



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

File: RM020776
Valuation Number: 2907127200
Compliance

13 August 2003

Bendemeer Farm Ltd
C/- Baxter Brown Ltd
PO Box 740
QUEENSTOWN

Dear Sir/Madam

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991
BENDEMEER FARM LTD – RM020776

Introduction

I refer to your resource consent application lodged pursuant to Section 88 of the Resource Management Act 1991 ("the Act") for subdivision and land use consent to:

A) Subdivide Part Lot 2 Deposited Plan 18242 contained within Certificate of Title OT15D/273 into 43 allotments as follows:

- Lots 1 – 36, each comprising an area of between 6321 square metres and 4.9148 hectares, with each lot containing a residential building platform for rural-residential purposes;
- Lot 76 (1.4000 hectares), also with a building platform, for a proposed tourist accommodation lodge (the subject of a separate and existing resource consent);
- Lot 37 (1.9946 hectares), containing existing farm buildings, and to accommodate a proposed café (the subject of a separate and existing resource consent);
- Lot 101 (49.1042 hectares) for roading and common areas; and
- Lots 201 – 206 (1313 – 7362 square metres), being access lots.

B) Construct 36 single residential units, garages and/or accessory buildings within the confines of the building platforms provided for on each of the rural-residential allotments created by way of the above subdivision.

The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 13 August 2003. The issue of the decision is authorised by Mr Duncan Field, Chief Executive Officer as delegate of the Council.

The subject site, commonly known as 'Bendemeer Farm', comprises of 110.9866 hectares and is located east of Lake Hayes to the north of State Highway 6 ("SH6") approximately 1.5 kilometres north-west of the Arrowtown – Lake Hayes Road intersection. The property is currently leased for grazing purposes.

Considerations

The site is zoned Rural B in the Transitional District Plan and the proposal requires a non-complying activity consent pursuant to Section 405(2)(a) of the Resource Management Act 1991 because the activity is not specifically provided for in the Plan. In addition, the proposed land use aspects of this proposal are not provided for in this plan, thus non-complying consent is required by virtue of the transitional provisions provided for under Section 374(4) of the same Act.

Under the Proposed District Plan the site is entirely contained within the Bendemeer Special Zone, created by a decision of the Environment Court (*C105/2000*). An additional Environment Court decision (*C104/2000*) granted resource consents (subject to conditions) for the following activities within the underlying special zone:

- Subdivision consent to create 79 allotments, along with associated earthworks, and other works for the provision of roading and services;
- Land use consent to construct a single residential unit, along with accessory buildings and landscaping within the residential building platforms ("RBP") on 75 of the created rural-residential allotments;
- Land use consent for a gallery café on Lot 1 (*Proposed Lot 37 – RM020776*) created by way of the subdivision consent; and
- Land use consent for the construction and operation of a tourist accommodation lodge within the building platform on Lot 76.

It is considered appropriate to note that these consents establish the "permitted baseline" for the subject site – that is, the extent to which subdivision and development can be undertaken as-of-right.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto (*in this case C105/2000*). Under these decisions the site is zoned Bendemeer Special Zone and the proposed activity requires a non-complying activity consent pursuant to:

- Rule 15.2.6.1 for the subdivision of Part Lot 2 Deposited Plan 18242 into 43 allotments as described above due to some areas within Activity Area 11 being contained within proposed rural-residential allotments and accordingly these areas will be less than the minimum lot area of 20 hectares as specified in Zone Subdivision Standard 15.2.6.3(i).

In addition, the proposed activity requires a controlled activity land use consent pursuant to:

- Rule 12.9.3.2(i)(a) & (b) for the construction of 36 residential units in the proposed building platforms with Council's control reserved over location, external appearance, associated earthworks and landscaping.

