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**Resource Consent Application
Subdivision - Longbush Road,
Peter Johnstone Management Ltd**

04 June 2009
Reference 40135 002
Revision 2

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Form 9
Application for Resource Consent
Section 88, Resource Management Act 1991

To: Carterton District Council

- Peter Johnstone Management Ltd applies for the following type of resource consent(s):

Subdivision Consent

Resource consent is required for a unit title subdivision which is deemed a Non-Complying Activity.

Land Use Consent

Resource consent is required for the proposed rural-residential development within the Rural Zone, which is deemed a Discretionary (Restricted) Activity as the proposal does not comply with minimum lot sizes and yard separation distances.

- The names and addresses of the owner and occupier (other than the applicant) of land to which the application relates are as follows:

Peter Johnstone Management Ltd

- The general location to which this activity relates is:

1618 Longbush Road, Gladstone, legally described as Section 106 Tupurupuru District and comprised in Certificate of Title WN48C/749.

The location of the site is more fully described in the attached annexure.

- The following additional consents are needed for the proposed activity:

No other consents are required.

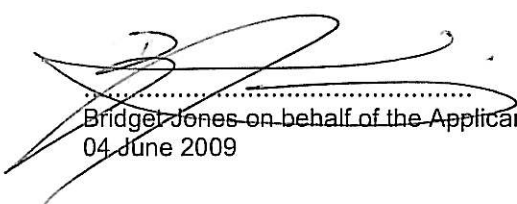
- In accordance with the Fourth Schedule of the Resource Management Act 1991, the attached annexure includes an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.
- I attach any information required to be included in this application by the district plan, regional plan, the Resource Management Act 1991, or any regulations made under that Act.
- In accordance with section 125, the applicant seeks the standard term of five years to give effect to this consent.

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Bridget Jones on behalf of the Applicant
04 June 2009

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Certificate of title

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Body corporate and memorandum of understanding

1. Introduction

Partly hidden amongst mature trees, the rural property at 1618 Longbush Road is being planned to be refreshed and reconfigured to give it a new lease of life, providing for rural-residential living and enjoyment. The property was known as Arahura Lodge and is located just 15 minutes from Carterton. The owner is keen to see the property revived and the buildings re-inhabited to enable people to enjoy the special rural character of Gladstone in the Wairarapa.

The property has a long history of intensive and non-traditional farming activities and currently features a bunkhouse (old laboratory), a hall (old lectures hall), a large house, a farm building by the road with rudimentary yards, well fenced small paddocks, a sealed drive and parking areas as well as extensive boundary and feature planting. There is a good water supply (a bore) and trees line the driveway. From 1966 to 1984 the property was the headquarters for Merck Sharp and Dohme's research and demonstration farm and then about five years ago, the buildings were retrofitted for operation as a digger school. A resource consent was obtained for that usage, and the sewerage system was greatly enhanced.

Currently the site has little value in its present configuration as it is too small to be a viable farm and its previous uses are no longer relevant. However, the site has significant potential for rural-residential development which can provide a sought after amenity for future occupants looking for a piece of rural life. It is a prime location for rest and relaxation in the country with stunning views of neighbouring flat to rolling landscapes generously planted with trees.

It is proposed to subdivide the property into a number of unit titles (as shown on the attached plan) to facilitate more flexible ownership arrangements for development and on-sale. The configuration is proposed as:

Seven unit titles (three in the old bunkhouse / laboratory, two in the old hall, one in the house and one new vacant building site) are intended for residential occupation. Five small units hidden behind a row of mature planting on the existing upper level park are for vehicle parking related to the bunkhouse and the hall (five residential units). Construction on these will be restricted to single storey implement sheds, six metres wide.

The remaining fifteen units comprise bare paddocks to be kept fenced in their current configuration. There will not be any residential buildings on these paddocks. The intention is to attach an average of two paddocks to each residential unit so the new owners can enjoy working the land for small scale cropping, small vineyards or olive groves or simply running a few animals (excluding pigs). Any building on the paddocks will be limited to small implement sheds in strict accordance with the Carterton District Plan.

Most importantly, the proposed unit title subdivision can provide for rural-residential living while not compromising the rural landscape and amenity values of the surrounding area. The site is unique in that the development and infrastructure exists and the buildings are set back and well screened from the road and adjoining properties.

A Body Corporate has been set up in accordance with the Unit Titles Act to govern and maintain the property, including sub-committees based on the ownership of the three physical buildings plus the future house. In that way, the owners of the four physical properties will have a degree of autonomy over their buildings.

This report has been prepared in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991. It accompanies the application for resource consent by Peter Johnstone Management Ltd for the unit title subdivision of the property at 1618 Longbush Road into 27 primary units, 2 ancillary units and areas of common property.

The report provides the information necessary for a full understanding of the proposal and any actual and potential effects that the proposed activities may have on the environment. This report contains the following information:

- Description of the site and the surrounding locality;
- Description of the proposed activity;
- Analysis of the provisions of the Carterton District Plan and the proposed Wairarapa Combined Plan that are relevant to the proposal; and
- Assessment of the effects of the proposal on the environment.

2. Site Description

1618 Longbush Road is located in Gladstone, southwest of Carterton, and comprises a combined area of 5.4076 hectares. The location of the subject site is illustrated on the map in Figure 1 below. The site is legally described as Section 106 Tupurupuru District and comprised in Certificate of Title WN48C/749. A copy of the Certificate of Title is attached as Appendix A of this report.

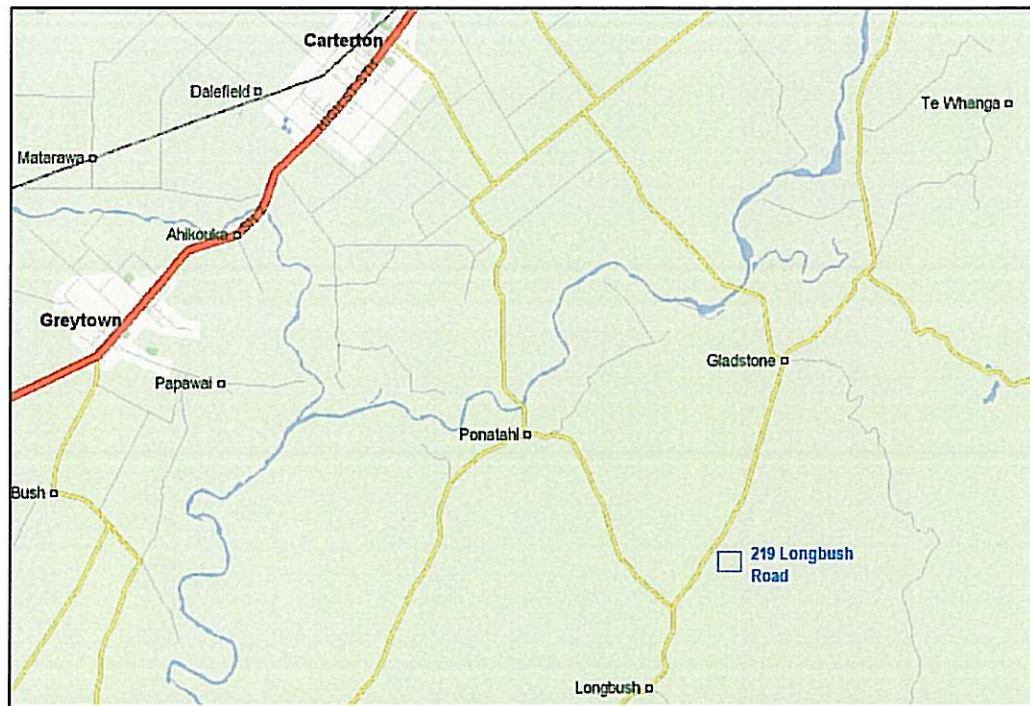


Figure 1: Location of 1618 Longbush Road

The subject site was previously the Administrative Block for "Arahura" - a research and demonstration farm from 1866 to 1984. The Administrative Block consisted of a Laboratory, Managers House and office, Conference Hall and fenced paddocks which stocked animals.

These buildings remain on site, in addition to the deer yards located on the north-western corner of the site.

The 3 bedroom Manager's house is located on an elevated section of the land as shown in Figure 2. This two storey white building is surrounded by well established trees. The dwelling is not visible from Longbush Road.

