



## **DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

### **RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	<b>Suburban Estates Limited</b>
<b>RM reference:</b>	<b>RM161016</b>
<b>Location:</b>	<b>26 Manse Road, Arrowtown</b>
<b>Proposal:</b>	To undertake a subdivision creating 7 lots, one access lot and land use consent to construct a dwelling on each new allotment which encroach a road setback, building coverage and building heights.
<b>Type of Consents:</b>	Subdivision and Land Use
<b>Legal Description:</b>	Lot 900 and 901 DP 497822 and Lot 1 DP 21359
<b>Zoning:</b>	Meadow Park Special Zone (Operative District Plan)
<b>Activity Status:</b>	Non-Complying
<b>Limited Notification:</b>	14 December 2016
<b>Commissioners:</b>	Commissioners Dr Lee Beattie and Mr Calum MacLeod
<b>Date:</b>	<b>8 November 2018</b>
<b>Date of Reissue:</b>	<b>13 November 2018</b>
<b>Decision:</b>	<b>CONSENT IS GRANTED, SUBJECT TO CONDITIONS</b>

1. Pursuant to section 133A of the RMA this consent is being re-issued due to a incorrect ordering of the conditions of consent. This is considered a minor mistake or defect and therefore the consent can be re-issued pursuant to section 133A of the RMA.

## UNDER THE RESOURCE MANAGEMENT ACT 1991

**IN THE MATTER OF** an application by Suburban Estates Limited to undertake a subdivision creating 7 lots, one access lot and land use consent to construct a dwelling on each new allotment which encroach a road setback, building coverage and building heights at 26 Manse Road, Arrowtown

Council File: RM161016

### The Hearing and Appearances

#### Hearing Date:

Wednesday 22 August 2018 in Queenstown

#### Appearances for the Applicant:

Ms Prudence Steven QC: Legal Counsel

Mr Stephen Skelton: Landscape Architect, Director Patch Limited

Mr David Rider: Senior Engineering Geologist, RDA Consulting

Mr Nicholas Geddes: Resource Management Practitioner, Clark McDonald & Associates Limited

#### Appearances for the Queenstown Lakes District Council

Ms Wendy Barker, Senior Consultant Planner

Mr Richard Denney, Consultant Landscape Architect

Mr Michael Wardill, Engineer

#### Appearances for Submitters:

Mr Keith Milne and Mrs Susan Milne for themselves and the Arrowtown Planning Advisory Group

Mr John Edmonds: Director, JEA  
Limited for Millbrook Country Club,

### **Abbreviations**

The following abbreviations are used in this decision:

Suburban Estates Limited	'the Applicants'
Queenstown Lakes District Council	'the Council'
The Operative Queenstown Lakes District Plan	'the ODP'
Meadow Park Special Zone	'MPSZ'
Outstanding Landscape Feature	'OLF'
Assessment of Environmental Effects	'AEE'
Resource Management Act 1991	'RMA'
Hectare	'Ha'

The land subject to this application is referred to as 'the site'.

The hearing was closed on 5 October 2018, following receipt of further information from the applicant and Council Officers.

**DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING  
COMMISSIONERS DR LEE BEATTIE AND MR CALUM MACLEOD, APPOINTED PURSUANT TO  
SECTION 34A OF THE RMA**

**INTRODUCTION, BACKGROUND AND PROPOSAL**

1. We have been given delegated authority by the Queenstown Lakes District Council ('the Council') under s.34A of the Resource Management Act 1991 ('the RMA') to hear and determine the application by Suburban Estates Limited ('the Applicants') and, if granted, to impose conditions of consent.
2. The application site is located at 26 Manse Road, Arrowtown. It has a legal description as Lots 900 and 901 DP 497822 and Lot 1 DP 21359. The site is located on the western side of Manse Road at the urban edge of the Arrowtown Township, and would form the 'second stage' of a subdivision commonly referred to as Linksgate occupying the land north of the site.
3. From our site visit (22 August 2018) we noted that the site was currently vacant of built form and grassed but did show, in parts, signs of earthwork activity to create building platforms. It is unclear whether or not this work was lawfully established. However, as this issue was not raised by any of the parties either through submissions or evidence we will not comment further. The site is located directly adjacent to the eastern 'base' or 'toe' of Feehly Hill, an Outstanding Landscape Feature, which is (as we understand it) half in private ownership (eastern side) with the western side in the Department of Conservation's Estate.
4. The site and the surrounds have been set out in detail within Section 2 of Ms Wendy Baker's s.42A report, relying in part, on Mr Geddes' AEE. There was no disagreement between the parties over the site and location description and therefore Ms Baker's description is adopted for this decision.
5. This site and wider area has been subject to a detailed structure plan process leading to the adoption of the Meadow Park Special Zone (MPSZ) within the Operative District Plan (ODP). The MPSZ is then subdivided into a range of sub-zones, with Designed Urban Edge East (DUE(E)), Open Space Malaghans Road West (OS-MR(W) and Open Space Malaghans Road East (OS-MR(E)) relevant to our consideration. The purpose and intended planning outcomes for the MPSZ has been set out in detail within section 5.2 of Ms Bakers s.42A report. In essence, the MPSZ seeks to provide for a comprehensive form of overall development which integrates well with the existing Arrowtown urban fabric.
6. At this point we should acknowledge that the application has been subject to a range of changes and amendments undertaken before the hearing, including a final late amendment received 2 working days before the hearing. These amendments have reduced the number of lots from 12 to 7, differing by one from the proposal set out in Ms Bakers s.42A report.
7. This late amendment was a result of a recent rock fall event in the adjacent Linksgate subdivision which was only brought to the Council's attention after the release of Ms Baker's s.42A report. Ms Prue Stevens QC, the applicant's counsel, sought leave to provide geological evidence addressing this matter outside the normal 10 working day timeframe period for the circulation of the applicant's evidence given difficulties in arranging evidence in such a short time frame.
8. As per our Minute of 15 August 2018, we agreed to this request as it would add to our understanding of the proposal. In coming to this position we reviewed all the submissions and

noted that no party has raised issues of this nature leading us to the view that no party would be prejudiced by the presentation of this evidence at the hearing. We note for completeness this was not challenged by any of the parties.

