DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991



Applicant: Suburban Estates Limited

RM reference: RM070943

Location: 42, 44 & 46 Manse Road, Arrowtown

Proposal: Subdivide Part Section 7 Block XVIII Shotover Survey

District into 24 residential allotments, two access allotments, one balance allotment for future development, one lot to contain Feehly's Hill and one lot to vest in Council as reserve. Land use consent is also sought to allow for activities other than the provision of open space and to breach the 2m building setback within parts of the Open Space Hillside East OS-HL(E) Activity Area of the

Structure Plan.

Type of Consent: Subdivision and Land Use

Legal Description: Part Section 7 Block XVIII Shotover Survey District held

in Certificate of Title OT13B/98

Valuation Number: 2918410900

Zoning: Meadow Park Zone

Activity Status: Controlled Subdivision and Non Complying Land Use

Notification: Non-notified

Commissioner: Commissioner Sinclair

Date: 19 May 2009

Decision: Granted with conditions

We refer to your application for subdivision and land use consent under section 88 of the Resource Management Act 1991 to subdivide Part section 7 Block XVIII Shotover Survey District into 24 residential allotments, two access allotments, one balance allotment for future development, one lot to contain Feehly's Hill and one lot to vest in Council as reserve and for land use consent to allow for activities other than the provision of open space and to breach the 2m building setback within parts of the Open Space Hillside East OS-HL(E) Activity Area of the Structure Plan.

The application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 18 May 2009 This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

Under the Partially Operative District Plan (PODP) the subject site is zoned Meadow Park zone and requires resource consent for the following reasons;

Subdivision

A controlled subdivision activity pursuant to Rule 15.2.3.2 (lot sizes and dimensions), Rule 15.2.7.1 (subdivision design), Rule 15.2.8.1 (property access) Rule 15.2.10.1 (natural and other hazards), Rule 15.2.11.1 water supply, Rule 15.2.12.1 (storm water disposal), Rule 15.2.13.1 (sewerage treatment and disposal), Rule 15.2.14.1 (trade waste disposal), Rule 15.2.15.1 (energy supply and telecommunications), Rule 15.2.16.1 (open space and recreation), Rule 15.2.17.1 (vegetation and landscaping), Rule 15.2.18.1 (easements). Council's control is respect to these matters.

Overall, the application is considered to be a controlled subdivision activity.

Land Use

- A non complying activity pursuant to Rule 12.17.3.4 (i) in regard to any activity, other than
 the provision of open space, in the Open Space Hillside East OS-HL(E) of the Structure Plan.
 The revised Outstanding Natural Feature (ONF) line will result in activities other than the
 provision of open space within parts of the existing OS-HL(E) area contained within Lots 13,
 14, 15, 18, 19 and 21.
- A **restricted discretionary** activity pursuant to Rule 12.17.3.3 as the proposal breaches site standard 12.17.5.1 (c)(iii) in regard to the minimum building setback of 2m from the edge of the OS-HL (E). The revised Outstanding Natural Feature (ONF) line will result in buildings being located within the 2m setback from the OS-HL(E) within Lots 13, 15, 18, 19 and 21.

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

The application was considered on a non-notified basis in terms of section 93(1)(b) whereby the consent authority was satisfied that the adverse effects of the activity on the environment will be minor and in terms of section 94(2) whereby all persons who, in the opinion of the consent authority may be adversely affected by the activity, have given their written approval to the activity.

Decision

Consent is GRANTED pursuant to section 104 of the Act, subject to the following conditions imposed pursuant to sections 108 and 220 of the Act:

General Conditions

- That the activity be undertaken in accordance with the plans, 'Proposed Lots 1-27, 100-101, 200 and 300 Being a Proposed Subdivision of Pt Sec 7 Shotover SD', 'Overall Plan view Clearing & Site Management', 'ONF Boundary', 'Overall Site Plan', 'Typical Cross Sections Preliminary Design', 'Long Sections for Rights of Ways 1-4', 'Long Sections of Roads 1 and 2 (stamped as approved 4 May 2009) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.
- 2 All necessary easements are to be granted or reserved.

Engineering

- All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
- Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) The provision of a water supply to Lots 1 24 in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve. The costs of the connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection from Lots 1 24 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, including any necessary upgrades to the Butel Park pump station. 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, Dunedin Office.
 - d) The provision of a stormwater disposal system to collect and dispose of stormwater from the roads and rights of way within the site, and Manse Road adjacent to the site, in accordance with Council's standards and the following:
 - (i) Soakage pits shall be designed based on the specific ground conditions at each location and shall include a separate sump gully and sump.
 - (ii) The design shall include a maintenance management plan.
 - (iii) There shall be adequate space near each sump to locate another soak pit should that installed fail in the future.
 - (iv) The final location of soak pits within legal roads is subject to Council approval.
 - (v) Road 2 and ROW 3, and associated drainage including the cut-off trench between ROWs 3 and 4, shall be designed to minimise overland flow towards the lower-lying lots at the rear of the subdivision.
 - (vi) Should soakage swales be proposed, a specific vehicle crossing design shall be provided. Construction of a vehicle crossing in accordance with this design shall be registered as a consent notice on the new titles.
 - 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, as detailed on the *Clark Fortune McDonald* drawing E_001 Rev A, received on 2 October 2008, 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.
 - g) The provision of a sealed vehicle crossing that shall be constructed to Lots 8, 13 and 21 to Council Standards, including compliance with Rule 14.2.4.2 of the PODP.
 - h) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private

roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the owners of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.