The hall is located on a section of land elevated above the paddocks and the building is

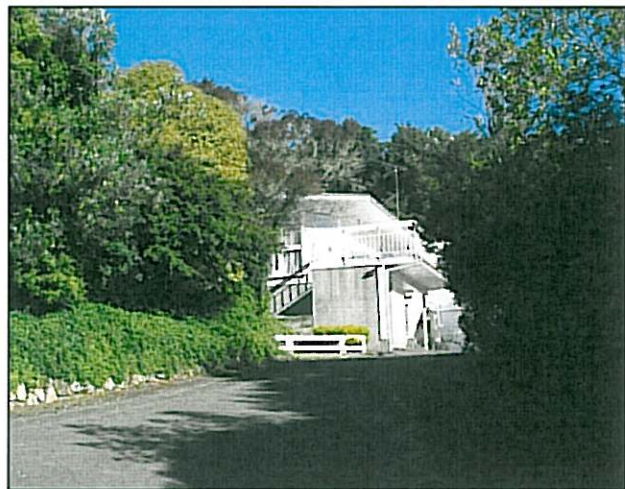


Figure 2: Photo of Managers house

surrounded by trees. Only the roof is visible from the entrance to the property. The hall contains a commercial kitchen and toilet facilities.

It is noted that in 2005, Resource Consent was granted to establish an educational and boarding facility for a Digger School. Subsequently, the former laboratories were refurbished into accommodation with commercial catering facilities and communal living areas. As shown in Figure 3, the 'L' shaped building is salmon pink with a green roof. The building is surrounded by a concreted area used for parking. The front elevation of the building is visible from Longbush Road.



Figure 3: Photo of accommodation unit

The complex has a fully tarsealed driveway and car parks. The sealed driveway is double laned with a splayed entrance. The entrance features a welcoming stone wall with gates and the driveway is largely tree-lined.

As seen in the aerial photo (Figure 4), the deer-fenced paddocks make up the majority of the site. The property features extensive planting, including large established trees around each of the buildings and boundary planting around most of the perimeter of the site.



Figure 4: Aerial photo of subject site

The topography of the site can be characterised as flat land, comprising deer-fenced paddocks, rising to rolling hills towards the east. The buildings are located on the elevated section of the subject site.

The surrounding area is characteristic of a rural and rural-residential area with a mix of smaller lifestyle blocks to larger lots used for farming. The surrounding land area is similar to the subject site. It is characterised by flat paddocks rising to rolling hills towards the east and there is an abundance of established large trees. These characteristics contribute to a landscape with high amenity value. Rural-residential living is evident in the area, with the presence of newer dwellings and smaller allotments. Many of the surrounding properties have more than one accessory building, which is typical of the rural environment. The immediately adjoining properties are used for general farming purposes and there is only one dwelling visible from the subject site.

There are two onsite sewerage systems. The hall is serviced by a disposal field located in the paddock to the north of the hall, which was constructed to service a large group of people for conferences (with a seating capacity of up to 90). This system predates the need for consent. The house and accommodation block are serviced by a treatment/disposal field located in the land adjacent to the accommodation block car park. As part of the digger school operation, the onsite sewage disposal system was upgraded to accommodate 24 plus people in the accommodation unit. A Discharge Permit from the Wellington Regional Council (Consent No. WAR 050166) was also obtained to discharge treated sewage effluent to land. This consent expires in 2020. The consent allows up to a volume of 5,220L/day.

Domestic water supply is currently sourced from a bore within the property, which supplies the residence, hall and accommodation block. The bore (serial number: 5J/4/61/D5) is available for domestic and stock consumption which would permit abstraction of up to 20,000L/day at a max rate of 2.5L/sec. Other water is sourced from a nearby stream for irrigation purposes. The property has an existing Water Permit from the Wellington Regional Council (Consent No. WAR 990265(20108)) to take surface water from a tributary of the Mangahua Stream for irrigation purposes. This permit expires on 30 September 2009; however the landowner is currently seeking a renewal of this permit. The water permit provides for a surface water take for irrigation up to 1.8L/s, 24 hours a day, 7 days a week October to March inclusive. The consent holder is to restrict use if the Makahakaha Stream flows are lower than 100L/s and when an upstream consent holder (Strang) is taking water.

The Carterton District Council does not hold any records of hazardous substances in the property (as outlined in the LIM report). A check of Wellington Regional Council's records has confirmed that the subject property is not listed on Council's 'Selected Land Use Register' as a site that has used, stored or disposed of hazardous substances. A copy of the letter from Wellington Regional Council confirming the above is attached as Appendix B to this report.

3. Proposal

The proposal involves the unit title subdivision and development of 1618 Longbush Road for rural-residential use. The applicant wishes to subdivide the property into 27 primary units, 2 ancillary units and areas of common property. Only seven of the proposed 27 units will be available for residential use. The following provides a description of the proposed unit title subdivision:

- Separate the existing accommodation block into three primary units (proposed units 25, 26 and 27) which will be known as South Lodge
- Separate the existing hall into two primary units (proposed units 22 and 23)
- Establish the manager's house and surrounding land area as one primary unit (proposed unit 24)
- Create a primary unit for a future building site (proposed unit 16)
- Subdivide the individual paddocks into primary units (proposed units 1 – 15)
- Construct six garages within common property adjacent to proposed unit 16 as primary units (proposed units 17 – 21)
- Create four car parking spaces as accessory units adjacent to unit 27 which will be allocated to unit 26 and 27 accordingly.

The proposed layout of the subdivision can be seen in the scheme plan attached in Appendix C (Drawing No: VU05 Rev 02).

Architectural plans by CCM Architects Ltd are included in Appendix D to this report. The plans illustrate the proposed internal alterations to the accommodation and hall buildings. It is noted that there is a "no build" covenant on Lots 1 to 15. Two perspectives have also been included with the Architectural plans showing a bird's eye perspective of the proposed development and perspective of the re-development hall and South Lodge.

The common property area consists of the driveway and parking area, sewage disposal field in front of the accommodation block, and the bore and deer yards at the front of the property.

A Body Corporate will be formed as part of the unit title subdivision. The Body Corporate Memorandum of understanding and Body Corporate documents are included in Appendix E of this report.

As described in section 2 above, there are existing services, including water supply and sewage disposal on site. These services are available and can adequately meet the requirements of the proposed units.

4. District Plan assessment

4.1 Planning maps

The site is zoned Rural Environment under the Operative Carterton District Plan and Rural (Primary Production) in the proposed Wairarapa Combined District Plan as shown on the map extract in Figure 5.

There are no relevant identified special features or overlays applicable to the site.

The provisions of both the operative Carterton District Plan and the proposed Wairarapa Combined District Plan are relevant to the assessment of the proposal.

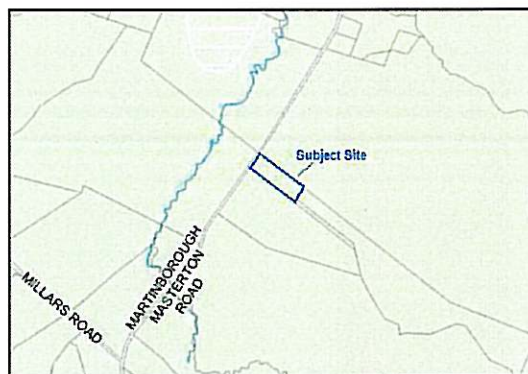


Figure 5: Extract from planning map 20

4.2 Land Use Consent

4.2.1 Operative District Plan

Under the Carterton District Plan the subject site is zoned as Rural. As such the provisions of the Rural Environment section of the District Plan govern assessment of the proposal. Under Rule 2.7.1, residential activities and accessory buildings are permitted in the Rural Zone, subject to compliance with the permitted activity conditions. An assessment of the proposal in relation to the permitted activity standards is provided below.

Standard	Compliance	Comment
Setback distances	x	<p>This standard requires a setback distance of 8m from the front and rear boundaries and 5m from the side boundaries for a residential building and associated accessory building.</p> <p>The proposed new internal (unit title) boundaries do not comply with the above distances. However, the buildings are set back at more than the required distances from the site's existing boundaries with adjoining properties.</p>
Height	✓	The maximum height for residential buildings is 10m. The existing buildings do not exceed this height.
Number of dwellings per lot	✓	The District Plan provides for a maximum of one dwelling per lot. Currently, there is one dwelling on site, an accommodation building for residential use and a hall. The proposal involves the renovation of the latter two

		buildings to provide for an additional five units for residential use. It is also proposed that a vacant site will be available for a future dwelling. In total, there will be seven residential units on the site. However, as it is proposed to subdivide these units so each will have its own title, there will be only one dwelling on each lot. Therefore, with the subdivision of the proposed units, the proposal can comply with this condition.
Outdoor storage	✓	This condition requires that any outdoor storage area or area containing more than 4 parking spaces shall be screened including landscape planting to minimise the visibility from any public road, public place or any dwelling on an adjoining property. The designated garaging and parking areas within the common property area are screened from adjoining properties and the road.
Surface water disposal	✓	There is sufficient land for the disposal of stormwater and the concreted area and driveway feature existing shallow channels.
Water supply	✓	Currently, domestic water supply is sourced from the on-site bore, which is capable of accommodating the proposed development and residential use. There is also an existing water permit to take water from a nearby stream for irrigation purposes. The landowner is currently seeking the renewal of this permit as it expires 30 th September 2009. The proposal will comply with this standard.
Sewage		As part of the digger school operation, the domestic sewerage system and associated disposal field was upgraded and is therefore capable of servicing the proposed development. There is an existing regional discharge permit for this disposal field. Proposed units 22, 23 will continue to be serviced by the existing system used for the hall. This system has adequate capacity to service two units. A subsequent dwelling on unit 16 will be serviced by the existing sewage system located within common property. The proposal will comply with this standard.
Vehicle access	✓	The existing access onto Longbush Road provides practicable vehicle access to the site. There is an existing formed double lane driveway which can adequately and suitably serve the proposed development. The driveway is sealed to a width of 4-5m. The existing vehicle access complies with the requirements for vehicle access specified in Appendix 15A of the District Plan.

