



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	S & S Blackler, B & K Blackler & Trustees BFT Limited
RM reference:	RM181560
Location:	Slopehill Road, Wakatipu
Proposal:	<p>Subdivision consent to create two allotments with associated access, landscaping and earthworks</p> <p>Land use consent to identify two residential building platforms with associated access, landscaping and earthworks.</p> <p>Cancellation of Consent Notice 936464.2</p>
Type of Consents:	Subdivision, land use and cancellation of consent notice
Legal Description:	Part Lot 2 Deposited Plan 25174 held in Record of Title OT18D/61
Zoning:	<p>Rural General (ODP)</p> <p>Wakatipu Basin Rural Amenity Zone (PDP)</p>
Activity Status:	Discretionary
Public Notification:	31 January – 1 March 2019
Commissioner:	Wendy Baker
Date:	19 June 2019
Decision:	Granted Subject to Conditions

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by S & S Blackler, B & K Blackler & Trustees BFT Limited for subdivision and landuse consent to undertake a two lot subdivision, identify residential building platforms with associated access, landscaping and earthworks and a consequential cancellation of consent notice

Council File: RM181560

The Hearing and Appearances

Hearing:

14 May 2019, Queenstown

Appearances for the Applicant:

Vanessa Robb: Legal Counsel
Amanda Leith: Planner
Stephen Skelton: Landscape Architect
Andy Carr: Transportation Engineer
John McCartney: Civil Engineer
Benjamin Blackler: Applicant

Appearances for the Queenstown Lakes District Council:

Alex Dunn: Planner
Renee Davies: Landscape Architect
Steve Hewland: Engineer

Appearances for Submitter Miller:

Kay Miller: Submitter

Appearances for Submitter Todd:

Graeme Todd: Submitter

Appearances for Submitter Brial:

Joshua Leckie: Legal Counsel
Emily & Michael Brial: Submitters

Abbreviations

The following abbreviations are used in this decision:

S & S Blackler, B & K Blackler & Trustees BFT Ltd	‘Applicant’
Queenstown Lakes District Council	‘Council’
Operative Queenstown Lakes District Plan	‘ODP’
Proposed Queenstown Lakes District Plan	‘PDP’
Assessment of Environmental Effects	‘AEE’
Resource Management Act 1991	‘RMA’
Rural General zone ODP	‘RG’
Wakatipu Basin Rural Amenity Zone	‘WBRAZ’
Visual Amenity Landscape	‘VAL’
Residential Building Platform	‘RBP’

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

The hearing was closed on 7 June 2019 once I was sure I had all the necessary information.

**DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING
COMMISSIONER WENDY BAKER, APPOINTED PURSUANT TO SECTION 34A OF THE RMA**

INTRODUCTION, BACKGROUND, PROPOSAL AND PRELIMINARY MATTERS

1. I 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 S & S Blackler, B & K Blackler & Trustees BFT Limited ('the Applicant'), determine any preliminary matters, and, if granted, to impose conditions of consent.
2. The application site is located at Slopehill Road, Wakatipu Basin and it is legally described as Part Lot 2 Deposited Plan 25174.
3. I undertook a site visit on the morning of 13 May 2019 accompanied by Mr Dunn during which I walked around the site, including the locations of the proposed platforms, viewing the gully, the crossing of the waterway, and looking towards all submitters' properties. I visited all three submitters' properties viewing the proposed location of the residential building platforms from immediately outside the three dwellings, the outdoor living areas and various other locations on the sites.
4. The site and the surrounds have been set out in Section 2.0 of the AEE prepared on behalf of the Applicant. In her evidence¹ Ms Leith advised of changes made to the application since notification. Ms Leith attached amended subdivision and earthworks plans to her evidence to correct a colour issue in the key. Mr Skelton provided amended landscape plans incorporating the changes to the proposed planting. Ms Leith also clarified in her evidence that the proposed net lot areas would be Lot 1 4.08 ha and Lot 2 4.08 ha as a result of incorporating the access easement. This description with the amendments is adopted for this decision.
5. In reaching this decision I 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 his s.42A report;
 - (iii) The pre-circulated evidence from the applicant;
 - (iv) The written and oral submissions from the submitters to the application;
 - (v) The legal submission from the applicant's and the submitters's Legal Counsel;
 - (vi) The responses to my questions during the hearing process;
 - (vii) The Applicant's right of reply;
 - (viii) The site visit; and
 - (ix) The relevant provisions of the Queenstown Lakes District Plan (ODP and PDP).

NOTIFICATION AND SUBMISSIONS

6. The application was publicly notified on 31 January 2019 with submissions closing on 1 March 2019. Three submissions were received seeking consent be refused. Mr Dunn summarises the submissions at paragraph 3.1 in his 42A report.

¹ Paragraphs 5.1, 5.2 and 5.3

7. I have addressed the submission points in the decision as relevant.

STATUTORY MATTERS

8. The site is zoned RG under the ODP. Stage 2 of the PDP rezoned this area to WBRAZ. Stage 2 decisions were notified on 21 March 2019 and appeals closed on 7 May 2019. All pre-circulated material pre-dated the close of appeals. It was common ground that there were just under 100 appeals to the Stage 2 decision with a significant number of these relating to Chapter 24 and particularly to the provisions surrounding the '80 ha issue' which I will address later.

9. There was agreement between all parties that the consents required are:

Subdivision

- A discretionary activity consent pursuant to Rule 15.2.3.3vi of the ODP to undertake a two lot subdivision and identify residential building platforms.
- A controlled activity consent pursuant to Rule 15.2.2.1 of the ODP for earthworks associated with subdivision. Council's control is reserved matters listed in Clause 22.3.2.2(a)(i)-(ix).
- A non-complying activity consent pursuant to Rule 27.5.19 of the PDP for a subdivision that does not comply with the minimum lot area of 80 ha specified in Part 27.6.

Land Use

- A restricted discretionary activity resource consent pursuant to Rule 25.5.11.1 of the PDP for earthworks over an area in excess of 2500m² with a 10° or greater slope. Council's discretion is restrict to the matters in part 25.7.