- i) The nature and extent of all earthworks associated with the subdivision. The final form of the landscaping bund identified on the plan entitled, 'Overall Site Plan Clearing & Site Management', stamped as approved and attached to this decision, shall be re-submitted to Council for approval and shall meet the following objective;
 - Batter slopes shall have a maximum gradient of 1:3 and shall be designed to blend with existing contours.
- j) The provision of adequate vegetation coverage approved by a suitably qualified professional, to protect the lots from rock fall hazard from Feehly's Hill, as per the report by Royden Thomson dated 15 November 2007.
- k) The formation of the internal roading to provide access to Lots 1-7 and 9-24, in accordance with Council's standards and the following minimum widths:
 - Roads 1 and 2: 6m carriageway within a 12m legal width
 - Rights of way: 3.5m carriageway within a 4.5m legal width
- The provision of an easement securing public access over the walking track, approved by resource consent RM071231, in accordance with Condition 5 of RM071231.
- 6 The consent holder shall install measures to control and or mitigate any dust, silt run-off and sedimentation that may occur. These measures shall be implemented <u>prior</u> to the commencement of any earthworks on site and shall remain in place for the duration of the project.
- 7 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.
- 8 No earthworks, temporary or permanent, are to breach the boundaries of the site unless otherwise formally approved by Council, unless they are required for the upgrade of the Manse Road stormwater swale.
- 9 Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans 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.
 - b) The completion and implementation of all works detailed in Condition (5) above.
 - c) Each lot created for residential use by this subdivision shall be provided with a minimum electricity supply of single phase 15kVA capacity. This supply shall be made available to the net area of the Lot. Each supply shall be underground from any existing reticulation.
 - d) The consent holder shall provide a suitable and usable telecommunications connection to the net area of Lots 1 24. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Telecom.
 - e) 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.

- f) 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.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- h) A suitably qualified engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431:1989, for all areas of fill placed within Lots 1 24.
- i) 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 5(f) above.
- 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's Hill, advising that the lot owners are responsible for implementing the detailed protection and maintenance management plan prepared under Condition 5(e) above.
- Prior to certification pursuant to section 224 of the Act and in accordance with section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:
 - a) At the time a dwelling is erected on Lots 1 24, the owner for the time being shall engage a suitably qualified professional as defined in section 1.4 of NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation. Parts of the site are underlain by silty alluvial deposits so soakage tests shall be undertaken as part of the design.
 - b) At the time a dwelling is erected on Lots 1 7 and 9, there shall be no direct access to Manse Road from these lots. Access shall be via the subdivision's internal roading only.
 - c) At the time a dwelling is erected on Lot 8, access shall be via the vehicle crossing constructed at the time of subdivision.
 - d) At the time a dwelling is erected on Lots 1 24, the foundations shall be designed by a suitably qualified professional as defined in section 1.4 of NZS4404:2004, taking into account the recommendations of the Tonkin & Taylor report dated November 2007.
 - e) At the time of future development/subdivision of Lot 50, all services and access shall be provided in accordance with Council's standards, and development contributions shall be paid. No credits shall be given for development contributions.
 - g) Within Lots 13, 14, 15, 18, 19, 21, 23, 24, the following restrictions shall apply to the area to the south east of the ONF line illustrated on the plan entitled, 'Proposed Lots 1-27, 100-101, 200 and 300 Being a Proposed Subdivision of Pt Sec 7 Shotover SD', stamped and approved in accordance with Condition 1 above;
 - (i) No activities, other than the provision of 'Open Space' shall be undertaken.
 - (ii) Vegetation planted shall be limited to the following native species (which are 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 cita silver tussock
Poa colensoi blue tussock
Phormiun cookianum mountain flax
Nothofagus fusca red beech

Nothofagus cliffortioides mountain beech

Griselinia littoralis broadleaf

Myrsine australis mapou, red matipo

Coprosma lucida

Podocarpus hallii mountain totara

Sophora microphylla Kowhai

Coprosma propinqua mingimingi

Coprosma virescens

Discaria toumatou matagouri
Olearia odorata tree daisy
Corokia cotoneaster korokia

Aristotelia fruticosa mountain wineberry

Carmichaelia petriei native broom

Hebe cupressoides whipcord hebe

Melicytus alpinus or sp. Porcubine shrub

Myrsine divaricata weeping mapou

Olearia fragrantissima scented tree daisy

Olearia lineate weeping tree daisy

Muehlenbeckia complexa

- (iii) There shall be no fencing other than a boundary fence constructed of post and wire and no greater than 1.2 metres in height.
- h) Within Lots 13, 14, 15, 18, 19, 21, 23, 24 and 50, the building setback from the ONF Line identified on the plan entitled, 'Proposed Lots 1-27, 100-101, 200 and 300 Being a Proposed Subdivision of Pt Sec 7 Shotover SD', stamped and approved in accordance with Condition 1 above, shall be 2m, except;
 - (i) Accessory buildings to residential activities other than those used for the housing of animals may be located within the setback distances from the ONF line, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or opening, other than for carports, along any of the walls within 2m of the ONF line.
 - (ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback from the ONF line as follows:
 - (a) eaves up to 0.6m into the setback; and
 - (b) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window intrusion is permitted on each setback of each building; and
 - (C) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the ONF line and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - (d) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and

- (e) No part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (i) No part of any building designed and/or used for the housing of animals shall be permitted to locate within 2m of the ONF line.
- 11 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 1 – 4, 20, 22 – 24, and Lot 100

Stage 2: Lot 21

Stage 3: Lots 5 – 14, 16 and 17, and Lot 101

Stage 4: Lots 15, 18 and 19

Lots 50, 200 and 300 shall be incorporated into any of the above stages.