The application was considered on a non-notified basis in terms of Section 94 of the Act because the written approval of all those persons who may be adversely affected by the granting of the resource consent was obtained, and because the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

Decision

SUBDIVISION CONSENT:

Consent is GRANTED pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 220 of the Act:

- 1 That the activity be undertaken in accordance with the *amended* plans and specifications submitted with the application, namely:
 - **Bendemeer Farm – Subdivision Plan, Drawing No 0202 – SP1 (f) labelled 'F', dated 23 July 2003, and date-stamped 13 August 2003 as approved; and**
 - **Concept Masterplan – Bendemeer Farm Ref: 0202-CP1n.dgn, labelled 'E', dated 24 July 2003, and date-stamped 13 August 2003 as approved**

with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:
 - a) the administration, monitoring and supervision of this consent; and
 - b) charges authorised by regulations.
- 4 Buildings on the residential allotments numbered 1 – 36 shall be located within the building platforms shown on the submitted scheme plan (Ref "Bendemeer Farm – Subdivision Plan", 0202-SP1 (f), labelled 'F', dated 23 July 2003). The building platforms shall be surveyed and plotted on the scheme plan at the time of submitting such a plan for approval under Section 223 of the Resource Management Act 1991.
- 5 Any street lighting will be in the form of bollards no higher than 1.2 metres above ground level and be downwards shining so as to avoid any direct light spill from the

development onto neighbouring properties. The bollards will be constructed in either dark coloured steel or timber.

- 6 All engineering works shall be carried out in accordance with the Queenstown-Lakes District Council's policies and standards, being New Zealand Standard 4404:1981 with the amendments to that standard adopted on 1 June 1994, except where specified otherwise, or as otherwise approved by the Principal: Resource Management (Civic Corporation Ltd).
- 7 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 required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under Section 104 of NZS4404:1981 "Code of Practice for Urban Land Subdivision", in relation to this development.
- 8 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 applicant shall provide to the Queenstown-Lakes 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 (6), to detail the following engineering works required:
 - a) The provision of a booster pump to provide a minimum working pressure of 300 kPa and Class E fire fighting flows to all residential allotments at peak flows. The booster pump station shall be sited adjacent to the Lake Hayes Reservoir in a position that is approved by Imtech Ltd so that there are no adverse affects on the future operation and maintenance of the Lake Hayes Reservoir and treatment plant. Landowner permission shall be obtained for the pump station.
 - b) The provision of a water supply to the boundary of each lot in terms of Council's standards and water connection policy.
 - c) Accuflo manifolds with AMB306 boxes & lids and Accuflo manifold mounting bases shall be installed on each property water connection.
 - d) A valve shall be installed at the property boundary for each individual household equivalent being supplied.
 - e) The provision of fire hydrants sufficient to provide for a Class E fire risk to all new lots.
 - f) Confirmation from the New Zealand Fire Service of the Fire Risk classification for the Lodge and Café facilities. Appropriate fire fighting facilities with adequate flows and pressures shall be available to the proposed Café and Lodge.
 - g) The provision of a foul sewer connection for each new residential lot, except Lots 14 and 37, which shall have an approved on-site effluent disposal system.
 - h) The provision of a pipeline connecting the subdivision with Council's sewerage system on Arrowtown – Lake Hayes Road that has sufficient capacity to receive

sewage flows from five household equivalents between the subdivision and the Arrowtown – Lake Hayes Road.

