

G Payne

Decision of Commissioner Darryl Millar appointed by the Mackenzie District Council pursuant to the Resource Management Act 1991

APPLICANT:	Grant Payne
APPLICATION REFERENCE:	RM160206
APPLICATION:	Subdivision Consent Subdivision to create 67 residential allotments; 63 of which that do not meet the minimum density standards for the Residential 4 zone Subdivision of the Recreation P zone Land Use Consent Land use consent to: <ul style="list-style-type: none">• establish buildings on proposed lots 5 – 67 in accordance with the Residential 1 coverage and setback rules;• road boundary setback non compliances in proposed lots 1-4• enable residential use and structures within the Recreation P zone
SITE LOCATION:	North West Arch, Twizel
HEARING DATE:	16 th August 2017
DECISION:	Granted
DECISION DATE:	22 nd September 2017

HEARING APPEARANCES

Applicant

- Grant and Debbie Payne - Applicant
- Leon Hallett - Surveyor

Submitter

- Andrew Hocken – Mackenzie Properties Ltd
- Anna Mackenzie - Planner

Mackenzie District Council

- Patricia Harte – Planner

INTRODUCTION

Introduction and Proposal Outline

1. This is a decision on resource consent applications made to the Mackenzie District Council (the Council) by Grant Payne for land use and subdivision consents for a 67 lot subdivision located at North West Arch, Twizel. The application site is zoned Residential 4 (R4), although small portions are located within the Recreation P zone
2. Proposed lots 1- 4 will range in size from 4143m² – 4471m² and meet the minimum area standards for the R4 zone. It is proposed, however, that reduced road boundary setbacks be available for these lots. The remaining lots (lots 5-67) will vary in size from 643m² – 1098m² and are significantly below the 4000m² requirement for the R4 zone.
3. It is further proposed that the building development controls of the Residential 1 zone relating to coverage and boundary setbacks apply to lots 5-67. Small portions of proposed lots 7, 9, 12 and 13 are located within the Recreation P zone.
4. Subdivision is anticipated to occur in stages, as described in the subdivision staging plan. Internal roading will provide to connections to the existing road network at North West Arch and Ohau Road.
5. Reserves will provide a buffer between the development and Ohau Road and the existing residential developments at Rata Road and Totara Drive (to the north). Proposed lots 1- 4 will variously adjoin the existing Totara Drive development (zoned Residential 1) and existing R4 zoned land to the west.
6. The details of the non-compliances with the Plan provisions are outlined in paragraph 14 below.

7. As stated above, the application site is located to the south of the existing Residentially 1 zoned land at Totara Drive and Rata Road. Land to the west and south of the application zone is zoned Residential 4. Land to the east of Ohau Road is zoned Recreation A and is occupied by the Twizel Golf Course. A small parcel located on the east side of Ohau Road is zoned Residential 1. Further to the south, land is zoned deferred Industrial.
8. I have visited the site and surrounding environment.

Hearing Adjournment, Minute and Directions

9. The hearing was adjourned following presentations of evidence and Statements, and following questioning. I issued Minute 2 (dated 17 August) requesting:
 - Mr Hallett to confirm the extent of allotment intrusion into the Recreation P zone; and
 - Ms Harte to provide a supplementary report addressing:
 - a stated number of additional Plan objectives and policies, and clause 10.2.1 of Section 13 of the Plan;
 - an assessment under sections 104D and 104(1)(c);
 - issues raised by the submitter dealing with infrastructure capacity
 - Revisions required to the recommended conditions.
10. The response was provided on 25th August and circulated to the Parties. On this basis Mr Hallett (for the Applicant) provided closing written Statements on 30 August. Upon review I determined that I had sufficient information to complete my deliberations and make a decision. Consequently, the hearing was formally closed on 31st August.

The District Plan and Activity Status

11. As noted earlier, the site is zoned R4 in the Mackenzie District Plan (the Plan). Small portions of proposed lots 7, 9, 12 and 13 are located within the Recreation P zone – as confirmed on plan 15681 provided with Mr Hallett’s response to Minute 2. Part of Lot 100 (being the road to vest) connecting to Ohau Road is also located in the Recreation P zone. As confirmed by Ms Harte at the hearing, this particular aspect of the proposal had previously been considered by RM160165 – V1.
12. The zone statement for the R4 zone notes that:
“The Residential 3 & 4 Zones within Twizel provide for areas of low density residential development, which adjoin the higher density Residential 1 & 2 zones around the town’s centre.”¹

¹ District Plan Section 6 Zone Statement

13. The purpose of the Recreation P zone is to "...protect areas considered by Council to be appropriate for passive recreation. Recreation use of these areas is mostly informal in nature involving activities such as walking and playing. ... It is the purpose of this zone to maintain their open space or planted character and avoid cluttering with facilities, while maintaining their important role as recreation areas and visual open space for local neighbourhoods and for all residents and visitors."²
14. Ms Harte outlined the planning framework in Part B of the S42A report (paragraphs 9 – 19). The key compliance issues identified were:
- Subdivision rules:
 - The minimum allotment size in the R4 zone is 4000m² (net area)³. 63 of the allotments fall below this standard; ranging in size from 643m² to 1098m². This aspect of the proposal is a non-complying activity.
 - Subdivision within the Recreation P zone is a controlled activity.
 - Road carriageways are to be 7-8m in width. The minimum Plan standard is 8m. This aspect of the proposal is a restricted discretionary activity.
 - Land Use
 - The applicant seeks consent to allow:
 - built form on proposed lots 5-67 to occur under the Residential 1 coverage and setback provisions, rather than the R4 standards. Specifically, this includes a higher building and hard surfacing coverage (50%) and reduced building setback requirements (2m);
 - building coverage that may exceed 30%;
 - reduced road boundary building setbacks for lots 1-4 (5m);
 - residential use within the Recreation P zone (minor parts of lots 7, 9, 12 and 13); and
 - the northern boundary fences of lots 7, 9, 12 and 13 within the Recreation P zone
 - fencing of lots 7, 9, 12 and 13, and residential use of parts of the Recreation P zone require resource consent as non-complying activities⁴.
15. I see no reason to unbundle the activity status within each of the consents. As a consequence, both the subdivision and land use consents should be considered as non-complying activities. The activity status was not in dispute.
16. I will outline my position with respect to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) at this point. This was an issue raised in submission, and discussed in the evidence of Ms Mackenzie and in the report of Ms Harte. Ms Mackenzie was of the view that as the application site formed part of a wider site containing a former landfill to the south, and as neither a PSI nor DSI had been provided, the provisions of the NES applied. In Ms

² District Plan Section 9 Zone Purpose

³ District Plan Primary Subdivision Standard 6.a.i.(d)

⁴ District Plan rule 3.4.3(iv) – Section 6, and rules 4.7.1 and 4.7.4 – Section 9

Mackenzie's view, this issue transitions back to earlier underlying subdivision consents that created the development lots. Following the filing of Ms Mackenzie's evidence, and prior to the commencement of this hearing, the applicant provided a combined PSI/DSI prepared by Opus International Consultants (Opus)⁵. Following investigations, including sampling and gas monitoring, the Opus Report concluded that:

- "...the site is considered suitable for development"; and
- "...it is considered highly unlikely that there is a risk to human health should the proposed subdivision, land use change and associated ground disturbance be undertaken on the piece of land."

