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DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant: CLOSEKNIT LIMITED

RM reference: RM140504

Location: Closeburn Alpine Park, 31 Closeburn Road

Proposal: Consent is sought for the subdivision and redevelopment of sites

within the location known as the Closeburn Alpine Park, and located

upon land described as Lot 1 DP 20757.

The subdivision will adjust the boundaries of one Principal Unit, 13 Future Development Units, Accessory Units and Common Property. This will facilitate the creation of Unit Titles from the Future Development Units. Two additional Principal Units and associated Accessory Units will be created to provide for potential further development of the site. All lot sizes will be less than the required net area of 4000m2 for the Rural Residential zone and two additional saleable allotments will be created under the subdivision.

Consent is required for encroachments of revised units and buildings into the 6 metre setback from internal site boundaries, and for encroachments into the 10 metre road boundary setback.

Legal Description:

Future Development Unit 1 Deposited Plan 20841 and Accessory Unit 1 Deposited Plan 20841 (CUTR OT12B/1412), Future Development Unit 2 Deposited Plan 20841 and Accessory Unit 2 Deposited Plan 20841 (CUTR OT12B/1413), Future Development Unit 3 Deposited Plan 20841 and Accessory Unit 3 Deposited Plan 20841 (CUTR OT12B/1414), Future Development Unit 4 Deposited Plan 20841 and Accessory Unit 4 Deposited Plan 20841 (CUTR OT12B/1415), Future Development Unit 5 Deposited Plan 20841 and Accessory Unit 5 Deposited Plan 20841 (CUTR OT12B/1416), Future Development Unit 6 Deposited Plan 20841 and Accessory Unit 6 Deposited Plan 20841 (CUTR OT12B/1417), Future Development Unit 7 Deposited Plan 20841 and Accessory Unit 7 Deposited Plan 20841 (CUTR OT12B/1418), Future Development Unit 8 Deposited Plan 20841 and Accessory Unit 8 Deposited Plan 20841 (CUTR OT12B/1419), Future Development Unit 10 Deposited Plan 20841 and Accessory Unit 10 Deposited Plan 20841 (CUTR OT12B/1413), Future Development Unit 11 Deposited Plan 20841 and Accessory Unit 11 Deposited Plan 20841 (CUTR OT12B/1421), Future Development Unit 12 Deposited Plan 20841 and Accessory Unit 12 Deposited Plan 20841 (CUTR OT12B/1422), Future Development Unit 13 Deposited Plan 20841 and Accessory Unit 13 Deposited Plan 20841 (CUTR OT12B/1423), Future Development Unit 15 Deposited Plan 20841 and Accessory Unit 15 Deposited Plan 20841 (CUTR OT12B/1424), Unit 14 and Accessory Unit 14 and 17-26 Deposited Plan 20814B (CUTR OT12B/1425)

Zoning: Rural Residential

Activity Status: Non-complying

Notification: 29 October 2016

Closing Date of Submissions: 26 November 2016

Commissioners: Commissioner Denis Nugent

Date: 10 August 2016

Decision: Consent is granted subject to conditions

IN THE MATTER of the Resource

Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes

District Plan

AND

IN THE MATTER of Applications for Land Use

and Subdivision Consent lodged by Closeknit Limited

- RM140504

DECISION OF COMMISSIONER DENIS NUGENT

Introduction

- In 1986 the Council granted consent to an application under the Town and Country Planning Act 1977 to establish a camping ground with 13 camper sites and 12 cabins with associated facilities on Lot 11 DP 12816 at Closeburn. In 1988 the property was subdivided under the Unit Titles Act 1972. I will detail the nature of that subdivision below. At that time no consent was required from the Council for such a subdivision.
- Subsequently, proposed principal unit areas under the 1988 subdivision (Future Development Units or "FDU"s) were purchased and dwellings erected upon them. These invariably did not align with the boundaries of the principal units proposed in the 1988 subdivision. Only the original amenities block, Principal Unit 14, had a title issued and was consequently the only member of the Body Corporate.
- 3. The present owner of PU 14 has applied for subdivision and land use consents to regularise the Unit Titles situation for both itself and the owners of FDUs, and to erect two new dwellings on vacant FDUs, one of which will be used for visitor accommodation.
- 4. I have been delegated under s.34A of the Act the Council's powers to hear and decide these applications.

Hearing and Site Visit

- 5. I undertook my first site visit on 8th April 2015 accompanied by Mr Burt. On 20th and 25th November 2015 I undertook site visits unaccompanied.
- 6. The initial hearing was in Queenstown on 9th April 2015. That hearing was adjourned and reconvened on 25th November 2015 in Queenstown.

Appearances

For Applicant

- Mr W McKeague Legal Counsel
- Mr S Winter Surveyor
- Ms B McGaw Director of Applicant Company

Submitters

- Mr E & Ms H Rendel on their own behalf
- Mr T and Ms I Bonger on their own behalf (9 April 2015 only)

Council Officers

- Mr A Burt Reporting Planner
- Ms H Mellsop Consultant Landscape Architect (9 April 2015 only)
- Ms L Powell Committee Secretary (9 April 2015)
- Ms M Banhidi Committee Secretary (25 November 2015)
- 7. A letter from Mr & Ms Bonger was tabled at the 25 November hearing.

Background

- 8. As I outlined above, this application involves land which was originally consented as a camping ground, having portions sold off as Future Development Units on a Unit Title plan, most of which subsequently had dwellings erected upon them, creating a mixture of camping ground and permanent accommodation on what is ostensibly a rural residential property.
- 9. The owners of the dwellings held FDUs only without the prospect of obtaining full unit titles as the built area and principal units defined did not align. Without full

unit titles these owners were denied membership of the body corporate. The one full unit title for PU 14 and AU 14 contained an amenity block for the camping sites. I note that it was not apparent from my site visit that the building was being used as an amenity block at that time.

- 10. It appeared that the dwellings had been lawfully erected in terms of building permits and consents. The applicant, as owner of PU 14, reached agreement with the owners of the thirteen FDUs to regularise their situation while making adjustments to the remaining camping sites so as to enable erection of an additional house and visitor accommodation. This formed the basis for the application.
- 11. As initially lodged the application was merely for subdivision consent and did not seek land use consent for the additional land uses, nor to regularise any deficiencies in relation to the existing dwellings that was not covered by consents or existing use rights under s.10 of the Act. At the initial hearing I raised a concern that without dealing with the land use aspect concurrently with the subdivision, the existing situation may not be resolved, but left only marginally different from that existing today. The applicant sought an adjournment to enable it to prepare appropriate materials to cover the land use issues. This was granted.

The Application

- 12. As originally lodged, the applicant merely sought a subdivision consent described as follows:
 - 1. To update the boundaries of the unit currently with a full unit title being PU 14 and AU 14, and the changes to the common property, on a redevelopment plan pursuant to s.68-71 [Unit Titles Act 2010];
 - 2. To tidy up the existing situation for the thirteen owners that currently hold future development unit titles. These owners have no immediate prospect of obtaining full unit titles to their properties or to becoming body corporate members. (The only unit owner that can legally be a full participant in the body corporate is Unit 14):
 - 3. To consolidate the ten service camping site Accessory Units 17-26 (campervan/bus sites) which are fully titled with Unit 14 into two principal units with curtilage.

- 13. This involved the substitution of the existing Unit Title Plans with a new Proposed Unit Development Plan and First Stage Unit Plan consistent with the consent plans lodged.
- 14. On 24 August 2015 the applicant submitted information to further identify the land use consents necessary to advance the proposed development, with additional information being provided on 31 August 2015. In assessing this material, Mr Burt treated the material as an expansion of the proposal, rather than separate applications. Mr Burt considered whether this material constituted a revised application outside the scope of the original application as discussed in his s.42A report dated 27 March 2015. He concluded that no further persons were affected by the expanded proposal.
- 15. The hearing was reconvened on 25 November 2016 and the evidence presented by the applicant included assessment of the effects of both the proposed land uses and the subdivision. As modified by the end of the hearing the proposal involved:
 - a) The creation of Principal Units consistent with the building footprints for 12 existing dwellings (PUs 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 15);
 - b) The creation of Accessory Unit 8A consistent with the building footprint of the existing residential flat associated with PU8;
 - c) The creation of PU7 for the erection of a future dwelling (although land use for this dwelling was not sought as part of this application);
 - Amendment to PU14 to fully contain the existing building and land use consent to use that building for residential purposes;
 - e) The removal of Accessory Units 17-26 DP 202841B and replacement of them with PU9, AU9A, PU16, AU16A and AU16B;
 - f) Land use consent to erect a dwelling on PU9 and a dwelling/visitor accommodation unit on PU16;
 - g) A right of way easement over AU9A to facilitate access to PU16 and AU16A;
 - h) Various adjustments between the Accessory Units and the Common Property to provide appropriate curtilage areas for each dwelling.
- 16. To the extent that any of the existing dwellings (other than PU14) were not adequately consented, this application did not propose to rectify that situation. It

was expected that individual FDU owners could individually address any such issues to be able to apply for an 'ordinary' unit title (not a FDU title).¹ Mr Winter produced evidence supporting his opinion that the existing buildings (other than two which I describe below) did have appropriate approvals and consents from the Council.²

- 17. Following the hearing, the applicant placed the application on hold. On 11 July 2016 the applicant requested the application come off hold and provided a draft set of conditions and revised plans.³ By way of Supplementary Evidence from Mr Winter dated 19 July 2016, the application was revised as follows:
 - a) Those parts of the redevelopment proposal on unit 16 entailing five (5) camper sites and a flat within the manager's residence were deleted from the application;
 - b) All aspects relating to visitor accommodation were removed from the application;
 - c) Unit 16 was amended to be a single level, 3-bedroom residential unit occupying the same footprint as the two level design submitted at the hearing.
- 18. In opening the applicant's case at the first hearing, Mr McKeague advised that the existing camping ground consent would be surrendered. The draft conditions lodged by the applicant on 11 July 2016 included a condition surrendering Consent 86/14 issued on 7 May 1986 to use the site as a camping ground.⁴
- 19. Mr Winter also provided evidence of agreement reached by the applicant with Mr and Ms Rendel, and of Mr Bonger having no further interest in the application. However, these submitters did not withdraw their submissions.

