

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

AND

IN THE MATTER of Hearing Submissions Seeking
Amendments to the Planning Maps
covering Queenstown and
Queenstown Rural (Excluding
Wakatipu Basin)

**STATEMENT OF EVIDENCE OF NICHOLAS KARL GEDDES
ON BEHALF OF**

Mr J Frost & Mr A Smith

(Submitter 323)

Dated 6th June 2017

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Nicholas Karl Geddes. I hold a degree of Bachelor of Science majoring in Geography and Graduate Diploma in Environmental Science from Otago University.
- 1.2 I have fifteen years' experience as a resource management practitioner, with past positions as a Planner in local Government in Auckland, private practice in Queenstown and contract work in London, England. I have been a practicing consultant involved in a wide range of developments, district plan policy development and the preparation and presentation of expert evidence before Councils.
- 1.3 I was employed by a Queenstown consultancy in 1999 before moving to Auckland City Council in 2001 where I held a senior planning position with Auckland City Environments. Leaving Auckland in 2005 I worked in London as a planner for two and a half years before returning to Queenstown where I have been practicing as a planning consultant since. I currently hold a planning consultant position with Clark Fortune McDonald & Associates Limited.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court consolidated Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.5 I have authored submissions on the plan review, prepared evidence and attended hearings in relation to the following Chapters:
 - a. Chapter 4 – Hearing Stream 1B in relation to Submission 414;
 - b. Chapter 21 & 22 – Hearing Stream 2 in relation to Submissions 228, 233, 235, 411 & 414;
 - c. Chapter 27 – Hearing Stream 4 in relation to Submission 414;
 - d. Chapter 7 – Hearing Stream 6 in relation to Submission 336;
 - e. Chapter 41 – Hearing Stream 9 in relation to Submissions 342 & 715;
 - f. Planning Maps – Hearing Stream 12 in relation to Submission 314.

2.0 SCOPE OF EVIDENCE

2.1 I have prepared evidence where I assess and explain:

- a. Clarification;
- b. Chapter 33 Section 32 Evaluation Report;
- c. Stream 2 Section 42A Report;

2.2 In the preparation of this evidence I have reviewed the following:

- a. Section 32 Evaluation Reports; Landscape Chapter, Strategic Direction and Urban Development Chapters, Rural Residential and Rural Lifestyle Chapter, Rural Chapter & Chapter 33 Indigenous Vegetation and Biodiversity.
- b. The Council s.42A Reports prepared in relation to Hearing Stream 2 & 13 including the associated evidence prepared by Mr Glenn Davis.
- c. QLDC right-of-reply in relation to Chapters; Strategic Direction, Landscape, Urban Development and Indigenous Vegetation and Biodiversity.
- d. The relevant submissions and further submissions of other submitters.

Abbreviations:

Queenstown Lakes District Council - "QLDC"

Proposed District Plan - "PDP"

Operative District Plan - "ODP"

Resource Management Act 1991 - "the Act or RMA"

Indigenous Vegetation and Biodiversity Chapter Section 32 Evaluation Report - "s.32 report"

Indigenous Vegetation and Biodiversity Chapter Section 42A - "s.42A"

Rural Lifestyle Zone - "RLZ"

Significant Natural Area A23A - "SNA"

Rural Building Platform - "RBP"

3.0 SUBMISSION 323

- 3.1 RM950829 was approved in October 1996 for the creation of 21 allotments and the erection of a residential dwelling on each allotment. The maximum building coverage was not to exceed 35% of the site area and no boundary setbacks where specified.
- 3.2 RM970272 was approved in October 1996 for the creation of 21 allotments and the erection of a residential dwelling on each allotment. The maximum building coverage was not to exceed 35% of the site area.
- 3.3 Decisions for these consents are contained in Appendix 1 to my evidence.
- 3.3 It is accepted that these consents were approved on the basis that ongoing native regeneration of indigenous plants was required and encouraged within the building platforms approved. However, I consider there is an inherent right when a building platform is approved that the owner can (subject to controlled resource consent) construct buildings.
- 3.4 The PDP promotes the creation of SNA areas over the building platforms approved under the consents described above as outlined in Appendix A to my evidence.
- 3.5 The original submission sought to SNA A23A removed from Lots 4, 14, 17, 19 & 101 DP 26634.
- 3.6 Since the time of the submission being lodged, further consideration has been given to the relief sought to remove A23A overlay from Lot 101 DP 26634. On this basis Submission #323 has been confined to seeking the removal of A23A from Lots 4, 14, 17, 19 DP 26634. These lots are pictured in Appendix 2.

4.0 SECTION 42A REPORT

- 4.1 The Stream 2 s.42A report replies upon the evidence of Mr Davis in recommending to reject the submission. Paragraph 8.36 of Mr Davis's evidence concludes:

"I understand the SNA referred to in this submission covers an area of a consented subdivision. The submission does not provide specific changes to

the SNA boundary. This detail would be required to allow an assessment of the implications to the SNA.”

- 4.2 I believe that the removal of the SNA from Lots 4, 14, 17, 19 DP 26634 on the basis there is a consent enabling the construction of buildings would be sufficiently clear to complete an assessment.
- 4.3 There is no reference to submission 323 in the s.42 report for Hearing Steam 13 or the evidence of Mr Davis.
- 4.4 All of the Lots 4, 14, 17, 19 DP 26634 appear with a SNA overlay in part. Some of these areas do not contain any (or little) vegetation. Where this has occurred I do not believe the intentions of the SNA overlay would be well served and would only discount the integrity of the SNA.
- 4.5 All of the Lots 4, 14, 17, 19 DP 26634 appear with a SNA overlay in part. All lots are consented for residential development and associated activities such as garages, driveways and/or domestic living. I believe the owners of these properties should be able to rely upon the approved consents to continue these uses or provide for them in the future. This would appear to be in direct opposition to the Purpose, Objectives and Policies of Chapter 33.
- 4.6 For the Purpose, Objectives and Policies of Chapter 33 to be effective and deliver the intended outcome as set out in the s.32 report I recommend that the Lots 4, 14, 17, 19 DP 26634 remain “free” of the SNA A23A overlay and boundary is SNA A23A amended to align with the existing boundaries of Lots 4, 14, 17, 19 DP 26634.

Nick Geddes

6th June 2017

Appendix 1

RM950829 & RM970272

950829
File: RC960080
Ref: JFinvy1-sarah
H&B2907305700
Ops and Services
Enforcement

25 October 1996

J F Investments Limited
C/- Mr P Ritchie
Clark Fortune McDonald
PO Box 553
QUEENSTOWN

Dear Sir

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

APPLICATION FOR RESOURCE CONSENT - J F INVESTMENTS - RC950829

1. Introduction

The applicant, J F Investments Limited, seeks consent for a subdivision to create 21 allotments and for consent to erect a residential dwelling on each allotment. The property is located at Closeburn Station on the northwest side of Lake Wakatipu approximately 12 kilometres southwest of Queenstown. The Station is legally described as Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District.

The application was publicly notified and two submissions were received. The application was considered by the Wakatipu Resource Management Hearings Panel on 1 July 1996. The Panel was assisted by a report from the District Planner.

The Applicant's case

Mr B Boivin (Solicitor), Mr D Broomfield, Mr N McDonald (Surveyor), Mr C Chandler (Engineer), Mr P Rough (Landscape Architect), and Mr M Moore (Valuer) spoke in support of the application and submitted written evidence.

Mr Boivin explained the application. Twenty-one allotments are proposed for rural residential purposes. The allotments range in size from approximately 2000 square

metres to 3240 square metres. All of the sites are located on a plateau which is elevated above the Queenstown-Glenorchy Road. It is proposed by the applicant to restrict by way of restrictive covenant subdivision on the balance of the subject land for 50 years. The title of the balance land would be held in ownership of the owners of the 21 new rural-residential allotments, in the form of a body corporate or as a company with all owners being joint shareholders in the company. In either case the owners would be responsible for the funding and management of the farming of the Station, the operation and maintenance of internal roading, water supply, stormwater, disposal of effluent, provision of services, and design control for construction of all dwellings.

The intention of the applicant is to prevent further subdivision of the balance land. Mr Boivin explained to the Panel the benefits of this, being:

- The existing high country environment is retained in the long term.
- The council is not revisited for further consents for subdivision.
- The property remains a high country working farm.
- The highly visual corridor into Moke Lake remains a high country farm free of dwellings, earthworks and landscaping.
- Sensitive farming areas are protected.
- Building is only allowed in private, less visual areas.
- There are long term public benefits in protecting the Moke Lake area.
- The purchase of a property will only appeal to a buyer who is interested in seeing the farm continue to operate and is willing to contribute financially to that object.
- There is minimal visual effect from the lake.
- There is no visual impact of dwellings from Glenorchy Road.
- Each owner of a rural-residential allotment has privacy from the other.
- The statutory requirements of the Resource Management Act 1991, and the relevant planning instruments ensure that there is no detraction from the rural amenity and landscape value of the Wakatipu Basin.

Mr Boivin submitted that the proposal:

- Would have no significant adverse effects on the environment.
- Would have a positive effect on the farming operation.
- The sale of new sites would produce additional capital to further develop the Station in the long term as a working high country sheep farm.
- The allotments would not be visible from the road, would have a very limited visual effect from the lake, and would protect privacy of users of the Department of Conservation's walking tracks in the Lake Dispute area.

He believes that the traditional approach to subdivision in the area (a large number of large complying allotments) would have a more adverse visual effect than what is proposed, and would lead to an uneconomic demand for access, services and fencing.

The applicant proposes to control the design of structures with a vernacular architectural character of an historic station, and Mr Boivin submitted that detailed conditions can be applied to each residential lot ensuring the use of traditional materials, textures, and architectural forms for sympathetic development.

Mr Boivin also discussed the potential cumulative effects of allowing the application, and submitted that the site and circumstances of the application are unique. He listed a number of rural-residential subdivisions in the area, and submitted that the Closeburn area has gradually taken on the character of a rural residential community.

Mr Broomfield provided a history of the subject area, and explained the recently agreed tenure changes affecting the Station. Approximately 172 hectares of the property is freehold, and 2902 is in pastoral lease but the changes will see a further 1059 hectares of the leasehold land freeholded and the remainder in special lease, grazing lease, wetland reserve, marginal strip, and Department of Conservation reserve. With the exception of the land to be subdivided by this application, the land would remain in one title, and would be used exclusively for farming purposes by the owners of the new rural residential allotments. This would be effected by a company or body corporate structure.

Mr Broomfield also described in some detail the design controls that would be imposed on the dwellings. Other controls would prevent further subdivision of any of the new sites and the restriction to a single dwelling unit only, restriction of any dwelling for residential uses only, and controls for ample space for access storage and maneuverability of vehicles.

Mr McDonald explained the reasons for the configuration of the allotments. He believes that the property could be subdivided into a number of smaller farming allotments for intensive pastoral activities such as deer farming, and that such a subdivision could be achieved in compliance with the rules. However, in his view this approach would be less efficient, it would not achieve sustainability of the land resource, and would have greater visual effect than what is proposed. He believes that the proposed subdivision design, which seeks to contain human occupation of the site to a small part of the site only, would protect the qualities of the farm in total for future generations.

Mr McDonald also explained the access provisions to the site. He seeks that the roading system not be "urban" in nature with sealing, kerb and channelling, but rather that the roads be more akin to rural farm tracks as the subdivision is intended to be rural in nature. He also discussed the water supply to the site. Tests have shown that a bore on the site can service the domestic needs of the new allotments, and that this water is adequate in terms of quality. Mr McDonald outlined some options for water supply in response to the concerns raised by an objector, Southern Health.

Mr McDonald outlined his views on the unique circumstances of the site and the application, and presented comparisons with other applications.

Mr Chandler discussed the proposed sewage treatment systems and summarised the findings contained in the application. The systems allow on-site treatment and disposal within the boundaries of lots 1-3, 5-7, 9, 10, and 12-14. Treatment of effluent from lots 4, 8, 11, and 15-21, would be by way of septic tank with effluent reticulated to a suitable location where a specifically designed disposal system will be required. The systems proposed require minimal householder maintenance, but an information booklet would be prepared so that all users know about the system and its maintenance.

Mr Rough described the proposed landscaping plan for the subdivision, including fencing, planting, and earthworks, and he described the proposals to mitigate the visual impact of the subdivision including the revegetation of earthworks associated with the access and buildings, the location of building sites, building design, and planting on the lots. It is proposed that the majority of planting would be in native species, and a list of suitable species was presented with the application. Mr Rough also described in detail the architectural guidelines for the buildings on the sites. The guidelines are based on images of the Station vernacular, and include simple forms, natural materials, varying degrees of roof form, and varying scale of building. Designs would be from the homestead, stables, sheds, and huts.

Mr Moore presented an assessment of the farming capability of the site and of the economic viability of the proposal.

Presentations by Submitters

Both submissions to the application were represented at the hearing. Southern Health Limited, represented by Mr A Eyles, presented written submissions. Southern Health opposes the application on the following grounds:

- The fragmented residential subdivision outside the proposed rural-residential area detailed in the Proposed District Plan.
- The proposed water supply is subject to variable water quality, and water quantity varies seasonally.
- A number of the sites have been identified as not being able to satisfy adequate treatment requirements or may impact on the water supply catchment area.
- The proliferation of individual on-site treatment systems.
- The ability of a body corporate to adequately manage essential services is questionable.

Mr Eyles questioned whether the provisions of section 406 of the Resource Management Act 1991 should be considered, given the number of allotments and the lack of services available.

Central Electric Limited was represented at the hearing by Mr G Skelton. He outlined the requirement for electricity network reinforcement by way of additional 11kV lines and

transformer substation to provide electricity services commensurate with the predicted load requirements of the area. A 33/11 kV zone substation would be required in the vicinity to provide adequate capacity and quality of supply to meet the load requirements initiated by the subdivision. In addition, Central Electric seeks some assurances that it will be able to secure consents for future provision of electricity to the Closeburn area for subdivisions anticipated by the proposed rural residential zoning in the Proposed District Plan. He emphasised that no new power poles would be erected. All power would be underground from the intended substation to the site.

In his right of reply to the submitters, Mr Boivin indicated that the applicant is prepared to negotiate with Central Electric regarding the positioning of the substation on the applicant's land. The applicant would also ensure that the Body Corporate would contract expert services to inspect and monitor the effluent disposal systems. Mr Boivin also pointed out that there was no opposition to the proposal from the general public, and re-emphasised the uniqueness of the proposal and the site.

