



QUEENSTOWN  
LAKES DISTRICT  
COUNCIL

File: RM020776.127

15 December 2004

Bendemeer AP Limited  
C/- BaxterBrown  
PO Box 740  
QUEENSTOWN

Attn: Gemma Pemberton

Dear Gemma

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991**  
**BENDEMEER AP LIMITED – RM020776.127**

I refer to your application for a change of conditions to the above resource consent under Section 127 of the Resource Management Act 1991, to change various conditions of the subdivision and landuse components of the resource consent RM020776.

RM020776 was granted on a non-notified basis by Council on 13 August 2003 under delegated authority pursuant to Section 34 of the Resource Management Act 1991.

The subject site, commonly known as Bendemeer Farm, comprises 110.98 hectares and is located east of Lake Hayes to the north of State Highway Six approximately 1.5 kilometres north-west of the Arrowtown-Lake Hayes Road intersection.

The original application was to:

A: Subdivide Part Lot 2 DP 18242 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 (1.4 hectares), also with a building platform, for a proposed tourist accommodation lodge (the subject of an separate and existing resource consent);
- Lot 37 (1.9 hectares), containing existing farm buildings, and to accommodate a proposed café (the subject of an existing and separate resource consent);
- Lot 101 (49.1 hectares) for roading and common areas and;
- Lots 201-206 (1313-7326 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 variation to the conditions of the subdivision and landuse consents obtained above is to provide consent to:

A: Subdivide Part Lot 2 DP 18242 into 41 allotments as follows:

- Lots 1-36, each comprising an area between 4754m<sup>2</sup> and 4.9190 hectares, with each lot containing a residential building platform.
- Lot 37 (1.6 ha), also with a building platform, for a proposed tourist accommodation lodge (the subject of an separate and existing resource consent);
- Lots 38 & 39, held in one Certificate of Title (1.542 ha and 4636 m<sup>2</sup> respectively), containing existing farm buildings, and to accommodate a proposed café (the subject of an existing an separate resource consent);
- Lot 300 (46.653 ha) for roading and common areas and;
- Lots 301 and 302 (6822m<sup>2</sup> and 9578m<sup>2</sup> respectively), being access lots.

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

This application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 15 December 2004. This decision was made and its issue authorised by Mr David Clarke, Independent Commissioner, as delegate for the Council

The application was considered on a non-notified basis in terms of Section 127 4) of the Act because the consent authority were satisfied that the degree of adverse effect of the activity is likely to be unchanged or decreased as a result of the change of conditions and that all parties considered to be adversely affected by the proposed changes to conditions have provided their written approval.

The variation seeks to provide change to the following conditions:

#### *Subdivision Consent*

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.*

The consent holder seeks consent to undertake the proposed activity in accordance with amended plans submitted, a structure plan referenced 3230-CP6.DWG and landscape plans referenced 3230-WD18g.DWG and WD16. The amended plans illustrate changes in terms of the roading layout of the subdivision in the vicinity of proposed Lots 10, 12, 13 and 15. The amended plans also include the rotation of a number of identified residential building platforms (being those platforms in proposed Lots 1, 13, 21, 31, 32, 33 and 34). The location of the building platforms on Lots 10, 15, 16, 17, 24 and 35 have also moved slightly from the approved plans.

The landscaping scheme for the subdivision is being upgraded, with proposed landscape plan 3230-WD18g.DWG representing the new planting plan for the subdivision. The landscaping plan also details an area of fill located at the boundary of the site with State Highway Six, and a separate wetland restoration plan (WD16) details the landscaping to be implemented in the vicinity of the wetlands of the site.

- 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.*

The application seeks consent to vary this condition to enable the buildings on the residential allotments numbered 1-36 to be located within the residential building platforms as plotted on the scheme plan, or alternatively within a new building platform, configured to the requirements of the party developing a residential unit on that lot. Under the new proposed condition, any new building platform must have the centre point of the existing approved building platform as its centre point to prevent any significant movement of the platform, and be of the same overall area (1000m<sup>2</sup>). Any new configuration of a residential building platform must also be submitted for the approval of the Principal: Landscape Architecture (CivicCorp).

- 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).*

The application seeks consent to vary this condition to enable roading engineering works to be undertaken in accordance with QLDC draft Rural Roding Standards.

- 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:*

...

- 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.*

Numbering changes are sought, with previous Lot 37 now referenced as Lots 38 and 39 (held in one certificate of title. Consent is sought to vary condition 8(g) to reflect this change.

- 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.*

A variation to this condition of consent is sought to include the requirement for the applicant's soils engineer to report on the proposed fill adjacent to State Highway Six.

- (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:*

...

- 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 Roading Design Guide RD1 "Intersection at Grade".*

The application seeks consent to alter the location of the access from the subdivision, from that approved by Transit New Zealand signed and dated 16 July 2003. The new plans of the State Highway access are proposed to supersede those referred to in this condition.

*vi) That the existing access be closed and permanently fenced off.*

The application seeks to vary this condition by way of cancellation of the condition, as the 'existing access' is now proposed to be utilised for the State Highway access from the subdivision.

*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.*

The application seeks to alter the condition to enable the provision of all roading, seal, kerb & channel, footpaths, vehicle crossings and street lighting within the boundaries of the property to be undertaken in accordance with the QLDC draft Rural Roading standard, rather than NZS4404: 1981.

*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.*

The application seeks to alter this condition to include the provision for the detailing of the nature, extent and details of earthworks to include the written approval of the Principal: Landscape Architecture (CivicCorp) for the final contouring of the proposed fill on the site adjacent to State Highway 6.

*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)".*

The application seeks consent to alter the wording of the amalgamation conditions registered on the survey plan to reflect the new design of the subdivision. It is proposed that new Lots 38 and 39 (replacing previous Lot 37) be held in one certificate of title. The remainder of the common lots and the access lot (Lot 300) are to be held in shares between each of the residential lots, and the two access roads to the north of the subdivision, being Lots 301 and 302 are to be held in shares of those residential allotments which they service only.

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

...

*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.*

The application seeks consent to alter the wording of Condition 9(k) to refer to new proposed allotments in the subdivision, which will enable the linking of the pedestrian easement to that provided by the adjacent Bendamead Farm Ltd Subdivision. The wording as it exists refers to the required pedestrian easement exiting Bendemeer at a point to the west of Access Lot 202. This would not provide a linkage to the existing Bendamead pedestrian access, which joins to Bendemeer at a point at proposed Bendemeer Lot 29.

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.*

Consent is sought to vary the staging of this subdivision, to two separate stages, the first comprising proposed Lots 1-11, 18-20 and 38-39, with the second stage being made up of proposed Lots 12-17 and 21-37. The lot reference for Common Lot 101 is proposed to be varied with regard to number change of the common lot (now Lot 300).

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.*

The application seeks consent to alter the lot numbers of this condition to reflect the amended lot numbers of the proposed new lots. The requirements for the owner of the lots to be a member of a management company will apply to all lots of the subdivision, being Lots 1-39.

This condition is also proposed to be altered to include another responsibility of the management company, being the maintenance of the landscaping on Common Lots of the subdivision. The maintenance of the landscaping of common lots is to be carried out in accordance with plans approved, and it is proposed to utilise the wording of the previous landscape condition of the RM020776 consent, in requiring that the landscaping is maintained to ensure that at the expiry of 10 years from the date of establishment of the landscaping, at least 80% of plants shall remain.

In addition, a new condition is to be registered on the title of the pertinent certificates of title, this being the requirement for a landscape plan to be submitted for approval for each residential allotment prior to the construction of a residential unit. In this instance it is again proposed to utilise the wording of the RM020776 landscape conditions, to identify the objectives which the landscape plan is to achieve. These objectives include landscaping being aligned with the structure planting, compliance with the Design Guidelines for typical lots, and that generally, landscaping shall be designed 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 (as referred to in RM020776 originating from the Environment Court decision C104/2000).

#### *Inserts*

Consent is sought to vary the conditions of consent by including additional conditions in the subdivision consent. Primarily these conditions have resulted from a review of the RM020776 decision and an effort to more appropriately separate and set out requirements for landscaping and planting in respect to the management of common and individual residential lots.