- 12 If the consent holder discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the New Zealand Historic Places Trust and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Hours of Operation

13 Hours of operation for all subdivision works shall be:

Monday to Saturday (inclusive): 8.00am to 6.00pm

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

Sundays and Public Holidays: No Activity

Advice Note

- The Council may elect to exercise its functions and duties through the employment of independent consultants.
- The consent holder shall liaise with Council directly, should they seek to offset costs associated with the upgrade of the Butel Park pump system against development contributions.

Reasons for the Decision

Proposal

Subdivision

Consent is sought to subdivide Part section 7 Block XVIII Shotover Survey District into 24 residential allotments, two access allotments, one balance allotment for future development, one lot to contain Feehly's Hill and one lot to vest in Council as reserve. The application includes the formation of

vehicle access, earthworks and the provision of services for water supply, electricity supply and telecommunications. The proposed lot areas are as follows;

- Lots 1 to 24 Range in size from 577m² to 1009m² in area and will be used for residential purposes
- Lot 50 5246m² in area and balance lot proposed to be and is associated with future development.
- Lot 100 1127m² area to be vested in Council as road
- Lot 101 1117m² area to be vested in Council as road
- Lot 300 438m² areas to be vested in Council as reserve
- Lot 200 6.75ha in area and balance lot containing part of Feehly's Hill.

Consent is also sought to undertake the subdivision in four stages as follows;

Stage 1 – Lots 1 to 4, 20, 22-24 and Lot 100

Stage 2 - Lots 21

Stage 3 - Lots 5-14 16 and 17 and Lot 101

Stage 4 - Lots 15, 18 and 19

Lots 13, 14, 15, 18, 19, 21, 23 and 24 straddle the Residential Activity Area East (RES(E)) and Open Space Hillside East (OS-HL(E)) areas of the zone. The balance Lot 50 straddles the Design Urban Edge East (DUE(E)) and OS-HL(E) areas of the zone. The balance Lot 200 is located within the (OS-HL(E)) area of the zone.

Infrastructure

It is proposed to provide water to each of the 24 residential lots by constructing an internal water reticulation system within the subdivision and connecting to the existing Council reticulation which runs along Manse Road.

Effluent disposal is proposed by way of a connection to Council's reticulation within Essex Avenue and Butel Park whilst it is proposed to dispose of all stormwater generated from all access roads and future building development by way of on site systems.

The applicant has provided confirmation from Telecom and Delta confirming that telecommunications and electricity supply can provided to the development.

Access

Access to the residential lots, with the exception of proposed Lot 8 will be via two vehicle entrances which each access two cul de sacs; access Lots 100 and 101. The residential lots will either gain access directly off one of the two access lots or via right of ways (ROW's). It is proposed that Lot 8 accesses directly off Manse Road.

Pedestrian access will be gained via the access Lots 100 and 101 and an additional access point off Manse Road which gives access to the proposed reserve (Lot 300). A public ROW easement is also proposed off access Lot 100 to give public access to the Feehly's Hill walking track.

Land Use

To fully understand the land use consent required, the background regarding the establishment of the activity areas of the Meadow Park Zone is relevant.

Environment Court decisions C153/2004 (interim) and C159/2006 determined the location of the activity areas, OS-HL(E), RES(E) and DUE(E) of the Meadow Park Zone. The OS-HL(E) encompasses the Outstanding Natural Feature (ONF), Feehly's Hill, within the subject site and within this area it is anticipated that only activities that allow for the provision of open space can be undertaken. The OS-HL(E) is adjacent to the RES(E) and DUE(E) Activity Areas of the Structure Plan. The RES(E) and DUE(E) areas were established for residential development.

The boundary of the OS-HL(E) was determined as being where the ONF starts, otherwise described as the ONF boundary. The decision C153/2004 identified that this ONF boundary, or the boundary of the OS-HL(E), was located at the base of Feehly's Hill.

Land use consent is sought to allow for activities other than the provision of open space and to breach the 2m building setback within parts of the OS-HL(E) Activity Area of the Structure Plan.

Eight of the proposed lots straddle the RES(E) and OS-HL(E) Activity Areas. Lot 50 straddles the DUE(E) and OS-HL(E) Activity Areas. The requirement for this land use consent concurrent with the proposed subdivision is as a result of the applicant proposing a revised line for the identification of the OS-HL(E) boundary, also described as the revised ONF line. The plan entitled, 'ONF Line' and stamped as approved and attached to this decision, illustrates the difference between the location of the PODP ONF line and the revised ONF line.

The revised ONF line submitted by the applicant is intended to more closely reflect the intent of the Environment Court decision as it acknowledges the contours that identify the base of Feehly's Hill more accurately than the OS-HL(E) boundary. The result is that built form would be anticipated within the existing OS-HL(E), as identified by ENV C153/2004, but would be restricted within areas of the RES (E) and DUE (E). The restrictions would be enforced by way of a consent notice that determines what activities would be permitted within those areas.

In regard to the proposed subdivision layout, areas within Lots 50, 24, 23 and 21 will incur additional restriction on built form due to the more accurate identification of the base of the hill, whereas areas within Lots 13, 14, 15, 18, 19 and 21 will allow for areas of the OS-HL(E) to be built upon.