Vehicle parking, manoeuvring and loading	✓	<p>One on-site car park per residential unit is required. There is sufficient parking area available within each proposed unit land area as well as in the common property. Units 26 and 27 have been allocated two car parking spaces within the common area.</p> <p>Adequate manoeuvring space is available on site. There is also sufficient area for on-site loading and unloading with practicable access from Longbush Road.</p> <p>The proposal complies with the requirements for vehicle parking, manoeuvring and loading specified in Appendix 15A of the District Plan.</p>
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Summary of activity status

As the proposed residential development of the buildings on the site cannot comply with all of the above conditions, the land use component of this application will be assessed as a **Discretionary Restricted Activity** pursuant to Rule 2.7.8. Council has limited the exercise of its discretion to the following relevant matters:

- Setbacks (whether the location will adversely affect adjoining activities).

4.2.2 Proposed Combined Wairarapa District Plan

Under the proposed Wairarapa Combined District Plan, the subject site is zoned Rural (Primary Production). Residential activities are provided for as a permitted activity which can comply with the conditions of rule 4.5.2. An assessment of the proposal in relation to the permitted activity standards is provided below.

Standard	Compliance	Comment
Maximum building height	✓	The maximum height for residential buildings is 10m. The existing buildings do not exceed this height.
Maximum height to boundary	x	This standard is 3m height at the boundary with a 45° recession plane. Proposed units 25, 26 and 27 and 22 and 23 will not comply with this standard as they will be joined units.
Maximum building setback	x	For accessory buildings, a setback of 5m from 'other' boundaries is required. The proposed garages are located more than 5m from the site boundaries.
Maximum dwelling setback	x	<p>For dwellings, a setback of 25m from all 'other' boundaries is required. In terms of external boundaries, unit 23, 25 and 26 are not located more than 25m from an external boundary. Although this is an existing situation, the change in use of the building to residential use results in a non-compliance.</p> <p>As the proposed unit title subdivision will create joined dwellings, the dwellings will not</p>

		be located 25m from the proposed internal boundaries.
Number of dwellings	✓	In the Rural (Primary Production) zone, one dwelling per Certificate of Title is provided for. After the proposed subdivision, each Unit Title will have only one dwelling.
Roads, access, parking and loading areas	✓	Site access exists and will provide access to all of the proposed units. Adequate on-site parking, manoeuvring space and loading area is available. The access, parking and loading area complies with the standards in Appendix 5.

Summary of activity status

As the proposed activity fails to meet the criteria for setback distances and height to boundary, the proposal is assessed as a **Restricted Discretionary Activity** pursuant to Rule 4.5.4(e). Matters to which Council has reserved its discretion are contained in Section 22 of the proposed District Plan. This is assessed in Section 5 of this report.

4.3 Subdivision Consent

As the proposal will involve subdivision of the subject site into 28 primary unit titles, subdivision consent is also required. Assessment of the proposal against the subdivision provisions of both the operative Carterton District Plan and the proposed Wairarapa Combined District Plan is provided below.

4.3.1 Operative District Plan

Sections 2 and 9 of the Carterton District Plan guide the assessment for subdivision consent. The following rules are applicable to assessment of the current proposal:

Within section 2 – Rural Environment, the following rules and standards are applicable:

Rule 2.7.6(a) provides for subdivision in the Rural Environment as a controlled activity except:

- where it fronts the State Highway; or
- where it is referred to in Part B, District provisions.

The standards and terms require a minimum lot size of 3.0ha (excluding access lots) for a subdivision to be considered as a controlled activity in the Rural Environment. The proposed activity fails to comply with the standards in respect of the minimum 3.0ha lot size standard.

Rule 2.7.10(d) requires any subdivision unable to comply with the standards for a controlled activity to be assessed as a Discretionary Activity.

Within Section 9 – Subdivision and Development, the following standards are applicable:

Standard	Compliance	Comment
Water supply	✓	Currently, domestic water supply is sourced from the bore on-site which is capable of accommodating the proposed development and residential use. All proposed units will have access to suitable water supply. There is an existing water permit to take water from a nearby stream for irrigation purposes, which the applicant is currently seeking a renewal of. The proposal will comply with this standard.
Sewage		As part of the digger school operation, the domestic sewerage system and associated disposal field was upgraded and is therefore capable of servicing the proposed development. There is an existing regional discharge permit for this disposal field. Proposed units 22, 23 will continue to be serviced by the existing system used for the hall. This system has adequate capacity to service two units. A subsequent dwelling on unit 16 will be serviced by the existing sewage system located within common

		property. The proposal will comply with this standard.
Surface water disposal	✓	There is sufficient land for the disposal of stormwater and the concreted area and driveway feature existing shallow channels.
Electricity supply	✓	Connections will be extended from the current line on the subject site to each unit proposed for residential use. The proposal will comply with this standard.
Telecommunications	✓	Connections will be extended from the current line on the subject site to each unit proposed for residential use. The proposal will comply with this standard.
Easements for access and services		In accordance with s11 of the Unit Titles Act, each unit has incidental rights to protection and provision of services within the unit title plan.
Allotment area and shape	x	This standard requires each allotment to be of a sufficient size and shape to accommodate any new buildings, and to accommodate any of the permitted activities listed for the zone. It is acknowledged that the individual units under the unit title arrangement will not meet the required minimum site size and shape. Therefore, the proposal does not comply with the requirements for allotment area and shape.
Easements	✓	As above

Summary of activity status

The proposal fails to comply with the provisions for lot size, and allotment area and shape as contained within the Rural Zone and Subdivision and Development rules. Therefore, the proposal does not meet all of the permitted activity standards for subdivision, and under Rule 2.7.10(d) and 9.6 of the District Plan requires assessment as a **Discretionary Activity**. Matters to which Council may have regard in assessing an application for discretionary subdivision are stated under Rule 9.6.4 and 2.7.11.4 and are addressed in section 5 of this report.

4.3.2 Proposed Combined Wairarapa District Plan

Section 20 of the proposed Wairarapa Combined District Plan governs assessment of subdivision consent. The proposed plan provides three options for subdivision as a controlled activity, subject to compliance with standards, in the rural zone. These are:

1. Subdivision with a minimum lot size of four hectares
2. Subdivision of one lot less than four hectares if that lot contains an existing dwelling
3. Subdivision with a minimum lot area of one hectare for up to two lots

The proposed unit title subdivision includes the creation of units less than 5000m². Therefore the proposal is unable to comply with the standards for a controlled activity.

The proposed unit sizes also do not comply with the standards for a Discretionary Restricted Activity (Rule 20.1.3 and 20.1.4) or a Discretionary Activity (Rule 20.1.5 and 20.1.6) under the proposed District Plan

Summary of activity status

Rule 20.1.7(a) provides specifically for any subdivision unable to comply with the minimum lot size standard for a Discretionary Activity as a **Non-Complying Activity**. Assessment criteria for non-complying activities are contained in Section 22 of the Plan, and considered in section 5 of this report.

4.4 Activity status

For the land use component of this application, the proposal is unable to comply with setback distances of both the operative District Plan and the proposed District Plan. The proposed alteration of the existing buildings into residential units is therefore a:

Discretionary (Restricted) Activity in terms of both the operative District Plan (Rule 2.7.8) and the proposed Wairarapa Combined District Plan (Rule 4.5.4(e)).

As for the proposed unit title subdivision, the proposal involves the creation of lots that are smaller than the minimum lot sizes of both the operative District Plan (3.0ha minimum) and the proposed District Plan (4.0ha minimum) resulting in the proposed activity being unable to achieve compliance.