Scope of Amended Application

20. It is permissible for an applicant to amend an application so long as the amendments do not go beyond the scope of the original application. This is generally assessed in terms of whether there is any increase in the scale and intensity of the activity, or by significantly altering the character and effects⁵; and

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S Winter, Evidence, paragraph 62, p.17

² ibid, paragraphs 18 to 27 inclusive

Landscaping plans and plans for Units 9 and 16 dated 28 February 2016 and subdivision plans prepared by Patterson Pitts Group Revision H dated 6 July 2016

⁴ Proposed Condition 6 in Draft Conditions submitted by the applicant on 11 July 2016.

⁵ Darroch v Whangarei DC A18/93

whether the change could materially affect one or more persons who have not submitted on the application.⁶

- 21. There have been a series of changes to this application since it was first lodged. The most notable change was the incorporation of the material related to land use consents for the additional dwellings and visitor accommodation. While on the face of it that may have been considered to significantly alter the character and effects of the proposal, the proposed uses were described in the subdivision application. Indeed, the submitters were all concerned in large part with the land use aspects of the proposal rather than the subdivision aspects.
- 22. Following that amendment, the subsequent changes have been focused on reducing the effects of the proposal and excising aspects of the land use proposal.
- 23. Having considered the nature of the various amendments and how they may affect persons beyond the site in the context of the legal tests described above, I am satisfied that the amendments are not of such a nature as to materially affect any persons who have not submitted on the application.
- 24. Having reached that conclusion, it is the application as modified by the material provided on 11 and 19 July 2016 that I have assessed.

The Environment

The Site

- 25. The site comprises some 1.8646 ha located between Closeburn Road and Queenstown-Glenorchy Road, Glenorchy Rural. Access it from Closeburn Road only. The site is roughly rectangular, with the north-south boundaries being some 171m (eastern) and 210 m long, with frontage of some 100 m to Closeburn Road and 103 m to Queenstown-Glenorchy Road. The land slopes from north to south, with the highest point being the northeast corner, and the lowest the southwest corner.
- 26. As I have mentioned above, there are a number of dwellings spread across the site, each with an amount of planting in its own curtilage. In addition, there are some of the original cabins from the camping ground, a garage near Closeburn Road, various connections for camper vans, and metal driveways giving access to all these features. Along the southern half of the western boundary and into the southwest corner is the new effluent disposal system, comprising septic tanks

⁶ Haslam v Selwyn DC [1993] 2 NZRMA 628 and Mills v Queenstown Lakes DC [2005] NZRMA 227

and wastewater treatment disposal field. A bore in the northwest corner contributes to the water supply for the site.

Surrounding Environment

27. To the west the land is lower than the application site, and in pasture. To the west and across Closeburn Road there is a handful of dwellings on rural-residential size holdings. The hills to the north and the south (across Queenstown-Glenorchy Road) are largely clad in wilding pines.

Reasons Consent is Required

- 28. The site is zoned Rural Residential under the Operative District Plan ('ODP'). The Proposed District Plan ('PDP') was notified on 26 August 2015. The site is zoned Rural Residential under this Plan. The operation of s.86B of the Act means that the rules in the Proposed District Plan do not apply to this application.
- 29. Consent is required under the ODP as follows:

Land use consent

- a) The addition, alteration or construction of buildings controlled activity –
 Rule 8.2.2.2 i(i)
- b) Building coverage exceeding the 15% limit set by Site Standard 8.2.4.1 i for Units 4 and 5 **restricted discretionary activity** Rule 8.2.2.3 iv
- c) Buildings within the 6m internal boundary setback required by site standard 8.2.4.1 ii **restricted discretionary activity** Rule 8.2.2.3 iv
- d) Earthworks related to the establishment of the residential dwelling on Unit 16 exceeding 400m³ **restricted discretionary activity** Rule 22.3.2.3
- e) The vehicle crossing providing access to Units 9 and 16 breaches Site Standard 14.2.4.2 ii **discretionary activity** Rule 14.2.2.3 ii

Subdivision consent

- a) Controlled activity consent pursuant to Rules 15.2.7.1 15.2.18.1
- b) Breach of Site Standard 15.2.6.2 ii which requires each site to contain a 30m x 30m square **restricted discretionary activity** Rule 15.2.3.3 i
- c) Breach of Zone Standard 15.2.6.3 i (a) which sets a minimum lot size of $4000\text{m}^2 \text{non-complying activity} \text{Rule } 15.2.3.4 \text{ i.}$

- 30. Overall the application is to be considered as a non-complying activity.
- 31. In understanding the compliance with the various standards, it is necessary to refer to the definitions of "lot" and "site" in the Operative District Plan.

Lot: For the purpose of subdivision means a lot, two or more adjoining lots to be held together in the same ownership, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 1972, lot shall have the same meaning as site.

Site: Means: (relevantly)

1. An area of land which is:

. . . .

Except:

...

in the case of land subdivided under Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and

. . .

- 32. The effect of these definitions is to deem each principal unit and associated accessory unit as a site, meaning that zone standard 8.2.4.2 viii(a), which requires that for each allotment of area less than 8,000m² there shall only be 1 dwelling, is complied with in respect of each unit. While Unit 8 may contain two dwellings, these have consent and no change is proposed to the land use aspect of Unit 8.
- 33. The definition of site is also such as to cause each dwelling, except AU8A, to breach the internal boundary setback of 6m. The dwelling on Unit 1 breaches the road setback of 10m, but evidence from Mr Winter established that building received the appropriate Council consents and permits in 1989⁷. I accept it has existing use rights under s.10 of the Act in respect of the road setback breach.
- 34. Mr Winter's evidence also established that, with two exceptions, all existing buildings had a valid building consent and valid planning approval or resource consent. The exceptions were:
 - a) Unit 7, which was vacant other than a small unconsented and un-serviced hut; and

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Closeburn Alpine Park Redevelopment (RM140504) – The Existing Units, Steve Winter, 29 August 2015

- b) Unit 14, which is occupied by an amenities building which has building and planning approvals, but does not have consent to be used as a residential unit.
- 35. No consent was sought in respect of Unit 7, but land use consent was sought to use Unit 14 as a residential unit in place of the amenity building.
- 36. I note that the application was termed a boundary adjustment by the applicant. Although in a technical sense that may correct, in that the boundaries of the various units are being amended, Rule 15.2.6.3 i (b) requires that the resulting lots comply with the minimum lot size requirements for the zone. That is not achieved in respect of any unit.

Relevant Statutory Provisions

- 37. As a non-complying activity it is necessary for the application to pass one of the threshold tests of s.104D before I can consider the application under s.104. If I reach the conclusion consent can be granted, I can impose conditions under s.108 and s.220.
- 38. There are no matters of national importance under s.6 of the Act that are relevant, nor was any matter under s.8 brought to my attention. I will discuss the relevant matters under s.5 and s.7 when considering the application under s.104.
- 39. No provision in the Regional Policy Statement was brought to my attention.

Existing Environment and Permitted Baseline

- 40. The only permitted activities available on the site are those associated with pastoral farming other than the erection of any buildings, and less than 400 m³ of earthworks. These are of limited relevance to this application and I use my discretion under s.104(2) to not consider the permitted baseline.
- 41. The existing environment comprises the existing buildings and campervan parks along with the 1988 unit titles subdivision as shown in Appendix 7 to the application.⁸ In addition to this is the wastewater treatment disposal field and driveways on Sheet 3 in Appendix 8 to the application.⁹

Plan showing Relationship of Actual Dwellings to the Principal Units Defined on DP 20841A, Patterson Pitts Drawing Q.5247.03.28, 29 April 2009

Proposed Subdivision (Boundary Adjustment) and Redevelopment of Units on DP 20841/A Closeburn Alpine Park, Closeknit Limited – Existing & Proposed Features, Patterson Pitts Drawing Q5786A-12 Sht 3, 16 April 2014

Notification

- 42. The application was publicly notified. Two submissions in opposition to the application were received and one neutral submission.
- 43. I have reviewed all the submissions received, and had the benefit of hearing from Mr and Ms Rendell at the hearing.

The Evidence

- I had the benefit of a s.42A report prepared by Mr Burt accompanied by a landscape assessment (by Ms H Mellsop) and engineering report (by Mr M Wardill). These were prepared and circulated for the April 2015 hearing. In this report it was Mr Burt's opinion that consent should be refused, primarily due to the addition of Units 9 and 16 and the inclusion of visitor accommodation in the proposal.
- 45. For the November 2015 hearing Mr Burt provided no further evidence other than an opinion on the ability to include the land use matters within scope of the original application. Supplementary landscape and engineering reports were provided.
- 46. Other than receiving the s.42A report, no evidence was heard in the April 2015 hearing prior to my agreeing to adjourn the hearing at the applicant's request.
- 47. At the November 2015 hearing Mr McKeague presented written submissions largely related to the implications of s.104(3)(a)(ii) where all of the existing owners of FDUs provided written approval. As several withdrew those written approvals prior to the November hearing I need not deal with that issue. Mr McKeague also orally advised that if consent were granted, the applicant would surrender the 1986 consent (Ref: 86/14) for a camping ground.
- 48. Mr S Winter, a Queenstown-based surveyor, provided evidence on the historic consent situation with regard to the various buildings on the site. This evidence supplemented and expanded that provided by Mr Burt in his April s.42A report. It was his evidence that, as the various dwellings were erected in accordance with Council advice, and received building permits or consents, they were lawfully established. The exception being the shed on Unit 7. It was also his evidence that the logical approach to PU14, AU14 and Accessory Units 17 26 was the reorganisation scheme proposed, including the residential use of PU14, as all of those units were locked up in the camping ground use of the property, which it was no longer appropriate to retain.

- 49. Mr Winter provided evidence of amendments made to the orientation of buildings in an attempt to mitigate effects on the Rendels, and discussed amendments to the draft conditions provided in the April s.42A report.
- 50. Mr and Ms Rendel jointly presented a statement. While they expressed their dissatisfaction with the way the Council had allowed a camping ground to turn into a group of residential buildings, they did state that they would

"be prepared to accept the addition of PU109 and PU116 on the basis that only <u>small single family residential dwellings are allowed, no Tourist Accommodation, and enforceable rules are put in place</u> which also prevent further subdivision of any of the 1.86 ha property or any larger scale development within the subdivision."¹⁰

- 51. Much of the Rendel statement was concerned with the effects of visitor accommodation within the proposal. Now that activity has been removed by the applicant, the adverse effects raised by the Rendels are limited to visual amenity and smoke pollution from wood fires. In terms of visual amenity issues, they considered design controls were required over the entire property.
- 52. They noted that smoke pollution in this area is an issue and sought that solid fuel burners be limited in number and that outdoor fires be restricted. They noted in particular such a fire on PU111 which already affects them in the summer months.
- 53. Mr McKeague and Mr Winter undertook to work with Mr Burt to refine the draft conditions taking into account the amendments the applicant had made.
- 54. The final piece of evidence I received was the Supplementary Evidence of Mr Winter dated 19 July 2016 in which he outlined the way in which the application had been further modified and confirmed that the plans and proposed conditions lodged with the Council on 7 July 2016 represented the applicant's amended proposal. I additionally received email correspondence confirming that Mr Bonger no longer had any interest in the application, and that the Rendels accepted the revised application as satisfying their concerns.