17. The Opus report made several recommendations, none of which are relevant to this consent except that which deals with unanticipated findings. Within this context Ms Harte recommended a condition dealing with such a scenario. Given the above, and the findings of the Opus investigations, I have formed the view that no additional consents are required under the NES for this application and, as a consequence, I will not discuss the issue any further.
18. Finally, in this section, I consider the issue raised in the submission of Mackenzie Properties Limited and in the evidence of Ms Mackenzie regarding the lack of a site specific geotechnical report. In short, the submitter is concerned that landfill activities may have extended into the area of land subject to this application and, due to the lack of geotechnical investigations, it raises the prospect that the land may not be suitable for residential development.⁶ Ms Harte and Mr Hallett were of the view that given the separation between the application site and the former landfill to the south, that no specific geotechnical investigation is required. Given this, and the absence of any indication in the Plan of there being other natural hazard risks, I agree with Ms Harte and Mr Hallett. That said, and as noted by Ms Harte at the hearing, site by site development will need to confirm 'good ground' at the building consent stage as is the case with any development.

Application Processing and Submissions

19. The application was processed on a public notification basis. Six submissions were received and these were summarised in Section D of Ms Harte's report. I do not propose to repeat the summary.
20. No written approvals were supplied to support the application. Given this section 104(3)(a)(ii) of the RMA does not apply to my considerations.

⁵ dated August 2017

⁶ Submission of Mackenzie Properties Limited – page 3, and paragraphs 10-12 Mackenzie evidence

My Approach to this Decision

21. I do not propose to summarise the content of all of the statements made at the hearing. Given that pre-circulation of the section 42A report and evidence occurred, submissions have been filed, and all are a matter of record, my deliberations and the balance of this decision address the issues on a topic basis. This includes the responses received to the Directions issued in my earlier Minute of 17 August 2017.

STATUTORY CONSIDERATIONS

22. The proposal is for non-complying activities.
23. Section 104(1) of the RMA sets out the matters which I must consider when assessing the proposal. It is considered that in this instance, subject to Part 2, regard shall be had to:
- *any actual and potential effects of allowing the activity (section 104(1)(a));*
 - *any relevant objectives, policies, rules, or other provisions of a plan or proposed plan (section 104(1)(b)); and*
24. The only relevant “*plan or proposed plan*” is the Mackenzie District Plan. My findings with respect to the Plan and effects issues are outlined below. I do not consider that this proposal gives rise to matters of regional significance that require assessment of the Canterbury Regional Policy Statement – particularly as it relates to the geotechnical and contaminated land issues referenced in paragraph 41 of Ms Mackenzie’s evidence
25. I have already commented (paragraph 20 above) about the effect of section 104(3)(a)(ii). As a consequence, section 104(4) does not apply.
26. Section 104(2) states:
- When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.*
27. This is commonly referred to as the “permitted baseline” argument. In short, there is no clear permitted baseline argument applicable to this proposal, given the extent to which it departs from the density expectations of the R4 zone (with the exception of proposed lots 1-4). While the current zoning anticipates urban development, it does so within the framework of a much lower density. Within this context, I do not see any real value in considering a permitted baseline argument to support an effects assessment, other than to acknowledge that:
- some form of urban development is appropriate within the current zoning framework; and

- the interface effects between proposed lots 1-4 and the adjoining R4 zone to the west and the Residential 1 lots to the north will be as anticipated by the Plan.

28. Finally, I must also consider section 104D which reads (in part):

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

THE ISSUES AND FINDINGS

Introduction

29. As signalled earlier in this decision, I intend to address the issues relevant to my deliberations on a topic basis. Within this context I will consider the environment effects issues associated with the proposal, and then outline my findings with respect to the policy framework of the Plan. The balance of this decision will consider the remaining statutory requirements and my overall findings with respect to Part 2 of the RMA

Environmental Effects (section 104(1)(a))

Introduction

30. I have considered the following effects issues:

- Character and Amenity – Recreation P and Residential 1
- Traffic
- Infrastructure
- Reserve Allocation
- Positive

Character and Amenity

31. The Plan minimum allotment standards are a key determinant in establishing character and amenity outcomes. In this case, lots 1-4 will meet the standard, albeit the applicant has sought to reduce the road boundary setback from 10m to 5m. Ms Harte was of the

view that the proposed Lots 1-4 should retain the R4 setbacks, particularly given that there is sufficient space within the allotments to comply with the standards. The applicant argued that decreasing the road boundary setback would better enable the rear boundary setback to be achieved and thus preserve the amenity expected for the existing neighbours. While the rear boundary argument has merit, the applicant has not sought consent to reduce this and, thus, the expectation is that it will be provided. Should compliance issues arise, consent mechanisms are available for any subsequent land owner to pursue. Given this I favour the position of Ms Harte. Overall, this leads to a conclusion that as far as proposed lots 1-4 are concerned the amenity and character outcomes sought by the Plan will be achieved, not only within the subdivision, but also at the interface with existing adjoining properties.

32. The majority balance of the subdivision will be developed to higher densities. Ms Harte provided some estimates of permitted comparative allotment/housing numbers and coverage in the S42A report⁷. In short some 63 allotments are proposed, compared to the 12 allotments that may otherwise be developed to meet the minimum standards of the R4 zone. Given the coverage standards being sought, this leads also to a consequential greater extent of built form. While this may seem to be stating the obvious, it provides a context to the effects considerations.
33. The evidence I have received considers the character and amenity issues in two ways; being the external effects at the boundary of the subdivision and, to a lesser extent, the internal effects. Dealing with the internal effects issue first. As noted above the density of development and the built form will be a significant departure from that anticipated by the Plan. That in itself does not give rise to a commensurate scale of adverse effect, given that any such effects are contained within the development itself.
34. In terms of off-site effects I have considered this issue in terms of interface impacts and within a wider urban context. Interface effects arise to the north (Recreation P and Residential 1 zones), to the east (Recreation P and Recreation A zones) and to the south (Residential 4).
35. With respect to the north, the proposal will involve a minor encroachment into the Recreation P zone (lots 7, 9, 12 and 13). This will result in urban form extending into a zone where it is not anticipated. Given the spatial extent of the intrusion, it is most likely going to be limited to fencing or accessory buildings which are limited in length by proposed conditions that reflect the Residential 1 standards. First, I am satisfied that the extent of intrusion of the proposed lots into the Recreation P zone is so minor as to give rise to negligible effects. My view on this issue is balanced also by the fact that there will be a net gain in the amount of reserve land provided with this proposal, as is evident from the subdivision staging plan. Also, I acknowledge Mr Hallett's stance that the rationalisation of the recreation boundary into a more lineal form has potential user and safety benefits. That said, I have considered whether some control on building form and location is required to assist with achieving appropriate amenity outcomes at the eastern