Cancellation of Consent Notice

- A discretionary activity resource consent pursuant to section 87B in accordance with Section 221 of the RMA.
10. As the application was lodged prior to 21 March 2019 when the Stage 2 decisions were notified, the status of the application remains discretionary as per the status on that date. Again all parties agreed on this matter. The parties concurred that whilst the original application was for a subdivision and consent notice cancellation there was no jurisdictional or scope issue regarding adding the land use consent now required under the PDP.
11. Two neighbours provided written approval for the proposal being Mr S Ward and Ms J Jones, respectively the owners of 61 and 52 Slopehill Road. Ms Jones has since sold her property and Ms Leith provided written approval from the new proprietor Mr S Wingfield.
12. All parties were in agreement that the National Environmental Standard for Assessing and Managing Contaminant in Soil to Protect Human Health (NES Soil) is not applicable to this proposal.

13. As a discretionary activity, this application must be considered in terms of Sections 104 and 104B of the RMA. Under Section 104B I may grant or refuse consent. Section 106 provides for me to refuse to grant subdivision consent or impose conditions where lands is likely to be subject to or accelerate material damage from natural hazards or where insufficient provision for legal and physical access is made. Sections 108 and 220 empower me to impose conditions on landuse and subdivision consents.

LEGAL SUBMISSIONS AND EVIDENCE

14. Expert evidence from the applicant and the submitters was pre circulated and read before the hearing. The applicant and one of the submitters presented legal submissions at the hearing. The two other submitters addressed their submissions. 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 the hearing.
15. Mr Dunn's s.42a report, including reports by Mr Hewland and Ms Davies, was circulated prior to the hearing and was taken as read. He recommended consent be granted subject to conditions.

For the Applicant

16. **Ms Robb** provided legal submissions which she read out. In these she summarised the conclusions drawn by experts for the applicant concluding that the evidence for the applicant is that consent can be granted under both the ODP and the PDP. Regardless, Ms Robb addressed the relative weighting to be afforded to the two plans drawing my attention to the Keystone Ridge case and the later Mapara Valley Preservation Society case which stated that in considering the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include the following:

The extent to which the proposed plan has been exposed to testing and independent decision making.

Circumstances of injustice.

The extent to which a new measure, or absence of one, might implement a coherent pattern of objectives and policies in a plan

Where there has been a significant shift in Council policy and new provisions are in accord with Part 2 of the Act, the court may give more weight to the proposed plan.

17. Ms Robb addressed all the above matters opining that Stage 2 is at the very early end the independent decision-making spectrum; there is no case of injustice here; there is a significant shift in council policy with regards to minimum lot size. She submits that overall more weight should be given to the ODP given the level of opposition to Chapter 24 and the fact that other than density there is no significant shift in Council policy.
18. With regards to Part 2 of the Act Ms Robb considers that as the District Plan is not settled, Part 2 should rightly be considered. However, she submits that this is not a case where Part 2 matters are at play, drawing to my attention the interpretation of the 'maintain' in this context.
19. It was common ground between all parties that neither private nor public views were given priority in either of the plans.

20. **Ms Leith** provided a summary of her evidence in which she stated that she considered the proposal to be consistent with the relevant objectives and policies in the ODP, and that there are two policies within the PDP that she considered the proposal to be contrary to, being 24.2.1.1 (requires a minimum lot size of 80ha) and 27.2.1.4 (discourages non-compliance with minimum lot sizes).
21. In Ms Leith's opinion the weighting afforded to the PDP and the ODP is finely balanced and given the proposal is consistent with most of the objectives and policies across both plans, she opined that the proposal could be considered broadly consistent overall for the purposes of assessment under Section 104.
22. The proposal has in Ms Leith's view been designed to avoid or mitigate the potential adverse effects on the submitters properties and also on the environment.
23. **Mr Skelton** also helpfully provided a summary of his evidence. He assessed the proposal as consistent with the exiting patterns in this part of Slope Hill in terms of lot areas, quality and density and that it responds to the identified landscape character and visual amenity qualities set out in Schedule 24.8 for LCU11.
24. Mr Skelton considers the proposal will result in low adverse effects on pastoral character, will maintain landscape character and visual amenity with particular regard to natural character and coherence.
25. In terms of from submitter's properties, Mr Skelton considers that there will be no adverse effects as experienced from the Todd property; there will be no adverse effects on views from the Miller property; and there will be a very low reduction in the rural character and amenity as experienced from the Brial property.
26. **Mr Carr** provided transportation evidence responding to concerns raised by submitters regarding increase in the volume of traffic and the width and standard of Slopehill Road. He concludes the increases in traffic volume will be imperceptible and sight distances of 45m are achieved from the access. Mr Carr clarified that the current standard of Slopehill Road does not fit well into the Council's Code of Practice as there is no rural standard for a road with a 50km speed limit.
27. **Mr McCartney** provided evidence on engineering related matters including access, three waters, power and telecommunications. He concurred with Mr Hewland for the Council that these can all be adequately provided for.
28. **Mr Blackler** addressed me as the applicant providing a background for the application.

For The Council

29. **Mr Dunn** assessed the proposal under the ODP and the PDP. He concluded that under the ODP framework the adverse effects will be no more than minor and the proposal is consistent with the relevant objective and policies. He concluded that under the PDP the activity's adverse effects will be more than minor and the proposal will inconsistent with the objectives and policies. He recommended that consent be granted subject to conditions of consent based on his assessment that significantly more weighting should be afforded to the ODP.

30. **Ms Davies** provided a peer review of Mr Skelton's landscape report. She also advised that since drafting her report she had now had the opportunity to visit the submitters' properties. She concludes that there a range of effects for this application from low to moderate. The increase in built form within the landscape will add to the perception of domestication and as such just tips the balance to over-domestication for a rural VAL, resulting in moderate cumulative effects. Ms Davies considers that the over-domestication effects can be mitigated with the proposed screening through mounding and vegetation and the siting of the built form to the rear of the site.
31. Ms Davies is of the opinion that the visibility of two additional dwellings will have a moderate effect in this short terms, but this would reduce to low in the medium to long term. She confirmed at the hearing that she considered the visual effects on users of the Brial property similarly would be moderate whilst work progressed, but low in the medium to long term. Ms Davies also advised that she considered that adverse visual effects in respect of the users of the Miller property would be low.
32. Ms Davies made recommendations set out in paragraph 8 of her report (page 13). These recommendations were accepted by the applicant.
33. **Mr Hewland** confirmed that all access and servicing could be provided subject to standard conditions recommended in his report. His proposed conditions were all accepted by the applicant.