9. This final amendment resulted in the applicant's decision to remove proposed lot 31 from the proposal and incorporate this land area into Lot 900, thereby reducing the number of lots from 8 to 7 as set out in Ms Baker's s.42A report. This of course raised the issue of scope and whether or not the amended proposal was within the scope of the original application. Ms Steven's provided us with detailed submissions on this point, which we agreed with and find that the amended proposal is within scope of the original proposal. This view was not challenged by any of the parties at the hearing. Before leaving this issue, we would like to acknowledge that the impact of the rock fall event and the late circulation of evidence did in the end lead to an adjournment of the hearing, a point we shall return to below in our summary of the evidence heard.
10. Subject to the amendment considered above, a detailed description of the proposal is set out within Ms Wendy Baker's s.42A report. There was no disagreement between the parties at the hearing as to the contents of this description, and this description, as amended, is adopted for this decision. We note that it is our understanding that the access lot would be vested with the Council as a public road and that this would be undertaken at a later date.
11. As a result, the proposal required both Subdivision Consent (s.11 of the RMA) and Land Use Consent (s.9 of the RMA). While we have considered these matters jointly throughout this decision, we note we are required to reach separate decisions on each of these matters. A point we shall return to later on this decision.
12. Ms Baker raised the issue of potential re-notification of the proposal pursuant to s.104(3)D of the RMA and suggested that we needed to come to a view on this matter. It was her view that this was not required, but nevertheless needed to be addressed for completeness. Ms Stevens also provided us with her views in her opening submissions. We agree, with both Ms Stevens and Ms Baker and find that the application does not need to be re-notified pursuant to s.104(3)D of the RMA and we have the jurisdiction to consider the application as amended.
13. Finally, as will become apparent throughout our decision, the material impact of the amendments, including the final one just before the hearing, as we will see, removed the majority, if not all, of the areas of disagreement between the applicant, Council officers and the submitters. As a result, it is our intention to keep the decision brief and solely cover the relevant statutory requirements.
14. In reaching this decision we have considered:
  - (i) The application, its AEE and all its supporting document and plans;
  - (ii) The Council officer's s.42A report, with supporting reports attached to her s.42A report;
  - (iii) The pre-circulated evidence from the applicant;
  - (iv) The written submissions from the submitters to the application;
  - (v) The submissions (both from the applicant's Legal Counsel) and evidence provided at the hearing;
  - (vi) The responses to our questions during the hearing process;
  - (vii) The Applicant's right of reply;

- (viii) Comments from the applicant's Legal Counsel and Council Officer's and legal advice to our Minute dated 23 August 2018;
- (ix) The site visit; and
- (x) The relevant provisions of the Operative Queenstown Lakes District Plan, including the provisions relating to the MPSZ.

## **NOTIFICATION AND SUBMISSIONS**

15. The application was publicly notified on 14 December 2016 with submissions closing on 2 February 2017. A summary of submissions are set out in Ms Baker's s.42A report. In summary, the following issues were raised in these submissions:
  - Public access to Feehly Hill;
  - Ensuring that the public open space (Open Space Malaghans Road East (OS-MR(E)) and building set backs are maintained; and
  - The impacts of residential development could have on Malaghans Road;
16. No written approvals or submissions in support were received. However, we note that the Arrowtown Planning Advisory Group supported increased density subject to ensuring points 1 and 2 above were addressed.

## **STATUTORY MATTERS**

17. The site is zoned Meadow Park Special Zone under the Operative District plan ('ODP'). We were advised by Ms Baker that the MPSZ did not form part of the PDP at this stage given its up-to-date nature. But she did advise us of the proposed location of the Outstanding Natural Feature boundary in the Proposed District Plan (PDP) which could be relevant to our consideration. However, as we will discuss below, given the proposed amendments to the application as a result of the rock fall event, this no longer became a material consideration.
18. There was no disagreement between the parties and this approach is adopted for our decision.
19. The reasons for consent were specified in detail within part 5.2 of Ms Baker's s.42A report, including the assessment matters contained under the ODP. Again, there was no disagreement between the parties and these are adopted for our decision.

## **LEGAL SUBMISSIONS AND EVIDENCE**

20. Expert evidence from the applicant and submitters was pre circulated and read before the hearing. We note that the following is a summary of the key issues raised and must be read in conjunction with the actual legal submissions, pre-circulated evidence and evidence presented at or after the hearing. To reduce repetition, we concentrate on matters relating to the areas of contention between the parties.
21. Ms Baker's (Council planning officer's) s.42a report was circulated prior to the hearing and was taken as read. She recommended approval subject to conditions and the applicant addressing

the implications of the rock fall event on the proposed new lots.