Site and Locality Description

The subject site comprises the western half of Feehly's Hill and Iand at it's western base. The 24 residential allotments are located between the base of the hill and Manse Road. This area is mostly grassed and is occupied by three dwellings, fencing, various farm buildings and curtilage, all of which are to be removed. The established activities are all accessed from vehicle crossings off Manse Road. The land at the base of the hill then rises to its summit. The western half of Feehly's Hill is currently undergoing an ecological restoration programme undertaken by the applicant, in accordance with the PODP provisions for the zone.

The subject site is located within the north east corner of the Wakatipu Basin, approximately half a kilometre west Arrowtown Town Centre, which is physically separated from the subject site by the landform of Feehly's Hill. Millbrook Resort is located to the south of the subject site on the southern side of Malaghan's Road. The Butel Park residential subdivision is located to the west of the subject site on the western side of Manse Road. Mixed use activities exist north of the subject site comprising established residential lots and the Bush Creek industrial area.

Effects on the Environment

Land, Flora and Fauna

A subdivision planting plan has been submitted with the application which provides details on amenity street planting and reserve planting along the length of Manse Road adjacent to the subject site and along access Lots 100 and 101 and the proposed reserve, Lot 300. Plantings comprise of Claret Ash and Birch trees in addition to low planting areas. Council have provided written approval for the planting on Manse Road, on Council road reserve and within the subdivision along the access lots which are to be vested in Council.

No trees of any significant value are proposed to be removed from the site.

Therefore, no adverse effects on trees are anticipated by the proposed subdivision.

The application states that the earthworks required include 2500m³ of topsoil stripping, 1000m³ of cut to bund and 1400m³ of cut to certified fill and 2500m³ of topsoil re-spreading, giving a total volume of 9,800m³. Given that the volume of earthworks will be undertaken over the entire subdivision site, no significant alterations to the landform will result. However a linear landscape bund is proposed adjacent to the Manse Road boundary to utilise cut material on site. The bund is not illustrated on the proposed landscape plan but on the proposed earthworks plan. The Lakes Environmental Landscape Architect has raised concerns in regard to the engineered bund and recommends a condition of consent to ensure that the bund is broken up into more naturalistic forms of appropriate gradients so that they do not take on the visual appearance of a an engineered wall of cut material.

With such a condition imposed, any adverse visual effects from Manse Road due to the alteration of the landform will be mitigated such that they are no more than minor.

Overall, any adverse effects on landform are considered to be minor.

Infrastructure

It is proposed to connect to Council's reticulated water supply. Some of the proposed residential allotments are located outside of the Arrowtown Water and Wastewater Schemes Service Area Boundary at the time the application was submitted. The scheme boundaries have subsequently been amended through the Council's Utilities Committee to include the subject site and the RES(E) activity area of the zone. This resolution was passed on 18 November 2008. The Lakes Environmental Engineer has assessed the proposed water supply proposal and states that;

'Modelling has been undertaken by Tonkin and Taylor (T&T) and confirms that the required flows and pressures are available to service the subdivision. Water modelling confirms that suitable fire fighting flows and pressures are available. Additional hydrants will need to be installed'.

Conditions of consent have been recommended by the Lakes Environmental Engineer to ensure that the water supply is established in accordance with Council's standards.

With the recommended conditions of consent, any adverse effects in regard to water supply are considered to be no more than minor.

As with water supply as discussed above, it is proposed to connect to Council's reticulated waste water disposal system via the Butel Park pump station. The Lakes Environmental Engineer has assessed the proposed waste water disposal proposal and states that;

'Network modelling has not been undertaken to confirm that there is sufficient capacity in the existing network. However, the applicant's engineer has identified that the pump station will require an upgrade to service the subdivision.'

Further to this Councils Network Manager, MWH, have advised that Council would prefer an upgrade to the existing pump station rather than having an additional pump station vested.

Conditions of consent have been recommended by the Lakes Environmental Engineer to ensure that the waste water disposal system and any upgrade to the existing pump station are undertaken in accordance with Council's standards.

With the recommended conditions of consent, any adverse effects in regard to waste water disposal are considered to be no more than minor.

As there is no existing Council stormwater reticulation in the area, it is proposed to dispose of stormwater to ground within the site with the Manse Road stormwater flow path within the road reserve being utilised for high intensity stormwater run off events. Currently stormwater from Manse Road discharges onto the subject site and this is to be remedied by the final stormwater system design which includes an upgrade of the stormwater swale within the road reserve adjacent to the subject site.

The applicant has provided calculations to show that the post development discharge to Manse Road is less than pre-development and that for high intensity events of a 60 minute duration or less, there should be no discharge beyond the site.

The Lakes Environmental Engineer states the following in regard to stormwater disposal within the subject site;

'It is proposed to construct a stormwater cut-off trench above the proposed building platforms on Lots 13 and 24 to direct overland flow from Feehly's Hill towards the natural flowpath within Lot 50. Royden Thomas's report submitted with the application shows that there are also flows across the site from the north west towards the base of Feehly's Hill. Road 2 and ROW 3 and

associated drainage including the cut-off trench between ROW's 3 and 4 should be designed to minimise overland flow towards the lower-lying lots at the rear of the subdivision.

Easements should be created to protect overland flow paths in the long term, to ensure that these are not modified by future lot owners when dwellings are constructed.'

Council's consulting engineers, GHD, have reviewed the discharge calculations provided by the applicant and the details on suitable system designs. GHD have concluded that the proposed drainage concept is acceptable, subject to conditions of consent. The Lakes Environmental Engineer concurs with this conclusion.

The applicant has sought and obtained landowners consent from QLDC for the stormwater disposal system which includes the upgrade of the stormwater swales within the road reserve and for the discharge from the subject site as proposed as part of this application.