- i) The provision of a stormwater drainage system to collect, control and dispose of all stormwater falling within the site or conveyed onto the site to be subdivided in accordance with Condition 6.
- j) Earthworks on all sites are to be generally limited to those necessary for building platforms, services, roading installation, and landscaping (including pond development) and shall proceed in accordance with the staging of the development (if any). The applicant shall ensure that dust from the site during any such earthworks does not cause a nuisance beyond the boundary of the land subject of this consent through the implementation of dust suppressant measures.
- k) The applicant's soils engineer as defined in Section 203 of NZS 4404:1981 will review the drawings and specifications defining the earthworks proposed. A Written report shall be supplied to the Council, which shall include details of the proposed intermediate inspections required to supervise the construction works, in particular cut and fill batters. Intermediate inspection reports will be submitted to the Council.
- l) The construction of the formed sealed entrance to the property to be constructed from the carriageway of State Highway 6, and the upgrading of the highway in this area, as follows:
 - i) Full construction plans and specifications shall be provided to Transit New Zealand for approval prior to construction including pavement design and geotechnical testing as requested.
 - ii) That land fronting State Highway 6 shall be vested for State Highway to accommodate the State Highway widening.
 - iii) The access from State Highway 6 shall be in accordance with the plans approved by Transit New Zealand, signed and dated 16 July 2003, and agreed amendments thereto. The design of such works is to be in accordance with NAASRA, Part 5, and Transit New Zealand's Roothing Design Guide RD1 "Intersection at Grade".
 - iv) Drainage shall be provided such that no stormwater is discharged to the State Highway or its drainage system.
 - v) Transit New Zealand shall be consulted on the design of the access road, as transit approval is required under Section 51 of the Transit New Zealand Act 1989 for disturbance of the state highway reserve.
 - vi) That the existing access be closed and permanently fenced off.
- m) The provision of all new roading and car park formation, seal, kerb and channel, footpaths, vehicle crossings and street lighting within the boundaries of the property subject of this consent as required by, and to the satisfaction of, the

Principal: Resource Management (Civic Corporation Ltd). The standard of roading shall generally be in accordance with Queenstown-Lakes District Council's subdivision Standard being NZS 4404:1981 as amended or otherwise as approved by the Principal: Resource Management (Civic Corporation Ltd). All roading shall remain private road as defined in Part XXI of the Local Government Act 1974.

- n) The nature, extent and detail of any earthworks proposed in relation to this subdivision including measures to be put in place to control silt and sediment during rain events.
- o) The consent holder shall provide evidence to the Principal: Resource Management, (Civic Corporation Ltd) of a responsible body (management group) which will undertake responsibility for the maintenance of the water supply reticulation (including the booster pump station) and the wastewater reticulation and roading constructed as part of this consent.
- p) That the following wording be shown on a survey plan:

"That Lot 101 hereon be held as to thirty-eight undivided one thirty-eighth shares by owners of Lots 1 – 37 and 76 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN request 236702)".

"That Lot 201 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 1 and 2 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

"That Lot 202 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 3 and 9 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

"That Lot 203 hereon (legal access) be held as to three undivided one third shares by the owners of 11, 18 and 19 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

"That Lot 204 hereon (legal access) be held as to six undivided one-sixth shares by the owners of Lots 12, 13, 14, 15, 16 and 17 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

"That Lot 205 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 28, 29, 30, 31, 32, 33, 34, 35 and 36 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

"That Lot 206 hereon (legal access) be held as to eight undivided one eighth shares by the owners of Lots 20, 21, 22, 23, 24, 25, 26 and 27 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 236702)".

9 Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision
- b) The completion of all works detailed in condition (8) above.
- c) On completion of the earthworks the soils engineer shall submit a written report to the Council attesting to the compliance of the earthworks with the specifications, and as to the suitability of the subdivision for building construction and allotment access. Specific requirements as they relate to individual allotments will be included as consent notices on the appropriate titles.
- d) The provision of certification by a Registered Engineer experienced in soils investigations, in accordance with NZS4431 for all areas of fill within the proposed lots (if any).
- e) Where this subdivision or development involves the vesting of assets in the Council, the consent holder shall submit to CivicCorp 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) The consent holder shall provide a power and telecommunications supply to the net area of each allotment. These shall be underground from any existing reticulation.
- g) Proof that all new fire hydrants meet the requirements of the New Zealand Fire Services Code of Practice for Fire Fighting Water Supplies for a Class E fire risk classification.
- h) The consent holder shall be required to supply written confirmation from Transit New Zealand or its network consultant to CivicCorp that the access to the State Highway has been formed / upgraded to the required Transit New Zealand standard.
- i) Pay to the Council a reserve contribution of \$46,930.00 (inclusive of GST) levied in terms of Section 409 of the Resource Management Act 1991, calculated at the rate of a recent valuation of 130 square metres of each additional rural-residential lot created by the subdivision:

$38 \times (\text{value of } 130\text{m}^2 \text{ of parent lot})$	=	reserve contribution
$38 \times 130\text{m}^2 \times \$9.50/\text{m}^2$	=	\$46, 930.00

j) Payment to the Council of the following headwork's fees (or proof that they have been paid):

- Water \$132,528.60 (including GST) 36 lots @ \$3,681.35 per lot
- Sewage \$109,786.68 (including GST) 36 lots @ \$3,049.63 per lot

k) All necessary easements shall be granted or reserved, including the necessary provision for foot access for members of the public to access through the subject site from SH6 via proposed common Lot 101 to the west of the accessway and finishing at and exiting the property at a point opposite and to the west of Access Lot 202 and entering the adjacent property to the west (Bendamead Farm Ltd Subdivision (RM010608)) for which similar provision for foot access is being provided.

10 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.

11 This consent may be progressed in the following stages:

- Stage 1: Lots 1 – 10, 37
- Stage 2: Lots 11 – 19
- Stage 3: Lots 20 – 27
- Stage 4: Lots 28 – 36, 76

with the parts of proposed common lot 101 being developed as required for each stage.

12 For the purposes of staging, the headworks fees and reserves contribution payable in respect of each stage shall be paid at the time of submitting the Certificate of Compliance for such stage approval under Section 224(c) of the Resource Management Act 1991.

13 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) The owner for the time being of Lots 1 to 37 and 76 shall be a member of a management company which shall be responsible for and obtain contributions from the lot owners for:
 - i) Maintenance of proposed roads, carriageways, footpaths and street lighting.
 - ii) Maintenance of stormwater, water and sewage systems.

iii) Maintenance of a community refuse collection scheme whereby refuse is disposed of at a transfer station administered by the Queenstown-Lakes District Council.

b) That the proposed allotments may not be further subdivided, whether by way of unit title, cross leasing or any other form of subdivision, provided that this clause shall not apply to a boundary adjustment subdivision which does not result in the creation of any additional lots or residential building platforms.

14 That this consent shall lapse on 12 June 2007.

LAND USE CONSENT: RESIDENTIAL ALLOTMENTS (LOTS 1 – 36)

Consent is GRANTED pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

1 That the activity be undertaken in accordance with the *amended* plans and specifications submitted with the application, namely:

- **Bendemeer Farm – Subdivision Plan, Drawing No 0202 – SP1 (f) labelled ‘F’, dated 23 July 2003, and date-stamped 13 August 2003 as approved; and**
- **Concept Masterplan – Bendemeer Farm Ref: 0202-CP1n.dgn, labelled ‘E’, dated 24 July 2003, and date-stamped 13 August 2003 as approved**

with the exception of the amendments required by the following conditions of consent.

2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement is imposed by this consent shall be at the consent holder’s own expense.

3 That the consent holder shall pay to Civic Corporation Limited all required administration charges fixed by the Council pursuant to Section 36 of the Act in relation to:

- a) the administration, monitoring and supervision of this consent; and
- b) charges authorised by regulations.

4 The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.

5 That upon completion of the proposed activity, the consent holder shall contact the Compliance Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

6 Buildings on residential allotments shall be located within the building platforms shown on the submitted scheme plans of subdivision (Ref: “Bendemeer Farm – Subdivision Plan” – 0202-SP1 (f), labelled ‘F’, dated 23 July 2003).