#### **For the Applicant**

22. **Ms Prudence Steven QC**, Barrister, stressed that in light of the amendments this was a straightforward application. She addressed the impact of the rock fall event, the re-notification issue and whether the amended application was within scope of the initial application as lodged. Finally, she addressed the potential need for restrictive covenants and in her view these were not necessary to address the submitters concern and in any event these issues were now addressed with the amended subdivision layout.
23. **Mr Nicholas Geddes**: Resource Management Practitioner for Clark McDonald & Associates Limited, spoke briefly to his evidence in chief (which was taken as read) and he produced a limited piece of supplementary evidence. In this supplementary evidence he addressed, and provided us with copies of, amended plans of the proposed subdivision layout, and proposed building platform locations.
24. He was asked a number of questions regarding the application, and the impact of the amendments to which he maintained his view that the amended application was appropriate and met the gateway requirements of s.104D of the RMA. He confirmed that a condition requiring on-going maintenance of the landscaping would be appropriate, especially to ensure a high success rate for the landscaping proposed at the base or toe of Feehly Hill. He was asked about the provision of signage confirming the location of the walkway to Feehly Hill from Manse Road, to which he agreed this could be included as a condition of consent. Finally, he was asked about the management arrangement for this walkway. He advised that his client was in discussions with the Council's Parks Department and was open to ensuring that the part of the track crossing the application site could be improved and would be willing to ensure this.
25. **Mr Stephen Skelton**, Landscape Architect, Director Patch Limited's evidence in chief was taken as read and he confirmed that the removal of 'lot 31' had also removed, in his view, any potential landscape issues between the landscape witnesses. He maintained his view that the amended proposal was appropriate in landscape terms.
26. **Mr David Rider**, Senior Engineering Geologist, RDA Consulting spoke briefly to his evidence in chief (which was taken as read). He confirmed that any potential impact would be low and would be borne by the sites (and road) within the existing and approved subdivision, in which houses are currently under construction.

#### **For the Submitters**

27. **Mr Keith Milne and Mrs Susan Milne** for themselves and the Arrowtown Planning Advisory Group submissions were taken as read and highlighted the need to ensure the District Plan 'set backs' from Malaghans Road were maintained. Through questioning Mr Milne also supported the need for track signage.
28. **Mr John Edmonds**, Director, JEA Limited for Millbrook Country Club was present but did not wish to speak to his submission. However, he was willing to answer our questions, should we have any. We did not ask Mr Edmonds any questions in any event.

#### **The Council, the question of s.106 and our Minute of 25 August 2018**

29. **Mr Michael Wardill**, Engineer for the Council suggested to us that the potential for rock fall on the public road providing access to this subdivision has not been sufficiently investigated and

could represent a low to moderate risk to the access arrangement to the site/subdivision. This view was based on his assessment of Mr Rider's (the applicant's Geologist) geological evidence. However, to his credit Mr Wardill acknowledged that, given the short timeframes, he had not undertaken his own assessment.

30. **Ms Wendy Baker**, Planning Consultant for the Council had concluded in her s.42A report that the proposed subdivision and associated land use consent for the proposed building forms were appropriate in planning terms and not contrary to the objectives and policies of the ODP. She did raise in her memorandum attached to her S.42A report, the issues surrounding the rock fall event and whether this could impact on the access to the site via the existing public road and whether we had the ability to approve the application pursuant to s.106 of the RMA. In part her views were based on the concern by expressed by Mr Wardill.
31. In light of this Ms Baker advised us she was of the view that she would need legal advice on this matter, and the outcomes of this advice could have an impact on her view regarding the application, including potentially changing her view from approval to decline of consent.
32. At this stage, with the applicant's agreement we adjourned the hearing to enable Ms Baker to seek this advice. However, the following day we received a memorandum from Ms Stevens suggesting that s.106 was not a relevant consideration for us as the potential risk applied to land outside the application site. Moreover, she was concerned that Mr Wardill's oral view was not based on any detailed assessment/evidence. She also provided us with the geological assessment undertaken for the subdivision application creating the public road in question (stage one) where these issues had been considered.
33. We considered Ms Steven's memorandum and Ms Baker's concerns and agreed that Ms Baker should be able to seek advice. However, in doing so we required that Ms Baker forward Ms Steven's memorandum to the Council's solicitors as part of her request for legal advice. We issued a minute to this effect on 25 August 2018.
34. In doing so, it appeared to us, that the key question is whether the provisions of s.106 applied to the public road (land outside the site) and whether we should be considering the potential risk on this public road as part of this application, or whether this should be addressed in a different forum. A copy of our 25 August 2018 minute is included as Attachment One.
35. On 10 September we received advice from the Council's solicitors, which in essence, confirmed that given the potential impacts of potential rock fall events were outside the site (on the public road) we should not be applying the provisions of s.106 to this application. We accept this advice. We then allowed all the parties to comment on this advice, including Ms Baker, who advised us she wished to return to her initial recommendation that the proposal was appropriate in planning terms and met the requirements of s.104D of the RMA and as a result consent should be granted.

#### **Right of Reply**

36. **Ms Steven's** provided us with her right of reply which, again addressed the issue of the need for a covenant over lot 36 preventing any further development within this area. To support her view, she attached a piece of reply evidence from Mr Geddes setting out the planning and statutory issues surrounding this matter and how this would be addressed though any further application seeking the subdivision or development of this area.
37. At this stage we wish to state that we agree with both Ms Steven's and Mr Geddes and believe that should this issue arise in the future, that would be subject to examination of another



resource consent application and potential hearing process.

38. Finally, she reinforced her view regarding the use of s.106 of the RMA. Mr Geddes' reply evidence also considered suggesting that a consent notice be used to prevent further development of proposed lot 31 and addressing conditions for the planting of the base or toe of Feehly Hill. Mr Geddes, also helpfully provided us with an up-to-date set of proposed conditions of consent.
39. Given Mr Geddes had submitted reply evidence, we felt it was appropriate, in order to achieve an open and transparent process that all the parties be given 5 working days to comment on this. We received no comments, including any from Ms Baker. At which stage we met and determined we had sufficient information to base our decision on and closed the hearing on 5 October 2018.