The following condition is proposed to be inserted into the requirements of the subdivision, where it relates to fencing of the site, including common areas which are not covered by fencing restrictions under landuse consent for individual lots:

- 4        *Any fencing (excluding fencing permitted on Residential Lots 1-36) shall be limited to post and wire fencing only around the exterior of the subject site and within Common Lots 300 for the purposes of pastoral management.*

The following condition is proposed to be inserted into the Subdivision Consent, to provide for the completion of structure landscaping prior to individual titles being issued:

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

- l) *Completion of the structural landscaping as illustrated on plans, BaxterBrown Planning & Design: Bendemeer AP Limited – Planting Plan ref 3230 WD18g.DWG dated April 2004 and Pond Area Planting Plan ref 3230 WD16 dated April 2004 stamped as approved 15 December 2004 and attached to this decision. For the purpose of s224(c) certification, the consent holder shall provide the approval of the Principal: Landscape Architecture (CivicCorp) as to the completion of the landscaping detailed on these plans.*

The following condition is proposed to be moved from the landuse component of RM020776 to the subdivision component in which it is considered to be more accurately located:

- 14 *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.*

#### **Landuse Consent**

- 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.*

As for the subdivision consent above, the consent holder seeks consent to undertake the proposed activity in accordance with amended plans submitted, a structure plan referenced 3230-CP6.DWG and landscape plans referenced 3230-WD18g.DWG and WD16. The amended plans illustrate changes in terms of the roading layout of the subdivision in the vicinity of proposed Lots 10, 12, 13 and 15. The amended plans also include the rotation of a number of identified residential building platforms (being those platforms in proposed Lots 1, 13, 21, 31, 32, 33 and 34). The location of the building platforms on Lots 10, 15, 16, 17, 24 and 35 have also moved slightly from the approved plans.

- 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).*

Similarly, as above the application seeks consent to vary this condition to enable the buildings on the residential allotments numbered 1-36 to be located within the residential building platforms as plotted on the scheme plan, or alternatively within a new building platform, configured to the requirements of the party developing a residential unit on that lot. Under the new proposed condition, any new building platform must have the centre point of the existing approved building platform as its centre point to prevent any significant movement of the platform, and be of the same overall area (1000m<sup>2</sup>). Any new configuration of a residential building platform must also be submitted for the approval of the Principal: Landscape Architecture (CivicCorp).

- 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 not 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.*

Consent is sought to vary the above conditions in regards to referring to original ground level.

- 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:*

...

- 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.*

Consent is sought to vary this condition to provide for clarification as to the height restrictions provided for by referring to the appropriate conditions of consent included in the landuse consent for height restrictions.

...

- c)       *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 condition is proposed to be altered to refer to the requirement of the covenant to be registered on the titles to include the fencing and planting restrictions as set out in conditions of consent. This links with the proposed addition of specific landscaping and fencing conditions for the landuse consent for residential allotments. These specific landscaping and fencing conditions (see below) are to be included in the wording of the covenant.

- 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.*

The application seeks consent to amend Appendix 'B' by adding a list of further colours to Appendix B for walls and trim colours.

- 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.*

These conditions are removed, being re-worded and separated (with new numbering) such that the fencing and landscaping for the entire site is addressed, including separation of the requirements for fencing and landscaping on common lots, which are more appropriately addressed in the subdivision consent, rather than the landuse consent for individual residential lots.

The landuse consent conditions proposed require that the landscaping and planting is to be undertaken in accordance with new plans approved, and additionally includes further consent condition wording to specify that no planting is to be undertaken on the residential lot outside of the homestead area. Further, it is identified that the landscaping plan shall be submitted for approval, to illustrate compliance with fencing and planting restrictions, alignment with the structure planting and generally to be designed 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.

In addition, to clarify the restrictions on fencing of the residential lots, the landuse consent is proposed to include a condition with regard to fencing, noting that fencing of residential lots 1-36 be undertaken in accordance with specified controls, including that post & wire, post & rail and stonework is permitted around the boundary of the Homestead Area only and no fencing is permitted on any other area of the lot. The proposed condition also includes specific design and height controls for fencing.

### Statutory Provisions

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows;

- 1) *The holder of a resource consent may apply to a consent holder for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*

The consent holder seeks to vary the consent to provide for the amendments to the approved structure plan of RM020776 including an amended layout of the subdivision, to provide clarified fencing, landscaping and subdivision controls for the sites created by subdivision, and to alter the access point of the subdivision off State Highway Six.

Section 127 of the Resource Management Act provides for a resource consent to be varied as follows;

- “(3) *Sections 88 to 121 shall apply, with all necessary modifications, as if –*
  - (a) *the application were an application for a resource consent for a discretionary activity; and*
  - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
  - (a) *made a submission on the original application; and*
  - (b) *may be affected by the change or cancellation.”*

The original resource consent was granted to subdivide the site into 43 lots in addition to land use consent to construct residential dwellings of unspecified design on the 36 newly created residential lots. This consent was assessed as a non-complying activity.

The applicant has submitted an application for a change/cancellation in conditions to this consent, to allow for the subdivision to be undertaken in accordance with amended plans including amended subdivision and roading layout and to provide for further design/development controls for the lots created by subdivision.

The reasons for the decision and assessment of the environmental effects of each condition to be changed under Section 127 of the Resource Management Act 1991 are found below under the condition as amended.

## Decision

That the application by Bendemeer AP Limited to change/cancel various conditions of the subdivision and landuse components of the resource consent RM020776 (granted by Council under delegated authority on 13 August 2003) is to be granted pursuant to Section 127 of the Resource Management Act 1991, such that:<sup>1</sup>

1 Condition 1 of the Subdivision Consent is amended to read as follows:

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

- BaxterBrown Planning & Design: *Bendemeer AP Limited:*
    - Masterplan ref 3230-CP6.dwg dated November 2004;
    - Pond Area Planting Plan ref 3230 WD16 dated April 2004; and
    - Planting Plan ref 3230-WD18g.DWG dated April 2004;
- Stamped as approved 15 December 2004.*

*With the exception of the amendments required by the following conditions of consent.*

The amended plans illustrate changes in terms of the roading layout of the subdivision in the vicinity of proposed Lots 10, 12, 13 and 15. The amended plans also include the rotation of a number of identified residential building platforms (being those platforms in proposed Lots 1, 13, 21, 31, 32, 33 and 34). The location of the building platforms on Lots 10, 15, 16, 17, 24 and 35 have also moved slightly from the approved plans.

The proposed amendments to the plan are not considered to result in any significant adverse effects. The amended or rotated building platforms all remain in the same general location, and the proposed location of the road in the vicinity of Lots 10 – 15 utilises that of an existing track. The new path of the road in this location is not highly visible and will not be discernible from outside of the subject site.

CivicCorp's Landscape Architect has assessed the proposed changes and notes that the movements of residential building platforms are not considered to create a significant effect on the landscape, whereby the effects of the movements will be internal and difficult to perceive from any point outside of the subject site.

The landscape architect also notes that the curtilage areas proposed (referenced as 'Homestead Areas' on the proposed plans) are identical to or in some cases smaller than those approved. Where planting and fencing are restricted to homestead areas (see following landuse conditions), this in effect means that more of the subject site will be retained in a pastoral state.

The landscaping scheme for the subdivision is being upgraded, with proposed landscape plan 3230-WD18g.DWG representing the new planting plan for the subdivision. The landscaping plan also details an area of fill located at the boundary of the site with State Highway Six.

The applicant proposed to undertake the fill at the boundary of the site with State Highway Six in accordance with the right to undertake earthworks associated with subdivision. For this reason any potential adverse effects of the deposition of fill in this location have not been assessed, although the applicant has agreed that the final contouring of the fill be undertaken as per the approval of the Principal: Landscape Architecture (see condition below). This will aid in ensuring that the proposed fill activity is undertaken in a manner as to mitigate adverse effects on the landscape as best possible.