For the above reasons, any adverse effects in regard to stormwater disposal are considered to be minor, subject to conditions of consent as recommended by GHD and the Lakes Environmental Engineer.

The application includes letters from Delta and Telecom that confirm that power and telecommunication supply can provided to the proposed lots. No adverse effects in this regarding are anticipated.

Natural Hazards

Royden Thomson, geologist, has undertaken an assessment of natural hazards at the subject site. No hazards are identified on Council's hazard register maps, but a previous report in a consent application for a site to the north identified a potential rock fall hazard from Feehly's Hill.

Thomson concludes that while a rock fall hazard does exist, the risk to the subdivision is assessed as being very low. He states "I am comfortable with a 'do-nothing' option, but a debris fence, located part way up the colluvial fan complex, would be a conservative mitigating structure. Especially if all vegetation is removed."

The Lakes Environmental Engineer has reviewed the Royden Thomson report and provides the following comments;

'At this time, it is not proposed to remove vegetation from the slopes of Feehly's Hill. However, subdivision is considered to be the most appropriate time to install any mitigation measures as the land is still held in single ownership and the developer can bear the cost. It is therefore recommended that a catch fence is provided, unless the applicant can provide further information to satisfy Council that this is not necessary prior to consent being granted.

Thomson's report also identifies potential surface flooding of low-lying areas at the eastern side of the subdivision. If properly designed, I consider that the proposed stormwater system, including cut-off trenches, will provide adequate protection to the lots from overland flows.'

The applicant has confirmed that they can commit to the retention of vegetation across Feehly's Hill, as either exotic vegetation or that vegetation cover likely to result from the programme of ecological restoration on Feehly's Hill as approved by way of resource consent RM071231. A condition of consent shall be imposed in regard to suitable mitigation methods for the low potential rock fall hazard.

In regard to the flooding issues, the stormwater assessment above confirms that effects of flooding can be mitigated by the stormwater disposal system design, subject to conditions of consent.

With the imposition of the recommended conditions of consent, any adverse effects in regard to natural hazards are considered to be minor.

People and Built Form

Subdivision

The 24 residential allotments proposed are of a sufficient size to accommodate the required setbacks and construction of a future dwelling of up to 160m² and accessory building of up to 40m² under the Meadow Park Zone planning provisions. All of the residential allotments meet the minimum site density requirement of 575m² per residential unit. The subject site utilises Feehly's Hill for shelter from the southerly winds, whilst the sites north-west aspect enables evening sunlight and potential for solar advantage.

To ensure that the ecological restoration plan for the OS-HL(E) (approved under resource consent RM071231) is enhanced and not compromised by the potential encroachment of residential activities within those lots that straddle the boundary between the OS-HL(E) and the RES(E), it is considered necessary that a consent notice condition be imposed regarding future landscaping within the OS-HL(E). Such a condition would require that any future landscaping of those residential allotments be of suitable species to maintain the integrity of the ecological restoration of the OS-HL(E) and restrictions on fencing and structures that could potentially be erected by future land owners within the OS-HL(E). A consent notice in regard to the above would ensure that future land owners are aware of their obligations in regard to maintaining and enhancing the anticipated natural character of the land contained within the OS-HL(E) under the Meadow Park Structure Plan.

Therefore, each of the proposed lots is of a sufficient size and dimension to fulfil their anticipated residential, taking into account the residential allotments that straddle the RES(E) and OS-HL(E). Each of these allotments are of sufficient size to fulfil their intended use, acknowledging that areas of those allotments will be subject to the land use restrictions for the OS-HL(E). The applicant has also acknowledged this by creating slightly larger lots for those residential allotments that straddle the RES(E) and OS-HL(E) as it is possible that future dwellings within these lots will also straddle the OS-HL(E) boundary.

The proposed subdivision also provides for public access to the walking track which is currently under construction and ascends the north west aspect of Feehly's Hill up to the summit. Access will be provided from Manse Road, through the proposed access Lot 100, and then to a public access easement adjacent to the boundary of proposed Lot 24, over Lot 50, a balance lot proposed for future development. Resource consent RM071231 was granted to the applicant on 13 March 2009 to undertake the works associated with the walkway construction and additional works associated with a programme for ecological restoration on Feehly's Hill. Public access over the walkway route approved under RM071231, which is contained within proposed balance Lot 200, will be maintained by a public access easement over that route, which is to be established in accordance with Condition 5 of RM071231.

Land Use

The proposed subdivision layout has taken into consideration the revised ONF line, which is a departure from the line determined by the Environment Court as previously discussed. Eight residential allotments and balance Lot 50 are located adjacent to the base of Feehly's Hill and straddle the OS-HL(E) and the revised ONF line and extend a short distance above the base of the hill. The rear boundary of these lots is no more than 4m above the base of the hill and is designed to be situated below the maximum allowable building height of 7m.

The application seeks to ensure that the effects of future land use activities do not compromise the landscape values of Feehly's Hill by maintaining a building restriction area over Lots 13-15, 18, 19, 21, 23 and 24 in accordance with the revised ONF line rather than the OS-HL(E) activity area boudnary. This restriction will also apply to Lot 50. A consent notice with the building restriction area will ensure that only activities that provide for open space can be undertaken in that area. The consent notice shall also contain a condition to maintain the minimum 2m building setback from the ONF line, as anticipated under the structure plan.