## **SECTION 104 ASSESSMENT**

40. It was common ground between the parties that the application was a Non-Complying Activity. As such the application would be subject to a s.104D gateway assessment before a s.104 determination could be made. In essence, s.104D requires the applicant to show that the adverse effects on the environment are no more than minor (noting that there is no balancing between positive and adverse effects) or that the proposal is not contrary to the objectives and policies of the Operative and Proposed District Plans. Our decision will follow this format and only undertake a s.104 determination if one or both of the s.104D gateway tests are met.

## **PRINCIPAL AREAS IN CONTENTION**

41. Having read and heard the evidence and submissions presented, we find ourselves in the unusual position where all the areas of contention between the parties have been addressed either through the amendments to the application before the hearing or during the hearing process itself. The only potential issue which could still remain was the degree of building 'setbacks' provided for from Manse Road, an issue raised by the submitters. However, we favour the evidence of Ms Baker and Mr Geddes in this regard and find that the building envelopes provided for by the land use consents sought are appropriate and will not create any adverse effects which could be considered to be more than minor.

## **SECTION 104D & 104 DETERMINATION**

42. We note for completeness that while the areas of disagreement or contention between the parties have been resolved this did not stop us from undertaking a detailed consideration of the proposal in terms of the adverse effects (for first limb of s.104D), its positive effects at s.104 stage and the relevant district and regional policy frameworks (objective and policies). In doing so, based on evidence, we find that the proposal meets both limbs of s.104D of the RMA, that being that the adverse effects are no more than minor and that the proposal is not contrary to district plan policy. Moreover, we find that the proposal will have positive benefits to the district by providing further housing opportunities. We have amended the proposed conditions of consent slightly to pick up on a number of the issues raised through the hearing, which we have signalled above.

43. Finally, we wish to acknowledge that a rock fall event may be possible on the public road adjacent to this application site, based on the evidence provided. However, this is outside our areas of consideration and would encourage the Council to address this through the appropriate mechanisms.

## DECISION

44. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104D and 108 of the RMA, we determine that resource consent (both land use and subdivision) is granted to undertake a subdivision creating 7 lots, one access lot and land use consent to construct a dwelling on each new allotment which encroach a road setback, building coverage and building heights at 26 Manse Road, Arrowtown (Lots 900 and 901 DP 497822 and Lot 1 DP 21359).
45. The reasons for our decision have been set out in the sections above.



**Commissioner (Chair):** Dr Lee Beattie

**Date:** 8 November 2018

**Appendix 1 – Consent Conditions**

## **APPENDIX 1 - CONSENT CONDITIONS**

### **SUBDIVISION**

#### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - *Clark Fortune McDonald & Associates*, titled: Lots 31-37 & 801 being a proposed subdivision of Lot 900 DP 497822 & Lot 1 DP 21359, Job no 9759, dwg 22, Sheets 001-002, Rev H and dated 20.08.18;
  - *Clark Fortune McDonald & Associates*, titled: Linksgate Subdivision Stage 2 Hillside Planting Plan, Job no 9759, dwg 30, Rev A and dated 20.08.18;
  - *Patch*, titled: Suburban Estates - Landscape Plan, Ref. PA18174 ISO5 and dated 21 August 2018;
  - *Patch*, titled: Suburban Estates – Materials Plan, Ref. PA18174 ISO5 and dated 21 August 2018;
  - *Patch*, titled: Suburban Estates - Planting Plan, Ref. PA18174 ISO5 and dated 21 August 2018.

#### **Stamped as approved on 8 November 2018**

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.  
*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz>
4. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 901 (aka Lot 30) and 31 (note this includes de-amalgamation of Lots 901 and 900 DP 497822)

Stage 2: Lots 32 – 37 and Lot 801 and Lot 300 road to vest

The stages set out above may be progressed any order providing all necessary subdivision works, servicing, provision of formed legal access, and all other works required to satisfy conditions of this consent are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

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

5. The owner of the land being developed 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 development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
7. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (5), to detail the following requirements:
  - a) The provision of a water supply to Lots 901, 32 – 37 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from Lots 901, 32 – 37 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 fire hydrants with adequate pressure and flow to service the development with a Class FW2 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008. Any lesser risk must be approved in writing by Fire Service NZ.
  - d) The provision of a connection from all potential impervious areas within Lots 901, 32 – 37 to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot.
  - e) The provision of cut-off trenches/swales to protect the lots from overland flows in a 1 in 100 year rainfall event. These shall be protected by easements and the design shall include a detailed protection and maintenance management plan.
  - f) The determination of minimum finished floor levels for any lots containing overland flow paths (if any).

- g) The provision of a sealed vehicle crossing that shall be constructed to Lots 901, 32 – 37 to Council Standards, including compliance with Rule 14.2.4.2 of the Queenstown Lakes District Council District Plan.
- h) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy.
- i) The provision of adequate vegetation coverage approved by a suitably qualified professional, to protect the lots from rock fall hazard from Feehly Hill.
- j) Schist walls constructed as part of this development shall typically be no higher than 1.1m height, for the benefit of vehicles sight lines.
- k) The formation of Lot 300 road to vest in accordance with Council's standards. For clarity the road shall be designed to include the following table requirements:

Required Road Design Standards					
Description	CoP Design Reference	Movement Lane	Minimum Legal Width	Footpaths Required	Target Operating Speeds
Lot 300 Road to vest	Figure E11	5.5m - 5.7m sealed width with cul-de-sac turning head.	9m	Nil - Shared in movement lane	20km/hr

- l) Details of the Manse Road footpath and associated footpath linkages to the Feehleys Hill track in compliance with Council standards and as provided in first stages of consent.
  - m) The detailed design of the new intersection with Flynn Lane, in accordance with the latest Austroads intersection design guides. Details shall include priority intersection controls to be installed combined with signs and markings that comply with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
8. Prior to commencing any work on the site, the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 20m into the site.
  9. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

- 10.** At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice and who shall supervise the fill procedure and ensure compliance with NZS 4431:1989 (if required). This engineer shall continually assess the condition of the fill procedure.