The proposed activity is therefore a:

- **Discretionary Activity** in terms of the operative District Plan (Rule 2.7.10(d)); and,
- **Non-complying Activity** in terms of the proposed District Plan (Rule 20.1.7(a))

Case law has clearly established that where an activity or different parts of the same proposal fall into two different activity classes, the determination of the application should be made with respect to the more stringent activity classification. As such, the proposed residential development and unit title subdivision should be assessed as a **Non-Complying Activity** in terms of the Act.

5. Assessment criteria

5.1 Operative District Plan

Pursuant to Rule 2.7.10, the proposal has been assessed as a Discretionary Activity for subdivision under the Operative Carterton District Plan. Rule 2.7.11.4 and 9.6.4.6 set out the matters to which Council will have regard to when assessing an application for a discretionary activity. These are assessed in turn below.

The requirements of section 106 of the Resource Management Act

Section 106 of the Resource Management Act allows the consent authority to refuse subdivision consent in certain circumstances, such as where the land is subject to potential damage from natural hazards, or inadequate access is provided to each lot. The proposal is not located on any area of land that is identified as being subject to natural hazards. It is considered that the proposal is an appropriate use of the land and will not itself increase the risk of damage from natural hazards. With regards to access, the existing formed access from Longbush Road will continue to be used to access all proposed allotments. For these reasons, it is considered that the proposal does not necessitate the application of Section 106 of the Resource Management Act.

Provision for access to all lots

Adequate access is provided to each lot via the existing double lane driveway and access point onto Longbush Road.

Provisions for sewage disposal and stormwater disposal which will not adversely affect public health and the environment

The provision and availability of adequate and potable water supply

The site has existing connections to a water supply and sewage disposal system which can adequately meet the requirements of the proposed development. There is sufficient land area for the on-site disposal of stormwater and shallow open channels along the driveway and concreted areas to divert surface water onto grassed areas.

Whether there may be cumulative effects on the roading network and utility services

The proposal development is unlikely to result in a significant amount of traffic generation from the site, given the anticipated use of the proposed units. It is noted that the driveway and access onto Longbush Road was constructed to accommodate commercial type activities in the rural zone – being the research and demonstration farm and then a digger school. In addition, Longbush Road comprises straight stretches of road either side of the entrance. Considering the above, the proposed development and subdivision is unlikely to create cumulative effects on the roading network.

Whether subdivision not meeting the minimum lot size requirement of the zone provisions will increase the density of development and reduce the open rural amenity.

It is noted that the proposed allotments do not meet the minimum lot size for the rural environment. However, the proposed unit allotments are intended for uses that do not require a large amount of land. The use of the site as a rural weekend retreat, rural lifestyle living and for tending small allotments can be adequately provided for by the proposed subdivision. Although the proposal will increase the density of development on the site, "open rural amenity" consisting of rural views and open

space will be maintained. Given the topography of the site, the significant setback from the road of the existing and proposed development and the extensive planting, the visual appearance of the site from the road as well as neighbouring properties will continue to be characteristic of the rural environment. The paddocks which comprise a large component of the site characterise the existing level of openness for this particular site. This land area will not be available for residential development. Only the accommodation building and a subsequent dwelling on proposed unit 16 will be visible from the road. These buildings will be balanced by the backdrop of rolling hills and large trees.

5.2 Proposed Combined Wairarapa District Plan

Under the proposed Wairarapa Combined District Plan, the proposal has been assessed as a Non-Complying Activity for subdivision pursuant to Rule 20.1.7. This rule states that Non-Complying Activities will be assessed against, but not limited to, the assessment criteria of Section 22.

The following provides an assessment of the proposal against the relevant criteria of Section 22.

Amenity

(i) the extent to which the area's amenity values and character are protected and/or enhanced.

As noted above, the proposed subdivision and subsequent use of the site for rural-residential purposes will not compromise the amenity value and existing character of the site and surrounding environment. The site itself will be enhanced by the proposed redevelopment of the buildings which will provide an opportunity for people to enjoy the rural environment, without significantly impacting on the amenity of adjoining properties.

Physical Resources

(vii) the provision of potable water supply

(viii) the adequate and effective disposal of sewage and stormwater, or the ability of every lot to dispose of sewage and stormwater effectively without risk to public health and the environment.

(x) the adequate provision of access within every lot to meet modern vehicular standards

The above criteria relate to the ability to provide an appropriate level of services to the proposed development. The site has existing connections to a water supply and sewage disposal system which is of an adequate standard to meet the requirements of the proposed development. There is sufficient land area for the on-site disposal of stormwater.

Adequate access is provided to each lot via the existing driveway and access point onto Longbush Road.

Development:

(xii) whether the design and layout of the subdivision avoids, remedies, or mitigates any adverse effects on the surrounding environment

(xiii) whether the proposed subdivision will create an additional lot for building/development or will change the use of the affected land

- (xiv) the ability of any existing or likely proposed building to comply with all standards in this Plan*
(xv) the ability for every allotment of land to accommodate a conforming dwelling house or a principal building and to be utilised in a manner that can comply with the plan provisions

This assessment criterion relates to the appropriateness of the site in accommodating subdivision activity. The proposal meets the building design standards of the District Plans apart from boundary setbacks, which is predominately an encroachment with respect to the proposed internal boundaries. The design and layout of the subdivision reflects the existing arrangement of buildings and natural topography and vegetation. While the proposed units do not comply with all of the plan provisions, any effects resulting from the non-compliance will be internalised.

The inability to comply with yard distance requirements for the proposed internal boundaries will not impact on the privacy or amenity values of adjoining properties. The proposed subdivision and subsequent use of the site is unlikely to impact on the adjoining properties, given the visual screening on the site and the distance between neighbouring dwellings.

The proposal will have less than minor impacts on the current amenity of the site, which is characterised by rural activity. The neighbouring residential activities currently enjoy a rural outlook which will not be altered by the proposal.

The proposal does create an additional lot for residential development. Proposed unit 16 is screened from adjoining properties by trees, and while it will be visible from the road, the significant setback distance means that it will not be prominent from the road.

The proposed subdivision and activity will be less intensive and have fewer adverse effects than previous use of the site and buildings. The use of the subject site has changed over time from a research and demonstration farm to a digger school including accommodation for students. Over the long term, and in its more recent history the site has therefore experienced more intensive use than a typical small rural site. In comparison, the proposed use will have fewer impacts on neighbouring sites in terms of visual and noise effects, traffic movements and rural amenity.

Contaminated Land

- (i) The existence and nature of any hazardous substances in, on, or under the land that may adversely affect the environment, and the works or other solutions proposed to avoid, remedy or mitigate those effects.*

The subject site does not contain hazardous substances and the land is not recorded as contaminated.

5.3 Summary

The above assessment has considered the appropriateness of the site in relation to the proposed development, the maintenance and enhancement of amenity, and the potential for any impacts on infrastructure. Overall, the proposal is considered to be appropriate for the site, and consistent with the assessment criteria of the proposed Wairarapa Combined District Plan.

6. Objectives and policies

6.1 Operative Carterton District Plan

Rural environment

Objective 2.3.1: *Maintain and enhance the character and amenity of the rural area.*

Policy 2.4.1: *Manage the density of development to deal with adverse effects on the open rural amenity.*

Policy 2.4.2: *Manage the adverse effects of activities to limit their impact on the quality of the rural environment.*

The rural environment is characterised by low density development and open landscape. These provisions recognise that retention and maintenance of visual amenity is important, although recognition is also given to the need to allow flexibility for future development.

In accordance with policy 2.4.1 the District Plan imposes minimum lot sizes to control the actual and potential effects of increased density on the rural environment, including visual amenity. Policy 2.4.2 relates to the characteristics of the rural environment including general amenity and traffic flows.

Although the minimum lot sizes of the proposed activity are less than envisaged by the District Plan for the rural environment, the visual appearance of the site from the road and neighbouring properties will not significantly change as a result of the proposed development. Apart from the additional building site (unit 16), the development will involve the renovation of existing buildings. The existing buildings are well screened by the large established trees on site and the shelter planting. The accommodation building and a subsequent dwelling on proposed unit 16 will be visible from the road; however the significant setback and back drop of trees and rural land will maintain the balance between buildings and land, upholding the rural character. Additional planting is proposed in front of the accommodation unit and building site of unit 16 to provide further screening from the road and adjoining properties.

The primary intent of the above policies is to maintain open rural amenity. The proposal will not compromise the open rural views and amenity of the area as the development is confined to one end of the site, which is already developed and the significantly set back from road. It is noted that only the accommodation building and a subsequent dwelling on proposed unit 16 will be visible. It is therefore considered that the proposed activity is not inconsistent with these rural amenity provisions.