2. Considerations

The land is zoned Rural B in the Lakes-Queenstown Wakatipu section of the Transitional District Plan. The proposed subdivision does not comply with any of the provisions of rule 6.05 which controls subdivision in the zone. The allotments would not qualify for dwellings, and dwellings would be a non-complying activity also. Under Proposed Plan Change 99 to the Transitional District Plan the subdivision is non-complying because the subject site is located in an Area of Landscape Importance. In the Proposed District Plan, which was notified on October 10 1995, the land is zoned Rural Uplands and is within an Area of Landscape Importance. The subdivision and landuse consents sought are non-complying in terms of the Proposed District Plan. A number of submissions were received objecting to the rules for subdivision and housing in the rural areas. The applicant lodged a submission to the Proposed District Plan requesting that the status of landscape importance be removed from the subject site.

All facets of the application are non-complying in terms of the relevant planning instruments, and the Panel considered the application in terms of sections 104 and 105(2)(b) of the Resource Management Act 1991.

3. Discussion

Section 105(2)(b) of the Resource Management Act 1991 directs a consent authority to refuse an application for a resource consent for a non-complying activity unless the consent authority is satisfied that the adverse effects on the environment to which the application relates is minor or that granting the consent will not be contrary to the objectives and policies of the plan or proposed plan.

Effects on the environment

The Panel considered in particular the visual effects of the development, and concluded that the effects would be minor because of the elevated nature of the site and its invisibility from the Queenstown-Glenorchy Road. The Panel also agreed that the effects of the subdivision and subsequent landuses would not be visually obtrusive when viewed from Lake Wakatipu. In concluding that the visual effects would be minor, the Panel took into account the proposed landscaping and design control including control over the colour of buildings, and was satisfied that any effect would be mitigated adequately by these measures which would be imposed through conditions, as proposed by the applicant. The Panel was also satisfied that the access from the main road and the access within the site would not create an adverse effect provided that any cuts and other excavations were resown and planted. The Panel agreed that the subdivision would not have any undue impact on the Queenstown-Glenorchy Road provided that the applicant would seal part of the access road to ensure there is no gravel migration onto the main road.

The Panel agreed that the subdivision as proposed would result in a lesser effect overall than the effect that would arise from subdividing the land in the manner anticipated by the District Plan. The subdivision would result in a clustering of development rather than a dispersal of that development, and the Panel accepted that the proposal represented a better environmental outcome. In doing so the Panel agreed that the prevention of subdivision of the balance of the farm as proposed as part of the application would better facilitate the sustainable use of the farm in the long term, and the Panel would not have considered the effects in such a positive manner had this facet of the application not been proposed. The Panel did not see that allowing the application would cause any further fragmentation of productive land.

The applicant contended that the potential cumulative effects of allowing the application would not be adverse, and submitted that the application is unique as no other large rural land area has the advantages of being so close to Queenstown, close to services, close to other rural residential subdivisions (Closeburn), with lake views, and able to offer protection of large tracts of land. The Panel agreed that the application as proposed was unique and would be difficult to replicate in the District, and as such a consent would not represent a challenge to the provisions of the relevant planning documents. The Panel addressed this matter under section 104(1)(i) of the Act.

The Panel was satisfied that the water supply for domestic purposes and the sewage disposal would not give rise to any adverse effects on the environment provided that the systems are constructed and maintained in accordance with the proposal as described by Mr McDonald and Mr Chandler on behalf of the applicant. The need for consents from the Otago Regional Council was discussed and the Panel agreed that the consents would be required prior to issuing of any consent to subdivide the land, as the consents would be sufficient for the Panel to be satisfied that the matters under section 406 of the Act (grounds of refusal of subdivision consent) would not be invoked. Similarly, the

applicant is required to provide electricity to the new sites and the method of this provision would need to be agreed with Central Electric.

Objectives and policies of the relevant planning documents

The Panel considered the objectives and policies of the relevant planning instruments, and agreed that the proposal did not offend those provisions. In summary, the Transitional District Plan, Proposed Plan Change 99 and the Proposed District Plan all seek to protect rural land for productive purposes, and to protect the scenic qualities of the rural landscape by avoiding indiscriminate urban development. The Panel agreed that the first of these matters is not compromised because it had already determined that the effects of the development on the agricultural potential of the land would not be significant and indeed would be positive, due to the relatively large size of the property and the manner by which it would be protected for rural purposes only.

The second broad intent of the planning instruments, the protection of the landscape and scenic qualities of the District, was not considered to be compromised because the effects of the proposal on the visual amenity would in the Panel's view be minor, particularly given the elevated and relatively hidden terrace upon which the development would occur, and in addition the planting, landscaping and other measures proposed by the applicant to mitigate the visual impact.

The Panel did not consider that any part of the Regional Policy Statement would be offended to the extent that consent to the application should be refused.

Part II of the Act

The consent authority is required to consider any application in terms of the purpose and principles of the Act as set out in Part II. In respect of section 5, the Panel considered that the development would enable people to provide for their well being (by enabling a rural-residential development in a desirable location) while avoiding and mitigating adverse effects on the environment, achieved in this case both by the position of the sites to be created and by the imposition of conditions and covenants to further mitigate any effects and protect the balance of the site. The Panel was satisfied that the development would not offend the matters in section 5(2)(a) and (b), 6, and 7.

Section 105(2)(b) of the Act

The Panel was satisfied that the adverse effects on the environment would be minor and that granting consent would not be contrary to the objectives and policies of the Transitional District Plan and Proposed District Plan. The reasons for this are described in the preceding text of this decision. The tests imposed by section 105(2)(b) of the Act are therefore passed.

Other matters

The Panel agreed that the applicant should be allowed more time than the default time allowed by section 125 of the Act before a resource consent lapses (two years). The Panel acknowledged that the normal two year period for exercising a consent would not

be sufficient in this case to undertake all of the works required to bring the sites to a marketable state, market, sell the lots and allow new owners to build dwellings. The Panel considered that the default period for completion of the subdivision consent would be adequate but that a further five years (for a total of seven years) for completion of the land use consents (construction of a dwelling on each site) would be sufficient for the project.

The Panel agreed that a reserve contribution should be payable for the subdivision, as the lots to be created are rural residential in nature. A contribution amounting to the value of 130 square metres of land per allotment was deemed to be appropriate for the subdivision.

4. Decisions

The decision on this application is structured into two parts: the first in respect of the subdivision; the second in respect of the landuse matters.

DECISION 1 : SUBDIVISION

The Wakatipu Resource Management Hearings Panel resolved that the application by JF Investments Limited to subdivide the subject land which is legally described as Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District is granted pursuant to sections 104 and 105(2)(b) of the Resource Management Act 1991, subject to the following conditions imposed under sections 108 and 220 of the Act:

1.1 That the subdivision proceeds in accordance with the plan of subdivisions submitted with the application and any amendments required by conditions 1.2 - 1.11 of this consent.

1.2 Water

- (a) Prior to the commencement of any works on the subject land the consent holder shall provide to the Queenstown Lakes District Council for approvals, copies of specifications, calculations and design plans as is considered by the Council to be both necessary and adequate to detail the engineering works associated with providing an adequate potable domestic water supply complying with the requirements of the Drinking Water Standards of New Zealand (1995).**
- (b) The design as detailed in condition 1.2(a) above shall provide for a separate water supply connection to each of the allotments created by the subdivider.**

- (c) The water supply should be able to provide a minimum supply of 200 litres per person per day for each person likely to be accommodated on each new allotment. This shall be calculated on a site density of 5 persons per allotment.
- (d) Each allotment shall provide for a minimum water storage capacity of not less than 23,000 litres which shall accommodate a minimum static fire fighting reserve of 14,000 litres at any one time.
- (e) The storage tanks located on each allotment shall be buried into the ground so that the base is at least 1 metre below natural ground level. The exterior of the water tanks shall be painted Resene colour "Scrub" (British Standard 12B27). The area surrounding each water tank is to be landscaped with native plant species from the list of plants contained in Appendix F of a report prepared by Peter Rough Landscape Architects (RM950829) to achieve a dense screen of vegetative cover around the tank area.
- (f) If a water permit for the supply of water to the allotments is not required in terms of the Resource Management Act 1991, then such a water supply is to be monitored in a manner and with consultation with the Queenstown Lakes District Council to determine the compliance with the Drinking Water Standards for New Zealand (1995). Monthly monitoring is required for a community water supply. All monitoring shall be at the cost of the consent holder
- (g) If a water permit in terms of the Resource Management Act 1991 is required for a community water supply source for the allotments, then evidence shall be produced to the Queenstown Lakes District Council prior to any commencement of works on the site, or certification pursuant to Section 223 of the Resource Management Act 1991, of a satisfactory water permit for such a water source.

1.3 Effluent Disposal

- (a) Sewage shall be disposed of on site by way of appropriately designed multi chamber septic tanks as recommended by the Royds Consulting Report submitted with the application. Effluent from the multi chamber septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting Report.
- (b) Specific design proposals for the disposal of sewage from each allotment shall be approved by the Queenstown Lakes District Council's Manager

of Operations and Infrastructural Assets prior to certification pursuant to section 224(c) of the Resource Management Act 1991.

- (c) Prior to any certification pursuant to Section 223 of the Resource Management Act, the applicant shall provide evidence to the Queenstown Lakes District Council of satisfactory discharge permits in respect to any disposal fields which require such permits.

1.4 Power and Telephone

All allotments within the subdivision which are intended for residential use shall be provided with a power and telephone connection. All power and telephone services shall be reticulated underground to allotments within the subdivision prior to certification pursuant to Section 224(c) of the Resource Management Act 1991. ✓

1.5 Access

- (a) The following condition shall be expressed on the survey plan:

That Lot 100 hereon be held to 21 undivided one-twenty-first shares by the owners of Lots 1 to 21 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance herewith (L.R.R.....)

- (b) Prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, the following construction works shall be carried out:

(i) The access formation within (Lot 100) shall be a minimum of 4.0 metres in width and shall be formed (metalled) to provide an all weather surface with adequate drainage being provided. ✓

(ii) The access shall provide a minimum of 4 passing bays, between the entrance at the Queenstown-Glenorchy Road to the junction of the access road leading to Lots 3 to 5. ✓

(iii) The access shall be sealed for the first 40 metres length from the intersection with the Queenstown-Glenorchy Road. ✗

1.6 Landscaping works

- (a) Prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, all landscape planting within Lot 100 detailed in

Peter R

the report prepared by Mr Peter Rough, attached to the application, shall be established on the site.

- (b) A consent notice pursuant to Section 221 of the Resource Management Act 1991 is to be registered against the 21 undivided one-twenty first shares of Lot 100, requiring the landscaping and planting detailed within the report prepared by Mr. Peter Rough and attached to the application, relating to Lot 100 to be maintained in the described form. The consent notice is to be presented to the Council for its prior approval prior to certification pursuant to Section 224(c) of the Resource Management Act 1991.

1.7 "As Built" Plans

The submission of "As Built" plans required to detail water reticulation, and any communal sewerage disposal systems in relation to this subdivision, shall be forwarded to the Queenstown Lakes District Council for their records.

1.8 Easements

Prior to certification pursuant to Section 223 of the Resource Management Act 1991 all necessary easements in relation to services and access shall be duly created and reserved.

1.9 Balance land

- (a) That the balance of the land contained within Closeburn Station being Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District shall be held in one certificate of title.
- (b) A covenant prohibiting any further subdivision of the balance land for a period of 50 years from the date of this decision shall be registered against the title referred to in condition 1.8(a) above.

1.10 Management Company

- (a) A Management Company shall be established for the purposes set out in the application and expressed at the hearing, and as set out in conditions 1.10(b) - (c) below.
- (b) Prior to the issuing of a certificate under section 224(c) of the Resource Management Act 1991 a Management Company shall be formed. The Management Company shall have 21 shareholders being the registered

proprietors of each of Lots 1 - 21. Ownership in the Company shall be compulsory for registered proprietors of each of Lots 1 - 21.

- (c) The Management Company shall be responsible for the following:
- (i) The ongoing maintenance and funding for the maintenance of all roading within the subdivision, landscaping, water supply, sewage disposal, and maintenance of all Common Areas. Landscaping will be carried out in accordance with the plans presented with the application.
 - (ii) The ongoing funding and maintenance of the Closeburn Station.

1.11 Reserves Contribution

That the applicant pay to the Council a reserves contribution of \$138.21 being the value of 130 metres of land for each allotment created by this subdivision, based on a valuation of \$0.045 per square metre.

DECISION 2 : LANDUSE

The Wakatipu Resource Management Hearings Panel resolved that the application by JF Investments Limited for a land use consent to construct a dwelling and accessory buildings on each of the allotments authorised by Decision 1 of this decision (being a subdivision of Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District) is granted pursuant to sections 104 and 105(2)(b) of the Resource Management Act 1991, subject to the following conditions imposed under section 108 of the Act:

2.1 That this consent authorises the construction of one single dwelling unit and accessory buildings on each of allotments 1 - 21. Construction shall take place in accordance with conditions 2.2 - 2.4.

2.2 Building Design and Appearance

- (a) Any building constructed under condition 2.1 shall be designed in accordance with design and architectural controls set out in the architectural guidelines submitted with the application. The building forms and elements shall be designed to be sympathetic to the architectural theme of Closeburn Station. Design shall recognise the following forms and elements: sloping roofs of varying degrees to emulate the traditional roof forms of historic sheep station buildings, integration of a variety of forms of varying cladding and roofing lean-to roofs, timber sub floors, verandahs, glazing bars/timber windows,

loft/stable door, vertical slab/board and batten cladding, horizontal weatherboards, corrugated iron wall cladding, accentuated door hinges, gables, rusticated iron, corrugated water tanks, chimneys, dilapidated schist walls, ridge vents/lights, timber facings.

- (b) The location and design of any building including the landscaping of any site shall be approved by the Council's District Planner (Administration) prior to any construction.
- (c) Except in respect of condition 2.2(d) below, no dwelling on any site shall be greater in height than 7.0 metres above original ground level, and no accessory building shall be greater in height than 5.0 metres. Buildings should be one level with another level permissible within the roof space.
- (d) Buildings shall generally be sited to fit within the landscape and not on top of the landscape. No building shall exceed the height of the hillscape immediately behind that site when viewed from any public place. No building shall be located within **2 metres** of any boundary. *check*
- (e) The maximum building coverage for all activities on any residential site shall not exceed 35 percent of the site area.
- (f) External above ground cladding is to be either natural stone, plaster, natural timber and/or weatherboards, painted corrugated iron, sun dried clay bricks, recycled corrugated roof/wall cladding and uncoated timber shingles for roofs.
- (g) External building colours are to be in accordance with Schedule of Colours within the Building Covenant. These are all to be in accordance with the Queenstown Lakes District Council's colour palette, attached to the Proposed District Plan advertised 10 October 1995.
- (h) A Building Control Committee (as a sub committee of the Management Company established in fulfillment of condition 1.10 of this decision) comprised of the station architect and a minimum of 3 shareholders shall be appointed by the Management Company.
- (i) The Building Control Committee shall ensure all building works are designed in accordance with the design standards, station theme, and objectives of the station community, prior to any building plans being submitted to the Council for approval under condition 2.2(b) of this consent. Every such application shall be accompanied by a letter from the Building Control Committee confirming that any proposed building is in accordance with the standards, themes and objectives described above.