CivicCorp's Landscape Architect has reviewed the amended landscaping plan submitted with the variation application and notes that the proposed landscape plan will provide a similar effect to that which

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<sup>1</sup> A full list of consent conditions as they stand after variation is attached to this decision as Appendix C.

has previously been approved, where a treed rural lifestyle type of amenity will develop as planting matured. It is not considered that the amended landscape plan will have any significant effects on the environment when compared to that approved.

In particular the plan has been compared to that approved under RM020776 (and the former C104/2000 decision), and it is noted that the proposed plan includes those areas of vegetation, particularly along the eastern boundary of the site, which provide screening of the views of potential dwellings from the east and in particular the elevated viewpoint of the Crown Range Road.

The applicant has also provided a Pond Planting Plan, detailing the restoration wetland planting treatment of the ponds within the site. This treatment was not required under the resource consent RM020776, however it was an component of the landscape management plan formulated with Council and WESI in the resolution of the appeal of the original subdivision of the site, which resulted in decision C104/2000 (on which RM020776 was based). In recognition of this history, the applicant has included the provisions for the wetland planting, and landscaping of the common areas of the site carried out in accordance with this plan.

For the reasons above the proposed change to Condition 1 of the subdivision consent is not considered to result in any adverse effects on the environment, and as the proposed changes will be internalised within the site (apart from the entrance point to the subdivision, which will be discussed below), the proposed change is not considered to have any adverse effect on any party.

2 Condition 4 of the Subdivision Consent is amended to read as follows::

4 *Buildings on the residential allotments numbered 1 – 36 shall be located within the building platforms shown on the approved plan: BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230 – CP6.dwg dated November 2004, with the exception of the following.*

*For the purposes of this Condition 4 'Building Platform' shall mean:*

- (i) *The building platforms surveyed and plotted on the survey plan in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230-CP6.dwg dated November 2004; or*
- (ii) *A reconfigured building platform only where the final location and shape conforms to the following criteria:*
  - (a) *The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan*
  - (b) *The maximum area for a building platform shall be 1000m<sup>2</sup>.*

*Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.*

*The building platforms in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230-CP6.dwg dated November 2004, shall be surveyed and plotted on the survey plan, and the co-ordinates of the centre points of these platforms shall be recorded on the survey plan at the time of submitting such a plan for approval under Section 223 of the Resource Management Act 1991.*

The proposed approach to the identification of residential building platforms on each of the residential allotments is not considered to result in any adverse effects on the environment. The AEE submitted with the application notes that this approach is designed to be environmentally responsive, such that the

existing residential building platforms be permitted to vary in configuration in order to reflect the topography and sit within the landscape.

CivicCorp's Landscape Architect has reviewed the proposed approach and notes that the application seeks conditions of consent which allow each residential building platform to be rotated or reconfigured around its centre point, to allow for more site-responsive architecture at the time individual dwellings are designed. No significant adverse effects on the environment are anticipated associated with this approach.

Building platforms are to be no larger than those previously approved, the centre points will 'anchor' any proposed new platform, preventing any significant movement of the platform on the site, while the final configuration of the platform is to be submitted for the approval of the Principal: Landscape Architecture. These mechanisms are considered to be adequate to ensure that any proposed building platform is located in such a way that will enable site responsive design, for buildings to be recessive within the topography of the landscape, and to potentially reduce earthworks required to establish finished floor levels.

For these reasons no parties are considered to be adversely affected by the proposed change to this condition.

3 The following wording is inserted as Condition 6 of the Subdivision Consent:

6 *Any fencing (excluding fencing permitted on Residential Lots 1-36) shall be limited to post and wire fencing only around the exterior of the subject site and within Common Lots 300, for the purposes of pastoral management.*

The proposed insertion of this condition is not considered to have any adverse effects on the environment as it provides for the clarification of fencing restrictions in order to maintain the open pastoral character of the site. Previously fencing constraints were undefined for common lots. The location of this condition in the subdivision consent is considered appropriate in terms of the landuse consent for residential lots providing for the fencing permitted on those lots, with this proposed condition of subdivision providing for the fencing of common (and exterior) fencing. No adverse effects on the environment are anticipated and no parties are considered to be adversely affected.

4 Condition 6 of the Subdivision Consent is amended to read as follows<sup>2</sup>:

7 *All engineering works excluding roading 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). All roading works shall be carried out in accordance with the Queenstown-Lakes District Council's draft Rural Roading Standards.*

No adverse effects are anticipated with regard to roading works being able to be carried out in accordance with Council's rural roading standards. All remaining engineering work will be undertaken in accordance with relevant standards. CivicCorp's engineer has reviewed the proposed changes and advises that this approach is satisfactory. No party is considered to be adversely affected by the proposed change.

5 Condition 8 and specifically Condition 8(g), (l), (m), (n) and (p) of the Subdivision Consent is amended to read as follows<sup>3</sup>:

9 *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*

<sup>2</sup> Note consequential renumbering of this condition.

<sup>3</sup> Note consequential renumbering of this condition.

specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (7), to detail the following engineering works required:

...

- g) *The provision of a foul sewer connection for each new residential lot, except Lots 14 and 38 and 39, which shall have an approved on-site effluent disposal system.*

No adverse effects on the environment or any party are considered to result by way of the numbering changes proposed for this condition.

...

- 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. These reports shall also address fill to be deposited on the subject site from the State Highway upgrades associated with the access point to the State Highway.*

No adverse effects are anticipated. The change to this condition allows for the deposition of fill adjacent to the State Highway to be reviewed by the applicant's soils engineer, and reported on to Council. No parties are considered adversely affected by the proposed change to this condition.

...

- 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:*

...

- iii) *The access from State Highway 6 shall be in accordance with the plans approved by Transit New Zealand (BaxterBrown Planning & Design: Masterplan ref 3230-CP6 and Planting Plan ref 3230-WD18f), signed and dated 17 November 2004 and agreed amendments thereto. The design of such works is to be in accordance with NAASRA, Part 5, and Transit New Zealand's Road Design Guide RD1 "Intersection at Grade".*

The alteration to this condition provides for the amended location of the State Highway Six access point to the subdivision. The amended access point to the subdivision is not considered to result in any adverse effects on the environment, in terms of visual or landscape effects, as it will utilise the existing access to the site. CivicCorp Engineers have reviewed the proposed change to access point and advise that it is satisfactory subject to Transit NZ approval. Transit NZ are identified as an affected party with regard to the access onto the State Highway and have provided their written approval for the proposed change to conditions.

...

- (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 draft Rural Road Standards 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.*

No effects on the environment are anticipated with regard to the proposed change of condition to allow for the roading infrastructure of the subdivision to be undertaken in accordance with Council's Rural Road standard. CivicCorp engineers have reviewed the proposed change and advise that the use of the rural

roading standard for this development is satisfactory. No persons are considered to be adversely affected by the proposed change to this condition.

...

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, including:*

i) *The final contouring of the fill to be placed on the site adjacent to State Highway Six, which shall be approved by the Principal; Landscape Architecture (CivicCorp) as to ensure that the fill is graded in a naturalistic way with variation in gradient in height to marry with existing ground levels.*

The proposed change to this condition is not considered to result in any adverse effects on the environment. The condition as amended provides for a measure to mitigate any potential effects on the environment by way of the deposition of fill on the site adjacent to the state highway, which the applicant identifies as earthworks undertaken in relation to the subdivision.

CivicCorp's landscape architect has reviewed the proposed activity and advises that the plans submitted (landscape plan) illustrate that given the width and volume of the proposed fill, the gradient should generally be very gentle, which allows fill to be finished as to appear natural and discrete, particularly if the material is to be feathered out, as indicated. However it is noted that it is important that the gradient and height of the finished fill is varied and finished so as to appear wholly natural. In this regard, provided the fill is graded in a naturalistic way, marries with existing ground levels and is appropriately re-grassed, the site will appear rural in character and in keeping with its context.

The proposed amendment to the condition provides for the process of approval to achieve these characteristics of the fill and in this regard is not considered to have any adverse effects.