Subdivision and development

Objective 9.2.1: *Ensure the act of subdivision and any development meet minimum environmental standards.*

Policy 9.3.2: *Ensure servicing is provided as appropriate in rural situations at the time of subdivision and development which avoids remedies or mitigates adverse environmental effects and protects public health.*

On-site servicing is available, including the provision of water supply via the existing bore and two effluent disposal fields. Water is also available from a nearby stream for irrigation purposes. The proposal is consistent with the above policy as services are adequately provided, which will not impact on the environment or create public health issues.

Transport

Objective 15.3.1: *A safe, efficient and effective land transport system which has minimal adverse effect on the environment.*

Policy 15.4.2: *Manage activities to avoid, remedy, or mitigate their potential adverse effects on the safety and efficiency of the transport network.*

As a result of the past use of the subject site there is a double lane sealed driveway. The entrance itself is wide, with splayed sides to allow vehicles to safely turn into the driveway from Longbush Road, which is 100km zone. Therefore the existing access and entrance point is suitable for the proposed development on the site and can adequately and safely meet the needs of future users. In addition, there is sufficient parking, manoeuvring and loading/unloading area on site.

The proposed activity is unlikely to have a significant effect in terms of generation of traffic volumes and impact on traffic safety. The anticipated owners and use of the site will be typical of weekend retreats and rural activities. It is noted that the proposal is unlikely to exceed the traffic movements which were associated with the Digger School. These movements included that of 6 staff members to and from the site and the transportation of 24 students to various activities. Parking on site was provided for over 60 vehicles.

With adequate and complying access onto Longbush Road, and sufficient area for parking, loading and manoeuvring, the proposal is therefore not contrary to this objective and policy of the Plan.

Utilities and Designations

Objective 16.2.1: *Enable an efficient utility network to operate while avoiding, remedying or mitigating adverse effects on the environment.*

Policy 16.3.4: *Recognise that network utility infrastructure is essential to enable people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety.*

The proposed activity is able to be suitably serviced by the existing infrastructure on site.

6.2 Proposed Combined Wairarapa District Plan

As noted above, the proposal has been assessed as a **Non-Complying Activity** for subdivision under the proposed Wairarapa Combined District Plan. Thus, in addition to the assessment criteria considered above, it is also necessary to assess the proposal against the relevant objectives and policies of the proposed Plan.

Rural

Objective 4.3.1 – Protection of Rural Character & Amenity

To maintain and enhance the amenity values of the Rural Zone, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.

Policies

(a) *Identify those character areas within the Rural Zone where the predominant land use is primary production, which needs to operate and develop effectively – Rural (Primary Production) Zone.*

(d) *Maintain and enhance the amenity values of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character, including an appropriate scale, density and level of environmental effects.*

The subject site is contained within the Rural Primary Zone; however the predominant land use of the site has not been for primary production activities. As a result of the past land uses on the site, the character and nature of this particular site differs from typical rural properties. For example, there is more than one building on site used for residential purposes and the infrastructure, including access and services, caters for significantly more people than typically associated with rural properties.

The amenity values that are currently available to the surrounding properties are unlikely to be compromised by the proposed development and unit title subdivision. Although the application proposes lot sizes which are significantly smaller than the minimum lot size the effects on the environment are no more than minor (see discussion in section 7 of this report).

Objective Rur2 – Enabling Primary Production

To enable primary production to function efficiently and effectively in the Rural Zone, while its potential adverse effects are reasonably avoided, remedied, or mitigated.

Policies

(b) *Ensure activities that are potentially sensitive to the adverse external effects of primary production activities, particularly those with significant external effects, are either appropriately sited or are otherwise controlled to mitigate such effects*

Rural-residential activities are sometimes associated with reverse sensitivity issues. At this specific site, given its inherent characteristics, activities associated with rural primary production within the application site are unlikely to impact on its rural-residential use.

The adjoining properties are used for general farming and there are no intensive farming, horticulture or other activities that are associated with excessive noise or smell. In general the environment along Longbush Road comprises low intensity rural activities such as grazing with a mix of rural-residential development. Consequently the proposed development is unlikely to experience reverse sensitivity issues.

District wide issues

Transport

17.3.1 Objective TT1 – Managing the Road Network

To maintain the safe and efficient operation and development of the road network from the adverse effects of land use while maintaining the networks ability to service the current and future needs of the Wairarapa.

Policies

(b) Establish controls and standards on land use and subdivision to avoid, remedy or mitigate any adverse effects on the roads' safe and efficient functioning.

As noted previously in this report, the proposed activity is not anticipated to have any impact on the effective or efficient operation of the road network.

Subdivision and land development

Objective 18.3.1 – Effects of Subdivision & Land Development

To ensure subdivision and land development maintains and enhances the character, amenity, natural and visual qualities of the Wairarapa.

Policies

(a) Manage subdivision and land development in a manner that is appropriate for the character and qualities of the environmental zone in which it is located, while recognising that such change may alter the character and qualities.

(b) Provide subdivision where it is compatible with the physical characteristics of the site, provided any adverse environmental effects are avoided, remedied or mitigated.

(d) Set minimum allotment sizes for the Residential and Rural Zones that provide a baseline for maintaining the character, scale and intensity of development of their Zones, including their servicing capacity, while recognising the differing constraints, qualities and characteristics within each zone.

(f) Limit the intensity of subdivision and land development in those rural parts of the Wairarapa in which significant intensification may have adverse effects on the risks from natural hazards, the operational requirements of key infrastructural and land use assets, and the growth of urban areas.

(g) To enable the subdivision of rural land for rural-residential purposes through minimum standards that seek to:

- i) Avoid or mitigate any significant potential adverse effects on the viability and operational requirements of any productive use of any adjacent land;*
- ii) Ensure allotment sizes and the pattern of subdivision maintains the open rural character, particularly from public roads;*
- iii) Ensure allotments are able to accommodate the likely use in accordance with the other requirements of the Plan;*
- iv) Avoid adverse effects on the safe and efficient use of roads;*

- v) *Satisfactorily avoid or mitigate the potential reverse sensitivity effects in relation to either nearby rural productive activities, activities allowed by zoning, or anticipated urban growth;*
- vi) *Ensure the actual and potential effects on rural character and amenity values will not be compromised by intensive and ad hoc urban development and/or through the cumulative effects of rural residential development;*
- vii) *Ensure the sewage effluent from all lots can be effectively disposed without any potential adverse effects on the environment.*
- (h) *Allotments below the minimum standards in the Rural Zone will not be allowed unless there are exceptional or unique circumstances, particularly if one or more of the following matters applies:*
 - i) *The proposed subdivision is likely to have a significant adverse effect on the viability and operational requirements of any productive use of adjacent land, including activities allowed by the zoning, or anticipated urban growth;*
 - ii) *The allotment sizes and/or pattern of the subdivision would not maintain the open rural character, particularly from public roads and vantage points;*
 - iii) *Allotments are unable to accommodate the likely use in accordance with the other requirements of the Plan;*
 - iv) *The subdivision would require an extension or upgrading of any service or road that is not in the economic interest of the District;*
 - v) *The subdivision would compromise the safe and efficient use of the road network;*
 - vi) *Any exacerbation of risks from flooding or other natural hazards that is likely to occur through intensified landholdings, occupation or where capital and infrastructural investment is more than minor;*
 - vii) *The proposal is unlikely to be able to satisfactorily and reliably dispose of effluent;*
 - viii) *The proposal is likely to lead to ad hoc urban development and/or adverse effects on rural character and amenity values through the cumulative effects of rural-residential development in the vicinity.*
 - ix) *The proposal is unable to provide a potable supply of water.*
- (m) *To support the use of integrated and innovative subdivision design and best practice to maintain and enhance the character and qualities of the environmental zone in which it is located.*

It is considered that the proposed development is appropriate to the site, given the ability to re-use the existing buildings, the availability of adequate infrastructure including roading and services, and the unique setting of the site with its topography, vegetation and setback from the road. Subdivision should be provided for where it is compatible with the physical characteristics of the site and where it will not create adverse effects on the surrounding environment. It is considered that this proposal is such a case.

Amenity, as a resource management issue, is comprised of two components. First, amenity attributes – these are the tangible and measureable matters such as noise, odour, and density of development that together define the amenity character of an area. The second component is the perceptions and expectations that people hold about rural amenity. These derive from people's values, desires and experiences.

Neither the tangible or intangible amenity values of the site and surrounding environment will be adversely affected as a result of the proposed subdivision and development. The subject site has the capacity to accommodate the proposed development and use without generating environmental effects on the surrounding environment. For example, the topography, vegetation and layout of the buildings

play a major factor in the visibility of rural residential activities in the rural zone. Due to these very factors the proposed development will not be highly visible or have an adverse effect on the existing character and amenity of the environment.