Issues in Contention

55. It is apparent there is little at issue between the applicant, the submitters and the reporting officers provided the conditions agreed between them are imposed. I note that the Otago Regional Council submission related to air quality in relation

E & H Rendel Hearing Presentation, 25 November 2015, page 2. Underlining in original.

to domestic heating options. That has been dealt with in the conditions in respect of Principal Unit 116, but not otherwise. The Regional Council's submission can be the subject of an advice note on the consent.

56. The matters to consider are the effects of the application on the environment, and how the application measures up to the objectives and policies of the Operative District Plan (ODP) and Proposed District Plan (PDP).

Effects on the Environment

Beneficial Effects

- 57. The existing situation in the Closeburn Alpine Park is unsatisfactory for the owners of the existing residential units. Without the boundary adjustments proposed by this application, these owners are unable to achieve full ownership of their principal units, accessory units, and share of the common property under the Unit Titles Act 2010. They are also precluded from being members of the body corporate applying to the development.
- 58. While technically I am precluded from considering any effects on some of these owners (Units 4, 6, 8, 9, 12 and 15) due to the operation of s. 104(3)(a)(ii), I am able to consider the beneficial effects on the owners and occupiers of Units 1, 2, 3, 5, 7, 10, 11 and 13, as well as the beneficial effects on the community at large arising from the regularisation of such an anomaly. The positive benefits that will accrue include security of tenure for unit holders, the ongoing involvement of all unit holders in maintaining the internal access, the effluent disposal system, and the landscaping on the common property.
- 59. Allowing the erection of dwellings on Units 9 and 16, and the regularisation of the residential use of Unit 14, facilitate the overall regularisation of the development, as well as providing the opportunity for the former camping ground use of the property to be brought to an end. Accessory Unit 16A presently contains remnants of the camping ground activity which detract from the general amenity values of the area. The removal of those and replacement with the building for which consent is sought on Unit 16 will improve the amenity values of the site¹¹ and the immediate neighbourhood, both visually and by removing the potential for the existing buildings and bus to be used as visitor accommodation.

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Visual Amenity Effects

- 60. Ms Mellsop's report advised that the buildings proposed on PU9 and PU16 would not likely be visible from neighbouring dwellings to the north and east and would not obscure views from the surrounding properties, or result in domination of the neighbouring hoses. She was satisfied that with adequate landscaping along the Closeburn Road boundary, any visual effects from the road could be mitigated.
- 61. Having visited the site and considered the location of the two new buildings, I concur with that analysis, and conclude that visual amenity effects will be negligible.

Landscape Effects

- 62. Ms Mellsop assessed the site as forming part of the Outstanding Natural Landscape District-Wide (ONL-DW), notwithstanding its location within the Rural Residential Zone. Ms Mellsop relied on a legal opinion from 2007¹² in arriving at this conclusion.
- 63. While in the broad sense Ms Mellsop is correct, the surrounding landscape forms part of the ONL-DW, the site itself is intensively developed and is adjoined by rural-residential development. Furthermore, the ODP identifies that the Rural-Residential Zone is applied in areas capable of absorbing development.
- 64. While the legal opinion Ms Mellsop relied on suggested that landscape classification under Part 4 of the ODP could be relevant for applications for discretionary or non-complying activities in zones other than Rural General¹³, that advice was tempered with the words "it will depend on the nature of the activity for which consent is sought as to whether Part 4 considerations will be "relevant"."
- 65. I am satisfied that the existing level of development on this site means that Part 4 matters are of minor relevance. It would be a different situation is the application was to create 16 new dwellings on an undeveloped Rural-Residential site of 1.86 ha. It is necessary to accept that the existing development, including the camping ground consent, is a historical reality. The question to be determined is whether the changes sought by the applicant would adversely affect the wider landscape values?

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Landscape Classification – Land Other Than Rural General Zone, MacAlister Todd Phillips, 12 February 2007

¹³ ibid, p.4

66. I take Ms Mellsop's conclusions in paragraph 21 of her report to indicate that the two new dwellings proposed, subject to the conditions suggested, would have little or no adverse effects on the wider landscape values.

Access

- Mr Wardill assessed the access from Closeburn Road. The only issue related to the angle at which the access from Unit 16 intersected the road boundary and combined with the remaining site access within the road reserve. In his supplementary report of 18 November 2015 he was satisfied that with the reduced number of visitors to Unit 16 any issues could be addressed by condition, rendering the effects minor. Since that report was prepared the applicant has removed the visitor accommodation aspect of Unit 16, further reducing the traffic movements. Thus, any effects will be less than Mr Wardill assessed.
- 68. Internal vehicle access was also considered by Mr Wardill. He noted the need to ensure adequate fire fighting access to each of the principal units required the imposition of conditions requiring minimum formation and obstruction clear widths. Such conditions have been agreed between the reporting officers and the applicant.
- 69. With the application of the proposed conditions, the effects of the proposal on access are minor.

Services

70. These matters have been addressed by Mr Wardill. He is satisfied that with the application of conditions as proffered, there will be adequate services provided to each principal unit and sufficient water will be available for fire fighting purposes.

Effects of Earthworks

- 71. Mr Wardill considered the potential effects of the earthworks associated with the development of AU9 and AU16 in terms of stability, dust and sediment. He was satisfied that with the application of conditions, these effects would be minor.
- 72. Ms Mellsop was satisfied that the effects of the earthworks on the visual qualities and amenity values of the surrounding landscape would be adequately mitigated.

Overall Conclusion Regarding Effects

73. I am satisfied that, after taking in consideration the application of conditions, the adverse effects of the proposal are minor and outweighed by the overall beneficial effects of the proposal.

Objectives and Policies of the Operative District Plan

- 74. I have considered the objectives and policies in Parts 4, 8 and 15 of the ODP. If this were a fresh application on a bare site for this overall proposal, it would clearly be contrary to the objectives and policies of the Plan. However, given the existence of 15 buildings on the site capable of residential use and the remaining camping ground consent, this proposal is better portrayed as inconsistent with those objectives and policies.
- 75. The addition of two new residential dwellings and the cancellation of the camping ground consent will mean that a semi-urban form of development with a density of one dwelling per 1,100 m² is located in an area where the policy direction is development at a density of 1: 4,000 m². When considered against the objectives and policies of the Rural Living areas, the proposal is not rural living, although it does involve living in a rural area; it is self-sufficient in water and waste-water services; buildings are not adequately set back from property boundaries; and the new buildings minimise adverse effects on visual amenity values.
- 76. In terms of the objectives and policies of Part 15, the proposal does provide for adequate servicing, but the lot sizes and dimensions do not provide the level of amenity for each dwelling that would generally be expected in the zone.
- 77. Given the nature of the existing environment I conclude the proposal is not contrary to the objectives and policies of the Plan, nor is it supported by them.

Objectives and Policies of the Proposed District Plan

- 78. The PDP was notified in August 2015. No decisions have been made on submissions, thus the plan is at a very early stage in the process.
- 79. The overall policy direction of the PDP is not dissimilar to the ODP in that it seeks the concentration of urban development within defined urban areas, and the protection of the district's outstanding natural landscapes. The policies relating to landscapes are more explicit in seeking to limit the effects on landscape values resulting from incremental subdivision and development changes.

- 80. The land is zoned Rural Residential in the PDP. The objectives and policies promote residential use, but at a density lower than exists on this site. They also provide for controlling the design and landscaping of buildings to maintain and enhance landscape values, and seek to ensure that developments are self-serviced.
- 81. Taking into account the existing environment and the conditions suggested, the proposal is not inconsistent with these objectives and policies, and is not contrary to them. I do note, however, that these objectives and policies can be given very little weight.

Section 104D Determination

82. Having considered the adverse effects of the proposal, and the objectives and policies of both the operative and proposed district plans, I am satisfied this proposal passes the threshold test of s.104D and I am able to consider it under s.104.

Section 104 Assessment

- 83. I have considered the effects of the proposal on the environment and concluded that, on balance, they would be positive. Given that the proposal involves the regularisation of the subdivision pattern with previous council consents and approvals, along with land use changes which should removal of the potential for further inconsistencies to occur, I consider the misalignment of the proposal with the objectives and policies of the ODP to be of minor consequence. It appears that the majority of the existing development on the site predates the application of the Rural Residential zone to the site. The historical circumstances of the development of this site has created an exceptional situation that the Plan could not be expected to support.
- 84. The applicant proposes conditions on the additional dwellings within this application that have a consistent effect with development in the zone, albeit at a greater intensity.
- 85. I am satisfied that there are no matters in Part 2 of the Act which require separate consideration because they have not been adequately dealt with in the District Plan.
- 86. On the whole, subject to the application of appropriate conditions, I conclude that granting consent would represent sustainable management of the natural and physical resources of the site.

Conditions

- 87. Mr Winter has lodged a set of proposed conditions which I understand have been agreed with Mr Burt and the Rendels. I have reviewed these and find them generally appropriate, subject to some minor changes.
- 88. Proposed land use condition 6 reads:

The Town and Country Planning Act 1977 consent (Ref 86/14), issued on 7 May 1986 to use the site for a camping ground is now cancelled.

- 89. There are a number of issues with this condition. First, the cancellation of a consent under s.126 of the Act can only occur if the resource consent has been exercised in the past but has not been exercised during the preceding 5 years. I have neither the evidence to show that the consent has not been exercised for 5 years, nor the delegated powers to cancel the consent.
- 90. The Act provides in s.138 for a consent holder to surrender a consent. I understand from Mr McKeague's submissions for this to be the intention of the applicant. I do not hold the delegations to accept a surrender of consent under s.138, but it is within my powers to require that the camping ground consent be surrendered before the land use consent commences.
- 91. Subdivision consent condition 11(c) refers to existing ground level. I will insert the date of this decision to clarify that it is the ground level as of that date which is to be complied with.
- 92. Subdivision consent condition 11(f)(v) limits building coverage. This needs clarification that for the purposes of this condition, the area of the site comprises the sum of the areas of the principal unit and associated accessory units, but not any share in the common property.
- 93. Finally, the Regional Council submission sought that the consent makes clear that in choosing domestic heating options, consent holders need to comply with the National Environmental Standard for Air Quality and the Regional Plan: Air. This should be included in an Advice Note on each consent.