Appearances for Submitters

34. **Ms Miller** provided us with written submissions. She raised concerns that some of the background information provided to us was inaccurate and that this application was inconsistent with previous applications on the subject site in terms of statements made about current and future land uses.
35. Ms Miller opined that allowing two further dwellings would dramatically increase signs of domestication, eroding the rural character. She considered the proposed building height of 6m to be too high, allowing for two storey dwellings where one storey is the norm. She objected to the proposed planting in the front paddock which would affect her amenity as well as that of the Slope Hill Road environment. In response to this the applicant amended the landscape plan and removed tree planting from this area. Ms Miller raised a number of other concerns, particularly drawing our attention to the cluster of houses that would result if this application were granted, comparing this to the Rural Lifestyle area across Lower Shotover Road.
36. **Mr Todd** clarified that he was appearing as a landowner, not a lawyer in this capacity. He advised that he considered that the proposal adequately mitigated adverse effects from his property and that his interest was for a private covenant protecting his property from development on the subject site going forward. Mr Todd confirmed this was not a matter I could deal with.
37. **Mr Leckie** provided legal submissions for Mr and Mrs Brial which he read out. These set out at paragraph 10 the principal concerns of the Brials. Mr Leckie drew my attention to the weight to be placed on the ODP and PDP respectively and opined that relevant factors include the extent to which the proposed conditions
- (a) have progressed through submissions, hearing and appeals processes; and
 - (b) mark a significant shift in the local authority's policy, which may justify greater weight even when a proposed plan is at the earlier stages of its development.

38. Mr Leckie stressed that I must take into consideration the receiving environment including the future state of the environment as it might be modified by any existing resource consents that are likely to be implemented. This includes in Mr Leckie's opinion buildings on existing building platforms.
39. Mr Leckie drew my attention to the Davies Landscape assessment where Ms Davies commented that two dwellings would have moderate effects on the natural and pastoral character whereas one would have low adverse effects. Mr Leckie made further assertions regarding effects, but did not present any planning evidence to support these.
40. He raised precedent as a concern, advising there is little to differentiate this proposal from the generality of other similar cases. I asked Mr Leckie whether the unique state of the plan – between PDP and ODP- would affect how precedent was considered and he agreed with me that it was unlikely any application would be assessed against exactly this planning framework. Although he went on to say that that depending on how much weight was afforded the Plans, a precedent could still be set.
41. In terms of the consent notice cancellation sought, Mr Leckie opined that according to the consent notice, no further development on the site was appropriate as the dwelling anticipated was the current Miller house as a result of an earlier boundary adjustment.
42. Mr Leckie concluded that the proposal would have adverse effects on the Brians' highly valued rural amenity and on the landscape and natural character of the site and the surrounding area; would have cumulative effects and has the potential to create precedent effects; and provides no proper justification for cancellation of the consent notice. Mr Leckie sought the application be refused.
43. Mr Brial spoke briefly to express concern about the lack of consideration given to the users of his property by the Council and the applicant's experts.

PRINCIPAL AREAS IN CONTENTION

44. Having read and heard the evidence and submissions presented, I find that the fundamental matter in contention relate to the effects on character and amenity, the effects of additional vehicles, the alignment with the expectations of the ODP, PDP and Part 2 and the weighting to be afforded to the ODP and PDP.

Weighting of ODP and PDP

45. Prior to considering the effects and the relevant objectives and policies, I consider the weighting to be given to the two plans. All parties agreed that I am required to have regard to the provisions of both the ODP and the PDP. Ms Robb, Ms Leith and Mr Dunn put to me that the ODP remained the dominant document due to the high number of appeals to the relevant parts of the PDP. Mr Leckie put to me that the background studies (Wakatipu Basin Land Use Studies 2014 and 2017) meant that considerable weight should be put on the provisions of the PDP given they were informed by this body of research.

46. The character of the WBRAZ is primarily managed in the PDP through the introduction of an 80ha minimum allotment size. The site is part of Landscape Character Unit (LCU) 11 as set out in Schedule 24.8 of the PDP which advises the LCU has a low capability to absorb additional development. The planning framework is in my opinion a significant shift from the ODP Rural General framework which has no minimum allotment size and relies on a case-by-case landscape assessment. I concur with Mr Leckie and Ms Robb that this advocates for more weighting to be afforded to the PDP than might otherwise be the case.
47. The other key determinant of weighting is the amount of independent decision making and testing the provisions have gone through. At this stage provisions have been heard and determined by the Council panel. In this case substantial appeals have been lodged in respect of relevant parts of the decision and there will be a (likely lengthy) process of mediation and court hearing and determination of these appeals. In most cases such appeals result in modified provisions. This suggests limited weight should be put on the PDP provisions at this time.
48. On balance, I concur with Ms Leith that it is finely balanced. I accept that any change to policy direction is likely to result in larger number of appeals than maintenance of the status quo. For completeness, I record here that I reviewed the appeals to better understand the likely outcomes and reached the conclusion that there is extremely broad scope for change. On that basis I find it difficult to give the PDP any considerable weighting in this decision making. It is my finding that there is considerable uncertainty surrounding the key provisions of the WBRAZ in the PDP and that they should therefore be afforded little weight.

EFFECTS

49. Taking into consideration the conditions which have been agreed to (volunteered) by the applicant, I summarise the potential adverse effects as follows:
- Traffic
 - The future built form of two dwellings would adversely affect the rural, pastoral character of the environment.
 - Visual amenity and character effects on Brial and Miller properties

Permitted Baseline

50. None of the planning evidence presented considered that the permitted baseline was of any moment and therefore I have not considered it relevant.

Traffic

51. I accept the only traffic expert evidence provided by to me by Mr Carr that the current formation of Slope Hill Road is suitable for the minimal increase in traffic that will eventuate from this proposal and that there will be no adverse safety or efficiency effects.

Character

52. The expert landscape and planning evidence provided to me by Mr Skelton, Ms Davies and Ms Leith assessed the adverse effects of the proposal on the landscape character as moderate at most. Mr Dunn opined that in the context of the PDP framework the adverse effects would be more significant than in the ODP context as the PDP clearly did not anticipate dwellings at a density greater than 1/80 ha.

53. Effects must be considered in the context of expectations created by the relevant planning documents and I therefore prefer the evidence of Mr Dunn and concur that depending on the framework the assessment of the effects varies. I agree with Mr Dunn that when viewed against the expectations set by the PDP, the adverse effects on the character of the areas are significant as it is anticipated that no further dwellings will be constructed. However, as set out above, I am also of the opinion that little weight can be afforded the PDP.
54. In terms of the provisions of the ODP, the expectations of the zone are set by assessment of the ability to absorb development. Whilst I take Mr Leckie's point that the WBLUS 2014 and 2017 have assessed this ability, I am also very conscious that they are currently being tested through the PDP process and have not (yet anyway) been shown to be able to stand up to the levels of scrutiny to which a planning document is required to by the process set out in the Act.
55. All the expert evidence on effects in terms of the ODP is similar, namely that the adverse effects are mitigated to an acceptable level by the proposed mounding and landscaping.
56. I conclude that the adverse effects on landscape character in the context of the prevailing planning provisions will be minor once the landscaping and mounding is in place.