*To be monitored throughout earthworks*

- 11.** No permanent batter slope within the site shall be formed at a gradient that exceeds 1V:3H.
- 12.** The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 13.** No earthworks, temporary or permanent, are to breach the boundaries of the site unless otherwise formally approved by Council.

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

- 14.** Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include:
    - (i) A right to convey easement in gross over Lot 36 from Lot 300 to the existing Council stormwater disposal area created under DP 497822, near Manse Road.
    - (ii) A pedestrian right of way easement in gross over Lots 34 & 35 linking the walking track on Feehleys Hill to Manse Road
  - b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

*[Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]*

*Stage 2 - Amalgamation Condition*

- 15.** The following shall be registered with Land Information New Zealand (CSN XXXXX):
- "That Lots 31,36 & 801 hereon are to be amalgamated and held together in the same Computer Freehold Register"

*On completion of earthworks*

- 16.** On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall provide certification from a suitably qualified engineer experienced in soils investigations to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within Lots 801, 31 – 37. Note this will require supervision of the fill compaction by a chartered professional engineer, see also Condition (17) below.

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

- 17.** Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) A digital plan showing the location of all building platforms on Lots 901, 32 – 37 as shown on the survey plan / Land Transfer Plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - b) The submission of 'as-built' plans in accordance with Council's 'as-built' standards, and information required to detail all engineering works completed in relation to or in association with this subdivision.
  - c) The completion and implementation of all works detailed in Condition (7) above.
  - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - f) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
  - g) Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.
  - h) All signage, including road names, shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.

- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- j) A consent notice shall be registered on the certificates of title of all lots containing the cut-off trench at the base of Feehly Hill, advising that the lot owners are responsible for implementing the detailed protection and maintenance management plan prepared under Condition (9) above.
- k) A consent notice shall be registered on the certificates of title of any lots containing overland flow paths specifying minimum finished floor levels as determined under Condition (9) above.
- l) The consent holder shall provide a geotechnical completion report and a Schedule 2A *“Statement of professional opinion as to suitability of land for building construction”* for Lots 801, 31 – 37 in accordance with Section 2.6.1 of QLDC’s Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical engineer as defined in Section 1.2.2 and demonstrates to Council that the proposed lots are suitable for building development. In the event that the site conditions within the lots are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and approval full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

- m) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
  - n) All landscaping including, but not limited to planting, earth mounding, hard landscaping, street furniture as identified on the subdivision landscape plan: “Suburban Estates, Landscape Plan – 7<sup>th</sup> August 2018” and the “Stage 2- Hillside Planting Plan”, Job 9759, Drawing No. 30 & dated 6<sup>th</sup> August 2018” is to be fully implemented, and an organic mulch applied to all areas of mass planting, and trees staked to best horticultural practice.
- 18.** All areas of landscaping within council land or land to be vested to council shall be maintained by the consent holder to the Council’s satisfaction for a period of no less than 3 years from the date of completion as per the certified landscape plan.
- 19.** All areas of landscaping identified on the “Stage 2 Hillside Planting Plan, Job No. 9759, Drawing No. 30, Rev A and dated 20.08.18” shall be maintained by the consent holder for a period of no less than 3 years from the date of 224c completion



*Ongoing Conditions/Consent Notices*

- 20.** Unless otherwise stated in other conditions of this consent, the following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) For the relevant lots providing for the performance of any ongoing requirements for building construction as outlined in Condition (17) above, if any.
  - c) At the time a dwelling is erected on Lots 801, 33, 34, & 37 there shall be no direct vehicle access to Manse Road.
  - d) At the time a dwelling is erected on Lots 801, 32 - 37, the foundations shall be designed by a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice.
  - e) All planting as shown within the certified landscape plans shall be maintained as per the plan by each lot owner. If any tree or plant shall die it shall be replaced as per the certified landscape plan and conditions of consent of RM161016 within 12 months.
  - f) Subject to compliance with condition 21, Lot 31 shall be maintained free of any buildings.
- 21.** Lot 31 shall not contain any dwelling unless the Council has received confirmation from an appropriate qualified person that any rockfall risk to a dwelling on that lot has been adequately mitigated.

**Advice Notes:**

- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
- 2. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- 3. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.

## LAND USE

Consent is granted for the construction and use of residential dwellings with associated accessory buildings and landscaping

1. That the development must be undertaken/carried out in accordance with the plans:
  - *Clark Fortune McDonald & Associates*, titled: Lots 31-37 & 801 being a proposed subdivision of Lot 900 DP 497822 & Lot 1 DP 21359, Job no 9759, dwg 22, Sheets 001-002, Rev H and dated 20.08.18;
  - *Clark Fortune McDonald & Associates*, titled: Linksgate Subdivison Stage 2 Hillside Planting Plan, Job no 9759, dwg 30, Rev A and dated 20.08.18;
  - *Patch*, titled: Suburban Estates - Landscape Plan, Ref. PA18174 ISO5 and dated 21 August 2018;
  - *Patch*, titled: Suburban Estates – Materials Plan, Ref. PA18174 ISO5 and dated 21 August 2018;
  - *Patch*, titled: Suburban Estates - Planting Plan, Ref. PA18174 ISO5 and dated 21 August 2018.