- 7 Except on Lots 23 and 31 no part of any residential unit shall exceed 7 metres in height above the existing ground level as at the date of this decision and as shown on the submitted scheme plan (Ref: "Bendemeer Farm – Subdivision Plan" – 0202-SP1 (f), labelled 'F', dated 23 July 2003, and no part of any other building erected on such lots shall exceed 5 metres in height.
- 8 On Lots 23 and 31 no part of any residential unit or other building erected on such lots shall exceed 5 metres in height above the existing ground level as at the date of this decision.
- 9 A covenant pursuant to Section 108(2)(c) of the Resource Management Act 1991 shall be registered on each of the allotments the subject of this consent providing for the following:
- a) That not more than one residential unit (together with private garage and other accessory buildings) may be erected on each lot;
 - b) Design guidelines attached to this consent as Appendix 'A' (including height restrictions) to be followed for the erection of dwellings and other buildings on the lots.
 - c) Prior to the construction of any residential unit the final design is to be approved by the Principal: Resource Management (Civic Corporation Ltd).
 - d) That no boundary fencing or boundary planting be undertaken in areas delineated as "Open Areas" or "Common Areas" on the Concept Masterplan - Bendemeer Farm Ref: 0202-CP1n.dgn, labelled 'E' dated 24 July 2003 in order to maintain open grassland.

The wording of this covenant shall be approved by the Principal: Resource Management (Civic Corporation Ltd) prior to execution and evidence of its registration against the titles to the properties shall be provided to the Principal: Resource Management (Civic Corporation Ltd).

- 10 The external colour of any materials used in the construction of buildings on the lots shall comply with the colour palette marked as Appendix 'B', attached to this consent.
- 11 That landscaping and planting shall be undertaken in accordance with:
- Bendemeer – Landscape Plan, Ref: 0202-LP1b.dgn, dated 23 July 2003, attached as Appendix 'C' to this consent;
 - Concept Masterplan – Bendemeer Farm Ref: 0202-CP1n.dgn, labelled 'E' dated 24 July 2003), attached as Appendix 'D' to this consent.
- 12 That at the expiry of 10 years from the date of establishment of the landscaping, at least 80% of the plants shall remain. Landscaping shall be maintained in conformity with:
- a) The Landscape Management Strategy submitted as part of the original application;
 - b) More particularly with the plans annexed as Appendices 'C' and 'D'; and

- c) Generally so as to not compromise the ice sculptured legibility of the site and in particular when viewed from SH6 to the south of the site, Morven Ferry and Arrow Junction Roads, and any other public place to the south of the site other than the Crown Range Road.
- 13 If the subdivision proceeds in stages then the landscaping shall be carried out in respect of each stage with the first planting season after Queenstown-Lakes District Council has given its approval under Section 223 of the Resource Management Act 1991 to the plan of subdivision in respect to that stage.
- 14 Only one solid fuel-burning fireplace shall be permitted per residential unit and shall comply with the standards imposed in the Otago Regional Council Proposed Air Plan and any amendments thereto.
- 15 Only one sign visible from SH6 shall be permitted adjacent to the entrance from SH6 and such sign shall not exceed 2m², be constructed of timber, metal or stone (or any combination thereof) and the final design of such shall be subject to the approval of the Principal; Resource Management (Civic Corporation Ltd).
- 16 That all services to the buildings from the boundary of the lots shall be placed underground
- 17 Council may on the first and every subsequent annual anniversary of the date of this decision in accordance with Section 129 of the Resource Management Act 1991 serve notice on the consent holder of its intention to review the conditions of this consent for the purposes of determining whether the conditions of the consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
- 18 This consent shall lapse on 12 June 2015.

Reasons for the Decision

1.0 Effects on the Environment

This proposal is to subdivide the subject site into 36 rural-residential allotments with provision for open space, roading and other lots for previously approved commercial uses, namely the gallery café on proposed Lot 37 and a tourist accommodation lodge on proposed Lot 76.

This proposal represents a significant reduction in the intensity of development that could be established in accordance with the permitted baseline for the property.