...

p) *That the following wording be shown on a survey plan:*

*"That Lots 38 and 39 hereon be hold in the same certificate of title (CSN Request 379714)"*

*"That Lot 300 hereon (legal access) be held as to thirty seven undivided one forty third shares by the owners of Lots 1 – 37 hereon and six undivided one forty third shares by the owners of Lots 38 and 39 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 379714)"*

*"That Lot 301 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 28, 29, 30, 31, 32, 33, 34, 34 and 36 hereon as tenants in common in the said shares and that individual certificates of title be issue in accordance therewith (See CSN Request 379714)"*

*"That Lot 302 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 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 379714)"*

Proposed changes to the amalgamation conditions will not have any effect on the environment. The access lot is held in common and Lots 38 and 39 held together in one title, as was previously one lot 37. The access to lots at the north of the subdivision is held in shares to those lots that they access.

6 Condition 8(l)(vi) of the Subdivision Consent is cancelled.

No adverse effects will result from the cancellation of this condition as it is no longer applicable with reference to the use of the existing access for the new proposed access. Transit NZ are identified as an affected party with regard to the access onto the State Highway and have provided their written approval for the use of the proposed new access.

7 Condition 9, and specifically Condition 9(k) of the Subdivision Consent is amended to read as follows<sup>4</sup>:

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

...  
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 including via proposed Common Lot 300 (access road only), and entering the adjacent property to the west to provide a link with the pedestrian easement over this property (Bendamead Farm Ltd Subdivision (RM010608)) for which similar provision for foot access has been provided.*

The change to this condition is not considered to have any adverse effect on the environment, as it will provide for a pedestrian access through the site which will link with that provided on the adjacent property to the west (Terraces – created by Bendamead Farm Ltd subdivision). The wording of the existing condition of consent referred to existing of the subject site at Access Lot 202, which would not provide for a link to the pedestrian access existing through the Terraces subdivision down to the Arrowtown-Lake Hayes Road, which was intended. The amended condition requires the applicant to illustrate a pedestrian easement through the site from the State Highway to link with the existing pedestrian easement over the adjacent Terraces property.

It is noted that the existing Terraces pedestrian easement links to the subject site in the location of proposed Lot 29. The applicant has indicated the intention to create the pedestrian easement over the common access Lot 300, diverting westward at the southern boundary of proposed Lot 33 and traversing the southern boundaries of proposed Lots 31-33, exiting the subject lot and entering the adjacent property to the west at the northern boundary of Lot 33. It is noted that this easement will not link with the existing pedestrian easement of the Terraces subdivision, but that the applicant has demonstrated that an easement over Lot 16 of the Terraces subdivision is achievable, this easement extending the easement over the Terraces subdivision down to meet the easement provided over the subject site.

In any regard, the consent condition as proposed requires the applicant to provide a pedestrian easement which links with the pedestrian easement provided on the adjacent site, with the method by which to achieve this outcome being non-consequential.

It is not considered that the change to this condition has any adverse effect on the environment, rather it is providing for a pedestrian easement linkage to be made in this location. No parties are considered to be adversely affected by the change.

8 The following wording is inserted as Condition 10(l) of the Subdivision Consent:

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

...  
l) *Completion of the structural landscaping as illustrated on plans, BaxterBrown Planning & Design: Bendemeer AP Limited – Planting Plan ref 3230 WD18g.DWG dated April 2004 and Pond Area Planting Plan ref 3230 WD16 dated April 2004 stamped as approved 15 December 2004 and attached to this decision. For the purpose of s224(c) certification, the*

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<sup>4</sup> Note consequential renumbering of this condition

*consent holder shall provide the approval of the Principal: Landscape Architect (CivicCorp) as to the completion of the landscaping detailed on these plans.*

The proposed insertion of this condition is not considered to have any adverse effects on the environment as it provides for the mechanism by which the structure planting proposed, including wetland planting of common areas will be implemented prior to the issue of title for individual lots. The landscape implementation is to be approved by the Principal: Landscape Architecture to ensure that structure landscaping is completed to a professional standard.

9 Condition 11 of the Subdivision Consent is amended, to read as follows<sup>5</sup>:

12 *This consent may be progressed in the following stages:*

- *Stage 1: Lots 1 – 11, 18-20 and 38-39*
- *Stage 2: Lots 12-17 and 21-37*

*with the parts of proposed Common Lot 300 being developed as required for each stage.*

Consent is sought to vary the staging of this subdivision, to two separate stages, the first comprising proposed Lots 1-11, 18-20 and 38-39, with the second stage being made up of proposed Lots 12-17 and 21-37. The lot reference for Common Lot 101 is proposed to be varied with regard to number change of the common lot (now Common Lot 300).

No adverse effects on the environment are anticipated and no parties are considered to be adversely affected by the change to this condition.

10 The following wording is inserted as Condition 14 of the Subdivision Consent:

14 *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.*

The proposed insertion of this condition is not considered to have any adverse effects on the environment. This condition is moved from its location under the landuse component of RM020776, as it provides for the staging of structure landscaping required under the subdivision consent. In this regard the proposed new location is considered to be more appropriate. No parties are considered to be adversely affected.

11 Condition 13, and specifically Condition 13(a) and (b) of the Subdivision Consent is amended to read as follows<sup>6</sup>:

15 *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 1-39 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.*

<sup>5</sup> Note consequential renumbering of this condition.

<sup>6</sup> Note consequential renumbering of this Condition

- ii) *Maintenance of storm water, 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.*
  - iv) *Maintenance of the landscaping on Common Lots 300 in accordance with the plans BaxterBrown Planning & Design: Planting Plan ref 3230 WD18g.DWG dated April 2004 and Pond Area Planting Plan ref 3230-WD16 dated April 2004 stamped as approved 15 December 2004. This landscaping shall be maintained to ensure that at the expiry of 10 years from the date of establishment of the landscaping, at least 80% of the plants shall remain.*
- b) *That the proposed allotments (excluding Lots 38 and 39) 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.*
- 12 The following wording is inserted as Condition 15(c) of the Subdivision Consent:
- 15 *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:*
- ... c) *Prior to the construction of any residential unit on Lots 1 – 36, the property owner for the time being shall submit a landscaping plan for the Homestead Area for the approval of the Principal: Landscape Architecture (CivicCorp). The landscape plan shall be designed to meet the following objectives:*
- (i) *Illustrate compliance with fencing and planting conditions, including the Design Guidelines for typical lots attached to this consent as Appendix 'A'*
  - (ii) *Landscaping including tree planting is to run with the contour, and should be used to integrate buildings into the sites. Planting on ridges and skylines should be avoided.*
  - (iii) *Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.*
  - (iv) *Landscaping and planting shall be aligned with the existing character of planting established by the structure plan (BaxterBrown Planning & Design: Bendemeer – Planting Plan ref 3230-WD18g.DWG dated April 2004).*
  - (v) *Generally, landscaping shall be designed 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.*

The application seeks consent to alter the lot numbers of this condition to reflect the amended lot numbers of the proposed new lots. The requirements for the owner of the lots to be a member of a management company will apply to all lots of the subdivision, being Lots 1-39.

The management responsibilities of the management company are varied to include the requirement to maintain the structural landscaping of the site. The structural landscaping is that implemented on common lots prior to 224c, including provision for wetland planting, and this condition ensures that it is maintained in accordance with the approved landscape plans. The condition utilises wording of the

landscaping condition of RM020776 in referring to a period of 10 years after which at least 80% of the plants shall remain. The utilisation of this wording in this location is considered to be appropriate in that the landuse consent for dwellings on individual allotments is not an effective location in which to require the maintenance of structure planting on common lots. In this regard no adverse effects are anticipated from the addition of this condition in this location, and no parties are considered to be affected. Rather, the addition of this condition will aid in ensuring that responsibility for the maintenance of structure planting is established, in order to achieve the outcomes anticipated by RM020776 (and previously C104/2000).

Subclause (b) of this condition is proposed to be amended, to allow for potential future subdivision of Lots 38 and 39. The applicant proposes to amend this consent notice condition which prohibits any further subdivision of any of the lots created by subdivision, to include an exception for Lots 38 and 39. The remainder of the lots to be created on the site, including all residential allotments would remain covered by the consent notice condition.