### **Stamped as approved on 8 November 2018**

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. This consent shall not be exercised until s224c has been obtained for the subdivision component of RM161016.
5. The ongoing conditions/consent notices in Condition 20 of the subdivision component of RM161016 shall be complied with in perpetuity.
6. No more than one residential unit may be constructed on each lot created by subdivision RM161016 subject to the following:
  - a) All structures including dwellings and garaging shall be contained within the Residential Building Platforms (RBP's) as per subdivision RM161016. There shall be no structures erected outside of the building platforms.
  - b) The total area of structures within the residential lots shall not exceed 65% site coverage of the building platform.
  - c) Maximum building heights for all structures on all lots shall be 5.5m from the finished floor level to the highest point of the roof. The finished floor level shall be no more than 500mm above the **lowest point within the building platform defined as the RL on the survey plan.**
    - Roofing claddings may be one of the following only:

- steel (corrugated or tray), in mid to dark greys, black or deep green;
  - timber or slate shingles.
- d) Roofs shall be in gable form only (no hip roofs) and shall be between 30 and 45 degrees. Flat connections between building forms are permitted but shall not exceed 25% of the roof form.
- e) Roofing colours shall be a dark recessive colour with a light reflectivity value of less than 20%.
- f) Wall materials for all structures shall be one of the following:
- Timber weatherboards, stained, painted or left to weather.
  - Timber board and batten, stained, painted in dark browns, greys or black, painted in the colours specified in (ix) below or left to weather.
  - Weatherboard cladding systems, similar to Linea.
  - Local stone.
  - Corrugated iron.
  - Steel in natural (mild), Corten or painted.
- g) Wall claddings shall be continuous. Walls must be in one cladding form, with no changes over wall surfaces. Changes may occur at a recess or visible break.
- h) Wall colours, when paint is utilised (i.e. when not in natural finishes such as steel, concrete or timber etc.) shall be in one of the following:
- Double Pearl Lusta
  - Double Sisal
  - Quarter Mondo
  - Quarter Hillary
  - Quarter Gravel
  - Pioneer Red
  - Permanent Green
  - (Note: All colours specified above are Resene Colours. Other brands are acceptable but must match the above).
- i) Major window proportions are to be vertical in nature, in keeping with traditional window forms.
- j) At least one main veranda is to be incorporated into the dwelling.
- k) All fencing to Manse Road shall be in the approved post and rail detail as built.
- l) Fencing towards all internal roads and walkways shall be in either the stone wall as built or in post and wire or mesh fencing. All fencing shall be maintained taut and upright.
- m) Paling fencing is permitted between lots to a maximum of 1.5 metres in height and shall be set back 6 metres from all external and internal road and walkway boundaries. Explanation: Fencing restrictions are in place to encourage landowners to utilise hedging for the purpose of privacy, wind protection and screening.

- n) All exterior lighting within residential lots shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur.
- o) All exterior lighting should be no higher than 1.8m above ground level and below the height of adjacent buildings.
- p) The continuous Laurel Hedge along Butel Road shall be maintained by landowners in a tidy and clipped form at 1.5 metres high, and on the southern boundary of Lot 37 and to the south of the building platform within Lot 36 clipped to a minimum height of 1.2m.
- q) Lot owners shall plant at least 2 of the following shrubs/small trees within their lots:
- Flowering Cherries (minimum height at maturity 3.5 metres)
  - Ornamental Pears
  - Magnolia species (minimum height at maturity 3.5 metres)
  - Crab apples
  - Hazelnut trees
  - Cabbage tree (*Cordyline australis*)
  - Kowhai (*Sophora microphylla*)
  - *Olearia* species (native species)
  - Flax (*Phormium tenax*)
- r) Within Lots 31, 32, 35 and 36 the following restrictions shall apply to the Building Restriction Area east of the building restriction boundary line identified within condition iii:
- No activities other than the provision of 'Open Space' shall be undertaken.
  - No earthworks shall be carried out.
  - Vegetation planted shall be limited to the following native species set out within Appendix 1 of the *Feehly's Hill Planting Management Plan* stamped as approved under resource consent RM071231:
  - *Festuca novae zelandiae* hard tussock
  - *Poa colensoi* blue tussock
  - *Phormium cookianum* mountain flax
  - *Fuscospora fusca* red beech
  - *Fuscospora cliffortioides* mountain beech
  - *Griselinia littoralis* broadleaf
  - *Myrsine australis* mapou
  - *Coprosma lucida* karamu
  - *Podocarpus hallii* mountain totara
  - *Sophora microphylla* kowhai (South Island)
  - *Coprosma propinqua* mingimingi
  - *Coprosma virescens*
  - *Discaria toumatou* matagouri
  - *Oleria odorata* tree daisy
  - *Corokia cotoneaster* korokia
  - *Aristotelia fruticosa* mountain wineberry
  - *Carmichaelia petriei* native broom
  - *Veronica salicornioides* whipcord hebe
  - *Melicactus alpinus* or sp. porcupine shrub