The Lakes Environmental Landscape Architect has assessed the proposal in regard to the revised ONF line and the effects associated with the revision, in regard to future development of the residential lots that straddle the line, and states;

'The proposed amendment to the line is described in the applicants Landscape Assessment Report (BDG, Oct 2007) and has been identified on a plan (ONF boundary, WD001, 5th Oct 2007) as 'ONF Suburban Estates (Line 2)'. I agree that this line acknowledges contour lines more accurately and more closely reflects the intent of the Environment Court decisions than the line identified in the Structure Plan.'

The Lakes Environmental Landscape Architect is therefore in agreement with applicant's landscape assessment which identifies that the structure plan boundaries approved by the Environment Court show a considerable variance between what should be a change in slope and the ONF line (or OS-HL(E) boundary) and that in some areas, the approved structure plan has the OS-HL(E) boundary significantly higher on the slopes of Feehly's Hill than the natural change in slope.

For the above reasons, it is considered that, with the imposition of the appropriate conditions of consent, the proposed subdivision will provide for development of the subject site, as anticipated by the underlying zoning, without any significant adverse effects on people and built form.

Heritage

There are no known sites of heritage value within the subject site. However, it is considered appropriate, given the location of the site, to include a condition of consent in regard to the accidental discovery protocol for archaeological items that may exist on site. Such a condition of consent will outline the applicant's responsibilities in regard to notifying relevant Takata Whenua and/or the New Zealand Historic Places Trust, should any unknown sites of heritage value be uncovered through the development of the subject site.

With such a condition of consent imposed, any adverse effects in regard to culture are considered to insignificant.

Traffic Generation and Vehicle Movements

Three access points from Manse Road are proposed, two to the two cul-de-sacs to be vested in Council, and a vehicle crossing to proposed Lot 8. All lots except Lot 8 will be accessed via the new roads.

The Lakes Environmental Engineer has assessed the proposal as states the following in regard to access provision;

'The cul-de-sacs will have a 6m carriageway within a 12m legal width, which complies with Table 3.1 of Council's amendments to NZS4404:2004 for roads serving up to 20 residential units.

The ROWs will have a total legal width of 4.5m. It is recommended that a 3.5m carriageway be formed, in accordance with Plan Change 6.

GHD has reviewed the application and has no concerns with the proposed accesses and internal roading layout. Conditions are recommended to ensure the roads are constructed to Council's standards.'

Further conditions recommended include that a consent notice condition be imposed to prevent access from Lots 1-6 and 9 directly to Manse Road, to reduce the number of crossing points onto this road, and that a condition of consent be imposed to ensure that the vehicle crossings to Lots 8, 13 and 21 (if not a ROW) be formed at the time of subdivision.

It is noted that the proposed subdivision complies with the density provisions, by way of a minimum net area for each residential unit, and therefore the traffic generation associated with the residential development is anticipated for the subject site under the PODP.

With the imposition of the appropriate conditions of consent, as recommended, any effects in regard to traffic generation and vehicle movements are considered to be minor.

Nuisance

Nuisance effects associated to the proposed subdivision are limited to those potential effects generated by physical works on site at the time of subdivision, such as earthworks. Conditions of

consent shall be imposed in regard to suitable hours of operation for construction/earthworks activities and in regard to suitable site management methods.

With the imposition of appropriate conditions of consent, any nuisance effects are considered to be insignificant.

Policies and Objectives

The relevant objective and policies within the District Plan are contained within Part 12.16 (Meadow Park) and Part 15 (Subdivision, Development and Financial Contributions). The Objectives and Policies for the Meadow Park Zone are outlined below;

Objective 1:

Comprehensively designed and integrated development that:

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

whilst having regard to:

- surrounding landscape values including the landscape values of Feehly's Hill;
- · Arrowtown heritage resources and character;
- Indigenous ecology of surrounding mountains and Feehly's Hill;
- · Air quality.

Policies

- To ensure that development of the zone is comprehensively designed and integrated through the adoption of a structure plan which in conjunction with zone rules:
 - Enables limited and geographically contained residential development; and
 - Retains significant open space adjoining Malaghan Road; and
 - Prohibits additional accesses onto Malaghans Road; and
 - · Improved amenity of existing access onto Malaghan Road; and
 - Retains control over the interface between residential activities and open space through Designed Urban Edge; and Retains the openness and restores the ecology of the upper slopes of the zone (which is recognised as forming part of the wider Outstanding Natural Landscape); and
 - Adequately deals with reverse sensitivity issues between existing residential and industrial activities.
- 2 To discourage development inconsistent with the structure plan for the zone.
- 4. To recognise the sensitivity of the zone on the eastern side of Manse Road and avoid any development that compromises the foreground to Feehly's Hill or the entrance to Arrowtown.

For the reasons outlined in the preceding 'Effects on the Environment' assessment, the proposed activity is considered, for the most part, to promote the objectives of the Meadow Park Structure Plan and the outcomes sought by the above objective and policies and is therefore considered to be aligned with these. However, the proposal is inconsistent with Policy 2 above in regard to the discouragement of development inconsistent with the structure plan for the zone, specifically by seeking consent to undertake residential activities in areas of the open space area OS-HL(E). However, it has been assessed that the effects are not considered to be significant as the revised ONF line better reflects the intent of the Environment Court as it aligns more accurately with the natural contours that identify the base of Feehly's Hill. The effects associated with built from within the OS-HL(E) will be offset by restrictions on built from within the RES(E) and DUE(E) and the proposal is therefore considered appropriate.

Further to this, the proposed subdivision is considered to be aligned with the objectives and policies of Part 15 that seek to ensure that the necessary services and roading networks are provided to the development (Objective 1), the costs of services are met by the subdivider (Objective 2 – Costs), that natural features, landscape and nature conservation values are recognised and protected (Objective 4) and the amenities of the built environment through the subdivision and development process are maintained or enhanced (Objective 5).