Visual Amenity and Character effects on Brial and Miller properties

57. The expert evidence provided by the Council and the applicant advised me that in the medium to long term these adverse effects would be low. In the absence of other expert evidence, I accept this advice. I am conscious that the property owners who both presented submissions own and reside (at least some of the time) on the properties raised legitimate concerns. As stated I visited both properties.
58. From the Miller property I considered that the effects would be limited to views from outside the immediate dwelling and living areas of the site. Views to the dwellings would be gained from the wider domestic curtilage (I use this term generally as there is no defined curtilage area enforced on this site) towards the road and further up on the property to the south. I accept that users of the Miller property will be aware of the additional dwellings on the neighbouring site as they will view them from the public road when accessing their site, from their driveway and from their wider site. However, the proposed mounding and vegetation will significantly screen, soften and minimise these views. I concur with Ms Davies that the adverse effects on users of the Millers' property will be low.
59. The effects on users of the Brial property will be of a greater magnitude. Whilst the expert assessment remains that ultimately the adverse effects on the visual amenity and character will be low, I accept that the works particularly for the higher platform will be directly within the lines of sight from the Brial living areas. I also concur with the Brial's submission that locating the platforms (or one platform) lower on the property (closer to the road) would substantially reduce effects in respect of them. Ms Davies has advised that in the short term the adverse effects on the Brians will be moderate and I concur. This effect is mitigated by its short term nature after which the effects will be reduced to low.

OBJECTIVES AND POLICIES

ODP

60. The applicant assessed the objectives and policies of the ODP in Section 9.1 of the AEE. Ms Leith considered Parts 4, 5, 15 and 22 contain the relevant provisions. Mr Dunn agrees. Mr Leckie submits that the proposal is inconsistent with associated policies 1 and 4 of Objective 4.2.5, which seeks that subdivision, use and development is undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values. This appears to me to be the key objective of relevance and in contention in this case.
61. Associated Policies 1 and 4 read:
1. *Future Development*
 - (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation*
 - (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
 - (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

[...]
 4. *Visual Amenity Landscapes*
 - (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity, which are:*
 - *highly visible from public places and other places which are frequented by members of the public generally; and*
 - *visible from public roads.*
 - (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
 - (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*
62. Mr Leckie has submitted that the Wakatipu Land Use Studies 2014 and 2017 demonstrate that there is little potential to absorb further development, and this has been translated into the PDP in LCU 11. However, the ODP does not contain any such statements. The evidence of both landscape architects, Mr Skelton and Ms Davies, is that this area can absorb two residential building platforms with associated future built form as proposed. Mr Leckie has set out in his paragraph 31 that Ms Davies considers that the effects of the proposal on the natural and pastoral character of the site would be reduced if there was only one platform on the site. I concur. However, Ms Davies' evidence is that with the mitigation proposed the effects on landscape character of two platforms is mitigated to the extent that the adverse effects on landscape and visual amenity are low.
63. I accept the evidence of Ms Leith (based on Mr Skelton's opinions) that the future development on the proposed platforms can be accommodated without detracting from the landscape and visual amenity values which are vulnerable to degradation.

64. The proposal is not highly visible from public places. It will be visible from a stretch of around 500m of Slopehill Road. However the adverse effects are adequately mitigated in the opinion of Ms Davies and Mr Skelton. No expert evidence was presented to the contrary, and I accept this evidence.
65. I conclude that the proposal is consistent with this objective and policy.
66. For the avoidance of doubt, I have considered all the objectives and policies in Parts 4, 5, 15 and 22 of the ODP and in my opinion the proposal is consistent with the outcomes sought by these provisions. For efficiency reasons, I do not traverse them here.

PDP

67. Having concluded earlier that little weight should be afforded to the PDP provisions at this time, I only address them briefly. Both Mr Dunn and Ms Leith considered Parts 3, 6, 24, 25 and 27 are of relevance. The provisions of particular interest and in contention are those referencing the minimum allotment size of 80 ha, Policy 24.2.1.1 and Policy 27.2.1.4. Both planners agree that the proposal is contrary to Policy 24.2.1.1. Ms Leith does not reach a conclusion with respect to Policy 27.2.1.4, however her narrative at paragraphs 11.47 and 11.48 of her evidence acknowledge a tension with this policy.
68. Policy 24.2.1.1 is strongly worded *“Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.”* The proposal is clearly contrary to this policy and there is no planning pathway provided for undersized allotments. Given this policy is supported by a non-complying activity status rule in the PDP, I have to conclude it is the intention of the Council that any lots not achieving the 80ha minimum are extremely rare. The policy does not leave space for mitigation of adverse landscape and visual amenity effects. In my view a subdivision creating two 4.08 ha allotments is not contemplated by this policy unless it were to achieve the overarching objective 24.2.1 of maintaining or enhancing the landscape character and visual amenity values. This is not the case here.
69. Policy 27.32.1.4. is less strongly worded
- “Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:*
- a. desirable urban design outcomes;*
 - b. greater efficiency in the development and use of the land resource;*
 - c. affordable or community housing.”*
70. I concur with Ms Leith’s evidence that the word discourage is less strong than “avoid”. The online dictionary defines discourage as “cause to lose confidence or enthusiasm”. It is somewhat difficult to use the interpretation in a regulatory sense, but I take it to mean there are hurdles that could be overcome with sufficient consideration of avoiding, remedying and mitigating adverse effects. I therefore consider that the proposal is not contrary to this policy, but is inconsistent with it.

Regional Policy Statement (RPS)

71. Mr Dunn makes brief comment on the RPS at paragraph 8.4 of the 42A report and concludes that the proposal accords with the objectives and policies of the RPS. As I have no other evidence before me, I accept Mr Dunn’s opinion in this regard.

Conclusion on Objectives and Policies

72. I conclude that the proposal is consistent with achieving the objectives and and policies of the ODP, but is contrary to a key policy of the PDP. Given the earlier weighting exercise I conclude that the proposal is consistent with the objectives and policies that are currently most certain.

PART 2 OF THE RMA

73. For the avoidance of doubt I have considered Part 2 in its entirety. This is relevant in this case given the planning framework provides some uncertainty. Given my findings, I consider that this proposal achieves the purpose of the Act.