⁷ Harte S42A report paragraphs 29 -30

boundaries of lots 6-8 and north eastern boundaries of lots 9, 12, 13, 16 and 17, particularly where the reserve is at its narrowest. Ms Harte has proposed condition 16 for the land use consent that limits boundary fences adjoining the reserve (including the eastern reserve) to 1.2m in height. I agree with that proposal. I have considered, however, whether additional controls are required for accessory buildings which, under the current proposal could establish on the site boundary provided they do not exceed 7.5m in length. I consider this necessary as the reserve will be at its narrowest at this location; albeit that it will be approximately 20m at the narrowest point. Under the R4 standards all buildings are required to be a minimum of 10m from internal boundaries. Within this context, and given the increased number of allotments at this interface and thus potential for increased building form, I have concluded that a mandatory 2m setback should apply to accessory buildings in order to achieve appropriate amenity outcomes for the adjoining Recreation P zone. I note for completeness that no such requirement is needed for proposed lots 16, 17 and 6 and for the lots adjoining the eastern Recreation P zone, given the generous width of the reserve at those locations.

36. I have considered also whether there is a need to increase the setback requirement applicable to dwellings on lots 6-9, 12, 13, 16 and 17, for the amenity reasons discussed above. Ms Harte proffered the view that given the orientation of the sites, and as lots 9, 12, 13, 16 and 17 are rear sites, dwellings on these sites were more likely to be setback from the reserve boundary to maximise the northern aspect. While I accept that there is some substance in this argument, it may not necessary be the case for lots 6-8 which are front lots and more east-west orientated. That said the reserve widens out at this point to between 22m and 30m (as it does opposite lots 16 and 17). As a consequence I do not consider that additional controls are required.
37. Turning now to the Residential 1 properties to the north. Ms Harte noted in the section 42A report that should the site be developed in accordance with the R4 standards the minimum building setback is 10m, unless the site adjoins a Residential 1 zone, in which case the setback increases to 20m. Applying the 10m R4 setback, development occurring on the site in accordance with the R4 standards would be a minimum of 30m from the northern residential boundary. As discussed at the hearing the combination of the proposed 2m dwelling setbacks and the width of the reserve (at its narrowest) provide a minimum setback close to 22m. Having said that, the setback would increase as the reserve widens out opposite lots 6-8, 16 and 17. This leaves the potential for the minimum setback to arise at lots 9, 12 and 13. As noted earlier I accept Ms Harte's opinion that dwellings on these lots are more likely to be setback further from the northern boundary given the orientation of the sites. Within this context I accept that the separation between dwellings on the application site and the northern residential properties will be in the order of 25m plus.
38. While I am satisfied as to this particular outcome, it is necessary also to consider this issue within the context of the number of allotments (and dwellings) that will develop in this location, compared to that which would otherwise be permitted by the R4 zone provisions. Ms Harte has estimated that to be approximately double the amount (8 c.f. 4). I am satisfied that the combination of the substantial separation distances, the

intervening green space of the reserve, and the orientation of sites relative to one another is sufficient to address any significant adverse effects that may otherwise arise. Within this context I do not consider that any additional mitigation measures are required.

39. The Recreation A zone and a small amount of Residential 1 zone land is located to the east of the application site on the opposite side of Ohau Road. These zones and the activities that occupy the sites are separated from the application site by the Ohau Road (20m) and the 38m wide reserve. Given this, I do not consider that the proposal gives rise to any adverse amenity effects.
40. An existing R4 zone is located to the south of the application site, on the opposite side of North West Arch. Subdivision plans indicate that some 5 lots fronting the south side of North West Arch will face the application site. As with the other interface assessments, the principle issue here is one of increase density and built form – fundamentally leading to a character of development foreign to that anticipated by the zone. It is potentially more marked in this location, given that development of the land to the south may be more orientated towards the application site. While, under the provisions of the District Plan urban development would occur on the application site, the proposal will result in reduced open space, potentially less opportunity for planting, more built development and greater exposure to vehicle movements. My view on this issue is that it may give rise to adverse character and amenity effects, but I do not consider such impacts to be of a magnitude that would be considered unacceptable.
41. Finally on this issue, I have considered whether the proposal gives rise to adverse impacts on the urban form of the town. The land subject to this application is zoned for urban purposes; albeit at a lower anticipated density. It is located within the confines of other existing urban zonings and does not extend the urban extent of the town. This is particularly so when assessing the spatial location of this development relative to the existing industrial, deferred industrial and residential zonings to the south and south east. I note also that it is generally located within close proximity of town centre amenities relative to some of the other Residential 1 zoned land.

Traffic

42. There are two connection points proposed to the existing road network; being on Ohau Road and North West Arch. The Ohau Road connection occurs opposite the existing golf course. The North West Arch connection occurs opposite the yet to be developed R4 zone, which is part of the Applicant's wider development proposal. There are no roading connections proposed to the existing residential developments at Totara Drive and Rata Road, although a cul-de-sac is to be formed to the south of some of the Totara Drive properties and is entirely within the R4 zone. This particular length of road will serve 4 properties (lots 5-8) and will consequently receive very low traffic volumes. Within this context, and as discussed earlier, I do not consider that any adverse effects on residential amenity will arise that require further mitigation.

43. Ms Harte confirmed in paragraph 69 of the section 42A Report that the new roading connections at Ohau Road and North West Arch will meet the required sight distance and separation requirements of the Plan. Finally, there was no evidence to suggest that the proposal will have an adverse effect of the operation and safety of the road network.

Infrastructure

44. The submission of Mackenzie Properties Limited, and the evidence of Ms Mackenzie, raised concerns about the lack of assessment as to the adequacy of the existing infrastructure to cater for the demand resulting from this proposal. Specifically, Ms Mackenzie⁸ highlighted that the difference in yield (permitted versus the proposal) was such that Council networks may not have capacity to cope with increased demand not anticipated with the current zoning and land use pattern.
45. While Ms Harte's section 42A report had not identified any capacity issues (which was a position also adopted by Mr Hallett), I considered it prudent to request further information on this issue. Accordingly, Minute 2 requested that the Council's Asset Manager advise if capacity issues exist and, if so, what implications arise from this. Ms Harte addressed this in section 5 of the response to the Minute. By way of summary Ms Harte reported that Mr Haar (MDC Asset Manager) confirmed that *"the additional lots proposed are not expected to create any difficulties in terms of capacity of existing and future planned infrastructure."* Ms Harte's report then went on to discuss the status of stormwater, water supply and wastewater infrastructure. Given this advice I am satisfied that the concerns raised by the submitter have been adequately addressed and that the proposed conditions of consent are appropriate, including the amendment proposed to condition 6(b)⁹ dealing with the sewer connection point.
46. Finally, I note for completeness that Mr Hallett provided letters from utility providers Chorus and Alpine Energy confirming that telecommunications services and electrical supply could be provided to the subdivision.