Decision

- 94. Pursuant to sections 104 and 104B of the Resource Management Act 1991 consent is granted to Closeknit Limited as follows:
- 95. Land use consent to:

- a) construct a residential building on Unit 9 on the Unit Redevelopment Plan of Lot 1 DP 20757 on DP 20841 consented by this decision;
- construct a residential building on Unit 16 on the Unit Redevelopment Plan
 of Lot 1 DP 20757 on DP 20841 consented by this decision;
- c) alter an existing building on Unit 14 DP 20841B held in Computer Freehold Register OT12B/1425 and allow the building to be used for residential purposes;

all at 31 Closeburn Road, Queenstown, and subject to the conditions set out in Appendix A.

96. Subdivision consent to lodge a new Substituted Proposed Unit Development Plan and Redevelopment Unit Plan (being a Redevelopment of the Stage 1 Unit Plan) of Lot 1 DP 20757 being Units 1-8 & 10-15 on DP 20841 at 31 Closeburn Road, Queenstown, subject to the conditions set out in Appendix B.

Dated 10 August 2016

Lugart

Denis Nugent

Independent Hearing Commissioner

APPENDIX A – LAND USE CONSENT CONDITIONS

General Conditions

- 1. This consent shall not commence until Consent 86/14 dated 7 May 1986 is surrendered in accordance with s.138 of the Resource Management Act 1991.
- 2. That the development must be undertaken/carried out in accordance with the plans:
 - 'Closeburn Alpine Park RC Landscape Masterplan; February 28, 2016'
 - 'Closeburn Alpine Park RC Units 9 and 16 Landscape Plan; February 28, 2016'
 - 'Closeburn Alpine Park RC Unit 9 Floor Plans, North and South Elevations, East and West Elevations; August 23, 2015, except that Unit 9 is to have a finished floor level of 92.1m, being 0.5metres lower than the finished floor level of 92.6m shown on the design plans'
 - 'Closeburn Alpine Park RC Unit 16 Floor Plan, North and West Elevations, East and South Elevations; February 28, 2016'
 - 'Alteration to U14; Plan "E" limited to the dormer roof and deck elements contained in the 'revision clouds' for 'Alteration to U14'
 - Proposed Subdivision (Boundary Adjustment) and Redevelopment of Units on DP 20841/A, Closeknit Limited – Proposed Unit 9 and Unit 16 – Q5786A-12 Sheets 1-6 Rev H; 6 Jul 2016.

stamped as approved on 10 August 2016

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 3. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 4. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
- 5. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link: http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/

6. The approved landscape plans [Landscape Plan for Units 9 and 16 and Landscape Masterplan, both dated February 28, 2016] shall be implemented within the first planting season from commencement of construction on either of the units. The landscaping shall thereafter be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced in the next available planting season.

 Within three months of commencement of construction of any other building on AU16A the Skyline garage currently located within the road boundary setback shall be removed.

To be completed prior to the commencement of any works on-site

- 8. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
- 9. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented <u>prior</u> to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

To be monitored throughout earthworks

- 10. No permanent batter slope within the site shall be formed at a gradient that exceeds 1:1.
- 11. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 12. No earthworks, temporary or permanent, are to breach the boundaries of the site

On completion of earthworks

- 13. On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall ensure that either:
 - a) Certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer;

or

b) The foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

To be completed when works finish and before occupation of any building

- 14. On completion of the earthworks and prior to occupation of any building, the consent holder shall complete the following:
 - a) The provision of a water supply to Principal Units 9 & 14 & 16 in terms of Council's standards and connection policy. The supply shall be capable of providing at least 1,200litres/day to each Principal Unit.

- b) The provision of a foul sewer connection from each Principal Unit to the onsite wastewater system installed under Building Consent BC130116. The costs of making these connections shall be borne by the consent holder.
- c) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- d) The consent holder shall construct a sealed vehicle crossing into the development from Closeburn Road, capable of providing two-way traffic, to be in terms of Diagram 2, Appendix 7 of the District Plan. The sealed area shall continuously extend to include all intersections servicing the development located within the Closeburn Road reserve. The crossing shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
- e) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- f) The Principal Units shall be serviced with a minimum of 20,000 litres at all times as a static firefighting reserve. Alternatively, a 7,000 litre firefighting reserve is to be provided in association with a domestic sprinkler system installed to an approved standard.

A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located not more than 90 metres, but no closer than 6 metres, from any Principal Unit on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of at least 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed units provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance as shown on 'Fire Fighting Access' plan (PPG, drawing Q5786A-12, sheet 5GD, 18 Nov 2015). The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per QLDC's Land Development and Subdivision Code of Practice). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method.

15. The exterior of the existing garage, or a garage which replaces the existing garage, on Accessory Unit 16 shall be finished in a colour that appears appropriately recessive (less than 36% light reflectance value) in the context of the surrounding landscape over all seasons of the year, and is in the natural range of browns, greens or greys.

Advice Notes:

- Land use consent for the dormer roof on unit 14 flatter than 35% does not provide a precedence for similar structure designs on other units. The roof design for Unit 14 was the subject of agreement from all FDU owners at the time of application for this consent.
- Any domestic heating option choosen for a residential unit must comply with the National Standard for Air Quality and the Regional Plan: Air. The Otago Regional Council is able to provide advice as to how this may be achieved.

APPENDIX B: SUBDIVISION CONSENT CONDITIONS

General Conditions

- 1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Closeburn Alpine Park RC Landscape Masterplan; February 28, 2016'
 - 'Closeburn Alpine Park RC Units 9 and 16 Landscape Plan; February 28, 2016'
 - 'Closeburn Alpine Park RC Unit 9 Floor Plans, North and South Elevations, East and West Elevations; August 23, 2015, except that Unit 9 is to have a finished floor level of 92.1m, being 0.5metres lower than the finished floor level of 92.6m shown on the design plans'
 - 'Closeburn Alpine Park RC Unit 16 Floor Plan, North and West Elevations, East and South Elevations; February 28, 2016'
 - 'Alteration to U14; Plan "E" limited to the dormer roof and deck elements contained in the 'revision clouds' for 'Alteration to U14'
 - Proposed Subdivision (Boundary Adjustment) and Redevelopment of Units on DP 20841/A, Closeknit Limited – Proposed Unit 9 and Unit 16 – Q5786A-12 Sheets 1-6 RevH; 6 Jul 2016.

stamped as approved on 10 August 2016

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

Engineering Conditions

- 3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.
- 4. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed except as required by condition 8. This consent may be progressed in the following stages:
 - Stage 1: Principal Unit 1 with Accessory Unit.
 - Stage 2 Principal Unit 2 with Accessory Unit.
 - Stage 3 Principal Unit 3 with Accessory Unit.
 - Stage 4 Principal Unit 4 with Accessory Unit.
 - Stage 5 Principal Unit 5 with Accessory Unit.
 - Stage 6 Principal Unit 6 with Accessory Unit.
 - Stage 7 Principal Unit 7 with Accessory Unit.
 - Stage 8 Principal Unit 8 with Accessory Unit(s).
 - Stage 9 Principal Unit 9 with Accessory Unit.

- Stage 10 Principal Unit 10 with Accessory Unit.
- Stage 11 Principal Unit 11 with Accessory Unit.
- Stage 12 Principal Unit 12 with Accessory Unit.
- Stage 13 Principal Unit 13 with Accessory Unit(s)
- Stage 14 Principal Unit 14 with Accessory Unit
- Stage 15 Principal Unit 15 with Accessory Unit.
- Stage 16 Principal Unit 16 with Accessory Unit(s).

The stages set out above may be <u>progressed in any order</u> and <u>combined in any order</u>, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991 notwithstanding that the subdivision works identified in Condition 8 must be completed for the first stage progressed.

To be completed prior to the commencement of any works on-site

- 5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
- 6. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) The provision of an unsealed access way to all hardstand areas as shown on the 'Fire Fighting Access' plan (PPG, drawing Q5786A-12, sheet 5GD, 18 Nov 2015), that complies with the guidelines provided for in Council's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of this resource consent. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width and 4m clear obstruction free width. Provision shall be made for stormwater disposal from the carriageway.

To be completed before Council approval of the Survey Plan

- 7. Prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - b) The survey plans associated with AU10 and AU16 shall provide a minimum clear width of 4m between those units.

To be completed before issue of 224(c) certificate for the first stage progressed

- 8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for the first stage progressed, the consent holder shall complete or submit evidence that the following have been completed:
 - a) That the onsite wastewater system installed under Building Consent BC130116 is commissioned and operating
 - b) The completion and implementation of all works detailed in Condition 6(a) 'Fire Fighting Access' above.
 - c) The construction of a sealed vehicle crossing into the development from Closeburn Road, capable of providing two-way traffic, to be in terms of Diagram 2, Appendix 7 of the District Plan. The sealed area shall continuously extend to include all intersections servicing the development located within the Closeburn Road reserve. The crossing shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
 - d) That all outdoor fires and all wood or coal fired burners, barbeques and ovens located outdoors (for the entire development) be removed or otherwise converted to a gas burner type only.
 - e) That the two structures described as "cabins" and the bus currently sited on proposed Accessory Unit 16A shall be removed.

To be completed before issue of 224(c) certificate

- 9. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with the stage at the consent holder's cost. This information shall be formatted in accordance with Council's 'asbuilt' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals, toby positions, and firefighting storage).
 - b) The completion and implementation of all works detailed in Condition (7) above.
 - c) The provision of a water supply to each Principal Units in terms of Council's standards and connection policy. The supply shall be capable of providing at least 1,200litres/day to each Principal Unit.
 - d) The provision of a foul sewer connection from each Principal Unit to the onsite wastewater system installed under Building Consent BC130116. The costs of making these connections shall be borne by the Principal Unit owner.
 - e) Every Principal Unit shall be serviced with a minimum of 20,000 litres at all times as a static firefighting reserve. Alternatively, a 7,000 litre firefighting reserve is to be provided in association with a domestic sprinkler system installed to an approved standard.
 - A firefighting connection in accordance with Appendix B SNZ PAS 4509:2008 is to be located not more than 90 metres, but no closer than 6 metres, from any

Principal Unit on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of at least 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed units provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance as shown on 'Fire Fighting Access' plan (PPG, drawing Q5786A-12, sheet 5GD, 18 Nov 2015). The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method.