PLAN INTEGRITY AND PRECEDENT

74. The proposal is for an activity which is fairly commonly sought in this District – subdivision and establishment of a residential building platform on a rural zoned site. This warrants consideration of the risk of setting an undesirable precedent and considering whether a decision to grant or refuse might undermine the integrity of the plan.
75. In this case the plan is in a state of flux with the ODP zoning of Rural General still dominating, and the proposed zoning of WBRAZ with minimum allotment sizes of 80ha subject to considerable challenge. This planning state is relatively unique, although there is likely to be a period of some years before the zoning is settled. Given my finding that dominant weight is to be given to the ODP, any effects on plan integrity or setting precedent will be in respect of the ODP.
76. The ODP has an established framework under which subdivision and residential building platforms are assessed in the context of the individual characteristics of the site and location and the proposal. There have been many applications in the Rural General zone of this nature and each has been assessed on its merits with some being granted and some being declined. Given this individual characteristics that are required to be considered, it is in my view unlikely that this proposal will be replicated to an extent that a precedent can be set.
77. The assessment undertaken for this proposal is robust and is in line with the process set out in the ODP. It therefore does not undermine confidence in the ODP or affect its integrity.

SECTION 104 DETERMINATION

78. After undertaking a detailed consideration of the proposal in terms of the adverse effects its positive effects and the relevant district and regional policy frameworks (objective and policies) and the RMA I have reached the conclusion that these are best served by granting of the consent subject to conditions.

DECISION

79. In exercising my delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 108 and 220 of the RMA, I determine that subdivision consent to undertake a two lot subdivision and identify two residential building platforms with associated earthworks and landscaping and landuse consent for earthworks are granted subject to conditions set out in Appendix 1.

80. The reasons for my decision have been set out in the sections above.

A handwritten signature in black ink, appearing to read 'Wendy Baker', with a stylized, cursive script.

Commissioner: Wendy Baker

Date: 19 June 2019

Appendix 1 – Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS

DECISION A – SUBDIVISION CONSENT CONDITIONS:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - *'Proposed Subdivision of Lot 2 Part DP 26174 Slope Hill Road Proposed Subdivision Plan'*, prepared by Clark Fortune McDonald & Associates. Drawing No. 02, Sheet 001. Job No. 12830. Dated 02.11.18 Rev C.
 - *'Proposed Subdivision of Lot 2 Part DP 26174 Slope Hill Road Proposed Subdivision Plan'*, prepared by Clark Fortune McDonald & Associates. Drawing No. 02, Sheet 002. Job No. 12830. Dated 02.11.18 Rev C.
 - *'Proposed Subdivision of Lot 2 Part DP 26174 Slope Hill Road Proposed Earthworks Plan (Resource Consent)'*, prepared by Clark Fortune McDonald & Associates. Drawing No. 02, Sheet 003. Job No. 12830. Dated 02.11.18. Rev C.
 - *'Landscape Masterplan'*, prepared by Patch. Reference: PA18204ISO10. Dated 17 May 2019.
 - *'Tree Planting Plan'*, prepared by Patch. Reference: PA18204ISO10. Dated 30 April 2019.
 - *'Ecological Management Plan'*, prepared by Patch. Reference: PA18204ISO5. Dated 17 May 2019.
 - *'Shrub Planting Plan'*, prepared by Patch. Reference: PA18204ISO20. Dated 17 May 2019.
 - *'Proposed earthworks'*, prepared by Patch. Reference: PA18204ISO10. Dated 17 May 2019.
 - *'Cross Section of RBP2'*, prepared by Patch. Reference: PA18204ISO10. Dated 17 May 2019.

stamped as approved on 19 June 2019

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.

Engineering

General

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 May 2018 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>

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

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering 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.
5. 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 Manager of Resource Management Engineering at Council prior to works commencing.
6. 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 to ensure that neighbouring sites remain unaffected from earthworks. 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.
7. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering 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 who is familiar with the Insight Engineering report titled "*Geotechnical Assessment for Proposed Two Lot Subdivision at Pt Lot 2 DP26174, Slopehill Road, Lake Hayes*", reference: 18031_2 and dated 24 October 2018, and who shall supervise the excavation and filling procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
8. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) 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 (3), to detail the following requirements:

- a) The provision of a water supply to each building platform from Council reticulation. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated July 2017, with connections to be located at the road reserve boundary on Slopehill Road. The costs of the connections shall be borne by the consent holder.
- b) A secondary protection system consisting of secondary flow paths to cater for the 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots, and no increase in run-off onto land beyond the site from the pre-development situation.
- c) The provision of a vehicle crossing to the site from Slopehill Road to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the District Plan. This shall be sealed for the first 10m, be trafficable in all weathers, and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
- d) The provision of a road access to approximately the edge of the curtilage area shown for each lot on the landscaping masterplan plan dated 17 May 2019 and stamped as approved as.. This unsealed access shall be designed and constructed in accordance with Road Type E1 and shall meet the following requirements:
 - i) The gradient of the access way shall not exceed 1:5.
 - ii) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
 - iii) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the sub-grade.
 - iv) The minimum standard for carriageway formation shall be either a single granular layer consisting of a minimum compacted depth of (150mm if metal carriageway) /(100 mm if sealed carriageway) AP40 metal, or an alternative formation consisting of one or more layers where:
 - The depth of **any** granular layer shall be no less than 2.5 times the maximum particle size (i.e. if AP40 material is used the maximum particle size is 40mm the minimum layer thickness shall be 100mm); and
 - Minimum total granular carriageway shall not be less than (150mm if metal carriageway) /(100 mm if sealed carriageway).
 - v) A minimum of two passing bays/road widening shall be provided at a minimum of 50m intervals to avoid possible vehicle conflicts.
- e) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be monitored throughout earthworks

9. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
10. 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 his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
11. No earthworks, temporary or permanent, are to breach the boundaries of the site, with the exception of the access upgrade on Slopehill Road.

To be completed before Council approval of the Survey Plan

12. 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

13. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all lots within the subdivision, with the Schedule 2A certification including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall also include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
 - b) The consent holder shall provide 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Subdivision Planner at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

- c) A digital plan showing the location of all building platforms 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.
- d) The completion and implementation of all certified works detailed in Condition (8) above.
- e) 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 building platforms of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) 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 building platforms of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- g) 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, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- i) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- j) All landscaping shown on the approved structural landscaping plans (approved by condition one of this consent) including planting within the ecological gully area shall be completed. This shall include fencing of the ecological gully area. There shall be no planting of the *Cordyline australis* (Cabbage tree) within the gully area directly west from the residential unit located at 122 Slopehill Road.