Reserve Allocation

47. Ms Mackenzie¹⁰ and submitter Mackenzie Properties Limited identified a similar concern regarding the supply of reserve land relative to the increased density of development. As with the infrastructure issue, I requested¹¹ Ms Harte to provide an assessment against clause 10.2.l of Section 13 of the Plan (Subdivision and Development). Clause 10.2.l provides a specific set of assessment matters for determining the provision of open space and the circumstances where contributions may be made or land provided for such purposes. For the most part the assessment matters refer to the relevant objectives and

⁸ Mackenzie evidence; paragraphs 13 - 16

⁹ Harte response to Minute 2

¹⁰ Mackenzie evidence; paragraphs 17 - 23

¹¹ Minute 2 17 August

policies of the Plan. Other assessment matters refer to situations that are not directly applicable to this situation. Given this, Ms Harte focused on the core issue in the reply to Minute 2; namely the adequacy of the reserve provision by way of an assessment of the following Objectives and Policies:

Section 13 Objective 6 – Design and Location

The avoidance of adverse environmental effects associated with subdivision design and location.

Policies

- 2 *To ensure subdivision and development in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel have regard to community coherence and linkages with Twizel.*

Section 9 Objective 1 - Recreation, Reserves and Open Space¹²

A conveniently distributed and accessible range of public open space, community facilities and recreational areas and facilities to meet the diverse needs of residents and visitors to the District.

Policies

- 1 *To encourage, and where possible, provide for a range of recreation opportunities and community facilities within the District.*
- 2 *To ensure the provision of open spaces and recreational areas within or in reasonable proximity to new residential subdivisions to meet the needs of the future community.*
- 3 *To require contributions towards public open space and recreation areas from residential subdivision and from any major residential, business or community development to provide for:*
 - i. *Additional parks, walkways and cycleways needed as a result of additional household and/or visitor growth.*
 - ii. *Additional open space needed for visual relief or enhancement.*
 - iii. *Development and maintenance of neighbourhood parks and local open space to a level at which they are useable and enjoyable.*

48. Policy 2 of Objective 6 requires the consideration of community coherence and linkages at the time of subdivision. Ms Harte¹³ was of the view that the “coherence” element of the policy is achieved given the location of the proposal relevant to the existing zoning framework. For reasons that I have discussed previously (paragraph 41) I agree with Ms Harte. The second element of the policy deals with the issue of “linkages”. Ms Harte rightly points out that the application site immediately adjoins and provides connections to the adjacent and nearby recreation reserves. Within this context I consider the proposal to be aligned with the objective and policies.

¹² Aside from the heading, Subdivision Objective 3 and related policies are worded in the same way and thus the conclusions drawn on Objective 1 (Section 9) are equally applicable to Objective 3 (Section 13)

¹³ Harte response to Minute 2; Section 2

49. Objective 1 and related policies deal with the more substantive issue of the quantum of reserve allocation. This issue is addressed in Section 1 of Ms Harte's response to Minute 2. The principle direction of this aspect of the Plan policy framework is to provide open space that "meet the needs" of the community.
50. The planning background to this proposal includes earlier resource consents (RM160165 and V1) that subdivided land to provide large development blocks (of which this application site is one) and lots 5, 6 and 7 which are lots to be vested as recreation reserves. While Ms Harte¹⁴ correctly points out that there is no additional recreation reserves proposed within the subdivision, lots 5-7 are indirectly linked to this development as they have (or will) be set aside for reserve purposes as part of this overall proposal. The extent to which they will meet the "needs" of the community is, however, unclear given the increased density of development proposed in this application compared to the density of development permitted under the R4 zone provisions. That said policy 2 is directive in the sense that it allows for reserve provision to be "within" or within "reasonable proximity" of development proposals. Moreover, policy 3 recognises the ability of the Council to require contributions for the provision of such facilities. Given this, Ms Harte¹⁵ argues that the consent holder will be required to pay the required contributions and has proposed condition 15 to that effect.
51. The policy framework of the Plan clearly recognises a requirement to provide adequate and accessible open space and recreation facility provision, and that there are two different ways that development may provide for this; by way of contributions of land and/or cash. In this instance Ms Harte has recommended a cash contribution condition (condition 15). I see merit in this approach, as it will augment the land that is already separately being set aside for reserve purposes and thus provides greater flexibility for the Council to pursue additional open space and/or recreation facility opportunities. For these reasons I have formed the view that the proposal is aligned with Objective 1 and related policies and that there is a pathway available for the Council to determine the adequacy of reserve space and facilities in this general location.

Positive Effects

52. There are a number of benefits that will accrue from this proposal should consent be granted, including:
- Enhanced land development and housing options within the township located in proximity to town centre facilities
 - Efficient development of land and provision of infrastructure
 - Potential for enhanced recreation and open space development

¹⁴ Harte response to Minute 2; Section 1

¹⁵ *ibid*

Overall Effects Conclusion

53. This proposal represents a significant departure from the density of development anticipated under the existing R4 zoning provisions. Such a departure does not, however, translate into a commensurate scale of adverse environmental effects. Given my findings above, my overall view is that any adverse effects associated with the proposal are acceptable and will be no more than minor, subject to mitigation measures that may be implemented through conditions.

District Plan Objectives and Policies (section 104(1)(b))

54. Ms Harte provided an assessment¹⁶ of the relevant policy aspects of the Plan in the section 95 report and in the response to Minute 2. I have previously discussed the policy framework of the Plan that is relevant to open space and recreation reserve issues. Given this, I do not propose to repeat that assessment and my findings here. Similarly I have commented above on the infrastructure, natural hazard and roading issues and, as a consequence, generally accept Ms Harte's assessment that the proposal is generally aligned with subdivision Objective 1 and related policies, and subdivision Objectives 2, 3, 5 and 6 (and all relevant policies).
55. This leaves consideration of residential Objective 1 (Amenity) and related Policies 1A and 1D. They read as follows:
- Residential - Objective 1 Amenity**
Maintenance of the pleasantness, amenity and safety of residential areas and maintenance and protection of the surrounding natural and physical environment.
- Residential Policy 1A - Bulk And Location Of Buildings**
To permit flexibility in building design while ensuring that buildings on sites in residential areas do not adversely affect the pleasantness and amenity enjoyed on neighbouring sites.
- Residential Policy 1D - Residential 3 & 4 Zones**
To provide for low-density residential areas in the Twizel township that:
- (a) *offer a spacious urban character and high quality living environment;*
 - (b) *reflect the character of Twizel and the surrounding area;*
 - (c) *ensure an essentially low density, low scale suburban living environment, with plantings where appropriate;*
 - (d) *protect areas of amenity and linkages with adjacent zones;*
 - (e) *are healthy, environmentally sustainable, and functionally efficient.*
56. Objective 1 and Policies 1A and 1D generally focus on amenity outcomes and thus are strongly effects focussed. With respect to Objective 1 and Policy 1A, I have considered amenity and character effects earlier in this decision and have formed the view that,

¹⁶ S42A report; paragraphs 57-77

while this proposal is a significant departure from the density provisions, the effects are acceptable. These conclusions are influenced to a degree by the range of consent conditions that have been offered, including the additional measures I have determined are necessary to address the effects of buildings on the northern Recreation P zone. My earlier findings concluded that the majority of actual or potential adverse amenity effects would be largely internalised given the site layout, the location and size of lots 1-4, and the encapsulating Recreation P zone and established roading network. This is critical in my view to addressing the general issue of increased density that will result from this proposal.

