or lodgepole pine (*Pinus contorta*), Radiata or Monterey Pine (*Pinus radiata*), Scots pine (*Pinus sylestris*), Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Corsican pine (*Pinus nigra*), Bishops Pine (*Pinus muricate*), Ponderosa Pine (*Pinus Ponderosa*), Mountain Pine (*Pinus mugo*), Maritime Pine (*Pinus pinaster*), Sycamore, Hawthorn, Boxthorn, Birch (*Betula*), Alder (*Alnus*), Wattle (*Acacia*) and Privet (*Ligustrum*).
- iv. The areas of indigenous planting alongside the esplanade boundary within Lots 2 and 3 as identified on the certified subdivision landscape plan (RM150473) shall be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced within 8 months as per the certified plan to maintain a closed canopy or complete coverage of indigenous vegetation within planted areas.
- v. All boundary fencing shall be standard farm fencing of post and wire (including rabbit proof fencing). There shall be no lineal planting of trees or shrubs along property boundaries to avoid accentuating property boundaries.
- vi. All external lighting shall be down lighting only and shall not create light spill beyond the property. External lighting shall not be used to accentuate or highlight built form as viewed from beyond the property.
- vii. Gateways shall exclude monumental gateway features or lighting, and are to be of a standard timber or steel farm gate in keeping with the rural character of the location.

Memo prepared by

  
Richard Denney

**LANDSCAPE ARCHITECT**

**APPENDIX 2 – ENGINEERING REPORT**





# ENGINEERING REPORT

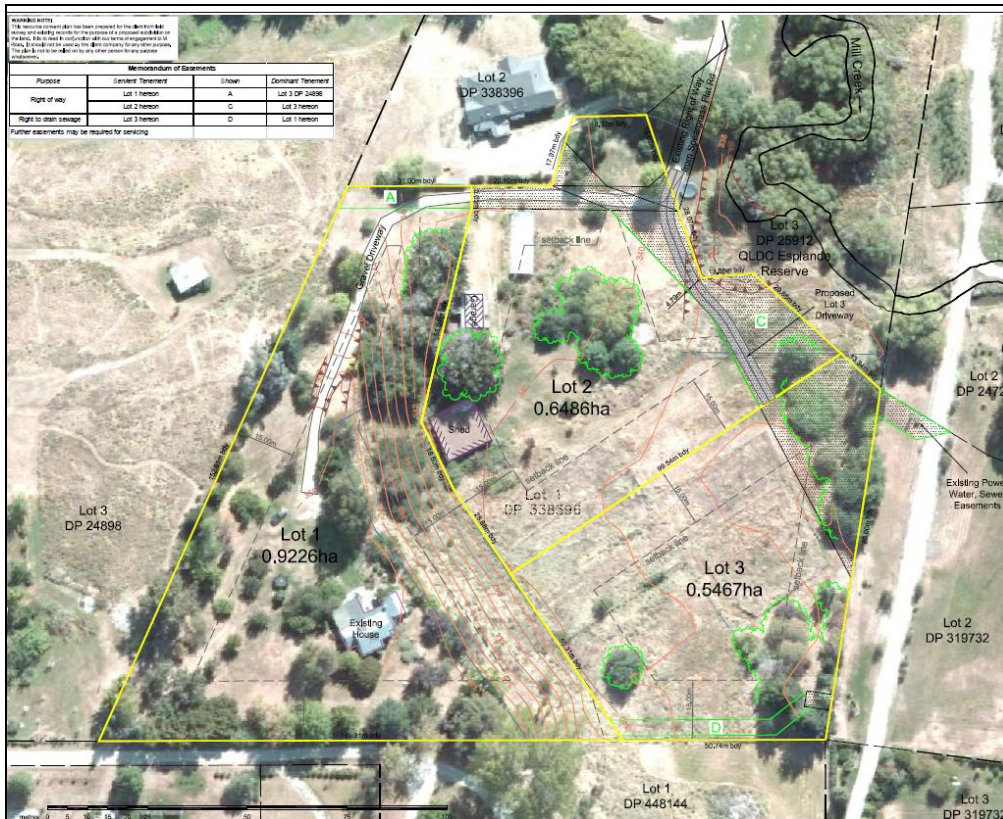
**TO:** Aaron Burt  
**FROM:** Alan Hopkins  
**DATE:** 12/07/2015

APPLICATION DETAILS	
REFERENCE	RM150473
APPLICANT	M & B Ross
APPLICATION TYPE & DESCRIPTION	SUBDIVISION TO CREATE THREE LOTS THAT DO NOT MEET THE REQUIRED ZONE AVERAGE
ADDRESS	548 Speargrass Flat Road
ZONING	Rural Residential – North Lake Hayes
SITE AREA	2.117 hectares
ACTIVITY STATUS	Discretionary

<b>Application</b>	<b>Reference Documents</b>	Application dated 18 <sup>th</sup> June 2015
	<b>Date of site visit</b>	9 <sup>th</sup> July 2015

## Location Diagram





## Proposal

The applicant proposes a three lot subdivision of existing Lot 1 DP 338396 located within Rural Residential Zone.