Ongoing Conditions/Consent Notices

14. In the event that the Engineering Acceptance issued under Condition (8) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a consent notice (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Computer Freehold Registers detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].

15. In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition 13(a) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).
16. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Record of Title for the relevant lots providing for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition 8(b) above. The final wording of the consent notice instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.
17. 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.

General

- a) All buildings and structures shall be contained within the Building Platform as shown as Covenant Areas X and XX as shown on Land Transfer Plan XXXXX.
- b) The maximum height for all buildings on Lot 1 DP XXXXX is to be 6m above RL 407m.
- c) The maximum height for all buildings on Lot 2 DP XXXXX is to be 6m above RL 416m.
- d) The maximum building coverage within each approved platform shall be 450m².
- e) The external materials and colours of buildings within the approved building platform, including but not limited to walls, , spouting, joinery, doors etc., and water tanks shall be of a light reflectance value of not greater than 30% and be coloured in the range of browns, greens or greys, with the exception of pre-painted steel and all roofs which shall have a light reflectance value of not greater than 20%.
- f) All water tanks are to be wholly or partially buried. Partially buried water tanks are to be in a dark recessive colour and/or visually screened so as to not be visible from beyond the subject site. If a tank is partially buried, it shall be located within the domestic curtilage area.

Landscaping

- g) All fencing is to be limited to post and rail, post and wire or post and mesh fences.

- h) Any entranceway structures shall be to a height of no more than 1.2m and shall be constructed of natural materials such as timber, steel or stone and to be consistent with traditional rural elements.
- i) Access to the allotments is to be of gravel formation with swale edge as necessary. Concrete kerb and channel is not permitted.
- j) All landscaping as shown on the plans stamped as approved by condition one (1) of RM181560 shall be maintained by the Lot owner in perpetuity, this shall include the Ecological Management Area as shown on the approved plans which is required to be fully fenced with rural style fencing. Should and plant become diseased and/or die, it shall be replaced within the first available planting season. Notwithstanding this, there shall be biennial pest and weed maintenance undertaken by the Lot owners within the Gully area.

Curtilage

- k) All domestic landscaping and structures including but not limited to clothes lines, outdoor seating areas, external lighting, swimming pools, tennis courts, play structures, vehicle parking, pergolas and ornamental or amenity gardens and lawns are to be confined to the domestic curtilage area as identified on the subdivision plan.
- l) There shall be no activities take place within the ecological gully area; this includes any domestic activities and any grazing of animals.

Lighting

- m) All external lighting shall be down lighting only and shall not be used to highlight buildings or landscape features visible from beyond the property boundary.
- n) All external lighting not fixed to the external walls of a building shall be no higher than 1.2m above ground level.

Engineering

- o) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Civilised Limited in their Infrastructure feasibility report, reference QS026 and dated 16/11/2018. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the residential unit.

The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.

- p) At the time a residential unit is erected on Lots 1-2, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve, and 10,000 litres maintained as potable water buffer storage. Alternatively for firefighting a 7,000 litre reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family residential units. In the event that the proposed residential units provide for more than single family occupation then the consent holder should consult with Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a FENZ appliance to park on it and access to the hardstand area must be provided as above. The FENZ connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance. Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

Advice Note: Fire and Emergency New Zealand considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new residential unit. Given that the proposed residential unit is approximately 10km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire Brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.

DECISION B – LAND USE CONSENT CONDITIONS:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plan:
 - *'Proposed Subdivision of Lot 2 Part DP 26174 Slope Hill Road Proposed Earthworks Plan (Resource Consent)'*, prepared by Clark Fortune McDonald & Associates. Drawing No. 02, Sheet 003. Job No. 12830. Dated 02.11.18. Rev C.

stamped as approved on 19 June 2019

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.

Exercise of Consent

4. This consent is only able to be exercised concurrently with Decision A (Subdivision) of RM181560

Engineering

General

5. 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 May 2018 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>

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

6. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering 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.

7. 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 Manager of Resource Management Engineering at Council prior to works commencing.
8. 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 to ensure that neighbouring sites remain unaffected from earthworks. 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.
9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering 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 who is familiar with the Insight Engineering report titled "Geotechnical Assessment for Proposed Two Lot Subdivision at Pt Lot 2 DP26174, Slopehill Road, Lake Hayes", reference: 18031_2 and dated 24 October 2018, and who shall supervise the excavation and filling procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

To be monitored throughout earthworks

10. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
11. 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 his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
12. No earthworks, temporary or permanent, are to breach the boundaries of the site, with the exception of the access upgrade on Slopehill Road.

Upon completion of earthworks

13. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
14. All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.

Advice Note:

- Granting of this consent does not predetermine any future consent for residential dwellings on these sites. Under the current planning framework a restricted discretionary resource

consent is required for any dwelling meaning that the Council has discretion to decline consent.

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 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 with our monitoring planner added to the email at 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:
RM181560