- f) Provide written evidence of an existing telecommunications connection to the building(s) for each Principal Unit.
- g) Provide written evidence of an existing electricity connection to the building(s) for each Principal Unit.
- h) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- j) The consent holder / principal unit owners shall be part of one of the two established management companies which shall be responsible for implementing

and maintaining the on-going maintenance of the water supply associated with the subdivision.

The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

- k) For a 224(c) certificate relevant to unit 14; the owner of unit 14 shall provide evidence that Section 114 and Section 115 of the Building Act 2004 have been complied with, in the matter of change of use of the building to residential (incorporating a household unit) where a household unit did not exist before.
- 10. The consent holder / principal unit owners shall be part of one of the two established management companies which shall be responsible for implementing and maintaining the on-going maintenance of the water supply associated with the subdivision.

The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

To be completed before issue of the s32(2)(a) certificate

11. Where a separate Section 224(c) certificate is to be applied for in relation to each staged plan and subsequent complete unit plan, no application shall be made or granted for certification pursuant to section 224(c) of the Act until the conditions of this consent are complied with for each particular stage proposed, except where the conditions have been bonded or form part of a consent notice condition.

Ongoing Conditions/Consent Notices

- 12. The following conditions of the consent shall be complied with in perpetuity and shall be registered on all the Titles by way of Consent Notice pursuant to s.221 of the Act.
 - a) The drinking water supply is to be monitored for compliance with the Drinking Water Standards for New Zealand 2005 (Revised 2008), by the management group for the units, and the results forwarded to the Queenstown Lakes District Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 (Revised 2008) are met or exceeded.
 - b) Direct vehicle access onto Queenstown-Glenorchy Road from the site shall be prohibited. Access to all Principal Units and Common Property within this subdivision shall be via Closeburn Road only.
 - c) All future buildings and alterations to existing buildings shall have a maximum height above existing ground level as at 11 August 2016 no greater than the roof form of the existing building or 6.5 metres, whichever is the greater, except for any buildings on Unit 16 which shall have a maximum height of 99 metres above site datum, which is 1m below RL 100.00 Assumed Datum described herein. (Note: site datum is as shown on DP 20841, being the 'nail in top of concrete tank' RL: 100.00 Assumed Datum).

- d) In order to ensure that future buildings are located exactly as proposed and comply with the maximum height controls and maximum building coverage controls, the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
 - (i) Certify to Council in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and
 - (ii) Confirm to Council in writing upon completion of the building that it has been built in accordance with the approved plans and complies with the maximum height control.

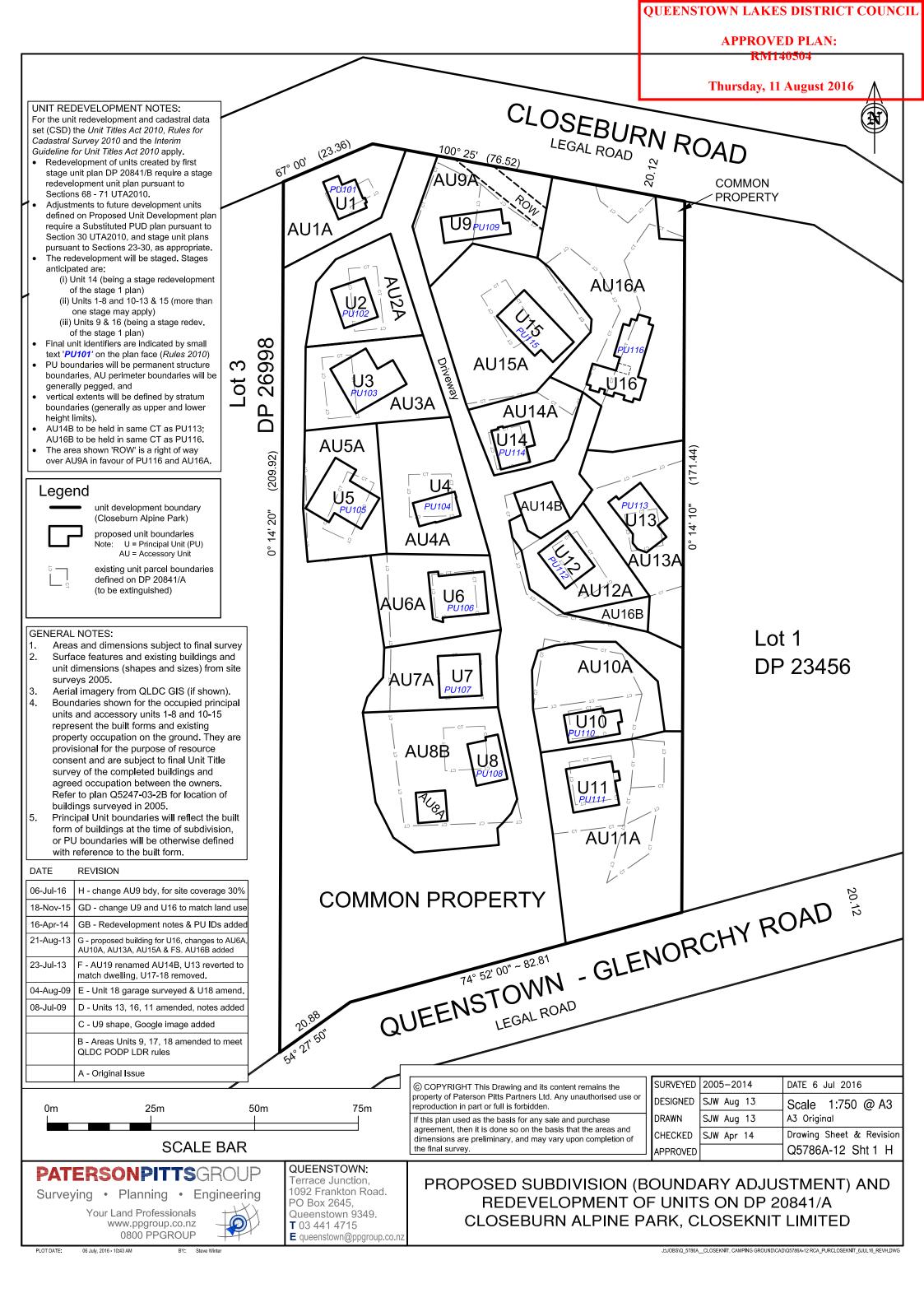
Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site

- e) There shall be no residential flats; except for the existing residential flat at unit 8.
- f) All future buildings and alterations to existing buildings shall comply with the following building design controls:
 - (i) Main roofs shall have a minimum pitch of 35%.
 - (ii) All exterior surfaces shall be coloured in the natural range of browns, greens and greys;
 - (iii) Roofs and pre-painted steel cladding shall have light reflectance values of less than 20% and appear appropriately recessive in the context of the surrounding landscape.
 - (iv) All other exterior surface finishes shall have light reflectance values of less than 30% and appear appropriately recessive in the context of the surrounding landscape.
 - (v) The maximum building coverage for all activities on any site shall be 30%. For the purposes of this condition, the site area shall be the sum of the areas of the Principal Unit and associated Accessory Unit or Units but excluding any share of common property.
- g) Prior to the construction of any future building, a landscape plan shall be submitted to Queenstown Lakes District Council for approval. The landscape plan shall achieve the following objectives:
 - (i) Identify the species, location and density of proposed vegetation, as well as existing vegetation within the site which assists to mitigate adverse visual effects;
 - (ii) Protect and enhance the natural character of the landscape by consisting of predominantly native species endemic to the Wakatipu district;
 - (iii) Provide screening that mitigates adverse effects on the visual amenity of Closeburn Road and/or Queenstown Glenorchy Road in proximity to the site.

- h) No further subdivision shall be allowed; except for a boundary adjustment which does not create an additional principal unit.
- Changes to the building beyond the principal unit boundary shall require a unit title redevelopment plan to be prepared and deposited in accordance with the Unit Titles Act.
- No solid fuel burner, or open fire, or chimney is to be installed in Principal Unit 116.
- k) No solid fuel fires or open fires are allowed on any accessory units or common property within the unit development, except for a solid fuel fire within the building on Accessory Unit 8A.
- There shall be no Visitor Accommodation activity allowed for any unit, except for a Registered Homestay or Registered Holiday Home within the Queenstown Lakes District Council (Definitions as per the Operative District Plan, February 2016).
- m) Unit 14 is limited to one kitchen only and access to the first floor must be by way of an internal staircase.

Advice Notes:

- Prior to certification pursuant to 32(2)a of the Unit Titles Act, every building (if any) that
 is shown on the plan shall be erected, and all other development work shall be
 completed, the extent necessary to enable all the boundaries of every unit and the
 common property shown on the plan to be physically measured.
- Prior to certification pursuant to 224(f) of the Act, every existing building or part of an
 existing building (including any building or part thereof under construction) to which the
 unit title plan relates complies with or will comply with the provisions of the building code
 described in section 116A of the Building Act 2004
- The consent holder is advised of their obligations under Section 114 Building Act 2004
 which requires the owner to give written notice to Council's Building Department of any
 subdivision of land which may affect buildings on the site. It is the consent holder's
 responsibility to ensure that the subdivision does not result in any non-compliance with
 the building regulations.
- Any domestic heating option choosen for a residential unit must comply with the National Standard for Air Quality and the Regional Plan: Air. The Otago Regional Council is able to provide advice as to how this may be achieved.



COMMON

PROPERTY

CLOSEBURN ROAD

LEGAL ROAD

S
COMN
PROF

AU16A

AU13A

AU16B

AU10A

AU1/1A

QUEENSTOWN - GLENORCHY ROAD BY LECAL BOAD

U10

(76.52)

AU15A

AU14A

AU14B

U9 PU109

APPROVED PLAN:

RM140504

Thursday, 11 August 2016

UNIT REDEVELOPMENT NOTES: For the unit redevelopment and cadastral data set (CSD) the Unit Titles Act 2010, Rules for Cadastral Survey 2010 and the Interim Guideline for Unit Titles Act 2010 apply.

Redevelopment of units created by first stage unit plan DP 20841/B require a stage redevelopment unit plan pursuant to Sections 68 - 71 UTA2010.