The applicant submits that in this instance it is appropriate to rely on the provisions of the Partially Operative District Plan and specifically the provisions for Activity Area 10 of the Bendemeer Special Zone for the subdivision and associated development of these lots. It is noted that the plan provides for a minimum lot size of 7500m<sup>2</sup> for subdivision of Activity Area 10, potentially providing for the separation of lots 38 and 39 into two separate titles as a controlled activity. The development of this Activity Area is also specifically provided for under the provisions of the Bendemeer Special Zone (Part 12), with the development of one additional commercial activity (in addition to the existing woolshed) of no more than 500m<sup>2</sup> gross floor area being a discretionary activity. In this regard the development of this Activity Area for any residential, industrial or visitor accommodation activity is a non-complying activity, with the written approval of WESI required prior to the application being processed on a non-notified basis.

With respect to the framework set out in the Partially Operative District Plan for the Activity Area 10 (as above) and the consent process required for the development of this site, it is not considered that the proposed amendment to alter the volunteered covenant of no further subdivision to exclude lots 38 and 39 will have any significant effects on the environment. The potential outcome, being subdivision of these lots as a controlled activity will have no effect on the landform or naturalness of the zone, and reliance on the provisions of the Partially Operative District Plan for future development of this (or resultant) lot, will ensure that the policies and objectives of the zone are met, including the limitation of appropriate activities within defined Activity Areas, and adherence to long-term planning of the zone.

Condition 15 is also varied by way of an insertion to include (as a consent notice condition), that the owners of residential lots 1-36 are required to submit a landscape plan for the approval of the Principal: Landscape Architecture (CivicCorp) prior to the erection of a dwelling on each of these lots. The objectives for the landscaping plan are outlined, which include the requirements established by the C104/2000 decision that the landscaping is utilised to integrate buildings into the sites, and is designed so as to not compromise the visual legibility of the site. The inclusion of the condition in the subdivision consent as a consent notice on the certificate of title alerts the owners of the property that this is a requirement prior to building. These amendments are not considered to have any adverse effect on the environment or affect any party.

13 Condition 1 of the Landuse Consent is amended to read as follows:

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

BaxterBrown Planning & Design: Bendemeer AP Limited

- Masterplan ref 3230 – CP6.dwg dated November 2004 and
- Planting Plan ref 3230 WD18g.DWG dated April 2004

*Stamped as approved 15 December 2004.*

*With the exception of the amendments required by the following conditions of consent.*

The amended Masterplan illustrates changes in terms of the rotation of a number of identified residential building platforms (being those platforms in proposed Lots 1, 13, 21, 31, 32, 33 and 34). The location of the building platforms on Lots 10, 15, 16, 17, 24 and 35 have also moved slightly from the approved plans.

The proposed amendments to the plan are not considered to result in any significant adverse effects. The amended or rotated building platforms all remain in the same general location.

CivicCorp's Landscape Architect has assessed the proposed changes and notes that the movements of residential building platforms are not considered to create a significant effect on the landscape, whereby the effects of the movements will be internal and difficult to perceive from any point outside of the subject site.

The landscape architect also notes that the curtilage areas proposed (referenced as 'Homestead Areas' on the proposed plans) are identical to or in some cases smaller than those approved. Where planting and fencing are restricted to homestead areas (see following landuse conditions), this in effect means that more of the subject site will be retained in a pastoral state.

The consent condition requires the construction of the residential dwellings/accessory buildings on the lots 1-36 to be undertaken in accordance with the amended landscape plan. It is noted that this conditions implies that further planting is to be undertaken in alignment with the structure planting established on lots, and that the lot owners are responsible for the maintenance of existing structure planting on the lots in perpetuity. These responsibilities are further expanded in landuse consent conditions for clarity. The homestead areas in which fencing and curtilage activities are permitted are also illustrated on the plans approved. It is not considered that the proposed amended plans will have any significant effect on the environment. As discussed above, the amended homestead areas are in some cases identified as being smaller in size than those approved.

For the reasons above the proposed change to Condition 1 of the landuse consent is not considered to result in any adverse effects on the environment, and is not considered to have any adverse effect on any party.

14 Condition 6 of the Landuse Consent is amended to read as follows:

6 *Buildings on the residential allotments numbered 1 – 36 shall be located within the building platforms shown on the approved plan: BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230 – CP6.dwg dated November 2004, with the exception of the following.*

*For the purposes of this Condition 6 'Building Platform' shall mean:*

- (i) The building platforms surveyed and plotted on the survey plan in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230-CP6.dwg dated November 2004; or*
- (ii) A reconfigured building platform only where the final location and shape conforms to the following criteria:*
  - (a) The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan*
  - (b) The maximum area for a building platform shall be 1000m<sup>2</sup>.*

*Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.*

The proposed approach to the identification of residential building platforms on each of the residential allotments is not considered to result in any adverse effects on the environment. The AEE submitted with

the application notes that this approach is designed to be environmentally responsive, such that the existing residential building platforms be permitted to vary in configuration in order to reflect the topography and sit within the landscape.

CivicCorp's Landscape Architect has reviewed the proposed approach and notes that the application seeks conditions of consent which allow each residential building platform to be rotated or reconfigured around its centre point, to allow for more site-responsive architecture at the time individual dwellings are designed. No significant adverse effects on the environment are anticipated associated with this approach.

Building platforms are to be no larger than those previously approved, the centre points will 'anchor' any proposed new platform, preventing any significant movement of the platform on the site, while the final configuration of the platform is to be submitted for the approval of the Principal: Landscape Architecture. These mechanisms are considered to be adequate to ensure that any proposed building platform is located in such a way that will enable site responsive design, for buildings to be recessive within the topography of the landscape, and to potentially reduce earthworks required to establish finished floor levels.

For these reasons no parties are considered to be adversely affected by the proposed change to this condition.

15 Condition 7 of the landuse consent shall be amended to read as follows:

7 *Except on Lots 23 and 31 no part of any residential unit shall exceed 7 metres in height above original ground level, and no part of any other building erected on such lots shall exceed 5 metres in height above original ground level.*

16 Condition 8 of the landuse consent shall be amended to read as follows:

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 original ground level.*

The application seeks consent to vary Conditions 7 and 8 which referred to a previous subdivision plan as reference to ground level. The wording of these conditions is proposed to refer to original ground level.

No adverse effects are anticipated to result from the proposed activity, as original ground level is that as defined in the Partially Operative District Plan as the ground level as at the date of notification of the plan, or the ground levels as established by subdivision. As these lots will be established by subdivision, the use of original ground level will provide for the ground level as appropriate. No parties are considered to be affected by the proposed amendment to this condition, which provides clarification as to the ground levels, and removes reference to now superseded plans.

17 The following wording is inserted as Condition 9 of the Landuse Consent:

9 *That fencing of residential lots 1-36 be undertaken in accordance with the following controls:*

- i) Post and wire, post and rail, and the use of stonework as defined in clause (iv) of this condition is permitted within or around the boundary of any homestead area only and on lot boundaries where the two coincide. No fencing is permitted on any other area of the lot.*
- ii) No post and wire or post and rail fence shall exceed a height of 1.2 metres above ground level.*
- iii) No wall may be erected on any lot except for retaining walls for landscaping or construction purposes that are not boundary walls or privacy walls, and those already constructed on site (pursuant to clause (vi) of this condition).*

- iv) *The maximum amount of stone wall perimeter fence shall be 20%. When stone is used it shall be sourced from Gibbston, shall be a maximum of 1200mm above ground level, shall be recessed pointing or dry wall construction.*
- v) *Any timber posts or rails must be either hardwood or macrocarpa and left in an unstained and unpainted finish. The rails shall be 150mm by 100mm, notched to the posts, with a span of no greater than 2.25 metres and three rails are permitted. Posts shall be no less than 250mm square in timber to match the railing.*
- vi) *Walls for the purpose of privacy shall be no greater than 5 metres from any building and shall not exceed 2.0 metres in height.*

For an assessment of the environmental effects of the addition of this condition, refer to the reasons for decision in terms of the cancellation of Conditions 11 and 12 below.