Wednesday, 19 June 2019

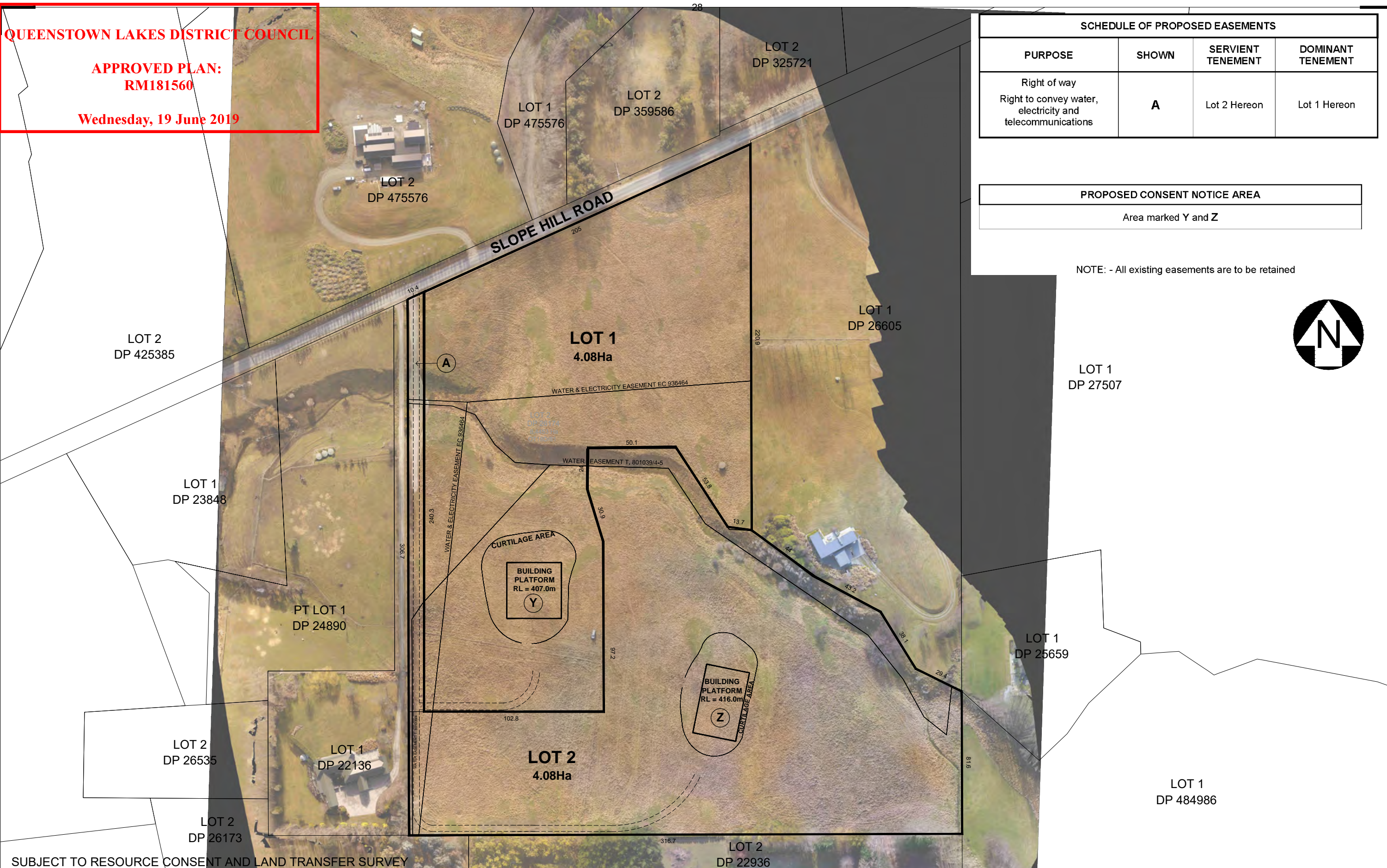
SCHEDULE OF PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way Right to convey water, electricity and telecommunications	A	Lot 2 Hereon	Lot 1 Hereon

PROPOSED CONSENT NOTICE AREA

Area marked Y and Z

NOTE: - All existing easements are to be retained



SUBJECT TO RESOURCE CONSENT AND LAND TRANSFER SURVEY

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
A	16.04.19	DEPTH SHADING KEY AMENDED ON SH004	HK
B	16.05.19	CURTILAGE AREAS AMENDED	HK
C	20.05.19	CURTILAGE AREAS AMENDED	HK

PROPOSED SUBDIVISION OF PART LOT 2 DP 26174
SLOPE HILL ROAD
PROPOSED SUBDIVISION PLAN

Client	BLACKLER	Surveyed	Signed	Date	Job No.	Drawing No.
					12830	02
						Sheet 001
Notes:		Drawn	Signed	Date	Scale	
All dimensions shown are in meters unless shown otherwise.		HK		02.11.18	1:1000 @ A1	
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181560

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SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way Right to convey water, electricity and telecommunications	A	Lot 2 Hereon	Lot 1 Hereon

PROPOSED CONSENT NOTICE AREA
Area marked Y and Z

NOTE: - All existing easements are to be retained



LOT 1
DP 27507

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SUBJECT TO RESOURCE CONSENT AND LAND TRANSFER SURVEY



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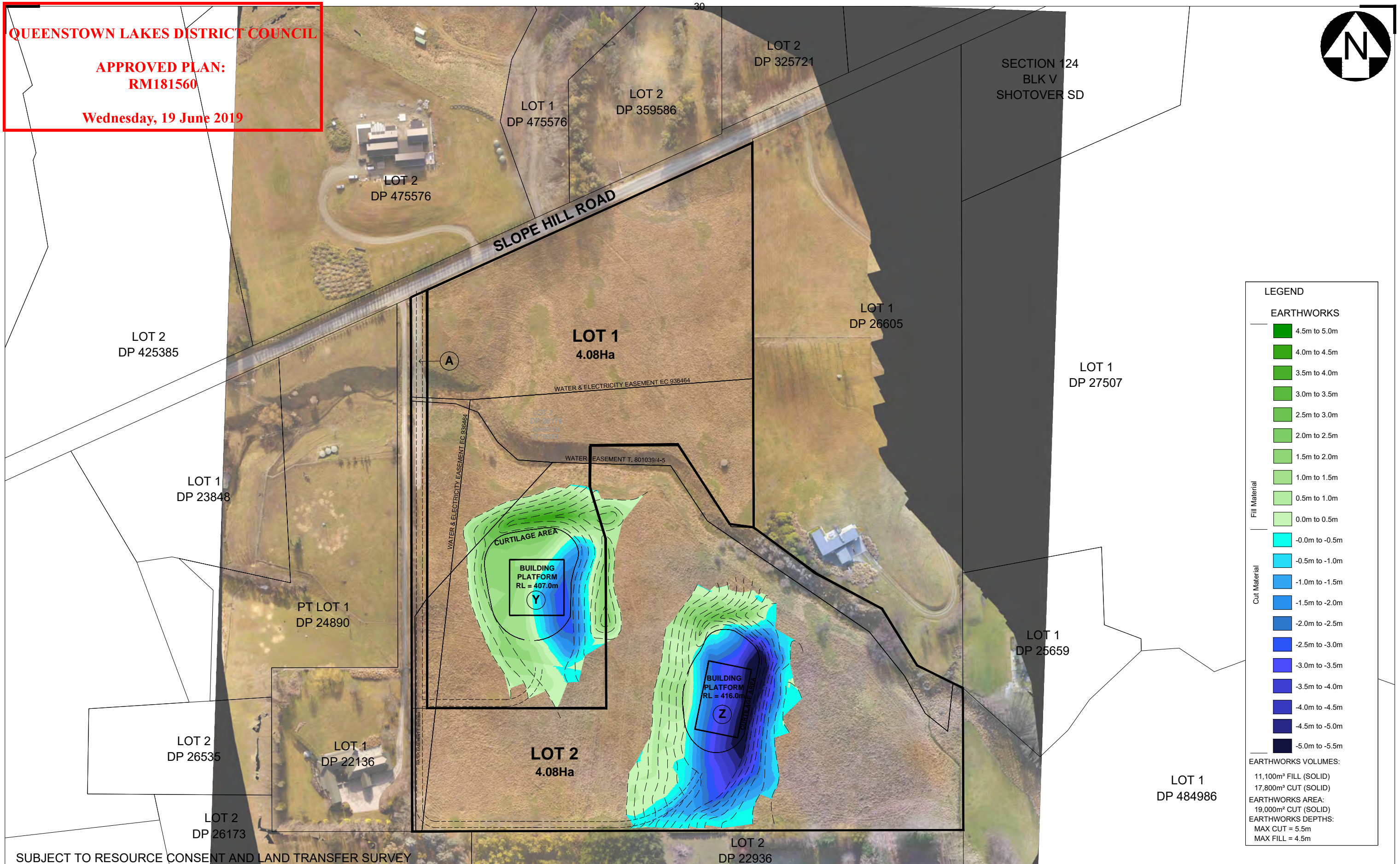
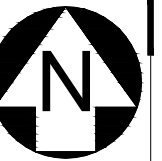
PROPOSED SUBDIVISION OF LOT PART 2 DP 26174
SLOPE HILL ROAD
PROPOSED SUBDIVISION PLAN