67° 00'

DP 26998

(209.92)

14' 20"

AU1A

U3

AU5A

U5

AU3A

U4

AU4A

AU8B

COMMON PROPERTY

AU6A

- Adjustments to future development units defined on Proposed Unit Development plan require a Substituted PUD plan pursuant to Section 30 UTA2010, and stage unit plans pursuant to Sections 23-30, as appropriate.
- The redevelopment will be staged. Stages anticipated are: (i) Unit 14 (being a stage redevelopment
 - of the stage 1 plan) (ii) Units 1-8 and 10-13 & 15 (more than
 - one stage may apply) (iii) Units 9 & 16 (being a stage redev. of the stage 1 plan)
- Final unit identifiers are indicated by small
- text 'PU101' on the plan face (Rules 2010) PU boundaries will be permanent structure boundaries, AU perimeter boundaries will be
- vertical extents will be defined by stratum boundaries (generally as upper and lower height limits).

generally pegged, and

- AU14B to be held in same CT as PU113; AU16B to be held in same CT as PU116.
- The area shown 'ROW' is a right of way over AU9A in favour of PU116 and AU16A.

Legend

unit development boundary (Closeburn Alpine Park)

> proposed unit boundaries U = Principal Unit (PU) AU = Accessory Unit

existing unit parcel boundaries defined on DP 20841/A (to be extinguished)

GENERAL NOTES:

- Areas and dimensions subject to final survey Surface features and existing buildings and
- unit dimensions (shapes and sizes) from site surveys 2005.
- Aerial imagery from QLDC GIS (if shown).
- Boundaries shown for the occupied principal units and accessory units 1-8 and 10-15 represent the built forms and existing property occupation on the ground. They are provisional for the purpose of resource consent and are subject to final Unit Title survey of the completed buildings and agreed occupation between the owners. Refer to plan Q5247-03-2B for location of buildings surveyed in 2005.
- Principal Unit boundaries will reflect the built form of buildings at the time of subdivision, or PU boundaries will be otherwise defined with reference to the built form.

DATE	REVISION	
06-Jul-16	H - change AU9 bdy, for site coverage 30%	
18-Nov-15	GD - change U9 and U16 to match land use	
16-Apr-14	GB - Redevelopment notes & PU IDs added	
21-Aug-13	G - proposed building for U16, changes to AU6A, AU10A, AU13A, AU15A & FS. AU16B added	
23-Jul-13	F - AU19 renamed AU14B, U13 reverted to match dwelling, U17-18 removed.	
04-Aug-09	E - Unit 18 garage surveyed & U18 amend.	
08-Jul-09	D - Units 13, 16, 11 amended, notes added	
	C - U9 shape, Google image added	
	B - Areas Units 9, 17, 18 amended to meet QLDC PODP LDR rules	
	A - Original Issue	

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If this plan used as the basis for any sale and purchase agreement, then it is done so on the basis that the areas and dimensions are preliminary, and may vary upon completion of the final survey

SURVEYED	2005-2014	DATE 6 Jul 2016
DESIGNED	SJW Aug 13	Scale 1:750 @ A3
DRAWN	SJW Aug 13	A3 Original
CHECKED	SJW Apr 14	Drawing Sheet & Revision
APPROVED		Q5786A-12 Sht 2 H
		· ·

Lot 1

DP 23456

25m 50m 75m SCALE BAR

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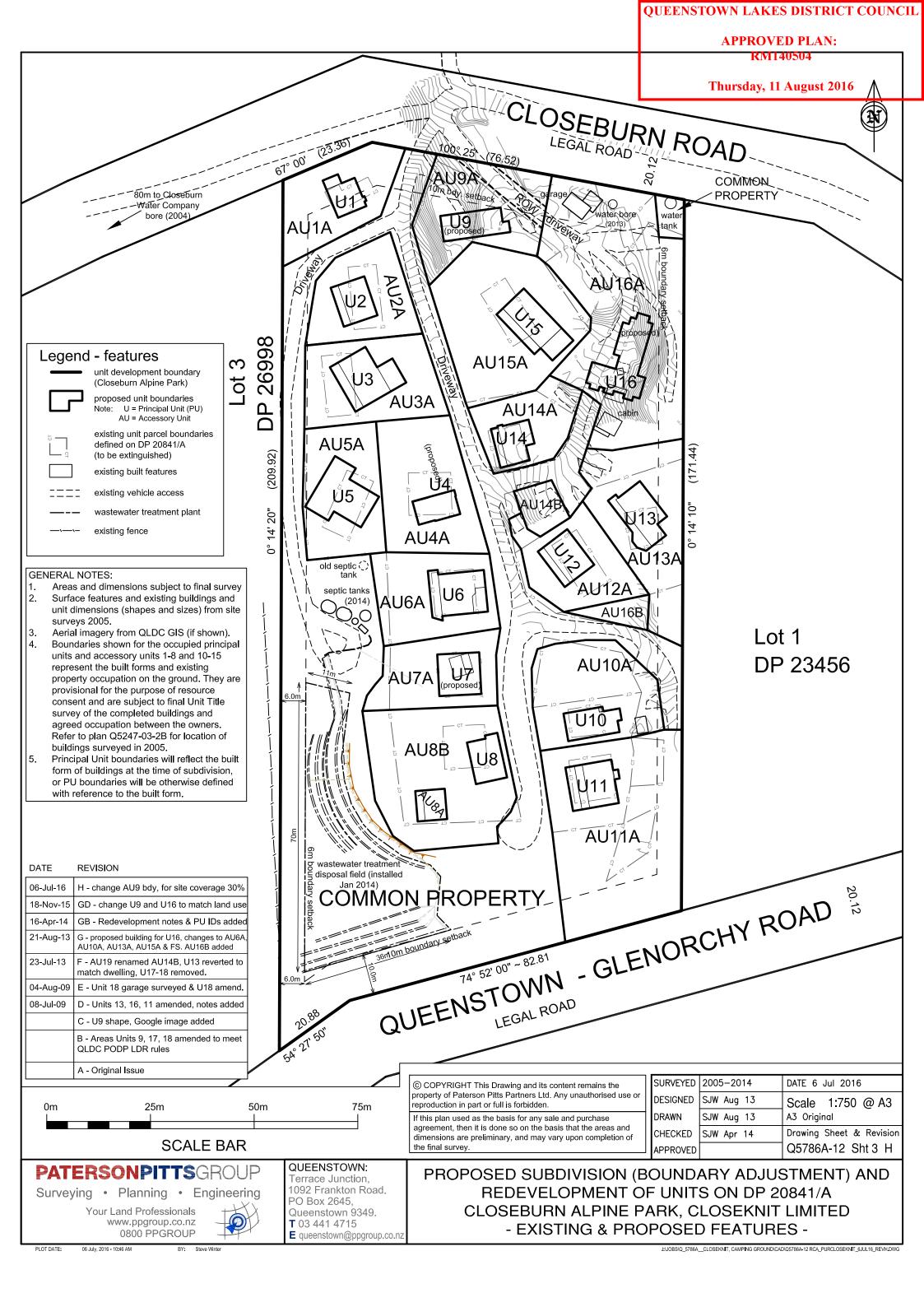
Terrace Junction. 1092 Frankton Road. PO Box 2645. Queenstown 9349. **T** 03 441 4715 **E** queenstown@ppgroup.co.nz

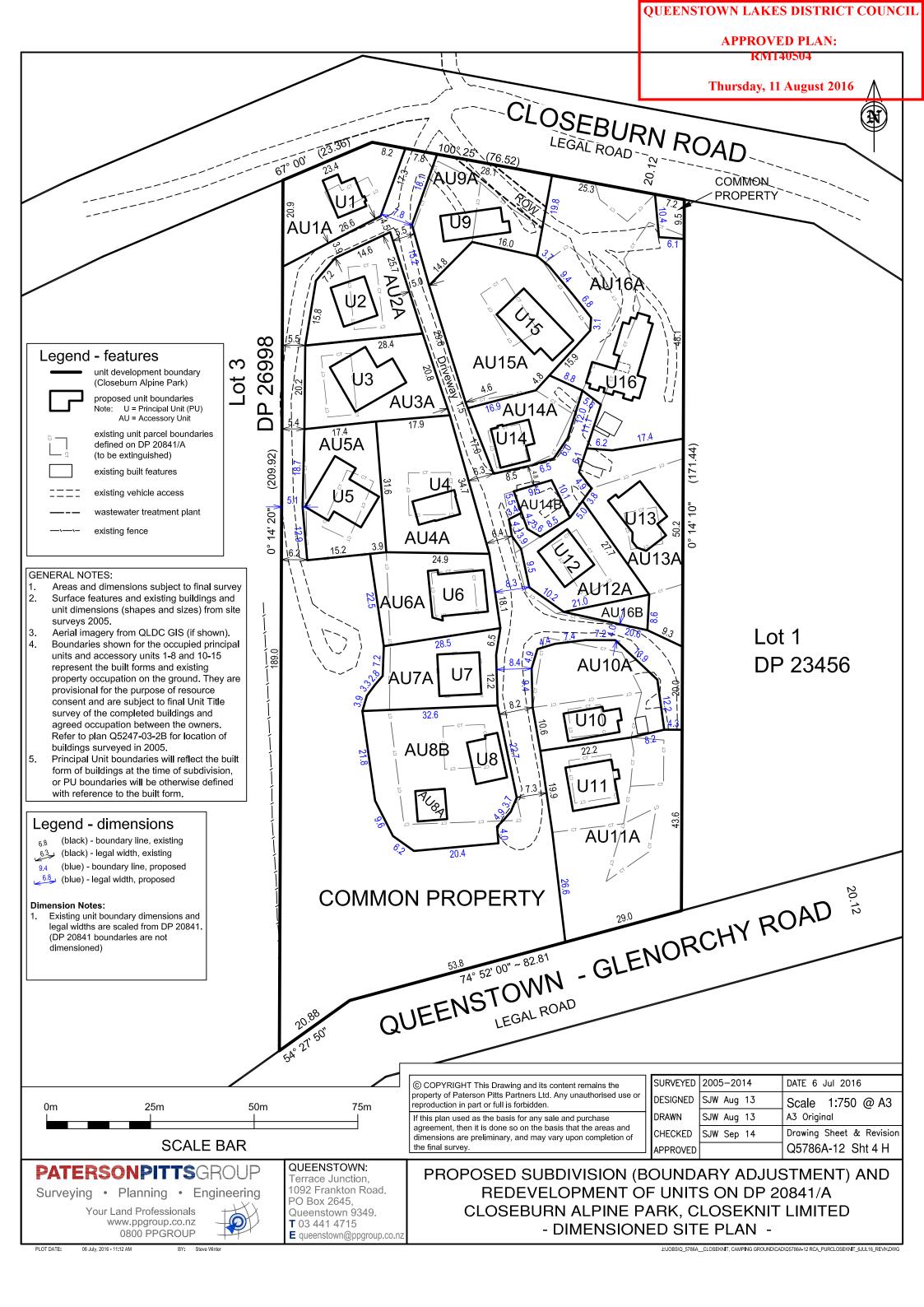
QUEENSTOWN:

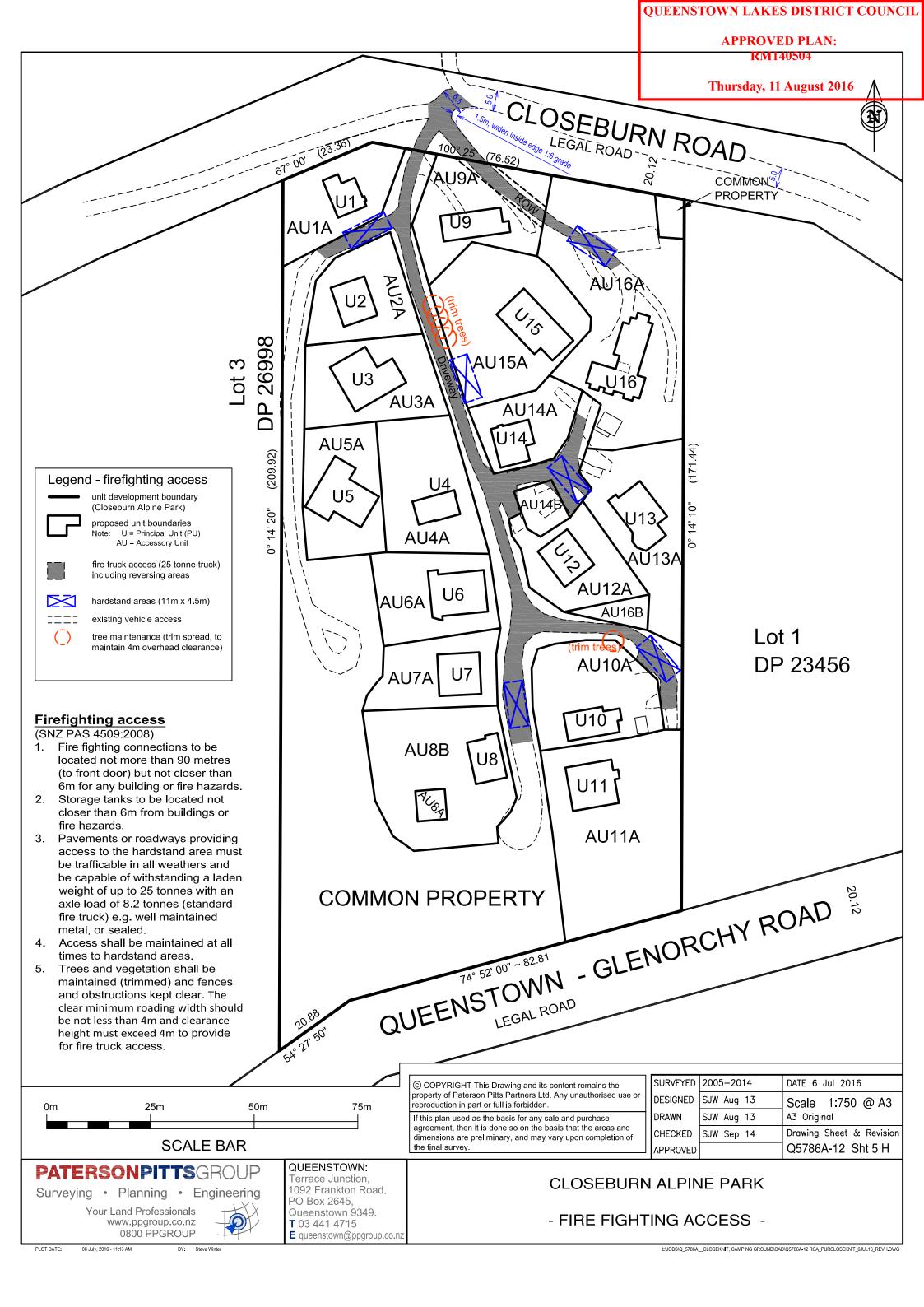
PROPOSED SUBDIVISION (BOUNDARY ADJUSTMENT) AND REDEVELOPMENT OF UNITS ON DP 20841/A CLOSEBURN ALPINE PARK, CLOSEKNIT LIMITED - AERIAL IMAGERY OVERLAY-