18 The following wording is inserted as Condition 10 of the Landuse Consent:

10 *That landscaping and planting on each of the Lots 1-36 shall be undertaken in accordance with:*

*BaxterBrown Planning & Design: Planting Plan ref 3230 WD18g.DWG dated April 2004 - stamped as approved 15 December 2004, such that:*

- (i) *No trees, shrubs or other planting may be planted or allowed to grow on any Lot outside the Homestead Area on that Lot other than pasture grass, provided that this condition does not apply to or restrict structural planting required or allowed to be carried out by resource consent.*
- (ii) *Existing structural planting shall not be felled unless it is dead, diseased or dangerous, as defined by a qualified arborist. Any structural planting that is removed shall be replaced by a tree of the same species and at a minimum height of 3.0m at the time of planting.*
- (iii) *Prior to the construction of a residential unit on Lots 1 – 36, the property owner for the time being shall submit a landscaping plan for the Homestead Area for the approval of the Principal: Landscape Architecture (CivicCorp). The landscape plan shall be designed so meet the following:*
  - (a) *Illustrate compliance with fencing and planting conditions, including the Design Guidelines for typical lots attached to this consent as Appendix 'A'*
  - (b) *Landscaping including tree planting is to run with the contour, and should be used to accentuate and enhance the landform. Planting on ridges and skylines should be avoided.*
  - (c) *Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.*
  - (d) *Landscaping and planting shall be aligned with the existing character of planting established by the structure plan (BaxterBrown Planning & Design: Bendemeer – Planting Plan ref 3230-WD18g.DWG dated April 2004).*
  - (e) *Generally, landscaping shall be designed 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.*

For an assessment of the environmental effects of the insertion of this condition, refer to the reasons for decision in terms of the cancellation of Conditions 11 and 12 below.

19 Condition 9 of the Landuse Consent shall be amended to read as follows<sup>7</sup>:

11 *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 as provided within Conditions 7 and 8 of this landuse consent) are 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) Fencing and landscaping restrictions as set out in Conditions 9 and 10(i), (ii) and (iii) above.*

*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).*

The addition of reference to Conditions 7 and 8 of the landuse consent simply provides a clarification of the height restrictions to be registered on each of the allotments. Previously the condition referred to design guidelines including height restrictions to be registered on the title of the allotments, but did not specify the height restrictions referred to. This amendment clarifies the height restrictions are to be those as set out in the relevant conditions of consent. No parties are considered to be adversely affected by the proposed activity and no effects on the environment are considered to result.

The applicant has clarified the fencing and landscaping constraints for the development of residential lots. These are to be inserted into the landuse consent as Conditions 9 and 10 (as above and discussed below). The covenant to be registered on the title is to refer to these constraints. The proposed amendment from the previous condition to be registered as a covenant is considered to provide more detailed and clearer direction to residential lot owners of the restrictions upon planting and fencing, as the covenant will include the restrictions as set out in the detailed Conditions 9 and 10 (including no planting undertaken outside homestead areas delineated as open space). No adverse effects on the environment are anticipated as the amendment will provide a clear mechanism to ensure that landowners are aware of the fencing and landscaping restrictions to provide for the maintenance of open grassland. No parties are considered to be adversely affected.

20 Condition 10 of the Landuse Consent is to be amended to read as follows<sup>8</sup>:

12 *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.*

The wording of this condition is not proposed to be changed, rather the Appendix 'B' attached to the consent is proposed to be altered by way of an updated list of external colours. The following colours are

<sup>7</sup> Note consequential renumbering of this Condition.

<sup>8</sup> Note consequential renumbering of this Condition.

proposed to be added to the Appendix B, subclause (iii) which lists permitted colours for Walls and Trims (Resene 2002 colours):

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)

The proposed additions to permitted colours for walls and trims are not considered to result in any significant adverse effects on the environment. The colours are considered recessive and within the colour palette established under the Appendix B existing.

CivicCorp's landscape architect has reviewed the proposed additions to Appendix B colours for Walls and Trims and advises that the colours are considered appropriate. No parties are considered to be adversely affected by the proposed amendment.

21 Condition 11 of the Landuse Consent is cancelled.

22 Condition 12 of the Landuse Consent is cancelled.

The landscaping Conditions 11 and 12 are proposed to be replaced by Conditions 9 and 10 pertaining to fencing and landscaping (new location for the purposes of logical referencing). The previous landscaping condition referred to landscaping being undertaken in accordance with approved plans. These plans detailed the structure planting for the subdivision, and as such were not considered entirely appropriate for the landscaping of individual allotments. The plans did illustrate Homestead Areas, but did not specify with regard to fencing/landscaping of the Homestead Areas.

The proposed conditions of consent specify the fencing restrictions proposed by the applicant to ensure that Homestead boundaries only are fenced, and include design controls for fencing in order to maintain the open pastoral character of the site. The conditions also provide clarification in regard to landscaping within individual allotments, providing that no planting is to take place outside Homestead Areas, and that landscaping may be undertaken within Homestead areas, only with the approval of the Principal: Landscape Architecture (CivicCorp) for the landscape plan, to ensure that the landscaping proposed is in accordance with the objectives listed.

The conditions of consent proposed also include an important provision in regard to clarifying the required maintenance in perpetuity of any structure planting located on individual lots planted prior to title being issued. This replaces the reference in the RM020776 decision to an 80% of plants remaining after a period of 10 years. (This clause has been utilised as a requirement for structure planting on common lots in the subdivision consent).

The objectives for the landscape plan submitted to meet approval include the requirements to illustrate compliance with the fencing and landscaping conditions, including the design guidelines attached as Appendix 'A'. This appendix, titled Design Guidelines for typical lots, was included in the decision C104/200 and is part of the Landscape Management Strategy referred to in RM020776.

The landscape plan is also to meet the additional objectives (b) and (c) referring to the nature of planting to avoid demarcation of the landscape. Again these objectives are referenced from the Landscape Management Strategy referred to in RM020776. Finally, the landscaping proposed for each lot is to be in alignment with the nature of the structure planting established on the site, and in accordance with the overall objective of the zone which is a reoccurring theme throughout the requirements for development

of the Bendemeer Zone, being that generally, landscaping is undertaken so as to not compromise the ice sculptured legibility of the site.

The structural landscaping has been assessed by CivicCorp's landscape architect as being in accordance with the character of the site, and due to these provisions as above requiring the approval of the landscaping of individual lots, it is considered that the objectives of the previous RM020776 consent conditions will be met, with the responsibilities of the individual lot owner in this regard having been clarified.

No adverse effects on the environment are anticipated, as it is considered that the landscape conditions as amended provide for a more rigorous and open framework for ensuring that the open pastoral character of the site is maintained when anticipating the future development of each residential allotment and associated fencing and curtilage activity.

#### *Renumbering*

- 23        That Condition 7 of the Subdivision Consent is renumbered as Condition 8 of the Subdivision Consent.
- 24        That Condition 10 of the Subdivision Consent is renumbered as Condition 11 of the Subdivision Consent.
- 25        That Condition 12 of the Subdivision Consent is renumbered as Condition 13 of the Subdivision Consent.
- 26        That Condition 14 of the Subdivision Consent is renumbered as Condition 16 of the Subdivision Consent.
- 27        That Condition 14 of the Landuse Consent is renumbered as Condition 13 of the Landuse Consent.
- 28        That Condition 15 of the Landuse Consent is renumbered as Condition 14 of the Landuse Consent.
- 29        That Condition 16 of the Landuse Consent is renumbered as Condition 15 of the Landuse Consent.
- 30        That Condition 17 of the Landuse Consent is renumbered as Condition 16 of the Landuse Consent.
- 31        That Condition 18 of the Landuse Consent is renumbered as Condition 17 of the Landuse Consent.

#### *Advice Note*

All other conditions of the resource consent (RM020776) granted on 13 August 2003 shall continue to apply.