The proposed activity will change the environment of the subject property and will have certain effects that will be apparent from outside the site boundaries (in particular visual effects and the effects of traffic). However, the level of subdivision and development already permitted on the property (the "permitted baseline"), is significantly greater, and will have more effect on the environment as opposed to this proposal. Further, in establishing the permitted baseline, the consenting authority (the Environment Court) has contemplated the

effects on the environment arising from that greater level of development and determined that those effects are acceptable.

It is considered that the only effects arising from the difference between this proposal and the existing permitted baseline are restricted to an assessment of visual and landscape effects, traffic effects, the effects upon services and infrastructure and effects on natural values associated with the subject site and surrounds.

1.1 Visual and Landscape Effects

The existing subdivision plan and design controls approved by the Environment Court in C104/2000 was designed in a way that avoids, remedies or mitigates any perceived adverse effects arising from the visibility of built development. Activity Areas 1 – 10, being those that can be developed, are located on the broad plateau at the centre of the property, leaving Activity Area 11, comprising of slopes and escarpments around the periphery of the property for retention as open space or pastoral use.

The subject site contains varied topography and the ice-sculptured legibility of the land is prominent. The Activity Areas have recognised this legibility and accordingly have divided the plateau into different areas that can be developed to different densities (Activity Areas 1 – 9) and areas that are to be protected (Activity Area 11).

It is considered that the proposed subdivision plan fully recognises, adopts and fulfills the purpose of all the Activity Areas, thereby ensuring that development will be within the same locational parameters as those for the approved subdivision plan. Further, the same land use conditions for built development (residential units and accessory buildings on Proposed Lots 1 – 36) in respect to height controls, external appearance and site landscaping as imposed within the C104/2000 decision are included as conditions of this consent. It is considered that these conditions will contribute towards the avoidance and mitigation of any adverse effects on the environment.

The site is generally not visible when viewed from the State Highway or from the majority of the valley floor and the lower slopes of the basin. The site is fully or partially visible from the more elevated parts of the basin, including the Crown Terrace. However, the change that will be evident from this and other elevated areas is already expected by the approved development and it is considered that this proposal enables a change that is lesser in scale and significance than that of the approved development because of the reduced density of development.

It is noted that much of the land that is visible from the State Highway and from other nearby areas is located within Activity Area 11 and accordingly this area is to maintain open space and pastoral character. The conditions from C104/2000 require that this land be held in common, in 1/76th shares. In the present proposal, parts of this land will be held in individual titles, and other parts will be held in common. However, the environmental outcome is identical, because the land will be managed to maintain open grassland, and appropriate covenants to restrict fencing and planting will ensure that the land is maintained as a contiguous land unit.

In conclusion, the visual and landscape effects of the proposal are therefore considerably less than those effects from the approved subdivision and development.

1.2 *Traffic Effects*

This consent is conditional on improving the vehicle access point with SH6. The condition imposed on the approved subdivision plan, being condition 9(f) – refer to C104/2000, will be adopted for the present proposal.

The net result is that fewer vehicles will use the intersection for access to and egress from Bendemeer, with commensurate reduction in effects on traffic flow on the State Highway.

Within the development area roads will be developed in accordance with a condition that will be identical to the equivalent condition (condition 9(g) imposed under C104/2000) for the approved subdivision plan. This condition requires that all roads within the property, which are to be private roads, are to be to the satisfaction of the Queenstown-Lakes District Council.

It is considered therefore that any actual or potential effects on roading and traffic will be satisfactorily avoided or mitigated.

1.3 *Effects on Services and Infrastructure*

The proposal will gain water supply and effluent disposal treatment by way of reticulation to and from the Council's community water and sewerage schemes at Lake Hayes. The applicant has obtained written confirmation of the ability to connect to these schemes and in addition written confirmation that easements will be available to cross private land that separates the subject property and the Lake Hayes schemes.

Telecommunications and power have both been confirmed by the respective suppliers that they can be provided to the proposed lots.