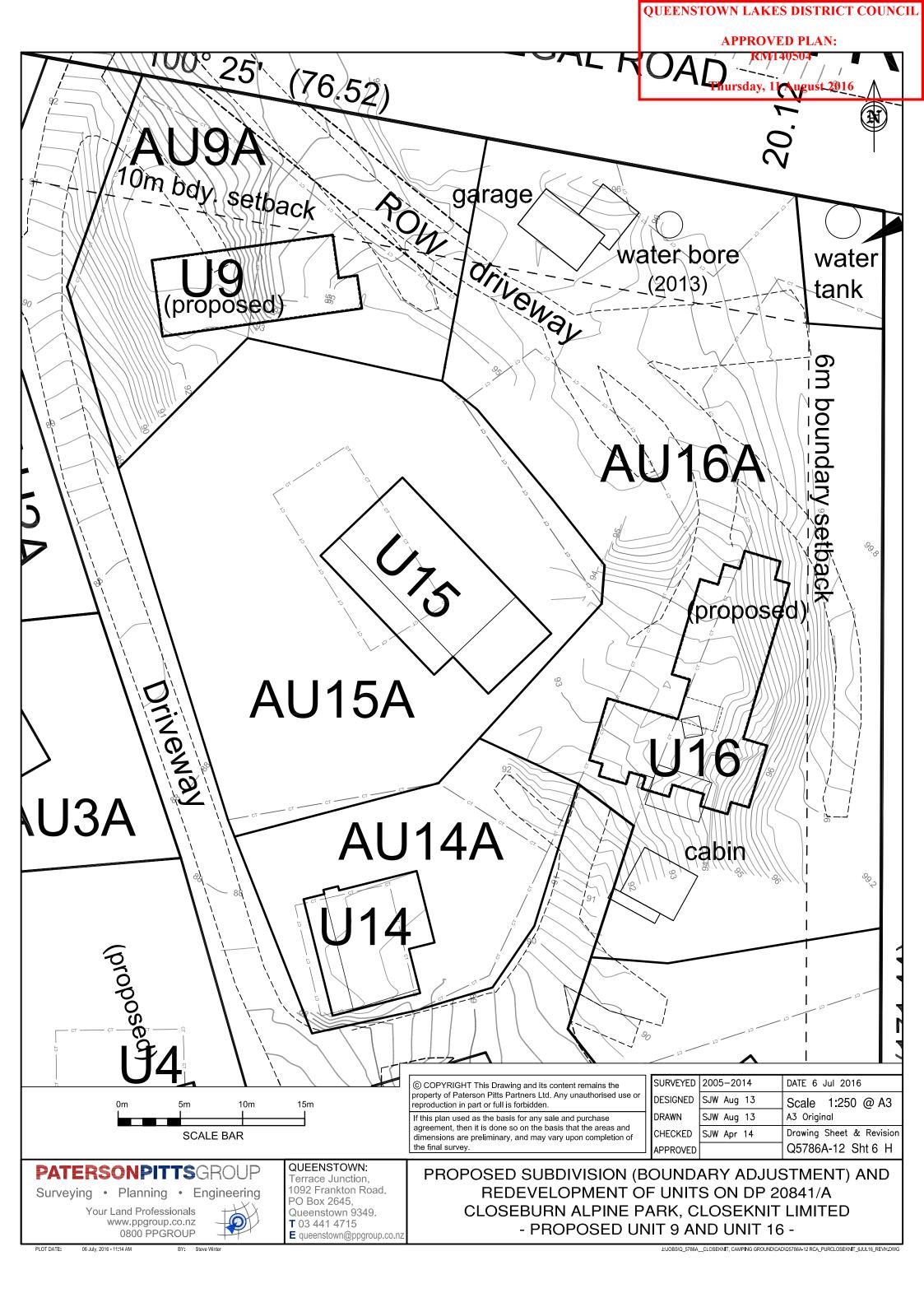
PLOT DATE: 06 July, 2016 - 10:44 AM

0m













Scale, 1:750 @ A3 February 28, 2016





Total Area: 154m2



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM140504

Thursday, 11 August 2016

Scale, 1:100 @ A3 February 28, 2016

APPROVED PLAN: RM140504

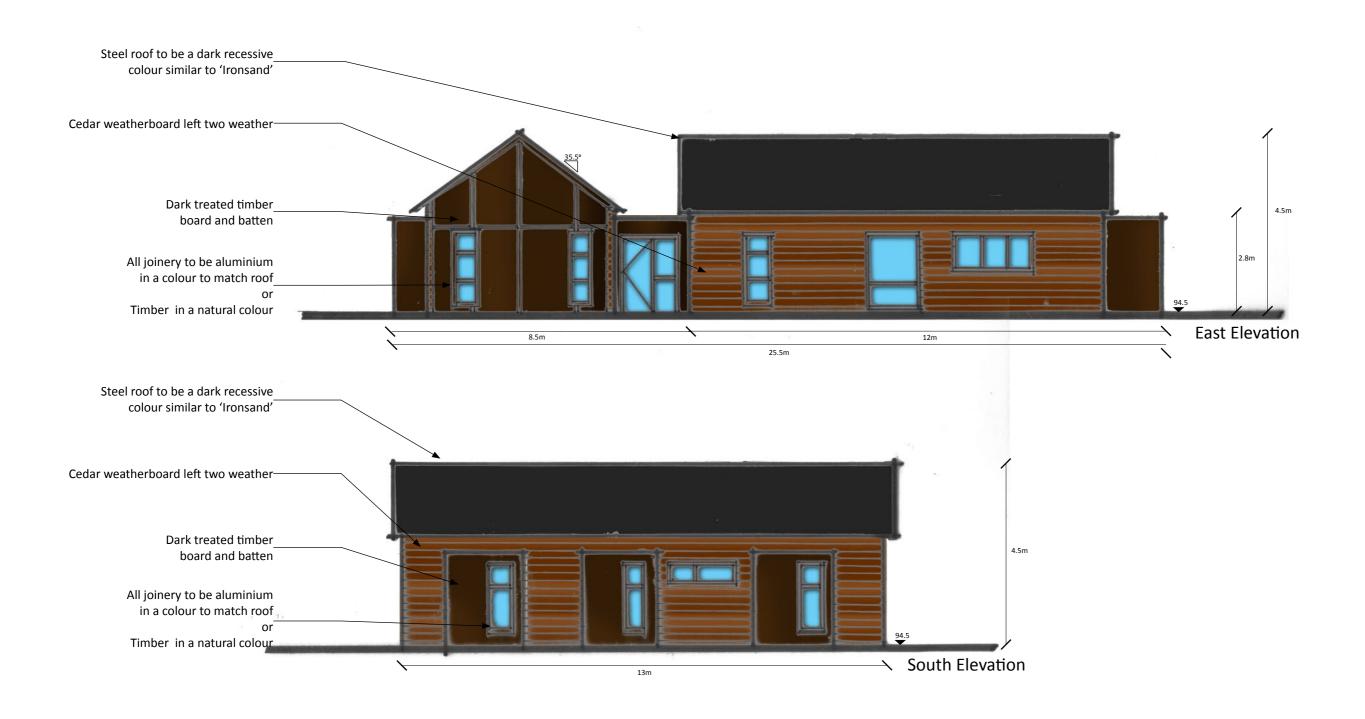
Thursday, 11 August 2016

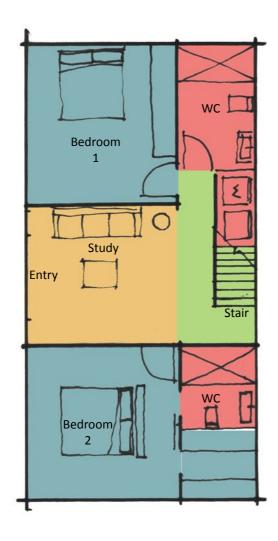


Scale, 1:100 @ A3 February 28, 2016

APPROVED PLAN: RM140504

Thursday, 11 August 2016



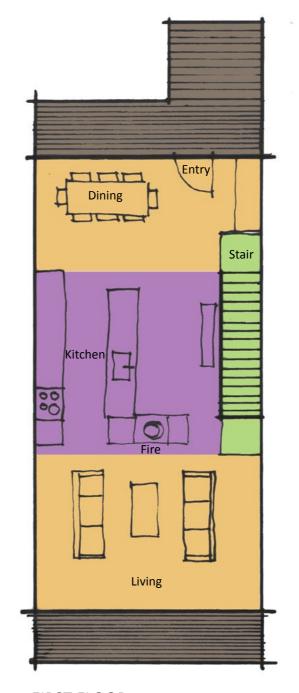


GROUND FLOOR

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM140504

Thursday, 11 August 2016

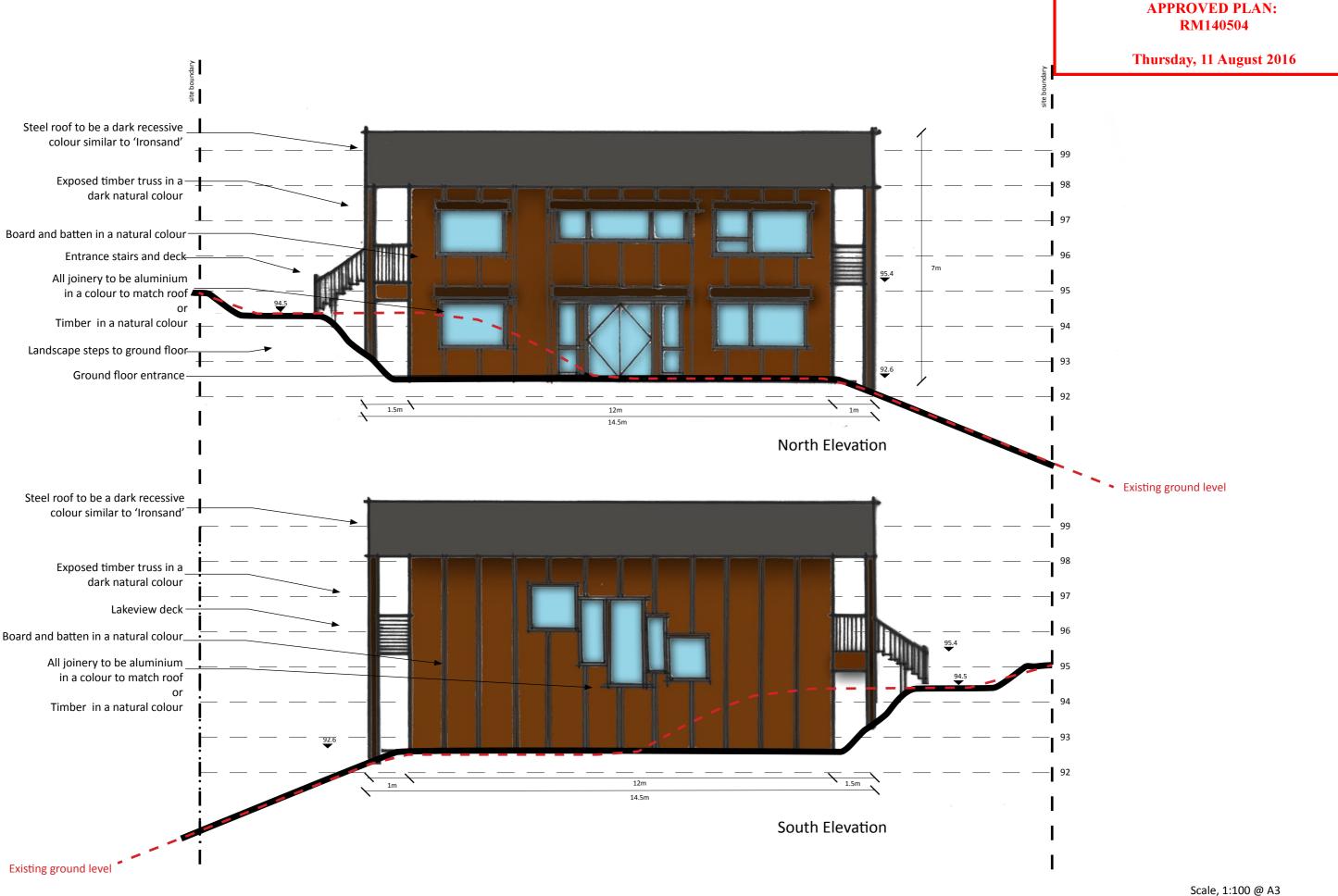


FIRST FLOOR

Ground Floor: 87m2
First Floor: 87m2
Total Area: 174m2

al Area: 174m2

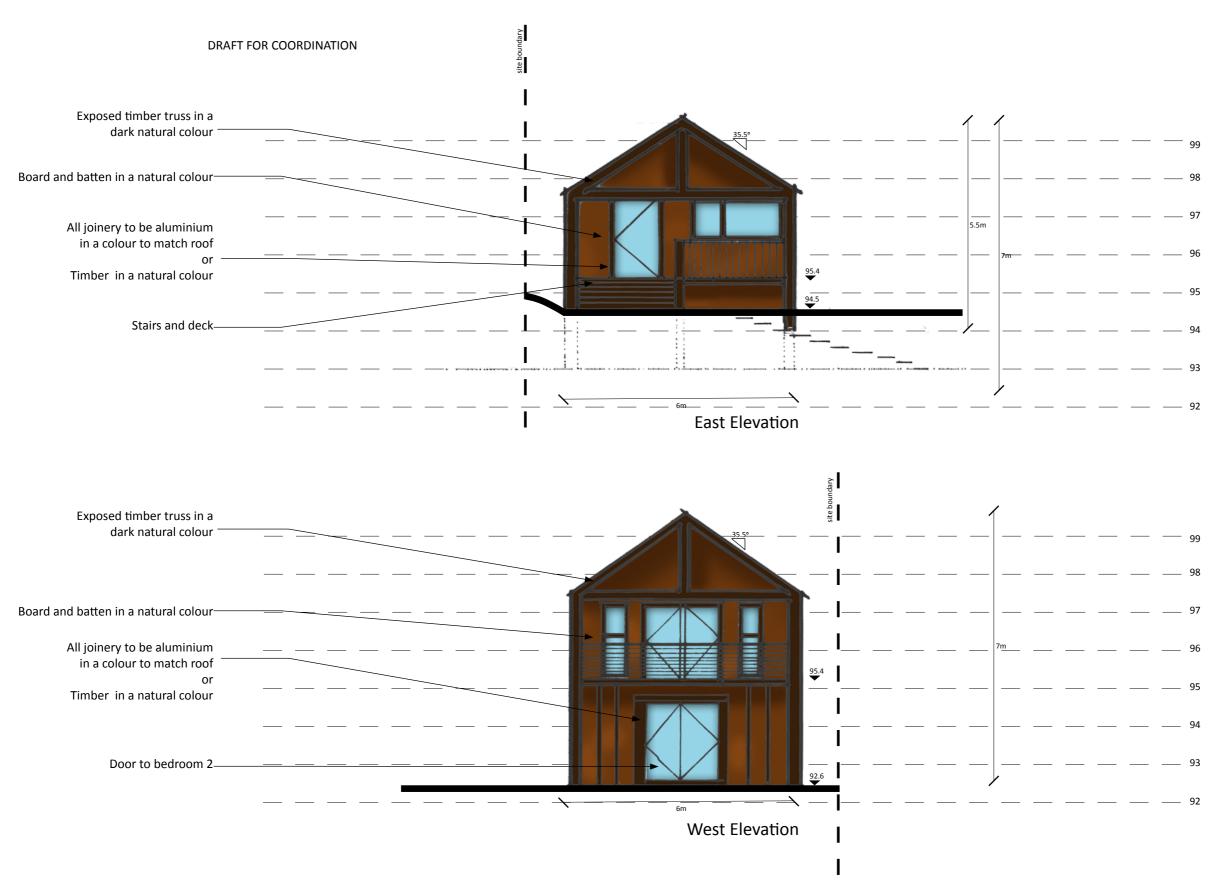




August 23, 2015

QUEENSTOWN LAKES DISTRICT COUNCIL

Thursday, 11 August 2016



Scale, 1:100 @ A3 August 23, 2015