57. I am mindful also of the potential safety benefits that may accrue from the layout proposed for lots 6-9 and 12, 13, 16 and 17 which will provide a more lineal form to the northern reserve. Related to this, the proposed fencing condition will assist with passive surveillance of the reserve. Ms Harte concluded in paragraphs 60 and 62 of the section 95 report that the proposal “meets” Objective 1 and satisfies Policy 1A. I am unable draw a conclusion that the proposal is entirely consistent with these elements of the policy framework, but I do consider that it is not contrary.
58. Policy 1D deals with the density outcomes expected for the R4 zone. It is very directive in the sense that the R4 zone is to provide a “low density” residential environment with stated outcomes that include, but are not limited to:
- spaciousness
 - reflect adjoining and township character
 - low density
 - protect adjoining amenity and linkages
 - efficiency
59. The policy reflects the purpose of the zone which is outlined in paragraph 12 above.
60. Given the density of development sought, the proposal is the antithesis of the overarching outcomes sought by the policy, particularly as it relates to clause (a). There are, however, elements of the proposal that are better aligned to the policy direction. In particular Ms Harte¹⁷ considered that the proposal:
- would be “functionally effective” and would “provide for amenity and linkages”;
 - and
 - was “in keeping with the character of Twizel and the immediate surrounding area”
61. The first matter has been addressed in some detail in my preceding findings and, for those reasons, I agree with Ms Harte. I agree also with Ms Harte’s character assessment as:
- It is not proposed to introduce a form of density development foreign to the township. The development proposal relies on densities and typologies that already exist within the Plan framework; and
 - The higher density area (i.e. the land to be developed to the Residential 1 zone standards) is largely buffered from existing Residential 1 areas.

¹⁷ Harte S42A report; paragraph 66

62. I queried Ms Harte during the hearing as to her view on this particular policy and in response concluded that the proposal was “contrary” to it; being a departure from the opinion expressed in paragraph 66 of the section 42A report. While Ms Harte and I agree that there are aspects of the policy that accommodate this proposal, the inescapable fact that remains is that the clearly stated outcome sought is one of low density development. Ms Mackenzie arrived at a similar conclusion in evidence (paragraph 36). As Policy 1D assists in implementing Residential Objective 1, Ms Harte agreed at the hearing that the proposal could not be considered as consistent with the objective. This aligns with my earlier conclusion in paragraph 57 above.
63. Ms Mackenzie¹⁸ considered that overall the proposal was “contrary” to the objectives and policies for the Residential 4 zone. Ms Harte concluded at the hearing that the proposal was “not consistent” and in response to Minute 2, following assessment of additional objectives and policies, concluded that it was “not contrary”.¹⁹
64. For the reasons outlined earlier, and within an overall judgement of the Plan policy regime, I am satisfied that while the proposal is not completely consistent with the objective and policies, it certainly is not contrary.

Other Matters (Section 104(1)(c))

65. I am mindful that if this consent were to be granted, arguments of equivalent treatment may be raised by other applicants. The issue of precedent and consistent Plan administration is a matter that I must consider.
66. If such precedent arguments were to be successful, then it raises questions of Plan integrity. Clearly it is not possible to quantify the likelihood of such occurrences and to do so would be pure speculation. That aside, any such application would need to be considered on its individual merits and on a case-by-case basis.
67. I accept that no two applications are ever likely to be the same, but there may of course be similarities. Should that situation arise, there is the prospect that the manner in which one application has been processed may well influence the processing of another and ultimately the outcome itself.
68. Ms Harte²⁰ addressed this issue in response to Minute 2. Following an assessment of development options Ms Harte concluded that the opportunities for similarly zoned R4 (and R3) in Twizel to exhibit the same development characteristics and potential, in close proximity to the town centre, was non-existent. Mr Hallett²¹ agreed with Ms Harte, noting also that most of the R4 land had already been developed and that further intensive development of such land was difficult due to existing roading, infrastructure and multi land ownership patterns.

¹⁸ Mackenzie evidence; paragraph 44

¹⁹ Harte response to Minute 2; section 3

²⁰ Harte response to Minute 2; section 4

²¹ Hallett Right of Reply; page 3

69. Given this I have found that there are aspects to this proposal that set it apart from the generality of cases. While I do not consider it to be “unique”, I consider it to be sufficiently unusual to be considered an exception or an anomaly.
70. Within this context, if this consent were to be granted, I do not consider that it would inhibit the Council’s ability to achieve the outcomes sought by the Plan.

S104D Considerations

71. I am required to consider section 104D of the RMA. In order for me to continue my deliberations I must determine that either any adverse effects will be minor, or the proposal will not be contrary to the Plan policy framework.
72. At a policy level I concluded that while the proposal may not be consistent, it is not “contrary”. Secondly my overall findings with respect to adverse environmental effects are that, with appropriate mitigation, they will be no more than minor. Accordingly, the proposal passes the “gateway” test of section 104D of the RMA and can be considered for approval.


PART 2 OF THE ACT AND DETERMINATIONS

73. The recent High Court decision of RJ Davidson Family Trust v Marlborough District Council (Davidson)²² provides direction on the application of Part 2 (purpose and principles) of the RMA. In short, unless a Plan is invalid, incomplete or uncertain, the objectives and policies are deemed to give effect to Part 2 and, thus, I need not consider the matters any further.
74. In preceding assessments I have commented on the objectives and policies of the Plan. In my view they are clear in their purpose with respect to the general amenity outcomes sought for the residential and recreation areas of Twizel. Within this context I could conclude, with respect to Davidson, that I need not consider the Purposes and Principles of the RMA.
75. I do consider, however, out of an abundance of caution, that a Part 2 assessment is required given the significant departure from the density standards.
76. The purpose of the Act is to promote sustainable management of natural and physical resources. Section 5 of the RMA imposes a duty on consent authorities to promote sustainable management while endeavouring to avoid, remedy or mitigate adverse effects of activities on the environment. The term *sustainable management* is defined in section 5(2). In simple terms, the definition places emphasis on enabling people and communities to undertake activities, while ensuring that the ‘bottom line’ standards specified in subsections (a) – (c) are met.