- 2.3 This consent shall lapse on the date seven years from the date of this decision. *7 years.*
- 2.4 The Council may within three months of each anniversary of the date of this consent, 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 (in terms of Section 128 of the Resource Management Act 1991) for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

5. Other Matters

The allotments to be used for residential purposes within the subdivision do not have legal road frontage. The Council has resolved an exemption from legal road frontage pursuant to Section 321 of the Local Government Act 1974. This resolution is inherent in the consent to subdivide the land.

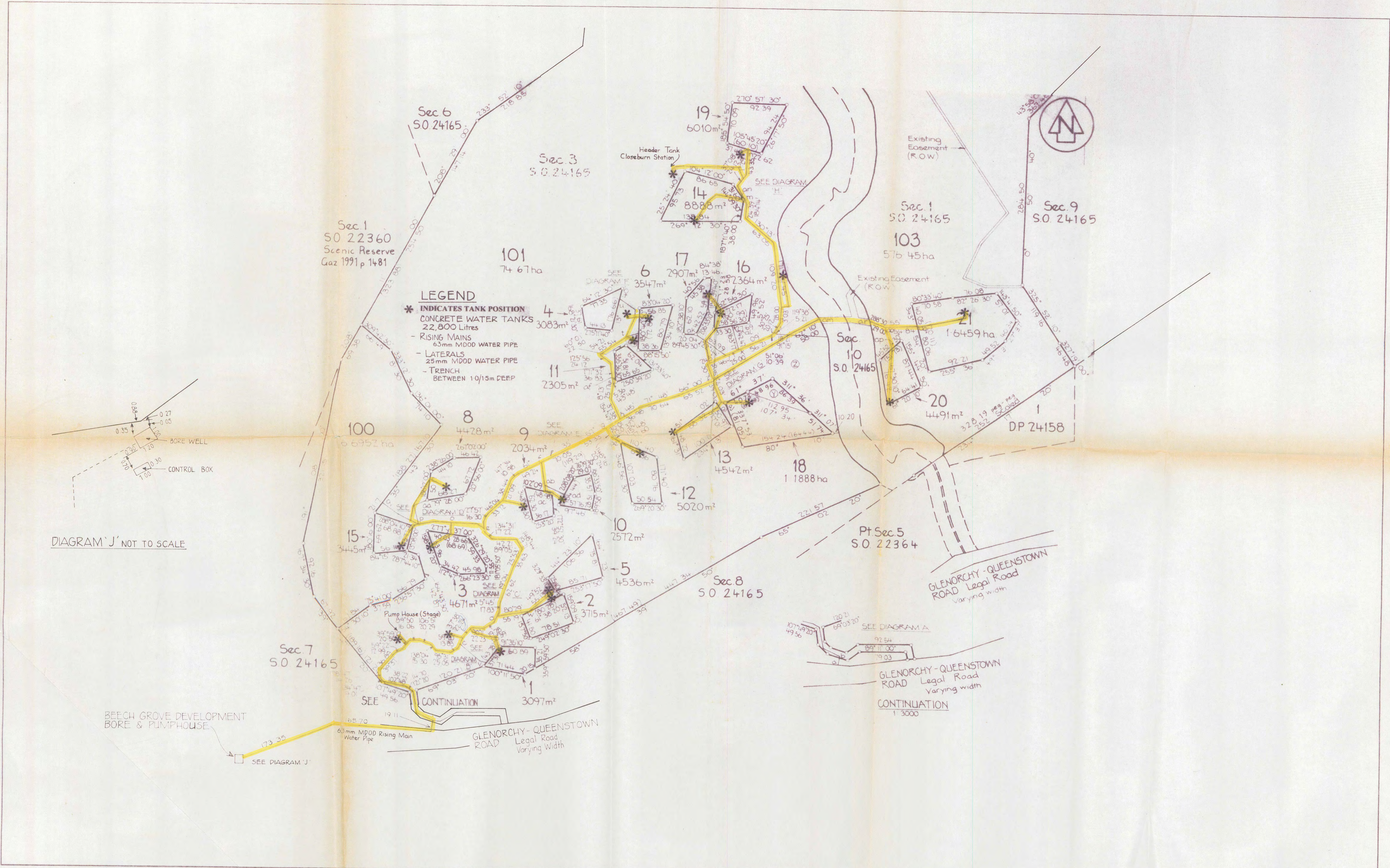
The Council is responsible for the monitoring and enforcement of the consents issued in the above decisions. Please note that the consent holder will be required to meet the costs of monitoring. An initial deposit of \$60.00 will be charged with further monitoring costs based on actual time costs.

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained from the Building Department of the Queenstown Lakes District Council before construction can begin.

Should you not be satisfied with the decision of the Council an appeal may be lodged with the Planning Tribunal, Justice Department, PO Box 5027, Lambton Quay, Wellington not later than fifteen (15) working days from the date this decision is received.

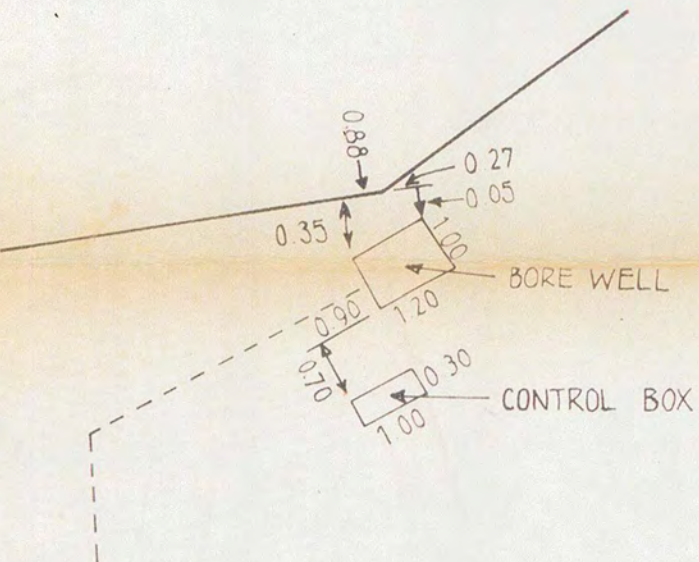
Yours faithfully

J B Edmonds
Acting DISTRICT PLANNER



LEGEND

- * INDICATES TANK POSITION
- CONCRETE WATER TANKS 22,800 Litres
- RISING MAINS 63mm MDDD WATER PIPE
- LATERALS 25mm MDDD WATER PIPE
- TRENCH BETWEEN 10/15m DEEP

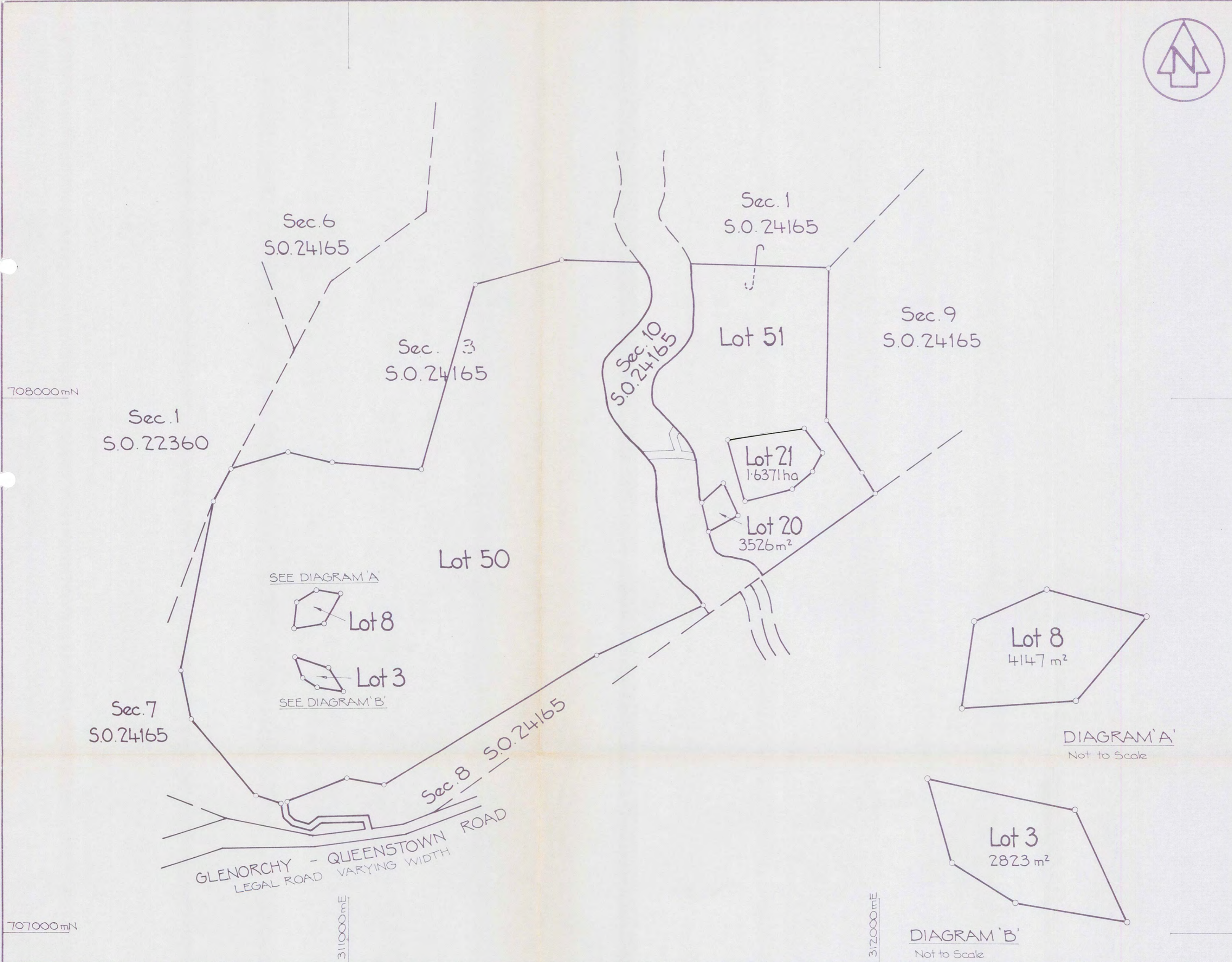


CLARK FORTUNE
McDONALD &
ASSOCIATES

CLOSEBURN STATION-R.M. 970272
AS BUILT SERVICES-WATER RETICULATION. J.F.INVESTMENTS LTD.

DATUM :
CONTOUR INTERVAL
MAJOR : MINOR :
SURVEYOR : J.A.B

SCALE 1: 3000
DATE 4 MAR 1998
JOB REF. 5208



Approvals

Total Area

Comprised in

I, PETER ROBERT RITCHIE of Queenstown, Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at Queenstown this day of 19.....

Signature

Field Book p. Traverse Book p.

Reference Plans

Examined Correct

Approved as to Survey

..... /..... /..... Chief Surveyor

Deposited this day of 19.....