The subdivision is comprehensively designed and respects the landscape values of Feehly's Hill by containment of residential activities below the base of the hill and providing for only open space above the base of the hill.

Overall Assessment

This application has to be assessed under sections 104, 104B, and 104D of the Act. Section 104 directs us to have regard to "....actual and potential effects on the environment..." and the provisions of relevant statutory documents – in this case just the PODP.

With respect to the assessment undertaken above, it has been concluded that the first threshold test for a non-complying activity required under section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent, subject to the Furthermore, through the imposition of relevant conditions of consent, it is anticipated that any effects anticipated can be further avoided, remedied and mitigated through the imposition of relevant conditions of consent imposed under this decision.

With respect to the second threshold test under section 104D it is considered that the application is fully aligned with the relevant policies and objectives of the PODP, as the proposal is not fully consistent with the Structure Plan. However, the adverse effects of the activity have been considered to be no more than minor and therefore discretion exists to grant consent for this non-complying activity.

Consideration is "subject to" the purpose and principles of the Act set out in Part II of the Act. Relevant Part II matters in this case are the overall sustainable management of resources purpose of the Act as defined in section 5(2), section 7(c) – "the maintenance and enhancement of amenity values", section 7(f) "maintenance and enhancement of the quality of the environment" and section 6(b) – "the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development".

The application is considered to be a sustainable use of this land resource and will enable the community to provide for its social, economic and cultural well being. The proposal is also considered to maintain quality of the environment by maintaining the landscape values of the ONF of Feehly's Hill and protection the ONF from inappropriate subdivision, use and development.

It is concluded that the application is aligned with the intent of the Act in promoting the sustainable management of the natural and physical resources involved and is aligned with the purposes and principals of the Act.

Other Matters

Local Government Act 2002: Development Contributions

This proposal will generate a demand for network infrastructure and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant

to section 208 of the Local Government Act 2002 the Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.

Administrative Matters

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

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

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

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

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

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Hanna Afifi on phone (03) 450 0324 or email hanna.afifi@lakesenv.co.nz.

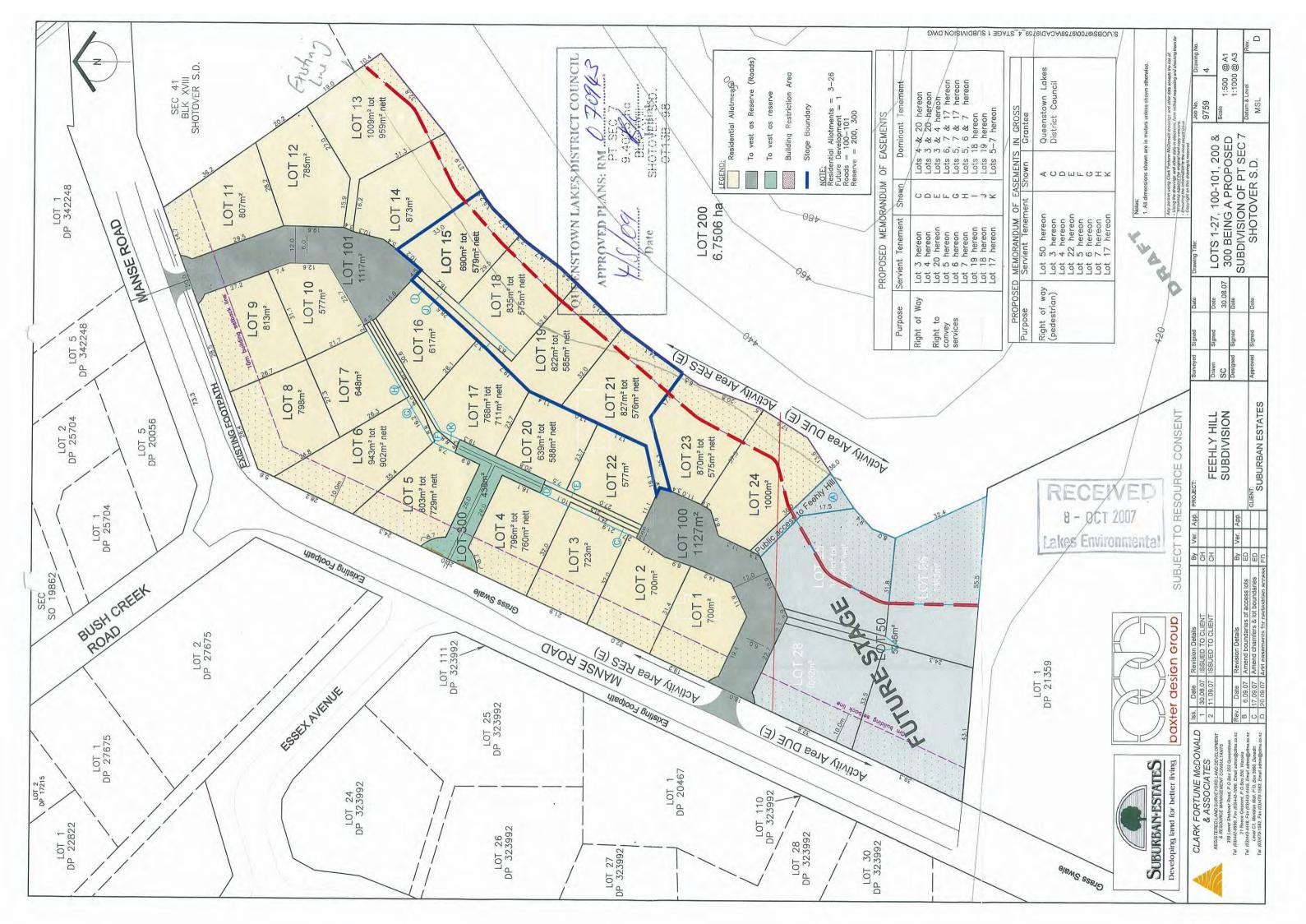
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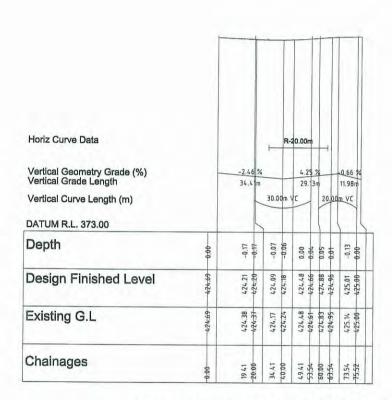
Reviewed by LAKES ENVIRONMENTAL LTD