1.4 *Effects on Natural Values*

It is considered that such effects arise from stormwater and effluent disposal and from visual effects. For reasons mentioned under sections 1.1 and 1.3 of this report above, it is considered that the adverse effects on the natural values of Bendemeer and the surrounding landscape in respect to visual and landscape values and the disposal of effluent will be no more than minor.

With respect to stormwater, it is proposed to discharge on site, either within individual titles to be created by the subdivision proposed, or onto adjacent land that is set aside for open space or pastoral use. The receiving environment is very wide and the final engineering plans must (by condition of consent) be submitted to and approved by the Queenstown-Lakes District Council. At this time the most suitable method for any treatment required, and eventual disposal, will be designed and approved. It is agreed that the statement made under part 3.4 of the applicants Assessment of Environmental Effects ('AEE') that the effects on the environment from the volume of stormwater generated from hard-surfaced areas (residential units, accessory buildings, roads, car park areas and any hard landscape surfacing) in any rainfall event will be less than the development anticipated by the existing resource consents.

2.0 Objectives and Policies

Section 12.8.3 of the Proposed District Plan provides for objectives and supporting policies pertaining to the Bendemeer Special Zone. The relevant objectives comprise the following:

- *Development managed and contained so that it does not compromise the ice-sculptured legibility of the land upon which (the) zone is located when viewed from surrounding public roads to the south of the zone other than the Crown Range Road;*
- *Retention of significant areas of open space; and*
- *Maintenance and enhancement of naturalness, rural character and amenities.*

The supporting policies to these objectives are:

1. *Limitation of residential, visitor and/or commercial activities within defined Activity Areas to ensure avoidance of adverse effects on open space, rural character, the ice-sculptured legibility of the land and rural amenity values.*
2. *Strict adherence to long term planning, especially the limited identification of residential, visitor accommodation and commercial activities and the placing of structures.*
3. *Avoidance of activities and development densities which may adversely affect rural character and amenities.*
4. *Enhancement of naturalness of the zone through appropriate planting and landscaping.*
5. *Avoidance of proliferation of visitor accommodation and/or commercial activities.*
6. *Requiring the zone be fully serviced.*

It is considered that for reasons mentioned earlier that the proposal in accordance with rather than contrary to the objectives and supporting policies identified above, relating to that of the Bendemeer Special Zone.

Section 15.1.3 of the Proposed District Plan sets out the objectives and relevant supporting policies pertaining to subdivision, development and financial contributions, as follows:

Objective 1 – Servicing

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

Objective 2 – Cost of Services to be met by Subdividers

“The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to be met by subdividers.”

Objective 3 – Reserve Contributions (as per Part 4.4.3 Objective 1)

“Avoid, remedy, or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and from development of visitor facilities.”

Objective 4 – Natural Features, Landscape and Nature Conservation Values

“The recognition and protection of outstanding natural features, landscapes and nature conservation values.”

Objective 5 – Amenity Protection

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

It is considered that the proposed subdivision is in keeping with objectives 1 and 2, which seek to ensure that adequate services are provided and the necessary costs are met by the developer. Objectives 3, 4, and 5 seek to provide for reserves and to maintain the natural landscape and amenity values of the site. The design of the proposed subdivision preserves significant areas of open space, notably more so than that of the existing approved consent, and will ensure that the anticipated levels of amenity in this particular area are maintained. A reserve contribution is payable to Council.

3.0 Written Consents Obtained

The applicant has obtained the written consent of Transit New Zealand in respect of vehicle access and egress to and from the subject site onto SH6. Accordingly, Section 94(6) of the Act restricts any further consideration of any effects on Transit New Zealand. No other parties are considered to be adversely affected by this proposal.

4.0 Conditions

A reserve contribution is required from the consent holder because:

- i) the developer is not providing any reserves;
- ii) the level of the increase in human occupation of the site will be very significant;
- iii) although the area is adequately served by reserves, the reserves in area are not yet fully developed; and
- iv) the increased number of people in the locality will result in an increased use of the available reserves.