²² RJ Davidson Family Trust v Marlborough District Council [2017] NZHC 52

77. Sections 6-8 of the RMA provide guidance on how the purpose of the RMA should be achieved. There are no matters in sections 6 and 8 that I consider relevant to this application.
78. Section 7 prescribes "other matters" to which I am directed to have particular regard to. These matters include:
- (b) The efficient use and development of natural and physical resources;
 - (c) The maintenance and enhancement of amenity values; and
 - (f) Maintenance and enhancement of the quality of the environment.
79. I am satisfied that the proposal is aligned with section 7(b), given the location of the application site within the township and the potential infrastructure benefits that may accrue from this. Given the effects conclusions I drew above, I am also satisfied that the proposal will achieve the outcomes sought in sections 7(c) and (f).
80. Granting the consent also provides additional development/housing opportunities for the township. While Mr Hocken disagreed with Mr Payne insofar as to whether there was demand for additional housing, that is not a matter that has influenced my decision making. Rather, I have viewed the issue entirely within the framework of a decision that will make the opportunity available.
81. Overall, I am satisfied that the proposal will promote sustainable management of natural and physical resources and, as a consequence:
- Subdivision consent RM160209 to create 67 allotments, 63 of which do not comply with the minimum lot size for the Residential 4 zone, and 4 of which may be located partially within the Recreation Passive zone, is granted subject to the conditions attached as Annexure A; and
 - Land use consent RM160209 to establish dwellings and related ancillary buildings on 63 lots in accordance with the setback and coverage requirements of the Residential 1 zone, and to establish residential activities and structures within the Recreation P zone, is granted subject to the conditions attached as Annexure A.

Dated at Christchurch this 22nd September 2017



Darryl Millar
Hearing Commissioner

Annexure 1 – Conditions of Consents

SUBDIVISION

General

1. All activities authorised by this consent shall be in general accordance with the Paterson Pitts Group Plans "Grant Payne, North West Arch, Four Lakes– Stage 3, Residential Development, Sheets 1,2,3 & 4 dated 10/7/2017, unless inconsistent with any of the conditions below. This subdivision scheme plans is attached as Appendix 'A'
2. Where there is any conflict between the information provided with the application and any condition of consent, the conditions shall prevail.
3. The subdivision shall be undertaken in the following stages as shown on Sheet 1 of 4 –Proposed Staging Plan with a balance lot for each stage other than the last:
 - Stage 3A – Lots 5-19, 38, 39, 48 & 49 (19 lots)
 - Stage 3B – Lot 30, Lots 44 to 47, Lots 50-52, Lot 56-59 & Lots 64-65 (14 lots)
 - Stage 3C – Lots 20-29, Lots 31- 37 & Lots 40-43 (21 lots)
 - Stage 3D – Lots 53-55, Lots 60-63 & Lots 66-67 (9 lots)
 - Stage 3E – Lots 1-4 (4 lots)These stages may be undertaken in any order and/or concurrently in accordance with the approved stage plans.
4. New roads being lots 100, 200, 300 and 400 are to be vested in the Council/.

Engineering

5. All engineering works shall be carried out in accordance with the Mackenzie District Council's policies and standards. The Council's engineering department shall review and approve the engineering drawings, specifications and calculations prior to any physical work commencing.
6. Prior to the commencement of any works for the servicing of the land being developed, the consent holder shall provide to the Mackenzie District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:

Water Supply

- a) A full water model of the site is to be undertaken by the applicant, to prove the proposed pipe sizing. The model is to include for the development of further stages to the south-west along Ohau Road. The water supply is to perform to the Council Standards. The engineering designs shall provide for sufficient capacity to meet the possible future demand generated by the lots created by this subdivision and, in addition, the irrigation requirements of the proposed landscaping. Fire hydrants are to be designed and installed in accordance with the Fire Service Code of Practice (NZS PAS 4509:2008) for Fire Fighting Water Supplies to the satisfaction of the Asset Manager.

PE pipework may be able to be used on the development but all welding is to be undertaken in terms of the Christchurch City Council standard's including for all pre construction weld testing.

Water to be connected to the existing main in North West Arch at a minimum of two locations.

Sewer

- b) The development is to connect to the Council's reticulated system in accordance with Council's standards. The cost of the connection shall be borne by the consent holder.

The development site is to connect to the existing sewer manhole on the golf course at the rear of 54 Omahau Cres, Twizel or to an alternative outfall as approved in writing by the Asset Manager,

Mackenzie District Council. All new pipework within the golf-course is permitted to be laid at a grade of 1:250. The system is to be manually flushed once a month until Stages 3A, 3B and 3C are complete with title. This will allow for an adequate cover to the pipe across Ohau Road.

The main sewer pipe is to be a 150mm dia uPVC SN16.

The sanitary sewer connections are to be laid to at least 600mm inside the development lots. The laterals are to be installed at a sufficient depth to ensure fall is available to serve the furthest part of the development or whatever pumping system may be provided within the development. The engineering designs shall provide for sufficient capacity to meet the likely future demand generated by the development. The connections shall meet the durability requirements of the building code (i.e. have a minimum life of 50 years). The consent holder shall contribute towards any upgrading of the Council's networks needed to allow the networks to manage the additional demand placed upon it by this development. The maximum contribution shall be the actual cost of upgrading the network to the extent that the upgrading is undertaken to allow servicing of the application site.

Stormwater

- c) The consent holder shall forward with the engineering plans and specifications, copies of any consents required or granted in respect of this subdivision, including certificates of compliance or consent required by Environment Canterbury.

Stormwater from within the development shall be discharged in accordance with the resource consent requirements of the Discharge Permits authorised by Environment Canterbury. The design of stormwater and infiltration areas shall be carried out by a competent person who shall provide to the Mackenzie District Council a design report for approval. A certification will also be required following construction, confirming that the system and infiltration areas were constructed in accordance with the design report and consent.

The road network is to act as a secondary flow path. All building platforms are to be a minimum of 200mm above the critical 1% AEP flood event less the soakage provided on site. Consideration is to be taken into the existing zoning of the upstream catchment in the design of the road cross sections.

All proposed new lots are to be protected from upstream overland flood flows. In particular there is a natural flow pattern across Lot 2. Any building on Lot 2 is to be constructed clear of the natural flow channel. A consent notice to that effect is to be placed on the new title of Lot 2.

Roading and Access

- d) Plans and specification of all roading construction and all accesses to the development in accordance with Council's standards, including the following additional requirements:
- (i) The intersections with North West Arch and Ohau Road require a full traffic assessment and specific design prior to Engineering Approval.
 - (ii) Road to be designed to Cul De Sac Standards.
 - (iii) Footpaths to be provided to Council standards including the existing frontage of North West Arch.
 - (iv) All other internal roads to be designed and built to Local Road Standards.