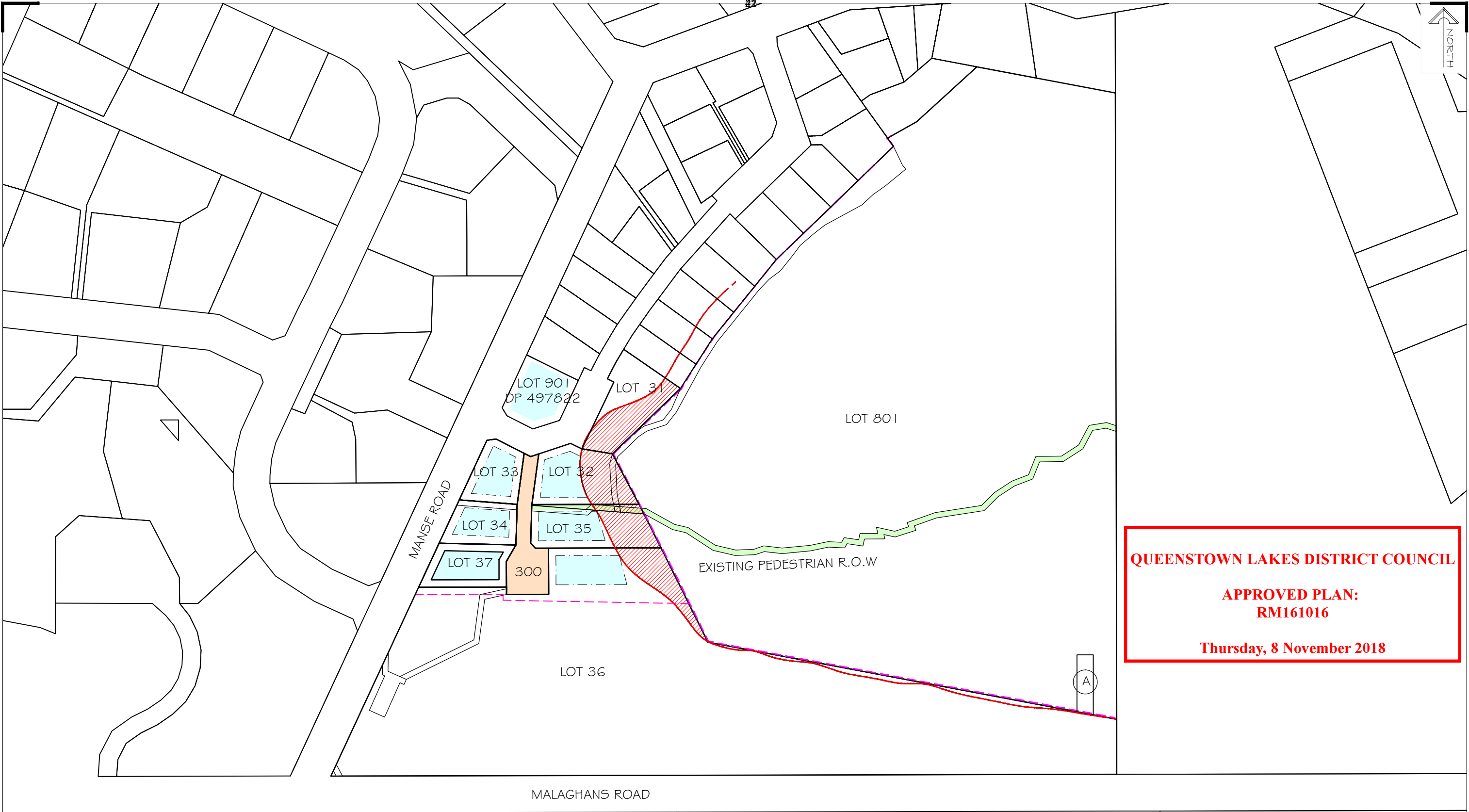
- *Myrsine divaricate* weeping mapou
  - *Olearia fragrantissima* scented tree daisy
  - *Olearia lineate* weeping tree daisy
  - *Muelnebeckia complexa* pohuehue
- s) All planting as shown within the certified landscape plans shall be maintained as per the plan by each Lot owner. If any tree or plant shall die it shall be replaced within 12 months as per the certified landscape plan and conditions of consent of RM161016.

#### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the “[Notice of Works Starting Form](#)” and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to [engineeringacceptance@qldc.govt.nz](mailto:engineeringacceptance@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>




**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM161016**

**Thursday, 8 November 2018**

CLIENT REVIEW 18.01.17



**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants

309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
-	-	-	-
G	08.03.18	Add lot 901 building platform	RB
H	20.08.18	Remove platform on lot 31	ED

**LOTS 31 - 37 & 801 BEING A PROPOSED  
SUBDIVISION OF LOTS 900 DP 497822  
& LOT 1 DP 21359**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
SUBURBAN ESTATES	-	-	-	9759	22 Sheet 001
Notes: - All dimensions shown are in meters unless shown otherwise. - Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn RB	Signed	Date 18.01.18	Scale 1:1000 @ A1 1:2000 @ A3	Rev. H
	Designed -	Signed	Date -	Datum & Level NZGD2000 / MSL	



EXISTING PEDESTRIAN R.O.W

BUILDING PLATFORM

HILLSIDE CONSENT NOTICE AREA  
(NATIVE PLANTING ONLY - NO BUILDING)  
OR EARTHWORKS

Memorandum of proposed easements in gross

Right to drain stormwater	B	Lot 36 Hereon	QLDC
Right of Way (Pedestrian)	MC	Lot 35 Hereon	

Existing Easements in Gross

Purpose	Shown	Servient Tenement	Document
Right of Way (Pedestrian)	OB	Lot 801 Hereon	EI 10726855.6
	MB, N, K, OA	Lot 35 Hereon	
Right to drain sewage	H	Lot 36 Hereon	
Right to drain stormwater	I	Lot 36 Hereon	

Existing Easements

Right to maintain a drain	K, JA	Lot 35 Hereon	EI 10726855.5
	JB	Lot 32 hereon	
	JC	Lot 801 Hereon	

Easements to be canceled

Right of way (Pedestrian)	MA	Lot 34 Hereon	EI 10726855.6
	MD	Lot 35 Hereon	
Right to convey Water	A	Lot 801 Hereon	756699.2

Areas BB - BH are subject to a consent notice (Building Platform)

Amalgamation Condition

That lots 31, 36 and 801 hereon are to be held  
in the same certificate of title

CLIENT REVIEW 18.01.17

Clark Fortune McDonald & Associates

Licensed Cadastral Surveyors - Land Development - Planning Consultants

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.

Date

Revision Details

By

F

01.02.18

Adjust Bdys to be parallel to 100mm offset.