District Land Registrar

LAND DISTRICT OTAGO

SURVEY BLK. & DIST. I, IV, VI MID WAKATIPU

NZMS 261 SHT E41 RECORD MAP No 647374

LOTS 3, 8, 20, 21, 50 & 51 BEING A SUBDIVISION OF SEC'S 1 & 3, S.O. 24165

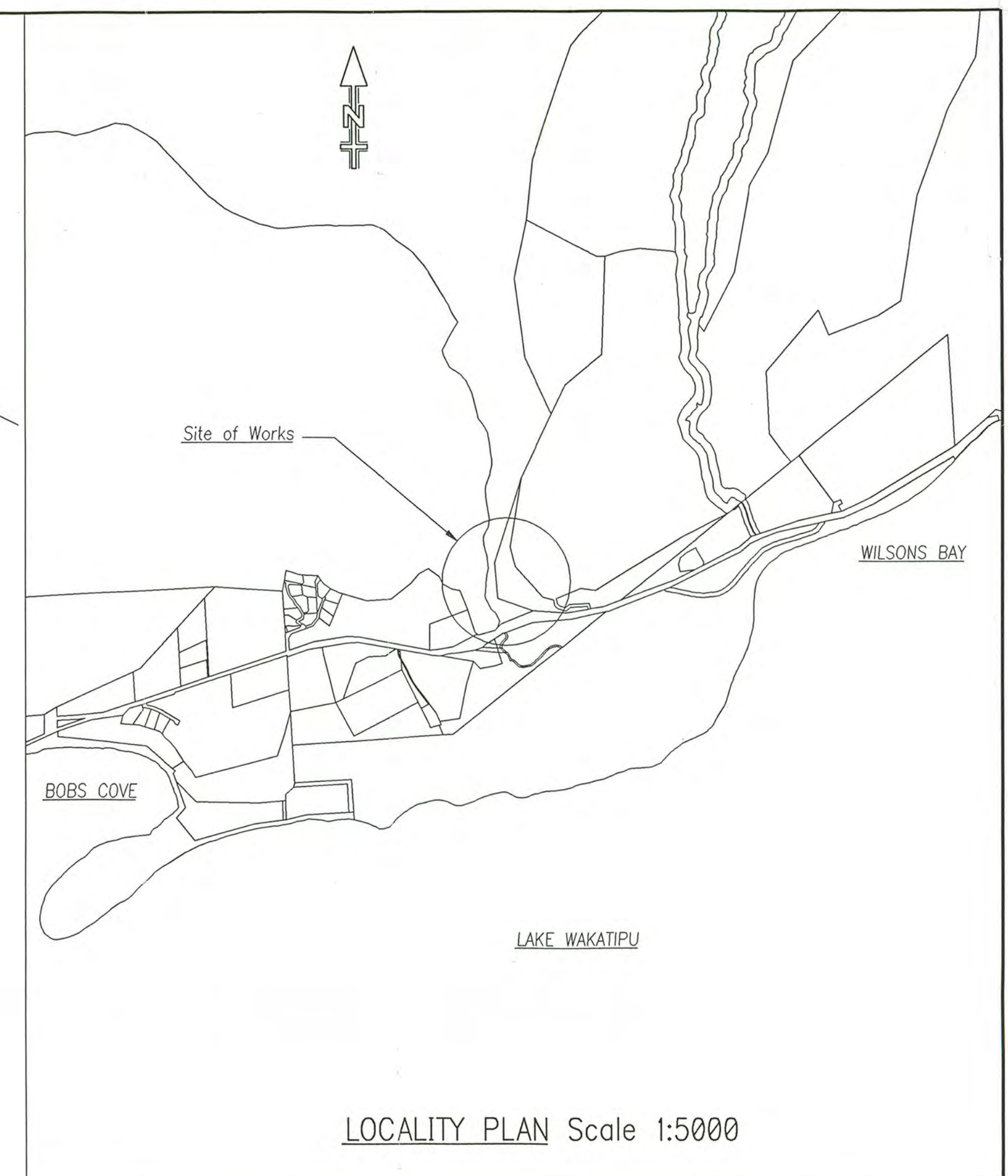
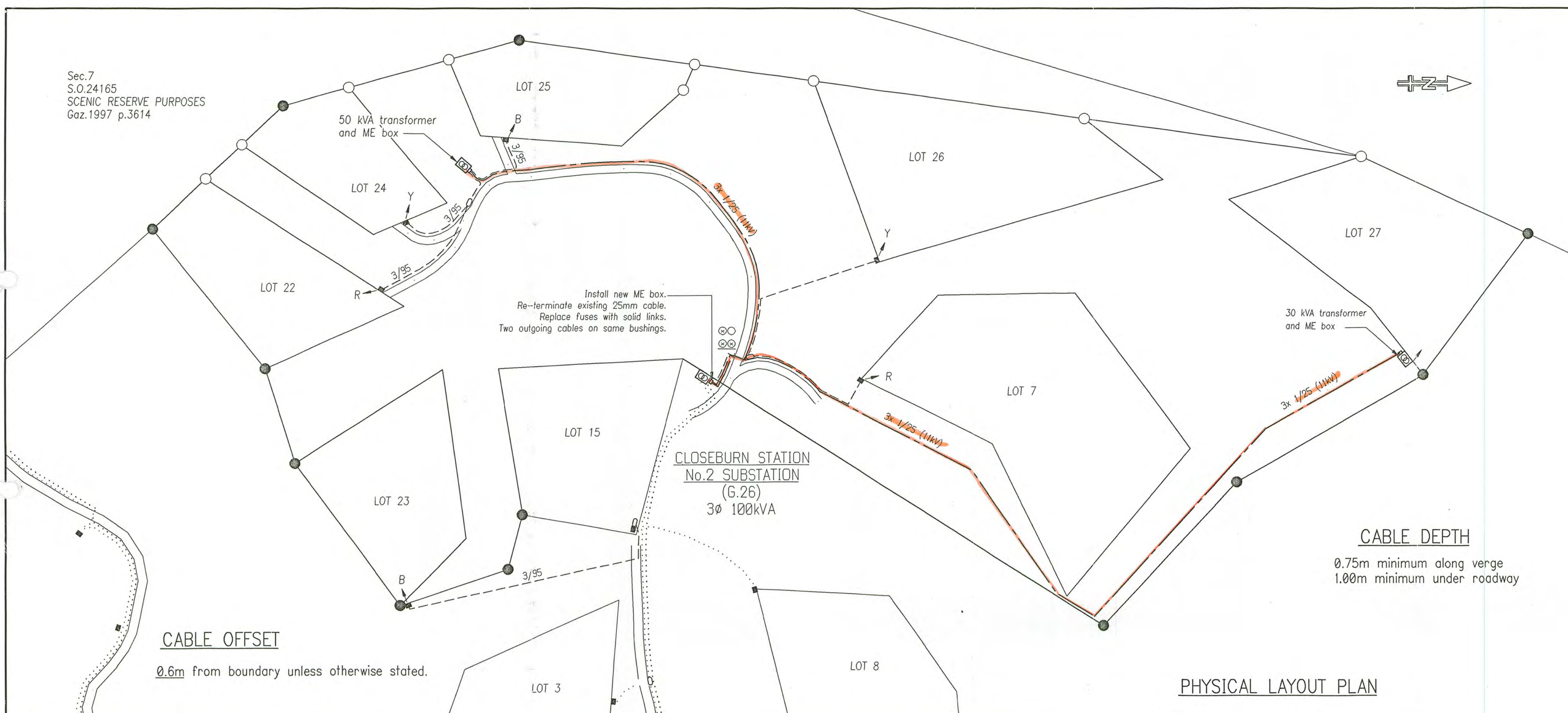
TERRITORIAL AUTHORITY QUEENSTOWN LAKES DIST.

Surveyed by CLARK FORTUNE McDONALD & ASSOCIATES REGISTERED LAND SURVEYORS LAND DEVELOPMENT & RESOURCE MANAGEMENT CONSULTANTS

Scale 1:5000 Date MARCH 1997

File Received Instructions

Sec.7
S.O.24165
SCENIC RESERVE PURPOSES
Gaz.1997 p.3614



CABLE OFFSET
0.6m from boundary unless otherwise stated.

CABLE DEPTH
0.75m minimum along verge
1.00m minimum under roadway

PHYSICAL LAYOUT PLAN

LOCALITY PLAN Scale 1:5000

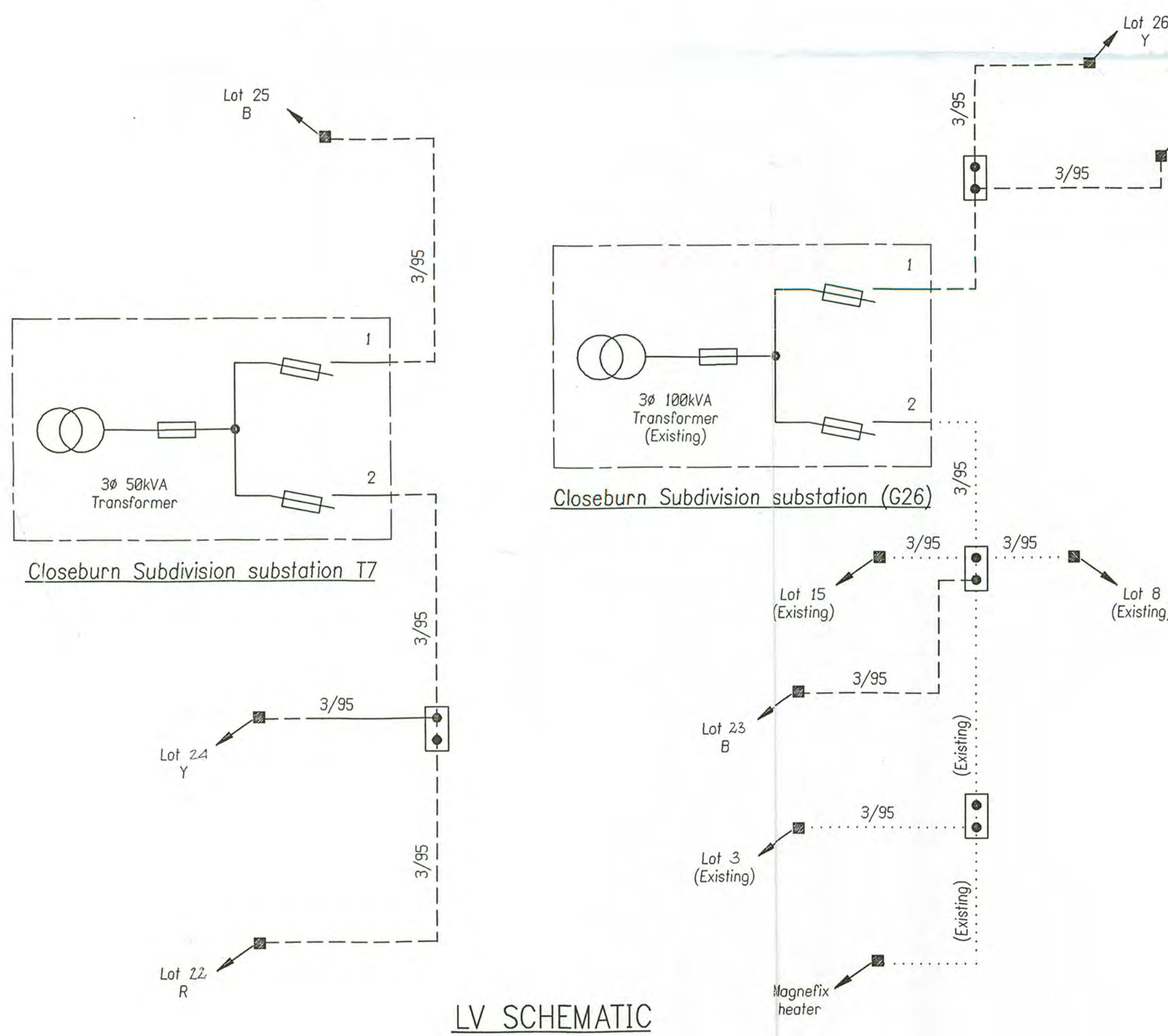
CABLE LENGTHS & EQUIPMENT

CABLES		
FULL NAME	ABBREVIATED NAME	LENGTH
1/25mm ² Al/XLPE/Cu/PVC (11kV)	3x 1/25 (11kV)	3x 440m Total: 1320m
3/95mm ² Al/XLPE /CuNS/PVC 1/10mm ² Cu/PVC /CuNS/PVC	3/95	400 m

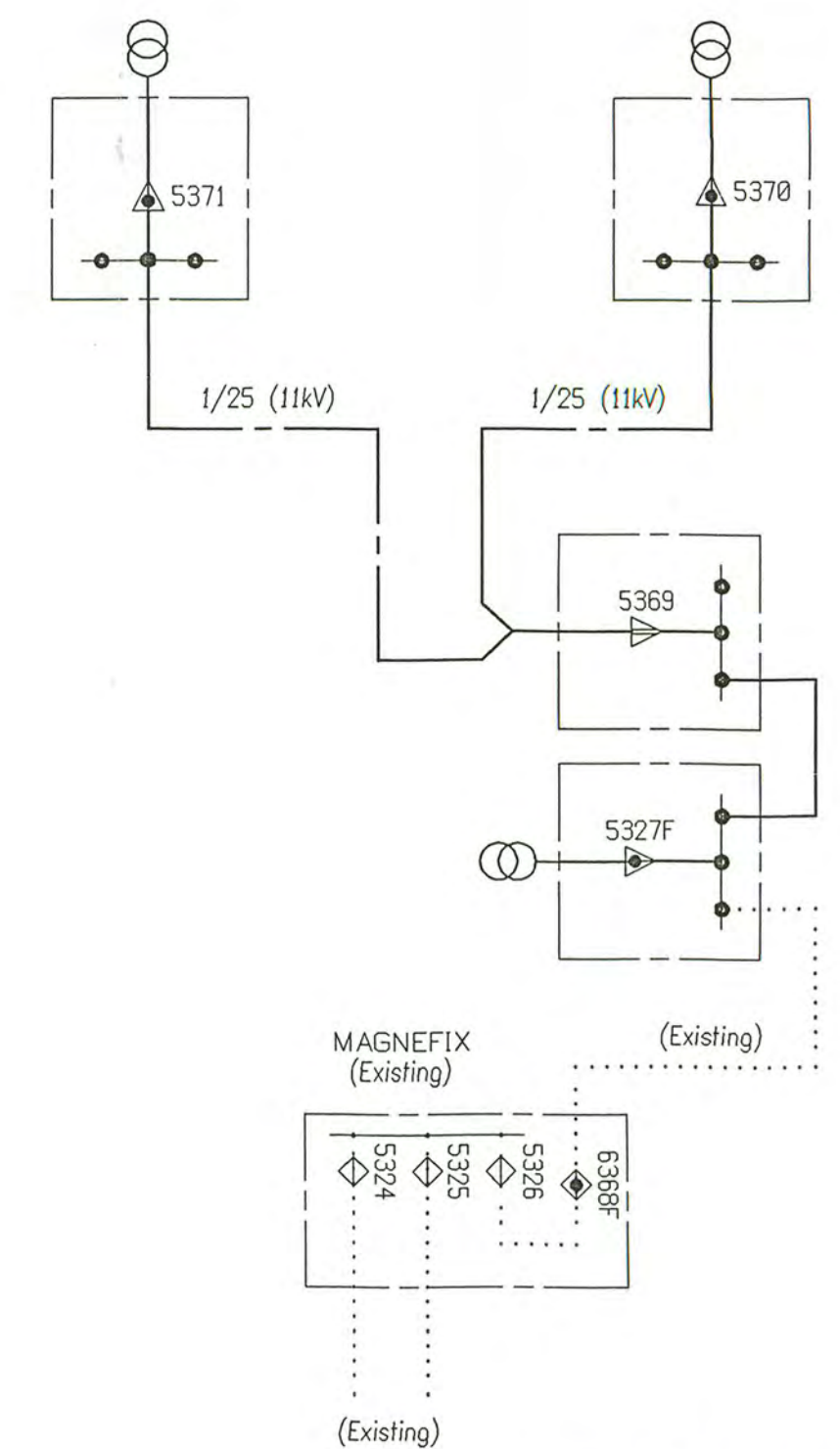
KEY

- 11kV/400V Transformer
- Duct (100mm PVC -full duct, -empty duct)
- Service box
- Link box
- ME Fuse
- ME Link
- Magnefix Fuse
- Magnefix Switch
- Service box
- Link box
- Fuse
- 230/400V Cable } Proposed cable
- 11kV Cable } Existing cable
- 230/400V Cable } Existing cable
- 11kV Cable } Existing cable

- 100mm ducting : 4x 6m lengths
- PVC Service Boxes : 6
- PVC Link Boxes : 4



LV SCHEMATIC



11KV SCHEMATIC

Issue	Amendment	By	Chkd.	Appd.	Date	Produced by...