#### *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.

Should you not be satisfied with the decision of the Council an objection may be lodged in writing to the Council setting out the reasons for the objection under section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

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

If you have any enquiries please contact Paula Costello on phone (03) 450 0338.

Prepared by  
CIVICCORP



Paula Costello  
PLANNER

Reviewed and Approved by  
CIVICCORP



Kirsten Klitscher  
PRINCIPAL PLANNER: QUEENSTOWN

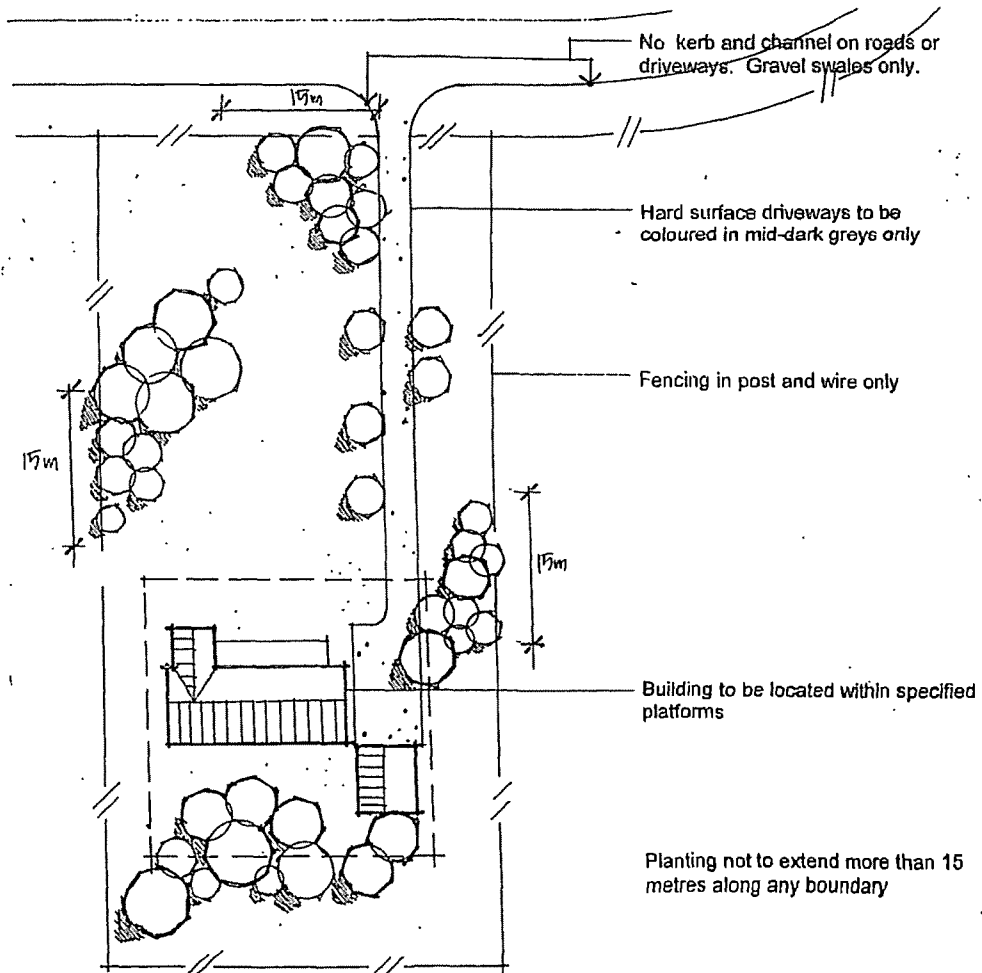
**Attachments:**

Appendix A: Design Guidelines  
Appendix B: Colour Palette  
Appendix C: Conditions as amended

## APPENDIX A

File: RM020776.127

### Bendemeer AP Limited: Landuse Consent – Design Guidelines



## BENDEMEER

TYPICAL LOT – GUIDELINES 1:500

REF: 9106

## APPENDIX B

File: RM020776.127

### Bendemeer AP Limited: Landuse Consent – Colour Palette

The Colour Palette attached is amended by way of addition of the following colours under subclause (ii) for Walls & Trims:

Resene 2002 colours:

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)

## APPENDIX B

File: RM020776.127

### 2.1 Colour Palette - Applicable to all Zones Except Where Alternatives are Provided by Clauses 2 and 3 Below or where a Rule in the Plan Excludes the Need to Comply

#### i Colour Designations

The colours are from British Standard 5252 (1976).

#### ii Roofs, Walls and Trim

The following colours can be used for roofs, walls, and trim in any location.

Grey	10A03	10A05	10A07	10A09	10A11					
Red	04C39									
Red Yellow	06C33	06C35	06C37							
Yellow Red	08B17 08C37	08B19 08C39	08B21	08B23	08B25	08B27	08B29	08C33	08C35	
Yellow	10B17 10C35	08B19 10C37	10B21 10C39	10B23	10B25	10B27	10B29	10C33	10C35	
Green Yellow	12B17 12C39	12B19 12C40	12B21	12B25	12B27	12B29	12C33	12C35	12C37	
Blue	18B21	18B23	18B25	18B27						

#### iii Walls and Trim

The following colours are in addition to those above but are too light for general use on roofs.

Grey	10A01	
Yellow Red	08B15	08C31
Yellow	10B15	10C31
Green Yellow	12B15	12C31

#### iv Trim and Accents

The following colours are for use in the Rural Uplands, Rural Downlands, Rural-Residential, Rural Tourist, Urban and Millbrook Resort Zones for fascia boards, spouting and downpipes, windows and window frames, window sills and doors and door frames.

Grey	08A14
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APPENDIX B: RM020776.127  
Colour Palette

## APPENDIX C

File: RM020776.127

### Bendemeer AP Limited: Subdivision and Landuse - Conditions of Consent

*As amended by decision RM020776.127*

#### Subdivision Consent

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

- *BaxterBrown Planning & Design: Bendemeer AP Limited:*
    - *Masterplan* ref 3230-CP6.dwg dated November 2004;
    - *Pond Area Planting Plan* ref 3230 WD16 dated April 2004; and
    - *Planting Plan* ref 3230-WD18g.DWG dated April 2004;
- Stamped as approved 15 December 2004.

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 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 approved plan: *BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan* ref 3230 – CP6.dwg dated November 2004, with the exception of the following.

For the purposes of this Condition 4 'Building Platform' shall mean:

- (i) The building platforms surveyed and plotted on the survey plan in accordance with *BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan* ref 3230-CP6.dwg dated November 2004; or
- (ii) A reconfigured building platform only where the final location and shape conforms to the following criteria:
  - (a) The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan
  - (b) The maximum area for a building platform shall be 1000m<sup>2</sup>.

Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.

The building platforms in accordance with *BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan* ref 3230-CP6.dwg dated November 2004, shall be surveyed and plotted on the survey plan, and the co-ordinates of the centre points of these platforms shall be recorded on the survey 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 Any fencing (excluding fencing permitted on Residential Lots 1-36) shall be limited to post and wire fencing only around the exterior of the subject site and within Common Lots 300, for the purposes of pastoral management.
- 7 All engineering works excluding roading 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). All roading works shall be carried out in accordance with the Queenstown-Lakes District Council's draft Rural Roding Standards.
- 8 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 Subdivision', in relation to this development.
- 9 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 (7), 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 effects 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 38 and 39, 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 an 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 insure 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. These reports shall also address fill to be deposited on the subject site from the State Highway upgrades associated with the access point to the State Highway.
- 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 State Highway widening.
  - iii) The access from State Highway 6 shall be in accordance with the plans approved by Transit New Zealand (BaxterBrown Planning & Design: Masterplan ref 3230-CP6 and Planting Plan ref 3230-WD18f), signed and dated 17 November 2004 and agreed amendments thereto. The design of such works is to be in accordance with NAASRA, Part 5, and Transit New Zealand's Rooding 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.