The property has a double lane sealed driveway and a splayed entrance onto Longbush Road which will safely and easily accommodate traffic movements resulting from the proposed development. The drive and entrance have been designed and constructed to a standard to service rural commercial activities with far greater traffic movements than the proposed rural residential development. No new access points are proposed. In addition, the property has more than adequate parking, manoeuvring and unloading areas.

Policy (h) above states that allotments below the minimum lot size will not be allowed unless there are exceptional or unique circumstances. The site itself is unique in the rural environment, being that it has more residentially used buildings and with the services capable of meeting demand for the proposed development. Due to the topography of the site and level of existing and proposed planting, the residential buildings will not be visually obvious from public areas or adjoining properties. The area of development is significantly set back from the public road. The visual appearance of the site from the road will therefore remain largely unchanged.

The property is not subject to natural hazards such as flooding. The adjoining land uses are for rural purposes and there are no intensive rural activities that would conflict with the proposed development. The intensification of the subject site for rural-residential purposes is unlikely to impact on the viability and operational requirements of the adjoining land use, being general farming activities such as grazing.

The above characteristics make the property unique and provide exceptional circumstances in which undersized allotments will not impact on the rural amenity of the surrounding area.

Servicing

18.3.4 Objective SLD2 – Effects of Servicing Requirements

To ensure that subdivision and land development is appropriately serviced to provide for the likely or anticipated use of the land.

Policies

(a) Ensure adequate infrastructure is provided by the subdivider/developer to allow new activities and development to connect to wastewater and water reticulation where adequate capacity exists to meet the needs of the development.

The site currently has satisfactory provision of servicing. The proposed activity is therefore consistent with this objective and policy.

6.3 Summary

The proposed subdivision and development is not contrary to the relevant objectives and policies of the operative Carterton District Plan and the proposed Wairarapa Combined District Plan.

7. Assessment of environmental effects

In addition to the earlier assessment, and to satisfy the requirements of Section 104 of the Resource Management Act (1991), the following provides a summary of the actual or potential effects of the proposal on the environment, which are:

- Positive effects
- Rural character and amenity effects
- Visual effects
- Reverse sensitivity
- Precedent effect
- Services
- Traffic, parking and access

These effects are discussed below.

7.1 Positive effects

The consideration of effects under the RMA must also take into account any positive effects of a proposal.

The proposal represents a sustainable use of land while providing an opportunity for the re-use of existing buildings for rural-residential or recreational purposes while maintaining the outlook and amenity values associated with the Gladstone area. It is also considered that use and amenity values associated with the subject site will be enhanced by the proposed re-development.

7.2 Rural character and amenity

The surrounding area is characterised by rural and rural-residential activities. These activities are associated with open space and high privacy values and low density of settlement. The proposed subdivision and subsequent development for residential purposes will not change these characteristics and values that are currently associated with the site and surrounding area.

The subject site is contained within a rural environment. There are a range of landholding sizes in the vicinity of the site, used predominantly for rural and rural-residential purposes. It is noted that a neighbouring site has more than one dwelling and these buildings are clearly visible from the road, while many nearby rural holdings feature dwellings and accessory buildings.

Although the proposal will increase the number and therefore density of residential units on the site, due to its past use as a research farm and digger school the intensity of use on the site will not increase. The subject site is unique in comparison to adjoining properties in that it has traditionally been used more intensively for rural and commercial purposes which have established a baseline for the site. The number of buildings on the site for residential purposes is also at a greater density than most rural sites including provision of accommodation for 24 plus students. Consequently the level of activity, including the number of people and traffic movements is greater than that typically associated with a rural allotment. The

intensity of use on the subject site will not increase from that traditionally associated with the site and the proposed rural-residential development is more compatible in terms of effects on the surrounding environment than the research farm or digger school.

A loss of rural character is sometimes associated with an increasing presence of buildings within the rural landscape. However, in this instance, the proposal will only result in the potential construction of one additional building. It is important to note that only the existing accommodation building and a subsequent building on the unit 16 will be visible from the road. Therefore, the appearance of a rural environment, with few buildings and an open landscape, will be maintained.

Privacy with respect to adjoining properties will be retained, as there are sufficient setback distances, and boundary and amenity planting. The encroachment on District Plan yard separation distances is predominately related to the proposed internal boundaries of the units. The potential privacy and amenity effects will therefore be internalised. The topography, layout of buildings and amenity planting on the site enables the existing buildings to be reasonably separated despite their proximity.

The proposed activity would create minimum lot sizes of less than 5000m² where the minimum lot size provided for in the proposed District Plan is 4.0ha. As noted previously, there are unique site specific reasons to distinguish this subdivision application from similar surrounding properties. The potential adverse effects on rural amenity and character are therefore considered to be no more than minor.

7.3 Visual effects

The immediately surrounding area comprises open space with grassed paddocks, rolling hills above flat paddocks and an abundance of established trees. There are few buildings visible from the road, including that on the subject site. The subject property itself when viewed from the road comprises flat fenced paddocks either side of a tree-lined drive before rising up to where the existing buildings are located. The buildings are surrounded by trees and only the accommodation building is visible from the road. It is noted that only the dwelling and accessory building located on 266 Longbush Road are visible from the subject site. The remaining adjoining properties consist of farm land.

The proposal will not significantly change the outlook and view described above from either the road or adjoining properties. The appearance from the road will remain unchanged as the paddocks in front of the site are to remain unbuilt while only one additional dwelling on the proposed vacant site will be visible. As the built environment already largely exists, the proposed subdivision will have few actual effects.

The boundaries of the proposed units are already well established within the site by way of fencing and vegetation. The layout of the buildings and location of different elevations lends itself to the proposed subdivision – being internally separated from each other. No new access points are required along the road frontage. It is therefore considered that the proposed subdivision will integrate into the surrounding area with little or no visual impact.

7.4 Reverse sensitivity

Reverse sensitivity is the potential restrictive impact on other land uses of allowing an activity to occur. In the rural zone, this can be associated with the use of a property for rural-residential purposes which may be incompatible with an established intensive rural use (such as pig farming) on an adjoining property. However, for Longbush Road, the adjoining sites are used for typically low intensity rural activities such as grazing, which are not considered incompatible with rural-residential use. There is no evidence of intensive farming, horticulture, quarrying or activities involving heavy traffic volumes or excessive noise. Therefore the proposal is unlikely to result in reverse sensitivity issues.

In addition, the subject property has extensive boundary planting and large trees around the buildings which help screen the property from the neighbouring sites and provide a high level of amenity values and privacy for the proposed rural-residential development.

The units will be available for occupation by those wanting a retreat in the rural environment and those who are looking for and expecting the typical activities which occur in the rural area.

7.5 Precedent effect

Precedent effect is the effect that granting consent might have on future subdivision in terms of expectations of similar subdivisions being granted. Each consent application needs to be decided on its merits and the particular characteristics of the proposal. For Longbush Road, although the rural-residential subdivision proposes a greater density than anticipated by the District Plans, it has unique circumstances that set it apart from other subdivisions. These circumstances include the fact that development will largely be confined to the existing buildings and the topography, existing vegetation and setbacks will help to protect the rural amenity of the site and surrounding area. In addition, the site already has the infrastructure and services required for the rural-residential development. In this case, it is considered that the proposal does not create a precedent effect for similar subdivision proposals.

7.6 Services

The site including all of the proposed primary units is capable of disposing of wastewater by means of onsite septic disposal systems contained within the boundaries of common lots.

There is sufficient provision of water for domestic and irrigation use.

There will be a slight decrease in impervious surfaces as a result of this proposal as the applicant is intending to remove some of the concreted area around the south lodge. Most of the development, including driveways and parking areas already exists, and there will be only one additional dwelling. Drainage from all proposed lots will continue to be piped to the existing stormwater system that drains to the road channels and the natural drainage of the land for other water not captured by buildings.

Power and telecommunications can be extended from the existing lines on site where required.

7.7 Traffic, parking and access

Adequate parking and manoeuvring area is available on site for each proposed primary unit. Proposed units 26 and 27 have been allocated parking spaces within the common area. There is also sufficient room for loading and unloading near the buildings themselves and also within the common property area along the road boundary of the site where the deer yards are currently located.

The entrance is splayed and there is sufficient area for vehicles to turn off Longbush road and into the driveway. Longbush Road is a double lane rural road with straight stretches of road either side of the subject site and there are no vehicle crossings in the immediate vicinity.

The vehicle movements from the dwellings are not likely to be that associated with seven typical dwellings in the rural zone. It is expected that many of the units will be used for weekend use and low intensity rural residential activities.

The existing driveway and entrance have been designed to accommodate a higher than normal level of traffic movements. In addition to the good visibility of Longbush Road either side of the crossing, it is considered the additional vehicle movements are unlikely to compromise the safety and efficiency of Longbush Road.