The proposed three lots are as follows:

- Lot 1 - 9226m<sup>2</sup>
- Lot 2 – 6486m<sup>2</sup>
- Lot 3 - 5467m<sup>2</sup>

Lot 1 contains the existing house on top of a terrace and I am satisfied that this is serviced and accessed to Council standards. Lots 2 & 3 are on the lower land and will both require servicing. An existing branch of Council's reticulated sewer and water networks are located to the east of the greater site and the site is located within Council services boundaries for these utilities.



ENGINEERING		COMMENTS	Condition
ACCESS	Access	<p>Access is provided to the greater site from Speargrass Flat Road via an existing gravel Right of Way.</p> <p>Lots 2 will be accessed directly from the existing gravel RoW and I am satisfied that the existing access RoW is formed to Council standards and does not require any upgrades.</p> <p>The dwelling on proposed Lot 1 is accessed via an existing gravel driveway from the RoW. I am satisfied that the existing RoW and gravel driveway to Lot 1 is formed to Council standards and does not require any upgrades.</p> <p>An extension to the existing access RoW will be required to access Lot 3. It is proposed that this extension runs down the eastern boundary of Lot 2 and an easement created to cover this area. To ensure that the proposed access way to Lot 3 is constructed in accordance with Council standards I recommend a consent condition that prior to the commencement of works design plans be submitted for approval.</p> <p>To ensure legal access is maintained to all lots I recommend a consent condition that all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.</p>	X

Existing Services			
SERVICES	Water	Potable	
			<p>Lot 1 is serviced for potable water via an existing connection and easements to the 100mm Council main located within the neighbouring property to the east.</p> <p>The applicant proposes to service Lots 2 &amp; 3 via a new 25mm connection to 100mm Council main located within the neighbouring property to the east. As discussed under the fire fighting section below it is recommend this connection be increased to a 100mm pipe to allow provision of a hydrant.</p> <p>I therefore recommend a consent condition that prior to the commencement of works design plans be submitted for approval for the provision of water supply to Lots 2 &amp; 3 in accordance with Council standards. This shall include individual Acuflo CM2000 toby valves.</p>

		<p>Lot 1 is serviced via an existing on-site storage tank installed in accordance with PAS SNZ4509:2008.</p> <p>The applicant has not indicated how they proposes to service Lot 2 &amp; 3 for fire fighting. Given the rural location fire fighting would normally be provided via on-site storage in accordance with PAS SNZ 4509:2008. However a Council 100mm main is located 20-30m to the east of proposed Lots 2 &amp; 3 and it is therefore recommend a branch to this main be extended west to the head of the proposed Lot 3 right-of-way and terminate with a new hydrant. To ensure this hydrant is correctly installed I recommend a consent condition that prior to the commencement of works design plans be submitted for approval for the provision of a hydrant at the head of the Lot 3 right-of-way access in accordance with PAS SNZ 4509:2008.</p>	x
	<b>Wastewater</b>	<p>Lot 1 is serviced via an existing 100mm sewer located on the southern boundary of the site and feeding east to Council reticulated network.</p> <p>The applicant proposes to service Lot 2 via a new 100mm sewer lateral connection into the existing 100mm line servicing Lot 2 DP 338396 to the north.</p> <p>The applicant proposes to service Lot 3 via a new 100mm sewer lateral connection into the existing 100mm line that runs on the southern boundary and services the existing dwelling on Lot 1.</p> <p>I am satisfied that the proposed lateral connections to Lot 2 &amp; 3 are feasible and I recommend a consent condition that prior to the commencement of works design plans are to be submitted for approval for the provision of a sewer lateral connection from Lot 2 &amp; 3 to Council's reticulated sewer network in accordance with Council standards.</p>	x
	<b>Stormwater</b>	<p><i>Primary</i> Council primary stormwater reticulation is not available to the site. The applicant therefore proposes that primary runoff from impervious areas associated with future dwellings will be disposed of via engineered soakage to ground. I am satisfied that stormwater soakage to ground is feasible and the design of an on-site soakage system can be further assessed and approved under the building consent process.</p> <p><i>Secondary</i> I am satisfied that no significant secondary flow paths cross the site and any secondary flows from the lots themselves will flow to Mill Creek and will not adversely impact on neighbouring properties.</p>	