Cent. Dist. No. D03559
Operations Job No: W04088
DD File No: 6-145
ESA No: 2112

Reference Drawings

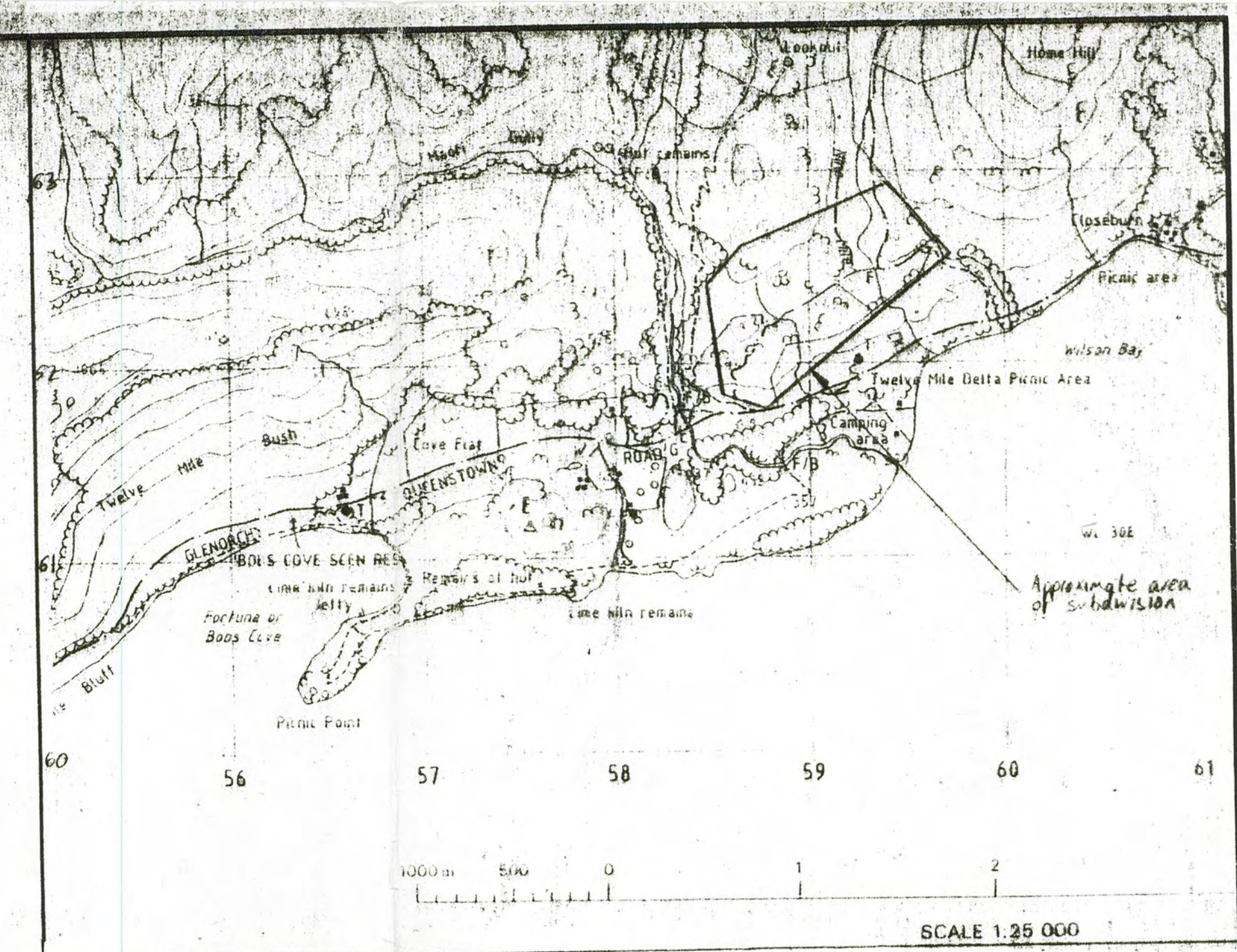


Approved for Issue

UNDERGROUND POWER RETICULATION
JF INVESTMENTS SUBDIVISION
CLOSEBURN STAGE II
QUEENSTOWN

Drawn	<i>N. Williams</i>	30.5.00
Checked	<i>R. Smith</i>	19.6.00
Designed	M Popenhagen	05.2000
Checked		
Scale (at A1)	1:1000	
3H/04E/076	Issue	

SOIL DESCRIPTIONS		
SCHIST	Grey slightly weathered interlamated quartz/feldspar and mica SCHIST	No soakage. Unsuitable for effluent disposal
GLACIAL DEPOSITS	Firm grey slightly clayey SILT with occasional fine subrounded gravel	Moderate to slow draining
TERRACE ALLUVIUM	Loose grey sandy SILT	Moderate drainage
FAN/DELTA	Medium dense grey very sandy fine to coarse subrounded to rounded GRAVEL with cobbles.	Rapid draining



KEY	
V	SCHIST
+	GLACIAL DEPOSITS
-	TERRACE ALLUVIUM
o	FAN/DELTA
~	Creek
- - -	Ephemeral stream
~ ~	Area prone to seasonal ponding of surface water run off

All soil boundaries inferred from topography, aerial photographs, exposures and trial excavations.

No	AMENDMENTS	Date	Initial

FIELDBOOK	Initials	Date	DR.	CH.	Date

SURV.	DES.	APP.

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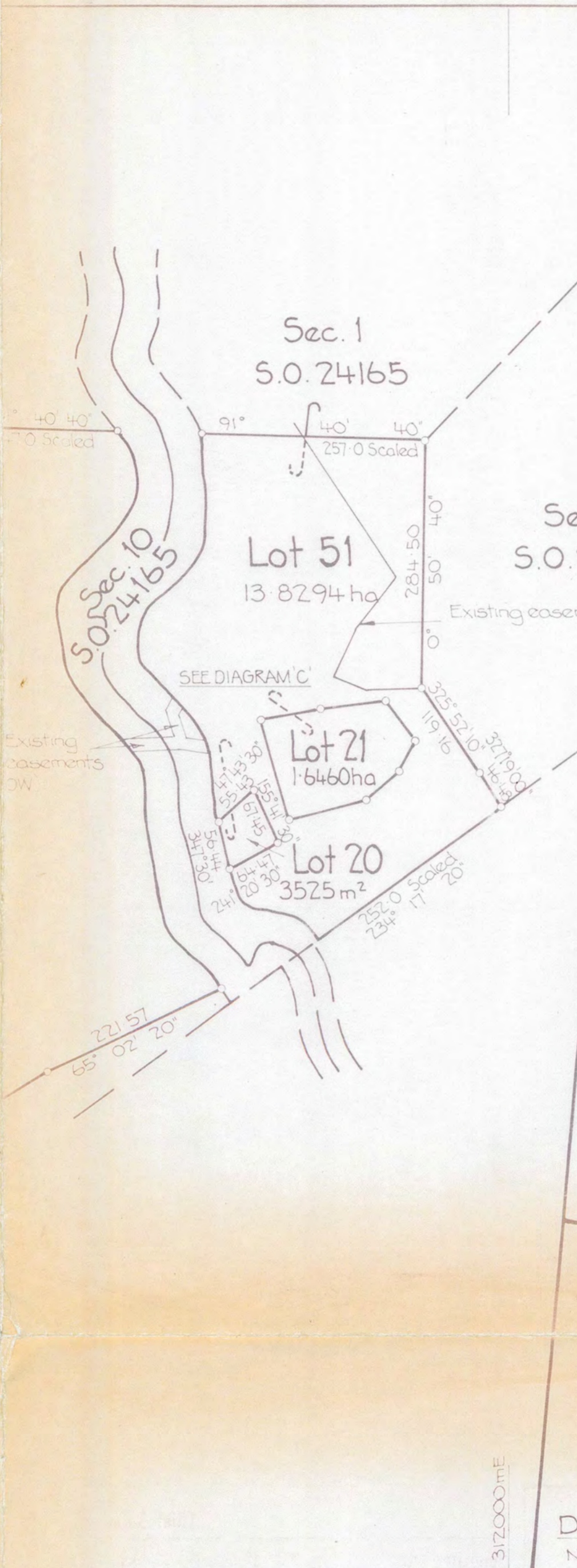
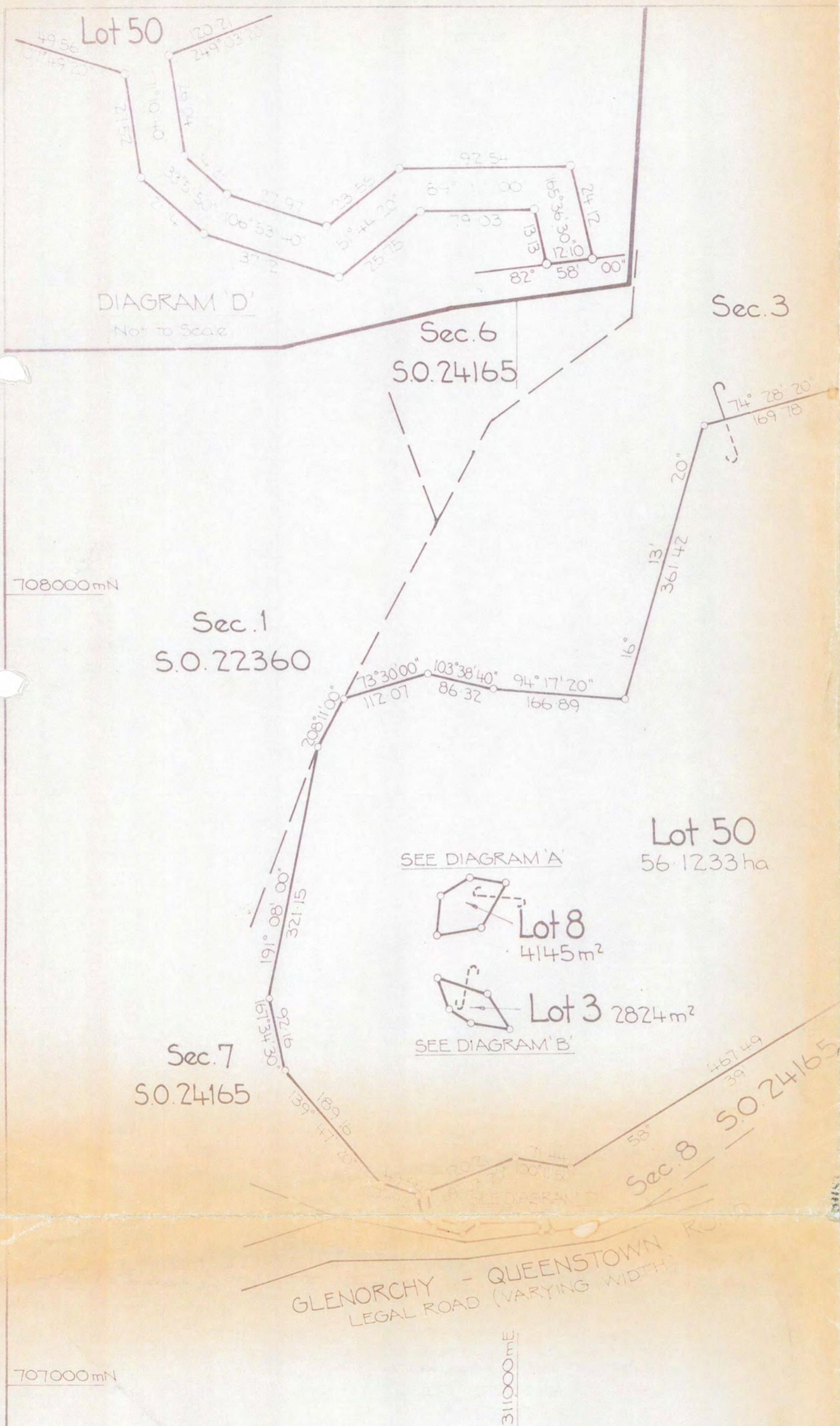
SCALES: 1:3000 Approx

J F Investments
Proposed Subdivision
12 Mile, Queenstown
Suitability of site for on-site
Sewage treatment and disposal



ENGINEERING & ENVIRONMENTAL
CONSULTANTS

Status Stamp	
Date Stamp	
Job No.	Sheet No. Rev.
	18221/1



Approvals

J.F. INVESTMENTS (N.Z.) LTD
Registered Owners

Approved pursuant to Section 223 of the Resource Management Act 1991 on the day of 1997. Subject to the granting or reserving of the easements set out in the Memorandum hereon and subject to the Amalgamation conditions set out hereon.

The Common Seal of the Queenstown Lakes District Council is affixed hereto in the presence of,

MAYOR

CHIEF EXECUTIVE OFFICER

That Lots 50 and 51 hereon (legal access) be held as to four undivided one-seventy shares by the owners of Lots 3, 8, 20 and 21 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. See _____

Total Area 72.6481 ha

Comprised in _____

I, PETER ROBERT RITCHIE of Queenstown Registered Surveyor and holder of an annual practising certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof

Dated at Queenstown this _____ day of _____ 19____

Signature

Reference Plans _____

Examined _____ Correct _____

Approved as to Survey

Chief Surveyor

Deposited this _____ day of _____ 19____

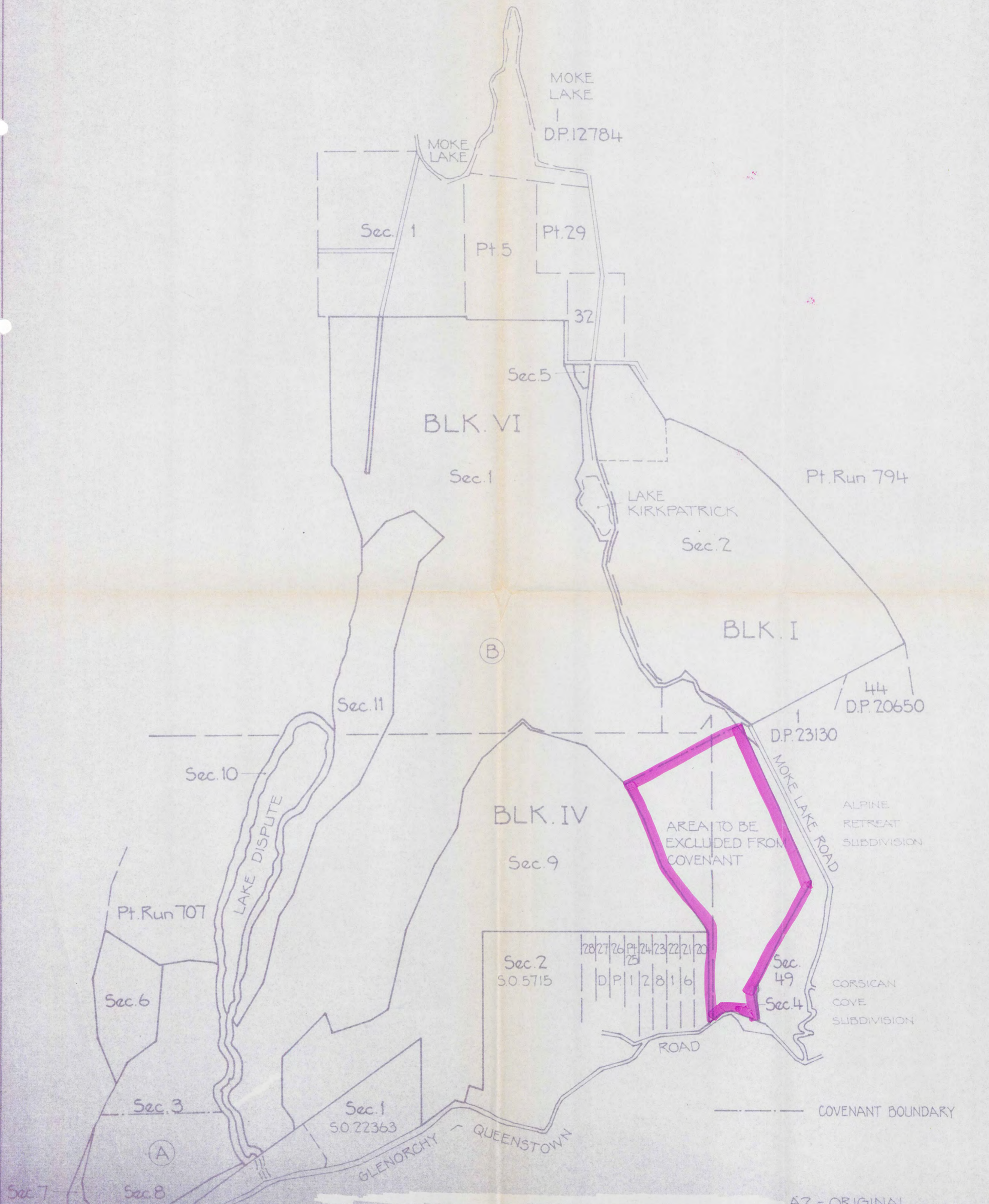
District Land Registrar

File Received Instructions

LAND DISTRICT OTAGO
SURVEY BLK. & DIST. I, IV, VI MID WAKATIPU
NZMS 261 SHT E41 RECORD MAP No 647374

LOTS 3, 8, 20, 21, 50 & 51 BEING A SUBDIVISION OF SEC'S 1 & 3, S.O. 24165

TERRITORIAL AUTHORITY QUEENSTOWN LAKES DIST.
Surveyed by CLARK FORTUNE McDONALD & ASSOCIATES
REGISTERED LAND SURVEYORS LAND DEVELOPMENT & RESOURCE MANAGEMENT CONSULTANTS
Scale 1:5000 Date MARCH 1997



AZ - ORIGINAL

<p>PLAN SHOWING AREA TO BE COVENANTED AS A RESULT OF PROPOSED SUBDIVISION (50 years - no further subdivision)</p>	<p>Scale 1:15 000 Date APRIL 1996 Job No. 5208</p>
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950829
File: RC960080
Ref: JFinvy1-sarah
H&B2907305700
Ops and Services
Enforcement

25 October 1996

J F Investments Limited
C/- Mr P Ritchie
Clark Fortune McDonald
PO Box 553
QUEENSTOWN

Dear Sir

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

APPLICATION FOR RESOURCE CONSENT - J F INVESTMENTS - RC950829

1. Introduction

The applicant, J F Investments Limited, seeks consent for a subdivision to create 21 allotments and for consent to erect a residential dwelling on each allotment. The property is located at Closeburn Station on the northwest side of Lake Wakatipu approximately 12 kilometres southwest of Queenstown. The Station is legally described as Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District.

The application was publicly notified and two submissions were received. The application was considered by the Wakatipu Resource Management Hearings Panel on 1 July 1996. The Panel was assisted by a report from the District Planner.

The Applicant's case

Mr B Boivin (Solicitor), Mr D Broomfield, Mr N McDonald (Surveyor), Mr C Chandler (Engineer), Mr P Rough (Landscape Architect), and Mr M Moore (Valuer) spoke in support of the application and submitted written evidence.

Mr Boivin explained the application. Twenty-one allotments are proposed for rural residential purposes. The allotments range in size from approximately 2000 square

metres to 3240 square metres. All of the sites are located on a plateau which is elevated above the Queenstown-Glenorchy Road. It is proposed by the applicant to restrict by way of restrictive covenant subdivision on the balance of the subject land for 50 years. The title of the balance land would be held in ownership of the owners of the 21 new rural-residential allotments, in the form of a body corporate or as a company with all owners being joint shareholders in the company. In either case the owners would be responsible for the funding and management of the farming of the Station, the operation and maintenance of internal roading, water supply, stormwater, disposal of effluent, provision of services, and design control for construction of all dwellings.

The intention of the applicant is to prevent further subdivision of the balance land. Mr Boivin explained to the Panel the benefits of this, being:

- The existing high country environment is retained in the long term.
- The council is not revisited for further consents for subdivision.
- The property remains a high country working farm.
- The highly visual corridor into Moke Lake remains a high country farm free of dwellings, earthworks and landscaping.
- Sensitive farming areas are protected.
- Building is only allowed in private, less visual areas.
- There are long term public benefits in protecting the Moke Lake area.
- The purchase of a property will only appeal to a buyer who is interested in seeing the farm continue to operate and is willing to contribute financially to that object.
- There is minimal visual effect from the lake.
- There is no visual impact of dwellings from Glenorchy Road.
- Each owner of a rural-residential allotment has privacy from the other.
- The statutory requirements of the Resource Management Act 1991, and the relevant planning instruments ensure that there is no detraction from the rural amenity and landscape value of the Wakatipu Basin.

Mr Boivin submitted that the proposal:

- Would have no significant adverse effects on the environment.
- Would have a positive effect on the farming operation.
- The sale of new sites would produce additional capital to further develop the Station in the long term as a working high country sheep farm.
- The allotments would not be visible from the road, would have a very limited visual effect from the lake, and would protect privacy of users of the Department of Conservation's walking tracks in the Lake Dispute area.

He believes that the traditional approach to subdivision in the area (a large number of large complying allotments) would have a more adverse visual effect than what is proposed, and would lead to an uneconomic demand for access, services and fencing.

The applicant proposes to control the design of structures with a vernacular architectural character of an historic station, and Mr Boivin submitted that detailed conditions can be applied to each residential lot ensuring the use of traditional materials, textures, and architectural forms for sympathetic development.

Mr Boivin also discussed the potential cumulative effects of allowing the application, and submitted that the site and circumstances of the application are unique. He listed a number of rural-residential subdivisions in the area, and submitted that the Closeburn area has gradually taken on the character of a rural residential community.

Mr Broomfield provided a history of the subject area, and explained the recently agreed tenure changes affecting the Station. Approximately 172 hectares of the property is freehold, and 2902 is in pastoral lease but the changes will see a further 1059 hectares of the leasehold land freeholded and the remainder in special lease, grazing lease, wetland reserve, marginal strip, and Department of Conservation reserve. With the exception of the land to be subdivided by this application, the land would remain in one title, and would be used exclusively for farming purposes by the owners of the new rural residential allotments. This would be effected by a company or body corporate structure.

Mr Broomfield also described in some detail the design controls that would be imposed on the dwellings. Other controls would prevent further subdivision of any of the new sites and the restriction to a single dwelling unit only, restriction of any dwelling for residential uses only, and controls for ample space for access storage and maneuverability of vehicles.

Mr McDonald explained the reasons for the configuration of the allotments. He believes that the property could be subdivided into a number of smaller farming allotments for intensive pastoral activities such as deer farming, and that such a subdivision could be achieved in compliance with the rules. However, in his view this approach would be less efficient, it would not achieve sustainability of the land resource, and would have greater visual effect than what is proposed. He believes that the proposed subdivision design, which seeks to contain human occupation of the site to a small part of the site only, would protect the qualities of the farm in total for future generations.

Mr McDonald also explained the access provisions to the site. He seeks that the roading system not be "urban" in nature with sealing, kerb and channelling, but rather that the roads be more akin to rural farm tracks as the subdivision is intended to be rural in nature. He also discussed the water supply to the site. Tests have shown that a bore on the site can service the domestic needs of the new allotments, and that this water is adequate in terms of quality. Mr McDonald outlined some options for water supply in response to the concerns raised by an objector, Southern Health.

Mr McDonald outlined his views on the unique circumstances of the site and the application, and presented comparisons with other applications.

Mr Chandler discussed the proposed sewage treatment systems and summarised the findings contained in the application. The systems allow on-site treatment and disposal within the boundaries of lots 1-3, 5-7, 9, 10, and 12-14. Treatment of effluent from lots 4, 8, 11, and 15-21, would be by way of septic tank with effluent reticulated to a suitable location where a specifically designed disposal system will be required. The systems proposed require minimal householder maintenance, but an information booklet would be prepared so that all users know about the system and its maintenance.

Mr Rough described the proposed landscaping plan for the subdivision, including fencing, planting, and earthworks, and he described the proposals to mitigate the visual impact of the subdivision including the revegetation of earthworks associated with the access and buildings, the location of building sites, building design, and planting on the lots. It is proposed that the majority of planting would be in native species, and a list of suitable species was presented with the application. Mr Rough also described in detail the architectural guidelines for the buildings on the sites. The guidelines are based on images of the Station vernacular, and include simple forms, natural materials, varying degrees of roof form, and varying scale of building. Designs would be from the homestead, stables, sheds, and huts.

Mr Moore presented an assessment of the farming capability of the site and of the economic viability of the proposal.

Presentations by Submitters

Both submissions to the application were represented at the hearing. Southern Health Limited, represented by Mr A Eyles, presented written submissions. Southern Health opposes the application on the following grounds:

- The fragmented residential subdivision outside the proposed rural-residential area detailed in the Proposed District Plan.
- The proposed water supply is subject to variable water quality, and water quantity varies seasonally.
- A number of the sites have been identified as not being able to satisfy adequate treatment requirements or may impact on the water supply catchment area.
- The proliferation of individual on-site treatment systems.
- The ability of a body corporate to adequately manage essential services is questionable.

Mr Eyles questioned whether the provisions of section 406 of the Resource Management Act 1991 should be considered, given the number of allotments and the lack of services available.

Central Electric Limited was represented at the hearing by Mr G Skelton. He outlined the requirement for electricity network reinforcement by way of additional 11kV lines and

transformer substation to provide electricity services commensurate with the predicted load requirements of the area. A 33/11 kV zone substation would be required in the vicinity to provide adequate capacity and quality of supply to meet the load requirements initiated by the subdivision. In addition, Central Electric seeks some assurances that it will be able to secure consents for future provision of electricity to the Closeburn area for subdivisions anticipated by the proposed rural residential zoning in the Proposed District Plan. He emphasised that no new power poles would be erected. All power would be underground from the intended substation to the site.

In his right of reply to the submitters, Mr Boivin indicated that the applicant is prepared to negotiate with Central Electric regarding the positioning of the substation on the applicant's land. The applicant would also ensure that the Body Corporate would contract expert services to inspect and monitor the effluent disposal systems. Mr Boivin also pointed out that there was no opposition to the proposal from the general public, and re-emphasised the uniqueness of the proposal and the site.

2. Considerations

The land is zoned Rural B in the Lakes-Queenstown Wakatipu section of the Transitional District Plan. The proposed subdivision does not comply with any of the provisions of rule 6.05 which controls subdivision in the zone. The allotments would not qualify for dwellings, and dwellings would be a non-complying activity also. Under Proposed Plan Change 99 to the Transitional District Plan the subdivision is non-complying because the subject site is located in an Area of Landscape Importance. In the Proposed District Plan, which was notified on October 10 1995, the land is zoned Rural Uplands and is within an Area of Landscape Importance. The subdivision and landuse consents sought are non-complying in terms of the Proposed District Plan. A number of submissions were received objecting to the rules for subdivision and housing in the rural areas. The applicant lodged a submission to the Proposed District Plan requesting that the status of landscape importance be removed from the subject site.

All facets of the application are non-complying in terms of the relevant planning instruments, and the Panel considered the application in terms of sections 104 and 105(2)(b) of the Resource Management Act 1991.

3. Discussion

Section 105(2)(b) of the Resource Management Act 1991 directs a consent authority to refuse an application for a resource consent for a non-complying activity unless the consent authority is satisfied that the adverse effects on the environment to which the application relates is minor or that granting the consent will not be contrary to the objectives and policies of the plan or proposed plan.

Effects on the environment

The Panel considered in particular the visual effects of the development, and concluded that the effects would be minor because of the elevated nature of the site and its invisibility from the Queenstown-Glenorchy Road. The Panel also agreed that the effects of the subdivision and subsequent landuses would not be visually obtrusive when viewed from Lake Wakatipu. In concluding that the visual effects would be minor, the Panel took into account the proposed landscaping and design control including control over the colour of buildings, and was satisfied that any effect would be mitigated adequately by these measures which would be imposed through conditions, as proposed by the applicant. The Panel was also satisfied that the access from the main road and the access within the site would not create an adverse effect provided that any cuts and other excavations were resown and planted. The Panel agreed that the subdivision would not have any undue impact on the Queenstown-Glenorchy Road provided that the applicant would seal part of the access road to ensure there is no gravel migration onto the main road.

The Panel agreed that the subdivision as proposed would result in a lesser effect overall than the effect that would arise from subdividing the land in the manner anticipated by the District Plan. The subdivision would result in a clustering of development rather than a dispersal of that development, and the Panel accepted that the proposal represented a better environmental outcome. In doing so the Panel agreed that the prevention of subdivision of the balance of the farm as proposed as part of the application would better facilitate the sustainable use of the farm in the long term, and the Panel would not have considered the effects in such a positive manner had this facet of the application not been proposed. The Panel did not see that allowing the application would cause any further fragmentation of productive land.

The applicant contended that the potential cumulative effects of allowing the application would not be adverse, and submitted that the application is unique as no other large rural land area has the advantages of being so close to Queenstown, close to services, close to other rural residential subdivisions (Closeburn), with lake views, and able to offer protection of large tracts of land. The Panel agreed that the application as proposed was unique and would be difficult to replicate in the District, and as such a consent would not represent a challenge to the provisions of the relevant planning documents. The Panel addressed this matter under section 104(1)(i) of the Act.

The Panel was satisfied that the water supply for domestic purposes and the sewage disposal would not give rise to any adverse effects on the environment provided that the systems are constructed and maintained in accordance with the proposal as described by Mr McDonald and Mr Chandler on behalf of the applicant. The need for consents from the Otago Regional Council was discussed and the Panel agreed that the consents would be required prior to issuing of any consent to subdivide the land, as the consents would be sufficient for the Panel to be satisfied that the matters under section 406 of the Act (grounds of refusal of subdivision consent) would not be invoked. Similarly, the

applicant is required to provide electricity to the new sites and the method of this provision would need to be agreed with Central Electric.