7.8 Summary

Typically, lifestyle areas are located close to the road, involve new access ways and driveways and significantly change the area's visual appearance. They also often result in the requirement for additional services. However, the proposed Longbush rural-residential development is set back from the road, does not involve any new access ways, will be largely hidden as a result of the topography and extensive planting on site and there are already adequate services on site. Therefore, it is considered that the proposed rural-residential subdivision and development is appropriate for the subject site.

This assessment of effects concludes that the actual and potential effects on the environment will be no more than minor.

8. Assessment as a non-complying activity

The non-compliance of this proposal relates to the undersized allotments and separation distances. Non-complying activities have the potential to undermine the integrity of the District Plan unless there are factors that set the application apart from the norm. In this case the proposal is considered to have the following unique features:

- There are three existing buildings on site, and only one additional dwelling is proposed.
- Only the accommodation unit and a subsequent new dwelling on unit 16 will be visible from the road
- The site is well established with vegetation, including large trees
- The natural topography and significant setback from road
- The past use of the site for more intensive activities (digger school and research facility)
- The existing infrastructure on site, including roading and onsite services can meet the needs of the development.

The Non-Complying status sets two regulatory threshold “tests” – one of which must be satisfied before Council can consider granting consent for a Non-Complying Activity. These tests require that the environmental effects of the activity are no more than minor or the proposal is not contrary to the objectives and policies of the District Plan.

As outlined in section 7 the actual and potential effects of the proposal on the environment will be no more than minor. Therefore this gateway test can be met.

It is considered that granting the proposal will not impact on the integrity of the policy framework of the respective plans. As illustrated in section 6, the proposal is not contrary to the relevant objectives and policies of the operative Carterton District Plan and the proposed Wairarapa Combined District Plan. It is noted that the plans allow rural residential subdivision and the creation of undersized allotments by exception only. It is believed that the subject property has exceptional circumstances that would make the application “not contrary” to the objectives and policies. Similarly, it is considered that these unique circumstances provide for the smaller allotment size and proposed use.

The proposed development is unique which sets it aside from other non-complying rural-residential subdivision with undersized allotments. Granting the consent would not create a precedent effect, because the particular characteristics and existing development on the site makes the property unique and appropriate for the proposed subdivision.

Therefore, the assessment included in this report demonstrates that the proposed activity passes both gateway tests.

9. Consultation

The proposed subdivision and development has been discussed with Solitaire Robertson at Carterton District Council and immediate neighbours of the property.

10. Conclusion

The application is for the unit title subdivision and subsequent development of the subject site and buildings into a rural-residential development in Gladstone.

The proposed activity is deemed a Non-Complying Activity pursuant to the proposed Combined Wairarapa District Plan. The non-compliance of the proposal directly relates to the lot sizes proposed in the rural zone.

Having made an assessment under s104D, it is considered that both gateway tests can be met. That is, the proposal will not generate more than minor environmental effects and it is not contrary to the relevant objectives and policies of the operative and proposed District Plans as there are unique circumstances which set the subject property apart from other rural-residential subdivisions with undersized allotments.

Appendix A

Certificate of title



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier WN48C/749
Land Registration District Wellington
Date Issued 05 July 1996

Prior References
WN25C/746

Estate	Fee Simple
Area	5.4076 hectares more or less
Legal Description	Section 106 Tupurupuru District
Proprietors	
Peter Johnstone Management Limited	

Interests

Appurtenant hereto are water rights created by Transfer 169304
Subject to Section 59 Land Act 1948

Appendix B

Letter from Greater Wellington



greater WELLINGTON
REGIONAL COUNCIL

BY E-MAIL

ENV/01/15/01
20 March 2009

PO Box 11646
Wellington 6142
142 Wakefield St
New Zealand
T 04 384 5708
F 04 385 6960
www.gw.govt.nz

For: Bridget Jones - Aurecon

Dear Bridget

Contaminated site enquiry 219 Martinborough-Masterton Rd, Longbush, Carterton

This letter is to inform you that the site located at **219 Martinborough-Masterton Rd, Carterton**, Legal Description **SEC 106 Tupurupuru District Blk IV Huangarua SD**, does not appear on the Greater Wellington Regional Council's **Selected Land Use Register** as a site that has used, stored or disposed of hazardous substances.

This does not necessarily mean the site is not contaminated, only that Greater Wellington has no evidence of contamination at the site. The presence or otherwise of contamination at the site can only be confirmed by a physical investigation in accordance with the Contaminated Land Management Guidelines produced by the Ministry for the Environment.

We've derived the above information from the Greater Wellington's **Selected Land Use Register** and made it available to you under the Local Government Official Information and Meetings Act 1987 and reflects Greater Wellington's current understanding of this site.

The register was established by Greater Wellington to help the regional council perform its functions under the Resource Management Act 1991. It has been compiled in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines.

Please be aware that Greater Wellington and its officers, employees and agents accept no liability for any inaccuracy in, or omission from, this information or liability for any loss or damage suffered by any person which may directly or indirectly result from any person acting or refraining from acting on this information. This information has been prepared for the recipient to whom it is addressed and is intended for that recipient's use only. It is not intended to be relied on by any other party. The provisions of the Privacy Act 1993 bind the recipient of this information.

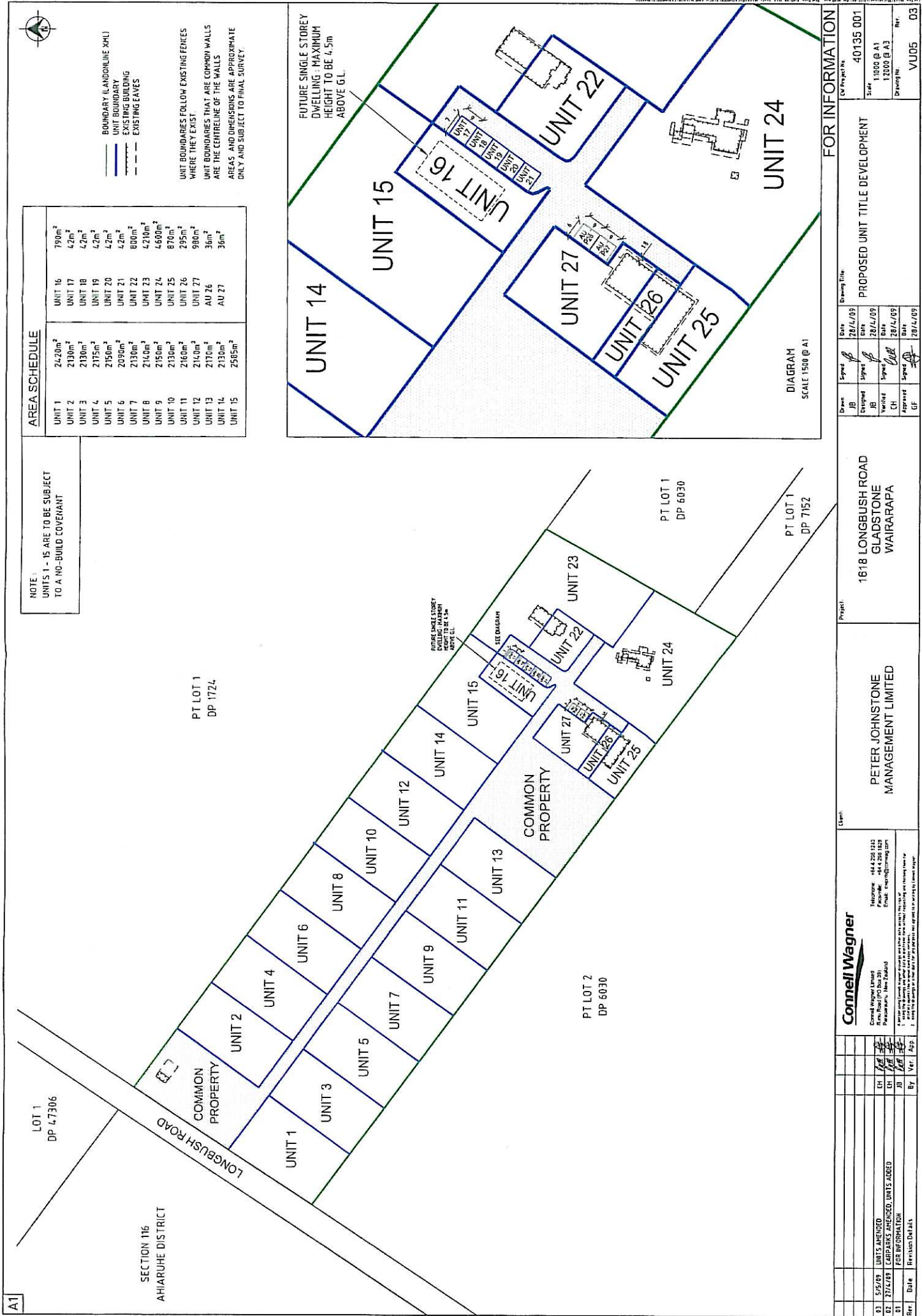
WGN_DOCS-#622813-V1

Water, air, earth and energy: elements in Greater Wellington's logo that combine to create and sustain life. Greater Wellington promotes Quality for Life by ensuring our environment is protected while meeting the economic, cultural and social needs of the community.