Earthworks

- e) Details and plans of any earthworks. All earthworks undertaken on the site shall be in accordance with NZS 4431:1989 and the Environment Canterbury Erosion and Sediment Control Guidelines.

All new lots must fall towards the street.

Lighting

- f) Details of any street and outdoor lighting are to be included with the engineering plans submitted to Council for approval. Certification by an appropriately qualified person that any proposed outdoor lighting complies with the requirements of the Mackenzie District Plan is required prior to the

illumination of the outdoor lighting, other than for the purposes of testing the effectiveness of the lighting.

Landscaping

- g) The consent holder shall liaise with the Council's Community Facilities Manager prior to preparation of the site for subdivision to ascertain which trees are to be retained within the areas to vest as reserves or roads and the works required by the consent holder in relation to these trees. The consent holder shall then provide the Council with a landscaping plan detailing which trees are to be retained within Lot 1 RM160165 and any new trees or plants that are to be established within the subdivision for certification. In particular the landscaping plan shall include a planting plan in the vicinity of the cul de sac to provide some visual mitigation of this area when viewed from the reserve, The consent holder shall undertake planting as required by the certified landscape plan.

Telecommunication and Electricity

- h) That each new lot within the development be provided with a connection to a telecommunications and electrical supply network at the boundary of the net area of the allotment that meets the demands of the proposed development.
- i) All electricity and telephone lines servicing the subdivision shall be underground and in terms of the standards of the applicable Utility Company.

Other Matters

- j) 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 development.
- k) Noise from excavation and traffic (on site machineries / trucks) must be limited to comply with requirements of NZS 6803 "Acoustic – Construction Noise" (See Table 3, page 11 from NZS 6803).
7. The consent holder shall give the network utility operator five working days' notice of intention to connect to existing services. New services shall be tested in the presence of an authorised Council officer.
8. Upon completion of the development the consent holder shall provide the Council with As Built plans of all infrastructure and earthworks in both paper form and electronic form compatible with Council GIS. Evidence that all testing has been carried out and complies with the requirements shall also be provided.

Easements

9. Service easements required to protect services crossing other lots shall be duly granted or reserved, including an easement to protect the proposed new sewer line adjacent to the western boundary of Lot 1 which connects to the existing foul sewer manhole on land fronting Totara Drive.
10. Any unused utility or services connections across boundaries are to be fully abandoned, unless protected by easement.
11. Any other easements deemed necessary for the purposes of the subdivision shall be duly reserved or granted.

Access

12. All lots shall have an access with a minimum width of 3.5m and shall be provided with vehicle crossings onto North West Arch or the roads to vest.

Financial Contributions

13. The consent holder shall pay the Council a water supply capital works contribution for the additional allotments specified below for each stage prior to approval under section 224 of the Resource Management Act. The amount of the capital works contribution payable is the amount specified for water in the Council's schedule of fees and charges for the financial year that section 224 approval is sought and granted.

Stage 3A: 18 additional allotments (note credit of one allotment given for underlying allotment)

Stage 3B: 14 additional allotments

Stage 3C: 21 Additional allotments

Stage 3D: 9 additional allotments
Stage 3E: 4 additional allotments

14. The consent holder shall pay the Council a sanitary sewage capital works contribution for the additional allotments specified below for each stage prior to approval under section 224 of the Resource Management Act. The amount of the capital works contribution payable is the amount specified for water in the Council's schedule of fees and charges for the financial year that section 224 approval is sought and granted.

Stage 3A: 18 additional allotments (note credit of one allotment given for underlying allotment)
Stage 3B: 14 additional allotments
Stage 3C: 21 Additional allotments
Stage 3D: 9 additional allotments
Stage 3E: 4 additional allotments

15. The consent holder shall pay the Council a contribution towards the provision of land for open space and recreational facilities for the additional allotments specified below for each stage prior to approval under section 224 of the Resource Management Act. This contribution shall be payable at the rate of 5% each of the average cash land value of the lots. The value of the lots shall be determined by a valuation from a registered valuer. This valuation can either be provided by the consent holder or the Council can obtain this on the consent holder's behalf. Where the Council does obtain the valuation upon request, the cost of the valuation will be met by the consent holder. The valuation used to determine the reserves contribution must be no older than six months from when the Council receives and decides the section 224 application

Building/Fencing/Hardsurface Location and Area

16. Any boundary fences on lots 5 to 9, 12, 13, and 16 to 26 which adjoin Council reserve areas shall have a maximum height of 1.2metres.

This condition shall be registered as a consent notice pursuant to section 121 of the Resource Management Act 1991 as a condition that requires ongoing compliance by future landowners.

17. Notwithstanding the Residential 4 zone standards, the maximum building and hardsurface coverage within Lots 5 to 67 shall be 50%.

This condition shall be registered as a consent notice pursuant to section 121 of the Resource Management Act 1991 as a condition that requires ongoing compliance by future landowners.

18. Notwithstanding the Residential 4 zone standards, the minimum building setback from all internal and road boundaries on lots 5 – 67 shall be 2m except that:

- a. accessory buildings for residential activities, other than used for the housing of animals, may be located within the setback from internal boundaries where the total length of walls with the setback do not exceed 7.5m and do not contain windows.
- b. where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the minimum building setback from that internal boundary shall be reduced to 1m.

This condition shall be registered as a consent notice pursuant to section 121 of the Resource Management Act 1991 as a condition that requires ongoing compliance by future landowners.

19. Notwithstanding condition 18, accessory buildings on lots 7 and 8, 9, 12 and 13 shall be setback the minimum distances as follows:

1. 2m from the eastern boundaries of lots 7 and 8
2. 2m from the north eastern boundary of lots 9, 12 and 13

This condition shall be registered as a consent notice pursuant to section 121 of the Resource Management Act 1991 as a condition that requires ongoing compliance by future landowners.

Soil Contamination

20. In the event that soils are found that have visible staining, odours and/or other conditions that indicate soil contamination that are otherwise not stated in the findings of the report titled "North West Arch, Twizel: Combined Preliminary and Detailed Site Investigation Report for Payne Developments", Opus International Consultants Ltd, dated August 2017, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The applicant shall immediately notify the Mackenzie District Council Manager of Planning and Regulations of this matter. Any measures to manage the risk from potential soil contamination must be approved by the Environment Canterbury.

Costs

21. All actual and reasonable costs incurred by the Council in monitoring, enforcement and administration of this resource consent shall be met by the consent holder.