Objectives and policies of the relevant planning documents

The Panel considered the objectives and policies of the relevant planning instruments, and agreed that the proposal did not offend those provisions. In summary, the Transitional District Plan, Proposed Plan Change 99 and the Proposed District Plan all seek to protect rural land for productive purposes, and to protect the scenic qualities of the rural landscape by avoiding indiscriminate urban development. The Panel agreed that the first of these matters is not compromised because it had already determined that the effects of the development on the agricultural potential of the land would not be significant and indeed would be positive, due to the relatively large size of the property and the manner by which it would be protected for rural purposes only.

The second broad intent of the planning instruments, the protection of the landscape and scenic qualities of the District, was not considered to be compromised because the effects of the proposal on the visual amenity would in the Panel's view be minor, particularly given the elevated and relatively hidden terrace upon which the development would occur, and in addition the planting, landscaping and other measures proposed by the applicant to mitigate the visual impact.

The Panel did not consider that any part of the Regional Policy Statement would be offended to the extent that consent to the application should be refused.

Part II of the Act

The consent authority is required to consider any application in terms of the purpose and principles of the Act as set out in Part II. In respect of section 5, the Panel considered that the development would enable people to provide for their well being (by enabling a rural-residential development in a desirable location) while avoiding and mitigating adverse effects on the environment, achieved in this case both by the position of the sites to be created and by the imposition of conditions and covenants to further mitigate any effects and protect the balance of the site. The Panel was satisfied that the development would not offend the matters in section 5(2)(a) and (b), 6, and 7.

Section 105(2)(b) of the Act

The Panel was satisfied that the adverse effects on the environment would be minor and that granting consent would not be contrary to the objectives and policies of the Transitional District Plan and Proposed District Plan. The reasons for this are described in the preceding text of this decision. The tests imposed by section 105(2)(b) of the Act are therefore passed.

Other matters

The Panel agreed that the applicant should be allowed more time than the default time allowed by section 125 of the Act before a resource consent lapses (two years). The Panel acknowledged that the normal two year period for exercising a consent would not

be sufficient in this case to undertake all of the works required to bring the sites to a marketable state, market, sell the lots and allow new owners to build dwellings. The Panel considered that the default period for completion of the subdivision consent would be adequate but that a further five years (for a total of seven years) for completion of the land use consents (construction of a dwelling on each site) would be sufficient for the project.

The Panel agreed that a reserve contribution should be payable for the subdivision, as the lots to be created are rural residential in nature. A contribution amounting to the value of 130 square metres of land per allotment was deemed to be appropriate for the subdivision.

4. Decisions

The decision on this application is structured into two parts: the first in respect of the subdivision; the second in respect of the landuse matters.

DECISION 1 : SUBDIVISION

The Wakatipu Resource Management Hearings Panel resolved that the application by JF Investments Limited to subdivide the subject land which is legally described as Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District is granted pursuant to sections 104 and 105(2)(b) of the Resource Management Act 1991, subject to the following conditions imposed under sections 108 and 220 of the Act:

1.1 That the subdivision proceeds in accordance with the plan of subdivisions submitted with the application and any amendments required by conditions 1.2 - 1.11 of this consent.

1.2 Water

- (a) Prior to the commencement of any works on the subject land the consent holder shall provide to the Queenstown Lakes District Council for approvals, copies of specifications, calculations and design plans as is considered by the Council to be both necessary and adequate to detail the engineering works associated with providing an adequate potable domestic water supply complying with the requirements of the Drinking Water Standards of New Zealand (1995).**
- (b) The design as detailed in condition 1.2(a) above shall provide for a separate water supply connection to each of the allotments created by the subdivider.**

- (c) The water supply should be able to provide a minimum supply of 200 litres per person per day for each person likely to be accommodated on each new allotment. This shall be calculated on a site density of 5 persons per allotment.
- (d) Each allotment shall provide for a minimum water storage capacity of not less than 23,000 litres which shall accommodate a minimum static fire fighting reserve of 14,000 litres at any one time.
- (e) The storage tanks located on each allotment shall be buried into the ground so that the base is at least 1 metre below natural ground level. The exterior of the water tanks shall be painted Resene colour "Scrub" (British Standard 12B27). The area surrounding each water tank is to be landscaped with native plant species from the list of plants contained in Appendix F of a report prepared by Peter Rough Landscape Architects (RM950829) to achieve a dense screen of vegetative cover around the tank area.
- (f) If a water permit for the supply of water to the allotments is not required in terms of the Resource Management Act 1991, then such a water supply is to be monitored in a manner and with consultation with the Queenstown Lakes District Council to determine the compliance with the Drinking Water Standards for New Zealand (1995). Monthly monitoring is required for a community water supply. All monitoring shall be at the cost of the consent holder
- (g) If a water permit in terms of the Resource Management Act 1991 is required for a community water supply source for the allotments, then evidence shall be produced to the Queenstown Lakes District Council prior to any commencement of works on the site, or certification pursuant to Section 223 of the Resource Management Act 1991, of a satisfactory water permit for such a water source.

1.3 Effluent Disposal

- (a) Sewage shall be disposed of on site by way of appropriately designed multi chamber septic tanks as recommended by the Royds Consulting Report submitted with the application. Effluent from the multi chamber septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting Report.
- (b) Specific design proposals for the disposal of sewage from each allotment shall be approved by the Queenstown Lakes District Council's Manager

of Operations and Infrastructural Assets prior to certification pursuant to section 224(c) of the Resource Management Act 1991.

- (c) Prior to any certification pursuant to Section 223 of the Resource Management Act, the applicant shall provide evidence to the Queenstown Lakes District Council of satisfactory discharge permits in respect to any disposal fields which require such permits.

1.4 Power and Telephone

All allotments within the subdivision which are intended for residential use shall be provided with a power and telephone connection. All power and telephone services shall be reticulated underground to allotments within the subdivision prior to certification pursuant to Section 224(c) of the Resource Management Act 1991. ✓

1.5 Access

- (a) The following condition shall be expressed on the survey plan:

That Lot 100 hereon be held to 21 undivided one-twenty-first shares by the owners of Lots 1 to 21 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance herewith (L.R.R.....)

- (b) Prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, the following construction works shall be carried out:

(i) The access formation within (Lot 100) shall be a minimum of 4.0 metres in width and shall be formed (metalled) to provide an all weather surface with adequate drainage being provided. ✓

(ii) The access shall provide a minimum of 4 passing bays, between the entrance at the Queenstown-Glenorchy Road to the junction of the access road leading to Lots 3 to 5. ✓

(iii) The access shall be sealed for the first 40 metres length from the intersection with the Queenstown-Glenorchy Road. ✗

1.6 Landscaping works

- (a) Prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, all landscape planting within Lot 100 detailed in

Peter R

the report prepared by Mr Peter Rough, attached to the application, shall be established on the site.

- (b) A consent notice pursuant to Section 221 of the Resource Management Act 1991 is to be registered against the 21 undivided one-twenty first shares of Lot 100, requiring the landscaping and planting detailed within the report prepared by Mr. Peter Rough and attached to the application, relating to Lot 100 to be maintained in the described form. The consent notice is to be presented to the Council for its prior approval prior to certification pursuant to Section 224(c) of the Resource Management Act 1991.

1.7 "As Built" Plans

The submission of "As Built" plans required to detail water reticulation, and any communal sewerage disposal systems in relation to this subdivision, shall be forwarded to the Queenstown Lakes District Council for their records.

1.8 Easements

Prior to certification pursuant to Section 223 of the Resource Management Act 1991 all necessary easements in relation to services and access shall be duly created and reserved.

1.9 Balance land

- (a) That the balance of the land contained within Closeburn Station being Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District shall be held in one certificate of title.
- (b) A covenant prohibiting any further subdivision of the balance land for a period of 50 years from the date of this decision shall be registered against the title referred to in condition 1.8(a) above.

1.10 Management Company

- (a) A Management Company shall be established for the purposes set out in the application and expressed at the hearing, and as set out in conditions 1.10(b) - (c) below.
- (b) Prior to the issuing of a certificate under section 224(c) of the Resource Management Act 1991 a Management Company shall be formed. The Management Company shall have 21 shareholders being the registered

proprietors of each of Lots 1 - 21. Ownership in the Company shall be compulsory for registered proprietors of each of Lots 1 - 21.

- (c) The Management Company shall be responsible for the following:
- (i) The ongoing maintenance and funding for the maintenance of all roading within the subdivision, landscaping, water supply, sewage disposal, and maintenance of all Common Areas. Landscaping will be carried out in accordance with the plans presented with the application.
 - (ii) The ongoing funding and maintenance of the Closeburn Station.

1.11 Reserves Contribution

That the applicant pay to the Council a reserves contribution of \$138.21 being the value of 130 metres of land for each allotment created by this subdivision, based on a valuation of \$0.045 per square metre.

DECISION 2 : LANDUSE

The Wakatipu Resource Management Hearings Panel resolved that the application by JF Investments Limited for a land use consent to construct a dwelling and accessory buildings on each of the allotments authorised by Decision 1 of this decision (being a subdivision of Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District) is granted pursuant to sections 104 and 105(2)(b) of the Resource Management Act 1991, subject to the following conditions imposed under section 108 of the Act:

2.1 That this consent authorises the construction of one single dwelling unit and accessory buildings on each of allotments 1 - 21. Construction shall take place in accordance with conditions 2.2 - 2.4.

2.2 Building Design and Appearance

- (a) Any building constructed under condition 2.1 shall be designed in accordance with design and architectural controls set out in the architectural guidelines submitted with the application. The building forms and elements shall be designed to be sympathetic to the architectural theme of Closeburn Station. Design shall recognise the following forms and elements: sloping roofs of varying degrees to emulate the traditional roof forms of historic sheep station buildings, integration of a variety of forms of varying cladding and roofing lean-to roofs, timber sub floors, verandahs, glazing bars/timber windows,

loft/stable door, vertical slab/board and batten cladding, horizontal weatherboards, corrugated iron wall cladding, accentuated door hinges, gables, rusticated iron, corrugated water tanks, chimneys, dilapidated schist walls, ridge vents/lights, timber facings.

- (b) The location and design of any building including the landscaping of any site shall be approved by the Council's District Planner (Administration) prior to any construction.
- (c) Except in respect of condition 2.2(d) below, no dwelling on any site shall be greater in height than 7.0 metres above original ground level, and no accessory building shall be greater in height than 5.0 metres. Buildings should be one level with another level permissible within the roof space.
- (d) Buildings shall generally be sited to fit within the landscape and not on top of the landscape. No building shall exceed the height of the hillscape immediately behind that site when viewed from any public place. No building shall be located within **2 metres** of any boundary. *check*
- (e) The maximum building coverage for all activities on any residential site shall not exceed 35 percent of the site area.
- (f) External above ground cladding is to be either natural stone, plaster, natural timber and/or weatherboards, painted corrugated iron, sun dried clay bricks, recycled corrugated roof/wall cladding and uncoated timber shingles for roofs.
- (g) External building colours are to be in accordance with Schedule of Colours within the Building Covenant. These are all to be in accordance with the Queenstown Lakes District Council's colour palette, attached to the Proposed District Plan advertised 10 October 1995.
- (h) A Building Control Committee (as a sub committee of the Management Company established in fulfillment of condition 1.10 of this decision) comprised of the station architect and a minimum of 3 shareholders shall be appointed by the Management Company.
- (i) The Building Control Committee shall ensure all building works are designed in accordance with the design standards, station theme, and objectives of the station community, prior to any building plans being submitted to the Council for approval under condition 2.2(b) of this consent. Every such application shall be accompanied by a letter from the Building Control Committee confirming that any proposed building is in accordance with the standards, themes and objectives described above.

- 2.3 This consent shall lapse on the date seven years from the date of this decision. *7 years.*
- 2.4 The Council may within three months of each anniversary of the date of this consent, 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 (in terms of Section 128 of the Resource Management Act 1991) for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

5. Other Matters

The allotments to be used for residential purposes within the subdivision do not have legal road frontage. The Council has resolved an exemption from legal road frontage pursuant to Section 321 of the Local Government Act 1974. This resolution is inherent in the consent to subdivide the land.

The Council is responsible for the monitoring and enforcement of the consents issued in the above decisions. Please note that the consent holder will be required to meet the costs of monitoring. An initial deposit of \$60.00 will be charged with further monitoring costs based on actual time costs.

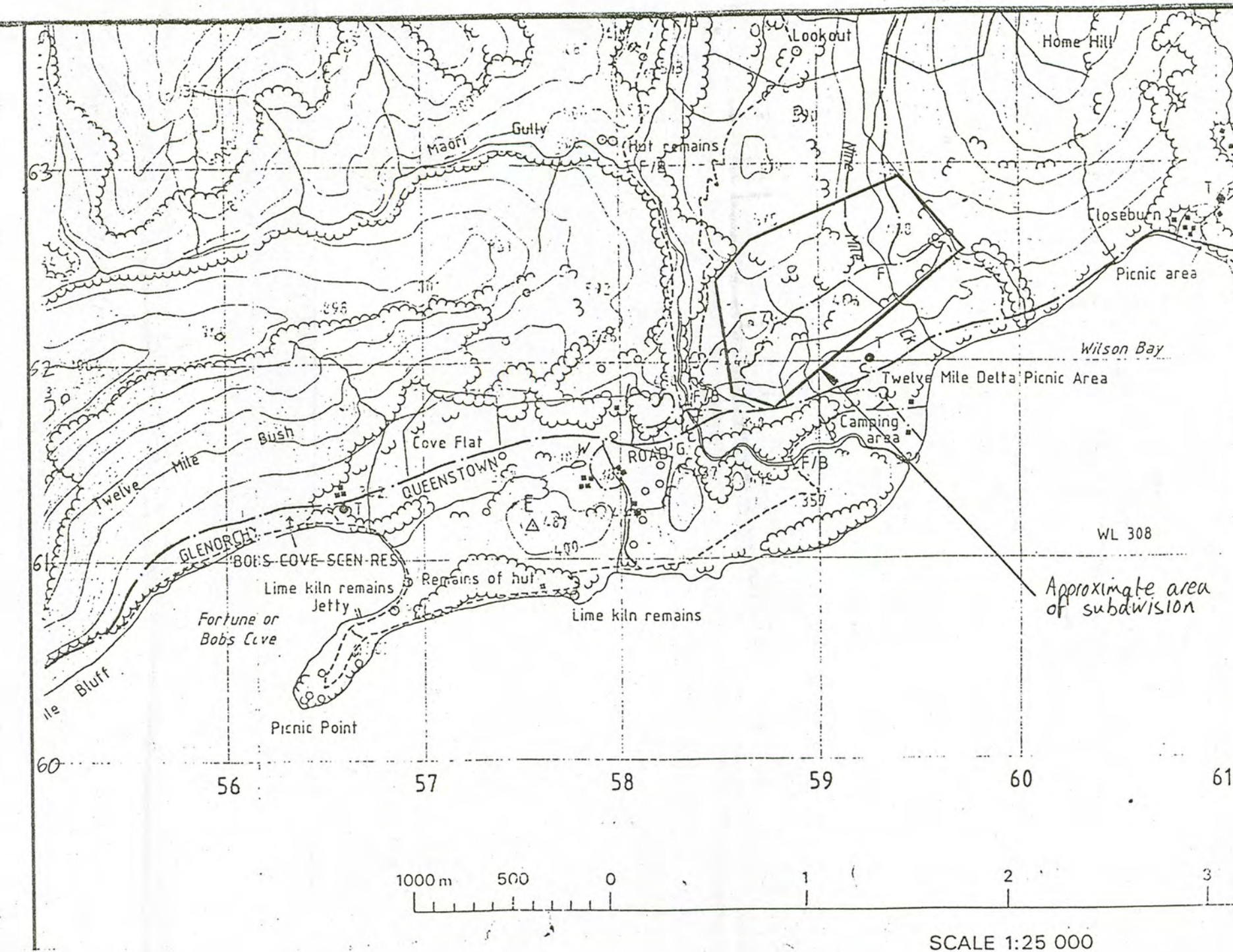
This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained from the Building Department of the Queenstown Lakes District Council before construction can begin.