Client	Surveyed	Signed	Date	Job No.	Drawing No.
BLACKLER			-	12830	02
					Sheet 002
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 re-plotting 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	Signed	Date	Scale	
	HK		02.11.18	1:1000 @ A1	
	Designed	Signed	Date	Datum & Level	1:2000 @ A3
	SS		10.18	NZGD2000 / MSL	Rev.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181560

Wednesday, 19 June 2019



SUBJECT TO RESOURCE CONSENT AND LAND TRANSFER SURVEY

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B	16.05.19	CURTILAGE AREAS AMENDED	HK
C	20.05.19	CURTILAGE AREAS AMENDED	HK

PROPOSED SUBDIVISION OF PART LOT 2 DP 26174
SLOPE HILL ROAD
PROPOSED EARTHWORKS PLAN (RESOURCE CONSENT)

Client	BLACKLER	Surveyed	Signed	Date	Job No.	Drawing No.
					12830	02
						Sheet 003
Notes:		Drawn	Signed	Date	Scale	
All dimensions shown are in meters unless shown otherwise.		HK		02.11.18	1:1000 @ A1	
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181560

Wednesday, 19 June 2019



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	Common name	Botanical name	Spacing
Ca. b	Hornbeam hedging	Carpinus betulus	0.5m ctrs
Qu. p	Pin oak avenue	Quercus palustris	8m ctrs
Fr. e	Golden ash	Fraxinus excelsior 'Aurea'	
Pr. a	Flowering cherry	Prunus accolade	8m ctrs
Qu. r	Red oak	Quercus rubra	
Ce. d	Himalayan cedar	Cedrus deodara	8m ctrs
Cu. t	Himalayan cypress	Cupressus torulosa	8m ctrs
Cu. l	Leyland cypress	Cupressus x leylandii	8m ctrs
Th. p	Western red cedar	Thuja plicata	8m ctrs
Be. u	Himalayan birch	Betula utilis 'Jacquemontii'	8m ctrs
Fa. s	Copper beech	Fagus sylvatica 'Riversii'	8m ctrs



Gully to be subject to the same landscape management plan across both lots with an objective to revegetate the gully with indigenous plants, enhancing the natural values of this landscape feature. This will include spot planting of appropriate natives, in groups, and the ongoing clearing of hawthorne, exotic broom and other woody weeds.





Ecological gully area

Initial eradication of all exotic woody weed species prior to planting (note some exotic weeds may act as nursery plants for indigenous revegetation activity).

Groups of 30 plants shall be planted in patches every 15-20m along the gully area or, where possible, within areas where existing indigenous vegetation is present.

Gully area will be fenced off from grazing and plants to be protected with coverguards. Area will be subject to biennial pest and weed control.

Total ecological enhancement area is approximately 8100m².

Native planting to include the following species composition:

Common name	Botanical name	Percentage	Spacing
Rush	<i>Juncus gregiflorus</i>	20	0.6m
Pukio	<i>Carex secta</i>	20	0.6m
Rhizomatous sedge	<i>Carex geminata</i>	20	0.6m
Korimiko	<i>Hebe salicifolia</i>	15	1.5m
Toi toi	<i>Cordarteria richardii</i>	10	1.5m
Harakeke	<i>Phormium tenax</i>	10	1.5m
Cabbage tree	<i>Cordyline australis</i>	5	1.5m



Proposed native planting to mitigate effects of earthworked areas and to link with gully vegetation (see shrub planting plan). Planted areas to be fenced off with rabbit-proof fencing, mulched to a depth of 100mm and plants to be protected with cover guards.



Land to be kept as rough or mown pasture grass.



All domesticated activities to be contained within the residential curtilage area.





	Common name	Botanical name	Spacing
1	Red tussock	Chionochloa rubra	1.0m ctrs
2	Boxwood	Hebe odora	1.0m ctrs
3	Wind grass	Anemone thele lessoniana	1.5m ctrs
	Needle-leaved coprosma	Coprosma rugosa	1.5m ctrs
	Korokio	Corokia cotoneaster	1.5m ctrs
	Mountain flax	Phormium cookianum	1.5m ctrs
	Toetoe	Cortaderia richardii	1.5m ctrs
4	Harakeke	Phormium tenax	2.0m ctrs
	Black matipo	Pittosporum tenuifolium	2.0m ctrs
	Toetoe	Cortaderia richardii	2.0m ctrs
5	Harakeke	Phormium tenax	2.0m ctrs
	Toetoe	Cortaderia richardii	2.0m ctrs
	Whipcord hebe	Hebe cupressoides	1.5m ctrs



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LOT1 4.3557ha

Domestic
Curtilage Area

RBP1
RL407

Domestic
Curtilage Area

RBP2
RL416

LOT2 4.0886ha

1.5m setback of proposed earthworks from neighbour's shelterbelt



Landscape — Reference: PA18204 ISO10
Scale — 1:1000 A3



Blackler — Slope Hill Road
Proposed Earthworks — 17 May 2019

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Section a - a'

- Existing ground level
- - - Proposed ground level