In order to ensure provision of water supply, foul sewer and stormwater disposal, power and telecommunications services to the proposed lot to a standard considered adequate by Council, conditions have been imposed as those services are available on the vicinity of the subdivision. Where connection is to a Council operated service, headworks fees are payable in order to meet the extra demand created by the subdivision/ development.

All built form will be developed on-site within the provisions of site specific design controls governing bulk, location and final colour schemes, which have been carried through as conditions of land use and subdivision consents.

Submission of ‘as-built’ plans to Council is required in order that Council maintains adequate records of all connections to Council services.

All easements are to be duly granted or reserved to ensure physical and service access for allotments where that access crosses adjacent land.

On 5 October 1998, the appeal period closed for decisions released on the Proposed District Plan. An assessment has confirmed that no references have been received in respect of any of the rules cited above. Further to this, there are no general references that influence consideration of this application in respect of the revised zoning for the subject site or district wide issues, objectives and policies. It is therefore considered that significant weight can be placed by the Council on the rules, policies and objectives of the Proposed District Plan as notified between 31 August 1998 and 14 September 1998, over and above the provisions of the Transitional District Plan.

Other Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

The conditions of this consent include the payment of an initial fee of \$80 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$80 is for the first hour of monitoring. Should your consent require more than one hour of monitoring you will be charged for the additional time.

To minimise your monitoring costs it is strongly recommended that you contact the Compliance Section of CivicCorp when the conditions have been met or with any changes you have to the programmed completion of your consent.

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 Principal: Compliance (Civic Corporation Limited) when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

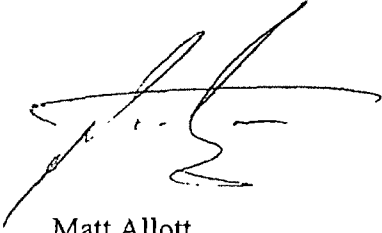
Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council (c/- CivicCorp) setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

The applicant shall have until 12 June 2007 to submit to Council a survey plan under Section 223 of the Resource Management Act 1991 – this is the consent period for Part 'A' of this consent (subdivision) pursuant to Section 125 of the Resource Management Act 1991 – equivalent to that of C104/2000.

The applicant shall have until June 2015 to construct a single dwelling, along with accessory buildings and landscaping, on 36 of the rural-residential allotments created by way of the subdivision consent – this is the consent period for Part 'B' of this consent (land use) pursuant to Section 125 of the Resource Management Act 1991 – equivalent to that of C104/2000.

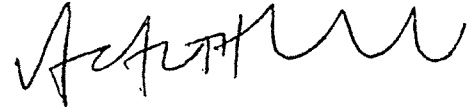
If you have any enquiries please contact Matt Allott on phone (03) 442 6854.

Prepared by
CIVICCORP

A handwritten signature in black ink, appearing to be 'Matt Allott', written over a horizontal line.

Matt Allott
PLANNER

Reviewed and Approved by
CIVICCORP

A handwritten signature in black ink, appearing to be 'Jane Titchener', written in a cursive style.

Jane Titchener
PRINCIPAL: RESOURCE MANAGEMENT

BENDEMEER RESOURCE CONSENT VARIATION

APPENDIX 2 – COLOUR PALLETTE ADDITIONAL COLOURS

(iii) Walls and Trims

Add:

- | | |
|---------------------|----------------|
| • Napa 5B025 | (grey - brown) |
| • Stonewall 42027 | (grey - brown) |
| • Tea 6B035 | (taupe) |
| • Masala 3GR12 | (grey-green) |
| • Tapa 5GR05 | (grey) |
| • Lemon Grass 6G022 | (grey) |
| • Diesel 1GR21 | (brown-black) |

(note: colours recommended above are from the Resene 2002 range)