Should you not be satisfied with the decision of the Council an appeal may be lodged with the Planning Tribunal, Justice Department, PO Box 5027, Lambton Quay, Wellington not later than fifteen (15) working days from the date this decision is received.

Yours faithfully

J B Edmonds
Acting DISTRICT PLANNER

SOIL DESCRIPTIONS		
SCHIST	Grey slightly weathered interlaminated quartz/feldspar and mica SCHIST	No soakage. Unsuitable for effluent disposal
GLACIAL DEPOSITS	Firm grey slightly clayey SILT with occasional fine subrounded gravel	Moderate to slow draining
TERRACE ALLUVIUM	Loose grey sandy SILT	Moderate drainage
FAN/DELTA	Medium dense grey very sandy fine to coarse subrounded to rounded GRAVEL with cobbles.	Rapid draining



KEY	
v v v	SCHIST
+ + +	GLACIAL DEPOSITS
- - -	TERRACE ALLUVIUM
. . .	FAN/DELTA
~ ~ ~	Creek
^ ^ ^	Ephemeral stream
~ ~ ~	Area prone to seasonal ponding of surface water run off

All soil boundaries inferred from topography, aerial photographs, exposures and trial excavations.

No	AMENDMENTS	Date	Initial
1	Schematic Sewage Treatment System	2/8/1995	CC

FIELDBOOK

Initials	Date	D.P.	CH.	Date
CC	10/195			

DES. CC 10/195 APP.

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SCALES: 1:3000 Approx

J.F. Investments
12 Mile Subdivision
On-site Sewage Treatment
& Disposal
Site Layout Plan

ROYDS
CONSULTING

ENGINEERING & ENVIRONMENTAL
CONSULTANTS

Status Stamp: FOR CONSENT

Date Stamp: 7 FEB 1995

Job No. Sheet No. Rev.

18221/1a

14 April 1998

J F Investments
C/- Peter Ritchie
Clark Fortune McDonald & Associates
P O Box 553
QUEENSTOWN

Dear Sir

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

CLOSEBURN STATION - RM970272

I refer to your application for a variation of subdivision consent, lodged pursuant to Section 127 of the Resource Management Act 1991. This application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991.

The request for variation of consent relates to Condition 3(h) of Council's decision dated 1 August 1997 which presently reads:

"3h) Sewage shall be disposed of on site by way of appropriately designed multi chamber septic tanks as recommended by the Royds Consulting Report submitted with the application. Effluent from the multi chamber septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting Report."

The applicant seeks to amend this condition as follows:

3h) Sewage shall be disposed of on site by way of appropriately designed septic tanks. Effluent from the septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting Report which was submitted with the application.

Decision

The Council has agreed pursuant to Section 127(1)(b) of the Resource Management Act 1991 that the variation for subdivision consent be granted. However, Council requires the wording of Condition 3(h) be further amended to read:

- 3(h) Sewage shall be disposed of on site by way of appropriately designed septic tanks **as detailed in the report submitted by Royds Consulting dated 8 September 1997**. Effluent from the septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting report which was submitted with the application.

Reasons for Decision

The applicant has submitted information from Montgomery Watson Ltd comparing the performances of multi-chamber septic tanks and a proposed alternative, single chamber tank and effluent screen.

The Council agrees that the proposed single chamber is an appropriate alternative. As this method would be contrary to Condition 3(h) as it currently stands, Council has granted the variation of consent to allow the use of a single chamber tank and effluent screen.

Other Matters

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

Should you not be satisfied with the decision of the Council an appeal may be lodged with the Environment Court, Justice Department, P O Box 5027, Lambton Quay, Wellington not later than fifteen (15) working days from the date this decision is received.

If you have any inquiries please contact Bruce Richards on phone 0800 453 333.

Yours faithfully

J Edmonds
DISTRICT PLANNER

File:RM970272
H & B 2907304800
Enforcement Officer
Ops & Services

1 August 1997

J F Investments
C/- Peter Ritchie
Clark Fortune McDonald & Associates
P O Box 553
QUEENSTOWN

Dear Sir

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

J F INVESTMENTS- RM970272

I refer to your application for subdivision consent, lodged pursuant to Section 88 of the Resource Management Act 1991 to relocate four rural residential allotments which were approved under Resource Consent RM950829. This application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991.

The subject site is located at Closeburn Station, and is legally described as Sections 1 and 3, SO 24165 (CT 18A/931). The site is zoned Rural B in the Transitional District Plan, and zoned Rural Uplands and Area of Landscape Importance in the Proposed District Plan. The subdivision is a non-complying activity in terms of both Plans.

The application was considered on a non-notified basis in terms of Section 94 of the Resource Management Act 1991 because the adverse effects on the environment of the activity for which consent is sought was considered to be minor. There are no persons considered to be adversely affected by this activity.

Decision

Subdivision Consent is granted in terms of Sections 104 and 105 of the Resource Management Act 1991, subject to the following conditions imposed pursuant to Sections 108 and 220 of that Act:

- 1 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, together with associated standards and Codes of Practice to meet the acceptance of the Queenstown Lakes District Council's, Operations and Infrastructural Assets Manager.
- 2 That the subdivision proceeds in accordance with the plan of subdivisions submitted with the application and any amendments required by the conditions of this consent.
- 3 That prior to the commencement of any works on the subject land the consent holder shall provide to the Queenstown Lakes District Council for approvals, copies of specifications, calculations and design plans as is considered by the Council to be both necessary and adequate to detail the following engineering works required:
 - a) The provision of an adequate potable domestic water supply complying with the requirements of the Drinking Water Standards of New Zealand (1995). ✓
 - ✓ b) The provision for a separate water supply connection to each of the allotments created by the subdivider. ✓
 - ✓ c) The water supply shall be adequate to provide a minimum supply of 200 litres per person per day for each person likely to be accommodated on each new allotment. This shall be calculated on a site density of 5 persons per allotment. ✓
 - ✓ d) Each allotment shall provide for a minimum water storage capacity of not less than 23,000 litres which shall accommodate a minimum static fire fighting reserve of 14,000 litres at any one time. ✓
 - e) The storage tanks located on each allotment shall be buried into the ground so that the base is at least 1 metre below natural ground level. The exterior of the water tanks shall be painted Resene colour "Scrub" (British Standard 12B27). ✓
 ✓ The area surrounding each water tank is to be landscaped with native plant species from the list of plants contained in Appendix F of a report prepared by Peter Rough Landscape Architects (RM950829) to achieve a dense screen of vegetative cover around the tank area.
 - f) If a water permit for the supply of water to the allotments is not required in terms of the Resource Management Act 1991, then such a water supply is to be monitored in a manner and with consultation with the Queenstown Lakes District Council to determine the compliance with the Drinking Water Standards for New Zealand (1995). Monthly monitoring is required for a community water supply. All monitoring shall be at the cost of the consent holder. ✓
nearby ✓
 - ✓ g) If a water permit in terms of the Resource Management Act 1991 is required for a community water supply source for the allotments, then evidence shall be produced to the Queenstown Lakes District Council prior to any commencement of works on the site, or certification pursuant to Section 223

of the Resource Management Act 1991, of a satisfactory water permit for such a water source.

h) Sewage shall be disposed of on site by way of appropriately designed multi chamber septic tanks as recommended by the Royds Consulting Report submitted with the application. Effluent from the multi chamber septic tanks shall be disposed of on site using a separate stand alone or combined soakage field area designed to meet the recommendations of the Royds Consulting Report.

Speak to P.R.
i) Prior to any certification pursuant to Section 223 of the Resource Management Act 1991, the applicant shall provide evidence to the Queenstown Lakes District Council of satisfactory discharge permits in respect to any disposal fields which require such permits.

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

a) All allotments within the subdivision which are intended for residential use shall be provided with an underground power and telephone connection.

b) The following construction works shall be carried out:

(i) The access formation within (the Balance Area) shall be a minimum of 4.0 metres in width and shall be formed (metalled) to provide an all weather surface with adequate drainage being provided.

(ii) The access shall provide a minimum of 4 passing bays, between the entrance at the Queenstown-Glenorchy Road to the junction of the access road leading to Lots 3, 15 and 100.

(iii) The access shall be sealed for the first 40 metres length from the intersection with the Queenstown-Glenorchy Road.

c) All landscape planting within the Balance Area detailed in the report prepared by Mr Peter Rough, attached to the application, shall be established on the site.

d) All landscape planting within Lot 100 detailed in the report prepared by Mr Peter Rough, attached to the application, shall be established on the site.

e) That the applicant pay to the Council a reserves contribution of \$138.21 being the value of 130 metres of land for each allotment created by this subdivision, based on a valuation of \$450.00 per square metre.

f) Specific design proposals for the disposal of sewage from each allotment shall be approved by the Queenstown Lakes District Council's Manager of Operations and Infrastructure.

*Not appropriate for
Operations to consider*

→ Should be considered at BC stage

W.S. 24/4

- g) ✓ The submission of "As Built" plans required to detail water reticulation, and any communal sewerage disposal systems in relation to this subdivision, shall be forwarded to the Queenstown Lakes District Council for their records.

5 The following condition shall be expressed on the survey plan:

"That the balance of Certificate of Title 18A/931 hereon be held as to undivided one-twenty-seventh (1/27) shares by the owners of Lots 1-6, 8-21 hereon as tenants in common in the said shares, and that the balance of Certificate of Title 18A/931 hereon be held as seven one-twenty-seventh shares by the owner of Lot 100 hereon as a tenant in common and that individual certificates of title be issued in accordance therewith. (LRR.....)"

6 ✓ All necessary easements be duly granted or reserved.

7 A consent notice pursuant to Section 221 of the Resource Management Act 1991 is to be registered against the 21 undivided one- twenty first shares of the Balance Area requiring the landscaping and planting detailed within the report prepared by Mr. ✓ Peter Rough and attached to the application, relating to the Balance Area to be maintained in the described form.

8 A consent notice pursuant to Section 221 of the Resource Management Act 1991 is to be registered against the owner of the seven undivided one- twenty seventh shares of ✓ Lot 100, requiring the landscaping and planting detailed within the report prepared by Mr. Peter Rough and attached to the application, relating to Lot 100 to be maintained in the described form.

9 A consent notice prohibiting any further subdivision of the balance land for a period ✓ of 50 years from the date of this decision shall be registered against the title referred to in Condition 11 below.

10 a) ✓ A Management Company shall be established for the purposes set out in the application and expressed at the hearing, and as set out in conditions (b)-(c) below

b) ✓ The Management Company shall have 27 shareholders being the registered proprietors of each of Lots 1 - 21 and Lot 100 with Lot 100 containing seven shares. Ownership in the Company shall be compulsory for registered proprietors of each of Lots 1 - 21, and Lot 100.

c) The Management Company shall be responsible for the following:

✓ (i) The ongoing maintenance and funding for the maintenance of all roading within the subdivision, landscaping, water supply, sewage disposal, and maintenance of all Common Areas. Landscaping will be carried out in accordance with the plans presented with the application.

- (ii) ✓ The ongoing funding and maintenance of the Closeburn Station.

11 That the balance of the land contained within Closeburn Station being Sections 1, 32, Part 5, 29, Block 6, Mid Wakatipu Survey District, Section 1 and Part Section 5 SO 22364, and Part Run 707, Mid Wakatipu Survey District shall be held in one certificate of title.

Reasons for Decision

Consent for 21 allotments to be located on the subject site was granted 25 October 1996 (RC950829). The adverse effects associated with the relocation of four lots within this 21 lot subdivision were considered to be no more than minor. The conditions associated with this consent were imposed in order to remain consistent with the 1996 decision. A number of amendments were required to the conditions of the 1996 decision to allow for the creation of Lot 100 and the new location of Lots 4, 5, 6 and 15. ✓

Other Matters

The allotments to be used for residential purposes within the subdivision do not have legal road frontage. The Council has resolved an exemption from legal road frontage pursuant to Section 321 of the Local Government Act 1974. The resolution is inherent in the consent to subdivide the land.

The lot numbers for the conditions of land use consent do not correlate with the lot numbers for conditions of this subdivision consent. Council invites the applicant to apply for a variation of conditions pursuant to Section 127 of the Resource Management Act 1991 to remedy this situation.

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

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

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

Should you not be satisfied with the decision of the Council an objection may be lodged with the Council in writing 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 is received.

If you have any inquiries please contact Bruce Richards on phone 0800 453 333.

Yours faithfully

J Edmonds
DISTRICT PLANNER

Appendix 2

SNA overlay of Building Platforms

Lot 19 Deposited Plan 26634



Lot 4 Deposited Plan 26634



Lot 17 Deposited Plan 26634



Lot 14 Deposited Plan 26634