	<p><b>Power &amp; Telecoms</b></p>	<p>Existing power reticulation is available on site and services the dwelling on Lot 1. Delta has provided written confirmation that there is network capacity to service proposed Lots 2 &amp; 3. I recommend a consent condition that prior to 224c certification the consent holder shall provide confirmation from the network utility provider that a suitable residential power connection has been installed to the boundary of Lot 2 &amp; 3.</p> <p>Existing telecommunication reticulation is available on site and services the dwelling on Lot 1. Chorus has provided written confirmation that there is network capacity to service proposed Lots 2 &amp; 3. I recommend a consent condition that prior to 224c certification the consent holder shall provide confirmation from the network utility provider that a suitable residential telecommunication connection has been installed to the boundary of Lot 2 &amp; 3.</p>	<p><b>x</b></p>
<p><b>NATURAL HAZARDS</b></p>	<p><b>Hazards on or near the site</b></p>	<p>The site is identified on QLDC hazard maps as having a potential liquefaction risk and a small portion of the eastern corner of the site is located within the flood plain of Mill Creek.</p> <p><i>Liquefaction</i> The applicant has provided a liquefaction hazard assessment undertaken by Geosolve Ltd. This report titled '<i>Liquefaction Assessment 548 Speargrass Flat Road, Queenstown GeoSolve Ref: 150193</i>' and dated May 2015 concludes-</p> <ul style="list-style-type: none"> <li>• <i>Although some liquefaction is predicted for the site, this is at depth and is unlikely to have significant consequences for surface structures. There may be some minor differential settlement at the surface under ULS seismic loading.</i></li> <li>• <i>Standard shallow foundations are therefore suitable at the site, subject to a bearing capacity assessment. Foundations can be made more robust with minimal cost if footings are tied into the floor slab or a raft or rib-raft foundation is utilised.</i></li> </ul> <p>Based on these conclusions I accept that liquefaction is not a significant risk to residential construction on Lots 2 &amp; 3.</p> <p><i>Flooding</i> The north-eastern corner of proposed Lots 2 &amp; 3 contains a very small area identified as flood plain under QLDC hazard maps. The boundary of this flood plain is unclear and does not appear to accurately follow the alignment of Mill Creek. The applicant has not provided a specific flood hazard assessment for the site in this regard. From my site visit I have confirmed that Mill Creek is located within an esplanade reserve 15-20m to the east of Lot 2 &amp; 3 boundaries. Mill Creek is incised at this point and located approximately 3-4m below the proposed lots. This is confirmed by a groundwater level of 4.8m identified in the Geosolve liquefaction assessment. The land to the east of Mill Creek sits below the proposed lots and this is clearly the flood plain identified on the hazard maps. The land within the lots gradually rises to the west and I am satisfied that the proposed lots are located above the surrounding flood plain and free from the hazard identified on QLDC hazard maps.</p>	

<b>TITLES</b>	<b>Consent Notices</b>	The existing Consent Notice 6525565.2 relates to; maintaining the Access for firefighting purposes, fencing and right of way access. These conditions still apply and this Consent Notice will remain on the new titles.	
	<b>Easements</b>	A condition is recommended to ensure all necessary easements are granted or reserved.	<b>x</b>

## 1.0 **RECOMMENDED CONDITIONS**

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

### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
3. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a water supply to Lots 2 & 3 in terms of Council's standards and connection policy. The individual connections shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from Lots 2 & 3 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a right-of-way accessing Lot 3 designed in accordance with Council's standards. This shall include provision for the disposal of stormwater runoff.
  - d) The provision of a fire hydrant with adequate pressure and flow to service Lots 2 & 3 with a Class FW2 fire supply in accordance with the NZ Fire Service Code of Practice for Fire fighting Water Supplies 2008. This shall be provided via a new 100mm connection to the existing Council main located to the east and shall be located on or near the head of new right-of-way accessing Lot 3. Any lesser risk must be approved in writing by Fire Service NZ.
  - e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

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

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

**To be completed before issue of the s224(c) certificate**

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water and Wastewater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition (3) above.
  - c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
  - d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
  - e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water and Wastewater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent. This includes damage to any existing private right-of-way accesses.

**Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

Prepared by:



Alan Hopkins  
CONSULTING ENGINEER

Reviewed by:



Richard Powell  
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