Hanna Afifi PLANNER

Jenny Carter PRINCIPAL PLANNER







LONGITUDINAL SECTION road1

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Vertical Scale 1:500

Horiz Curve Data			F	R30.00m	-
Vertical Geometry Grade (%) Vertical Grade Length			-1.92 % 69.70m		
Vertical Curve Length (m) DATUM R.L. 416.00					
Depth	0.01	0.23	-0.04	-0.01	
Design Finished Level	428.07	427.69	427.30	426.92	426.73
Existing G.L	428.06	427.46	457.34	426.93	
Chainages	0.00	20.00	00.04	00.09	02.69

LONGITUDINAL SECTION road2

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Vertical Scale 1 100



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CLARK FORTUNE McDONALD & ASSOCIATES

REGISTERED LAND SURVEYORS LAND DEVELOPMENT & RESOURCE MANAGEMENT CONSULTANTS 8 RESOURCE MARVAGEMENI CONSULTANTS
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21 Reece Cressent, P.O. Box 559, Wanaka
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Level C1, Meridian Mall, P.O. Box 5500, Dunedin
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

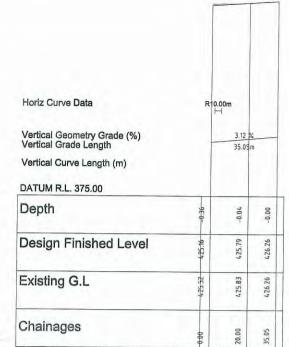
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		Designed LW	Signed	Date 08/07	
ent:	SUBURBAN ESTATES LTD	Approved	Signed	Date	

LONG SECTIONS OF ROADS 1 AND 2 PRELIMINARY DESIGN

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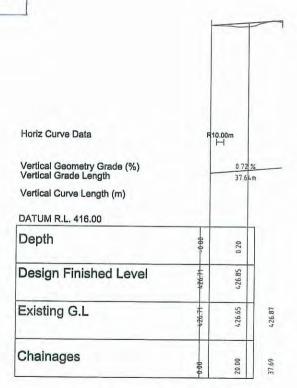
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VERROVED PLANS: RM.

OFFENSTOWN LAKES DISTRICT COUNCIL

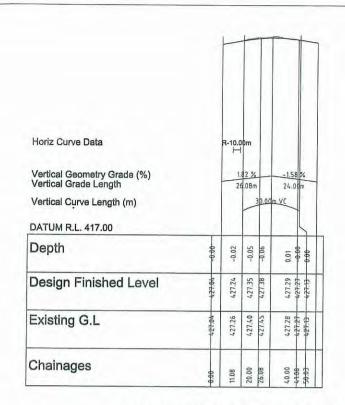
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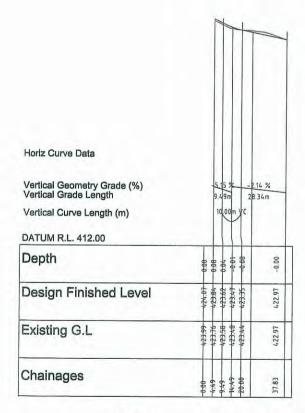
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LONGITUDINAL SECTION RoW2

Horizontal Scale 1: 1000 Vertical Scale 1: 100





LONGITUDINAL SECTION RoW4

Horizontal Scale 1: 1000 Vertical Scale 1: 100

CH Drawn

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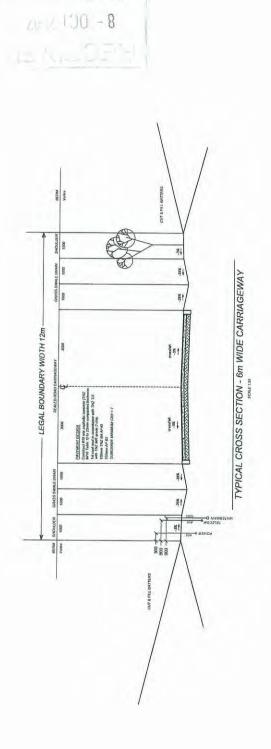
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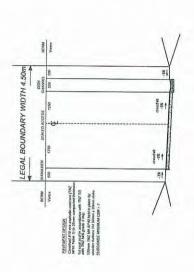
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LONG SECTIONS FOR RIGHT OF WAYS 1-4

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QUEENSTOWN LAKES DISTRICT COUNCIL Initials APPROVED PLANS: RM ...



TYPICAL CROSS SECTION - 3.5m WIDE ACCESS WAY

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