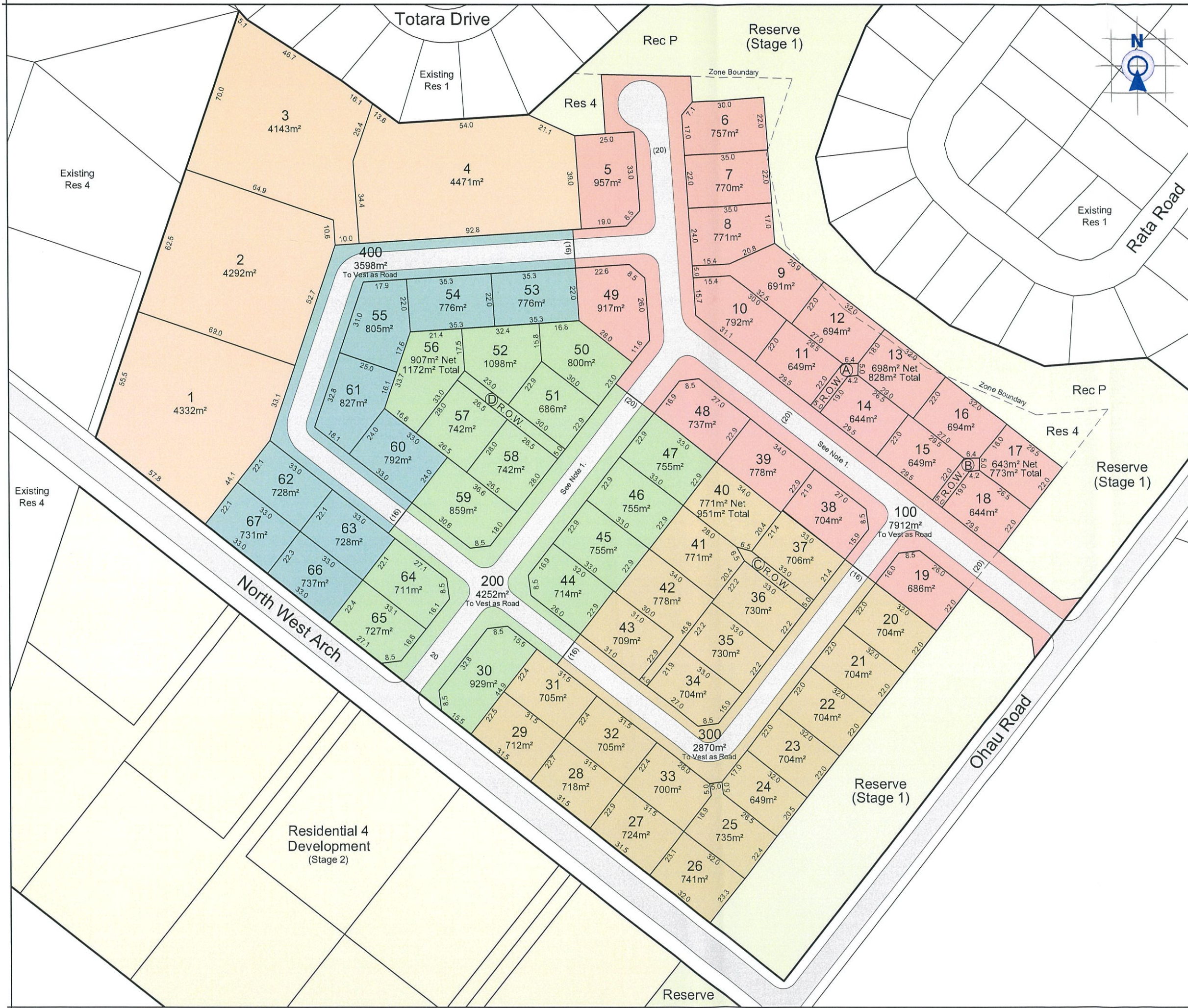
ADVICE NOTE

The applicant is advised that a variation of the consents for Stage 1 and 2 of this subdivision may be required to provide notice of the need to have soil contamination assessments undertaken in specified circumstances and/or the actions to be taken should soils be found which indicate contamination of soil.

LAND USE CONSENT

1. All activities authorised by this consent shall be in general accordance with the Paterson Pitts Group Plans "Grant Payne, North West Arch, Four Lakes— Stage 3, Residential Development, Sheets 1,2,3 & 4 dated 10/7/2017, unless inconsistent with any of the conditions below. This subdivision scheme plans is attached as Appendix 'A'. In particular consent is granted for the use of Residential P zoned land for residential activity and fencing associated with residential lots created by the subdivision and use of Recreation P zoned land for access to the subdivision from Ohau Road as shown on the scheme plans.
2. Where there is any conflict between the information provided with the application and any condition of consent, the conditions shall prevail.
3. Any boundary fences on lots 5 to 9, 12, 13, and 16 to 26 which adjoin Council reserve areas shall have a maximum height of 1.2metres.
4. Notwithstanding the Residential 4 zone standards, the maximum building and hardsurface coverage within Lots 5 to 67 shall be 50%.
5. Notwithstanding the Residential 4 zone standards, the minimum building setback from all internal and road boundaries on lots 5 – 67 shall be 2m except that:
 - a. accessory buildings for residential activities, other than used for the housing of animals, may be located within the setback from internal boundaries where the total length of walls with the setback do not exceed 7.5m and do not contain windows.
 - b. where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the minimum building setback from that internal boundary shall be reduced to 1m.
6. Notwithstanding condition 5, accessory buildings on lots 7 and 8, 9, 12 and 13 shall be setback the minimum distances as follows:
 - a. 2m from the eastern boundaries of lots 7 and 8;
 - b. 2m from the north eastern boundary of lots 9, 12 and 13

7. This consent shall be considered to have been given effect to in relation to section 125(1A)(a) of the Resource Management Act 1991 when the first dwelling is erected on a lot within the subdivision.



PROVISIONAL ONLY
Detail, Areas & Dimensions
Subject to Final Survey

- Legend:**
- Stage 3 A (19 Lots)
 - Stage 3 B (14 Lots)
 - Stage 3 C (21 Lots)
 - Stage 3 D (9 Lots)
 - Stage 3 E (4 Lots)
 - Lot Boundaries
 - Stage 2 Allotments
 - Stage 1 Reserves
 - Res 4/Rec P Zone Bdy

Note:

- Proposed roading corridors to contain 7-8m carriageway with kerb & channel, drainage swales and 2m footpath either side. Specific design to be determined in conjunction with stormwater treatment/disposal.

Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	(A)	Lot 17	Lot 16
	(B)	Lot 13	Lot 12
	(C)	Lot 40	Lot 41
	(D)	Lot 56	Lot 52&57

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229 Moray Place,
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Dunedin 9058.
T 03 477 3245
F 03 474 0484
E dunedin@ppgroup.co.nz

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Client/Location:
**Grant Payne
North West Arch
Twizel**

**Four Lakes - Stage 3
Residential Development
Proposed Staging Plan**

Surveyed by:	N/A	Original Size:	Scale:
Designed by:	LRH	A3	1:1500
Drawn by:	LRH		
Checked by:	LRH		
Approved by:	LRH	DO NOT SCALE	
Job Ref:	15681	Sheet No:	1 of 4
		Revised No:	C
		Date Created:	10/07/2017