RB

G

08.03.18

Add lot 901 building platform

RB

I

06.08.18

Add consent notice area and RLs

RB

J

20.08.18

Remove platform on lot 31

ED

LOTS 31 - 37 & 801 BEING A PROPOSED  
SUBDIVISION OF LOTS 900 DP 497822  
& LOT 1 DP 21359

Client

SUBURBAN ESTATES

Surveyed

Signed

Date

Job No.

Drawing No.

22

Sheet 002

Scale

1:500 @ A1  
1:1000 @ A3

Datum & Level

NZGD2000 / MSL

Rev.

j

Notes:

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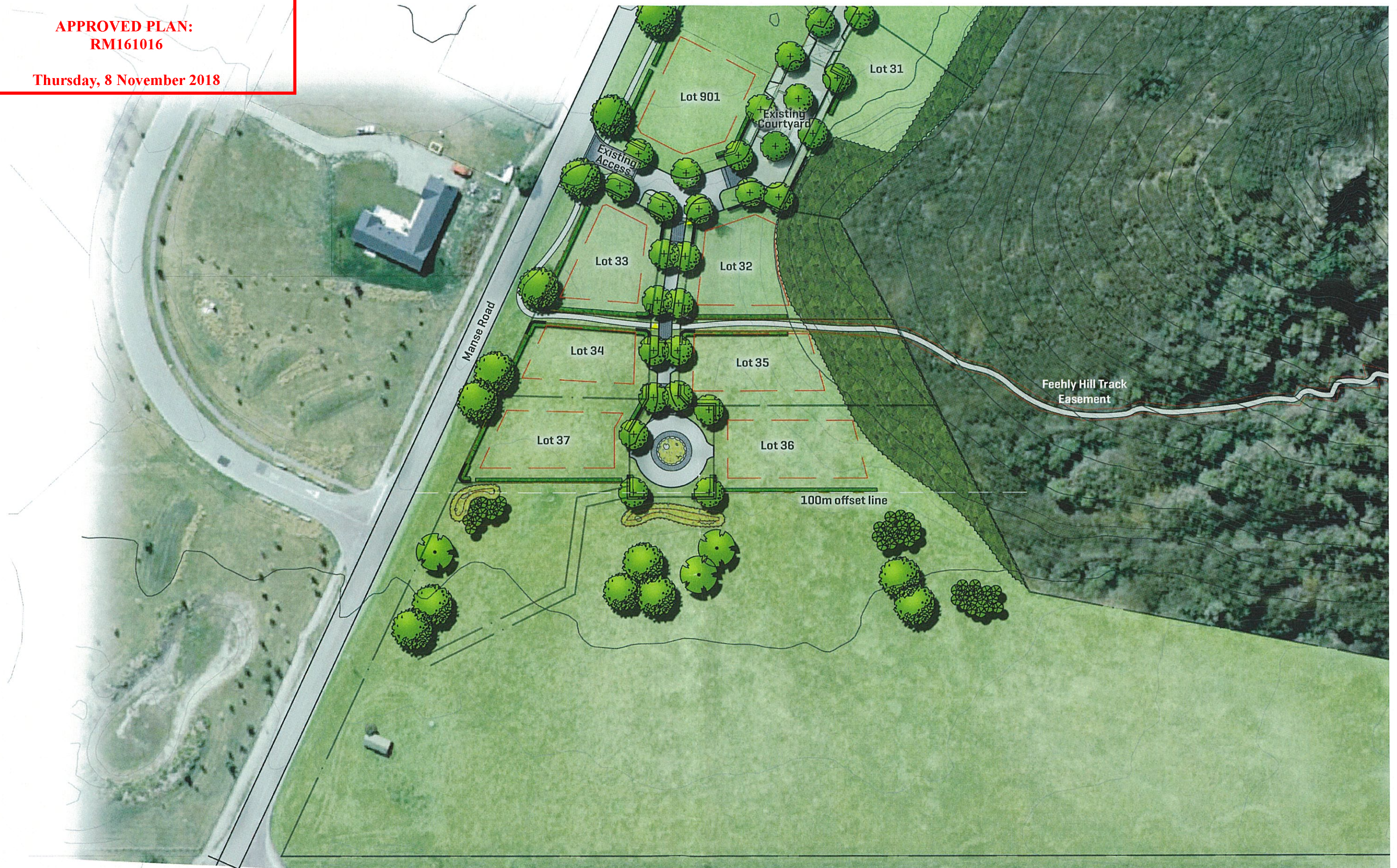
S:\JOBS\9700\9759\Acad\9759\_22\_Stage 2 Scheme.dwg Plotted: 20.08.2018



QUEENSTOWN LAKES DISTRICT COUNCIL








APPROVED PLAN:  
RM161016

Thursday, 8 November 2018





## Materials Legend

-  Solider stacked curved walls to match existing
-  Macrocarpa fence to match existing
-  Hampton street lighting to match existing
-  Holland double header paver to match existing
-  Holland herringbone paver to match existing
-  Asphalt to match existing
-  Planted mound at 1:3 (33%) grade to 700mm high from EGL

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM161016**

**Thursday, 8 November 2018**





## Planting Key



Common Name	Botanical Name	Grade	Area	Spacing	Quantity
Pin Oak	<i>Quercus palustris</i>	45L	-	As Shown	13
Flowering Cherry	<i>Prunus yedoensis</i> 'Awanui'	45L	-	As Shown	20
European Ash	<i>Fraxinus excelsior</i>	45L	-	As Shown	3
Mountain Beech	<i>Fuscopora cliffortioides</i>	2.5L	279m <sup>2</sup>	1.5m	124
Red Tussock	<i>Chinichloa rubra</i>	2.5L	169m <sup>2</sup>	1m	169
Portuguese Laurel	<i>Prunus lusitanicus</i>	PB12	460Lm	.6	766

Revegetation Planting (refer to Stage 2 Hillside Planting Plan)

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM161016**

**Thursday, 8 November 2018**