- 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 draft Rural Roading Standards 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, including:
  - i) The final contouring of the fill to be placed on the site adjacent to State Highway Six, which shall be approved by the Principal: Landscape Architecture (CivicCorp) as to ensure that the fill is graded in a naturalistic way with variation in gradient in height to marry with existing ground levels.
- 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 Lots 38 and 39 hereon be hold in the same certificate of title (CSN Request 379714)"

"That Lot 300 hereon (legal access) be held as to thirty seven undivided one forty third shares by the owners of Lots 1 – 37 hereon and six undivided one forty third shares by the owners of Lots 38 and 39 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 379714)"

"That Lot 301 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 28, 29, 30, 31, 32, 33, 34, 34 and 36 hereon as tenants in common in the said shares and that individual certificates of title be issue in accordance therewith (See CSN Request 379714)"

"That Lot 302 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 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 379714)"

10 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 9 above.

- c) On completion of the earthworks the soils engineer shall submit a written report to the Council attesting to the compliance of 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 then in lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is not longer to be maintained by the consent holder and 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 x (value of 130m <sup>2</sup> of parent lot)	=	reserve contribution
38 x 130m <sup>2</sup> x \$9.50p/m <sup>2</sup>	=	\$46,930.00
- j) Payment to Council of the following headwork's fees (or proof 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 including via proposed Common Lot 300 (access road only), and entering the adjacent property to the west to provide a link with the pedestrian easement over this property (Bendamead Farm Ltd Subdivision (RM010608)) for which similar provision for foot access has been provided.
- l) Completion of the structural landscaping as illustrated on plans, *BaxterBrown Planning & Design: Bendemeer AP Limited – Planting Plan* ref 3230 WD18g.DWG dated April 2004 and *Pond Area Planting Plan* ref 3230 WD16 dated April 2004 stamped as approved 15 December 2004 and attached to this decision. For the purpose of s224(c) certification, the consent holder shall provide the approval of the Principal: Landscape Architect (CivicCorp) as to the completion of the landscaping detailed on these plans.

- 11 This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991 the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed.
- 12 This consent may be progressed in the following stages:
- Stage 1: Lots 1 – 11, 18-20 and 38-39
  - Stage 2: Lots 12-17 and 21-37
- with the parts of proposed Common Lot 300 being developed as required for each stage.
- 13 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 each stage approval under section 224(c) of the Resource Management Act 1991.
- 14 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.
- 15 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 1-39 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 storm water, 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.
    - iv) Maintenance of the landscaping on Common Lots 300 in accordance with the plans *BaxterBrown Planning & Design: Planting Plan* ref 3230 WD18g.DWG dated April 2004 and *Pond Area Planting Plan* ref 3230-WD16 dated April 2004 stamped as approved 15 December 2004. This landscaping shall be maintained to ensure that at the expiry of 10 years from the date of establishment of the landscaping, at least 80% of the plants shall remain.
  - b) That the proposed allotments (excluding Lots 38 and 39) 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.
  - c) Prior to the construction of any residential unit on Lots 1 – 36, the property owner for the time being shall submit a landscaping plan for the Homestead Area for the approval of the Principal: Landscape Architecture (CivicCorp). The landscape plan shall be designed to meet the following objectives:
    - (i) Illustrate compliance with fencing and planting conditions, including the Design Guidelines for typical lots attached to this consent as Appendix 'A'

- (ii) Landscaping including tree planting is to run with the contour, and should be used to integrate buildings into the sites. Planting on ridges and skylines should be avoided.
- (iii) Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.
- (iv) Landscaping and planting shall be aligned with the existing character of planting established by the structure plan (*BaxterBrown Planning & Design: Bendemeer – Planting Plan* ref 3230-WD18g.DWG dated April 2004).
- (iv) Generally, landscaping shall be designed 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.

16 That this consent shall lapse on 12 June 2007.

#### Landuse Consent

- 1 That the activity be undertaken in accordance with the amended plans and specifications submitted with the application, namely:  
*BaxterBrown Planning & Design: Bendemeer AP Limited*
  - *Masterplan* ref 3230 – CP6.dwg dated November 2004 and
  - *Planting Plan* ref 3230 WD18g.DWG dated April 2004

Stamped as approved 15 December 2004.

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 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 the residential allotments numbered 1 – 36 shall be located within the building platforms shown on the approved plan: *BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan* ref 3230 – CP6.dwg dated November 2004, with the exception of the following.

For the purposes of this Condition 6 'Building Platform' shall mean:

- (i) The building platforms surveyed and plotted on the survey plan in accordance with *BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan* ref 3230-CP6.dwg dated November 2004; or

(ii) A reconfigured building platform only where the final location and shape conforms to the following criteria:

- (a) The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan
- (b) The maximum area for a building platform shall be 1000m<sup>2</sup>.

Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.

- 7 Except on Lots 23 and 31 no part of any residential unit shall exceed 7 metres in height above original ground level, and no part of any other building erected on such lots shall exceed 5 metres in height above original ground level.
- 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 original ground level.
- 9 That fencing of residential lots 1-36 be undertaken in accordance with the following controls:
  - i) Post and wire, post and rail, and the use of stonework as defined in clause (iv) of this condition is permitted within or around the boundary of any homestead area only and on lot boundaries where the two coincide. No fencing is permitted on any other area of the lot.
  - ii) No post and wire or post and rail fence shall exceed a height of 1.2 metres above ground level.
  - iii) No wall may be erected on any lot except for retaining walls for landscaping or construction purposes that are not boundary walls or privacy walls, and those already constructed on site (pursuant to clause (vi) of this condition).
  - iv) The maximum amount of stone wall perimeter fence shall be 20%. When stone is used it shall be sourced from Gibbston, shall be a maximum of 1200mm above ground level, shall be recessed pointing or dry wall construction.
  - v) Any timber posts or rails must be either hardwood or macrocarpa and left in an unstained and unpainted finish. The rails shall be 150mm by 100mm, notched to the posts, with a span of no greater than 2.25 metres and three rails are permitted. Posts shall be no less than 250mm square in timber to match the railing.
  - vi) Walls for the purpose of privacy shall be no greater than 5 metres from any building and shall not exceed 2.0 metres in height.
- 10 That landscaping and planting on each of the Lots 1-36 shall be undertaken in accordance with:

*BaxterBrown Planning & Design: Planting Plan ref 3230 WD18g.DWG dated April 2004 - stamped as approved 15 December 2004, such that:*

- (i) No trees, shrubs or other planting may be planted or allowed to grow on any Lot outside the Homestead Area on that Lot other than pasture grass, provided that this condition does not apply to or restrict structural planting required or allowed to be carried out by resource consent.

- (ii) Existing structural planting shall not be felled unless it is dead, diseased or dangerous, as defined by a qualified arborist. Any structural planting that is removed shall be replaced by a tree of the same species and at a minimum height of 3.0m at the time of planting.
  - (iii) Prior to the construction of a residential unit on Lots 1 – 36, the property owner for the time being shall submit a landscaping plan for the Homestead Area for the approval of the Principal: Landscape Architecture (CivicCorp). The landscape plan shall be designed so meet the following:
    - (a) Illustrate compliance with fencing and planting conditions, including the Design Guidelines for typical lots attached to this consent as Appendix 'A'
    - (b) Landscaping including tree planting is to run with the contour, and should be used to accentuate and enhance the landform. Planting on ridges and skylines should be avoided.
    - (c) Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.
    - (d) Landscaping and planting shall be aligned with the existing character of planting established by the structure plan (*BaxterBrown Planning & Design: Bendemeer – Planting Plan* ref 3230-WD18g.DWG dated April 2004).
    - (e) Generally, landscaping shall be designed 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.
- 11 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 as provided within Conditions 7 and 8 of this landuse consent) are 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) Fencing and landscaping restrictions as set out in Conditions 9 and 10(i), (ii) and (iii) above.
- 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).
- 12 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.
- 13 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.

- 14 Only one sign visible from SH6 shall be permitted adjacent to the entrance from SH6 and such sign shall not exceed 2m<sup>2</sup>, 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).
- 15 That all services to the buildings from the boundary of the lots shall be placed underground.
- 16 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 an which it is appropriate to deal with at a later stage.
- 17 This consent shall lapse on 12 June 2015.