Appendix C

Proposed scheme plan



AREA SCHEDULE

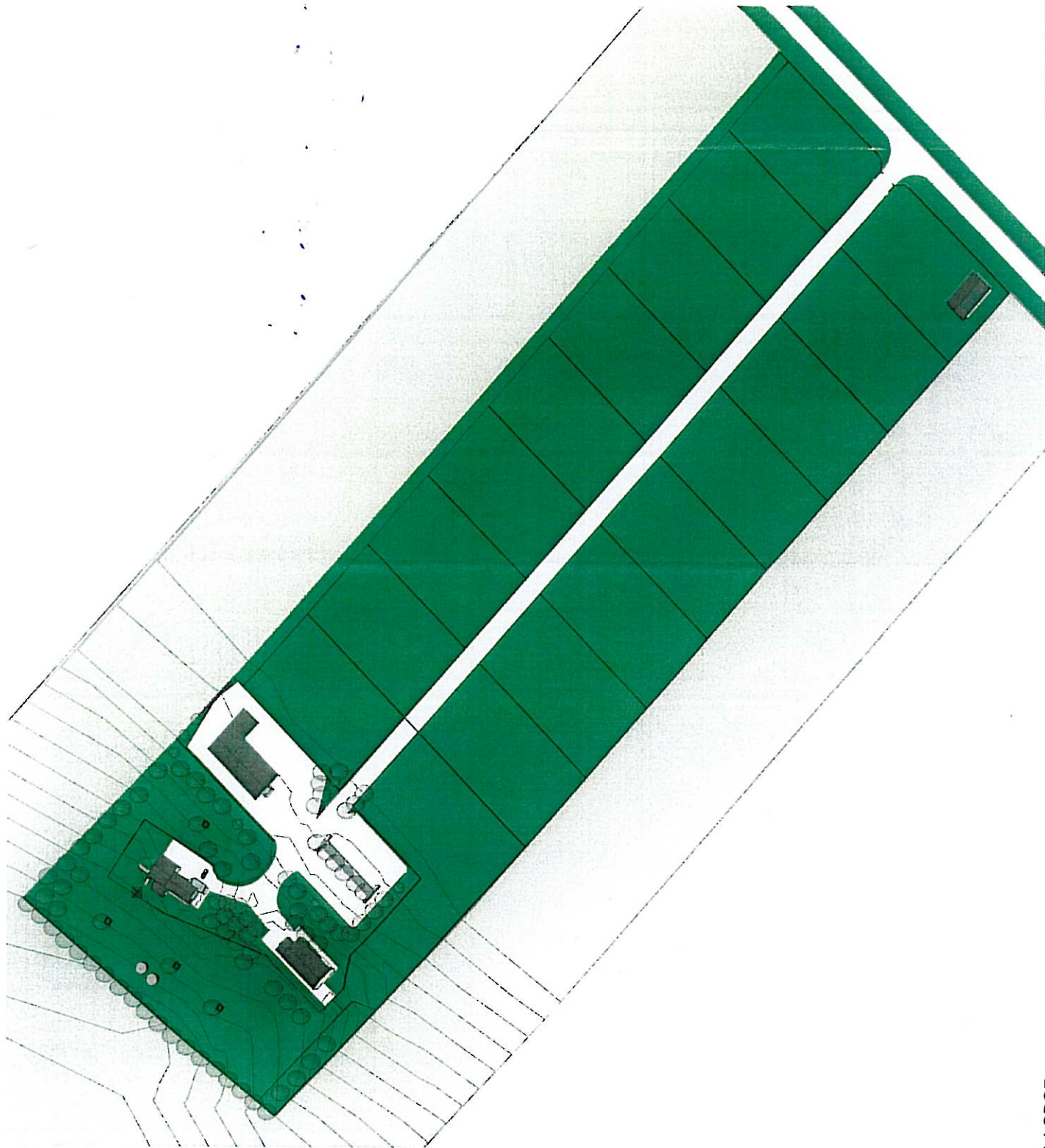
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UNIT 2	2130m ²	UNIT 17	42m ²
UNIT 3	2130m ²	UNIT 18	42m ²
UNIT 4	2115m ²	UNIT 19	42m ²
UNIT 5	2150m ²	UNIT 20	42m ²
UNIT 6	2090m ²	UNIT 21	42m ²
UNIT 7	2130m ²	UNIT 22	800m ²
UNIT 8	2140m ²	UNIT 23	4210m ²
UNIT 9	2150m ²	UNIT 24	4600m ²
UNIT 10	2130m ²	UNIT 25	870m ²
UNIT 11	2160m ²	UNIT 26	295m ²
UNIT 12	2140m ²	UNIT 27	980m ²
UNIT 13	2170m ²	AU 26	36m ²
UNIT 14	2130m ²	AU 27	36m ²
UNIT 15	2585m ²		

NOTE:
 UNITS 1 - 15 ARE TO BE SUBJECT TO A NO-BUILD COVENANT

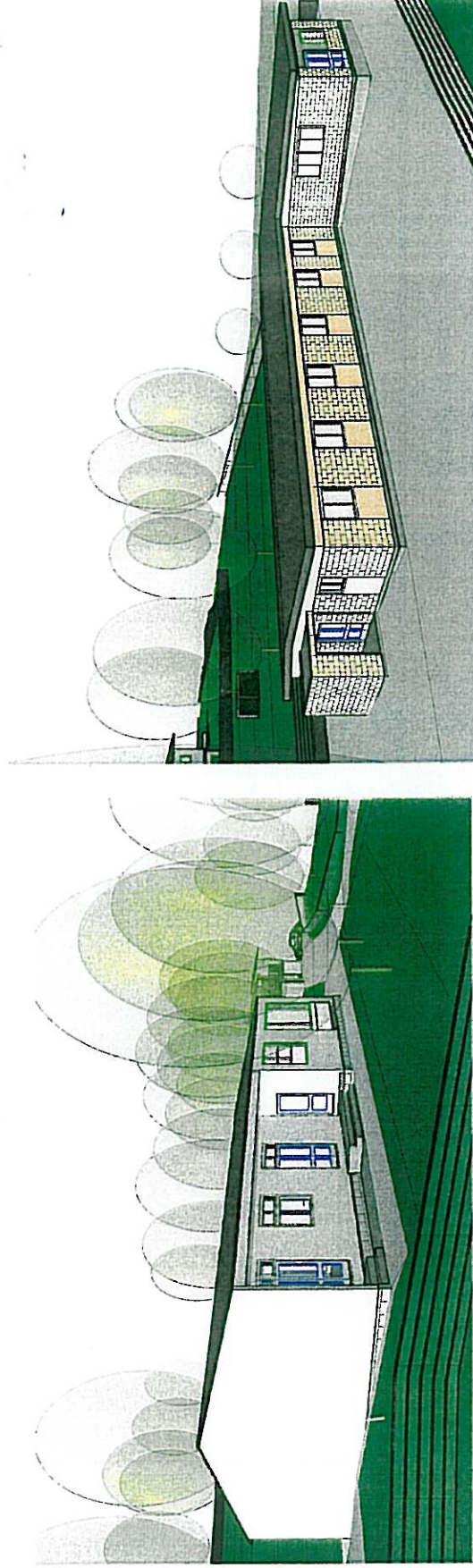
FOR INFORMATION			
Drawn	JB	Signd	JB
Checked	JB	Signd	JB
Verified	CH	Signd	CH
Approved	GF	Signd	GF
Date	28/4/09	Date	28/4/09
PROPOSED UNIT TITLE DEVELOPMENT			
Client		40135 001	
Project		1618 LONGBUSH ROAD GLADSTONE WAIRARAPA	
Client		PETER JOHNSTONE MANAGEMENT LIMITED	
Consultant		Connell Wagner	
Units Amended		5/2/09	
Carports Amended		27/4/09	
For Information		01	
Rev	Date	By	Ver
01	27/4/09	JB	1.0
02	27/4/09	JB	1.0
03	27/4/09	JB	1.0
Scale		1:1000 @ A1 1:2000 @ A3	
Drawing No.		VU05	
Rev.		03	

Appendix D

Architectural plans

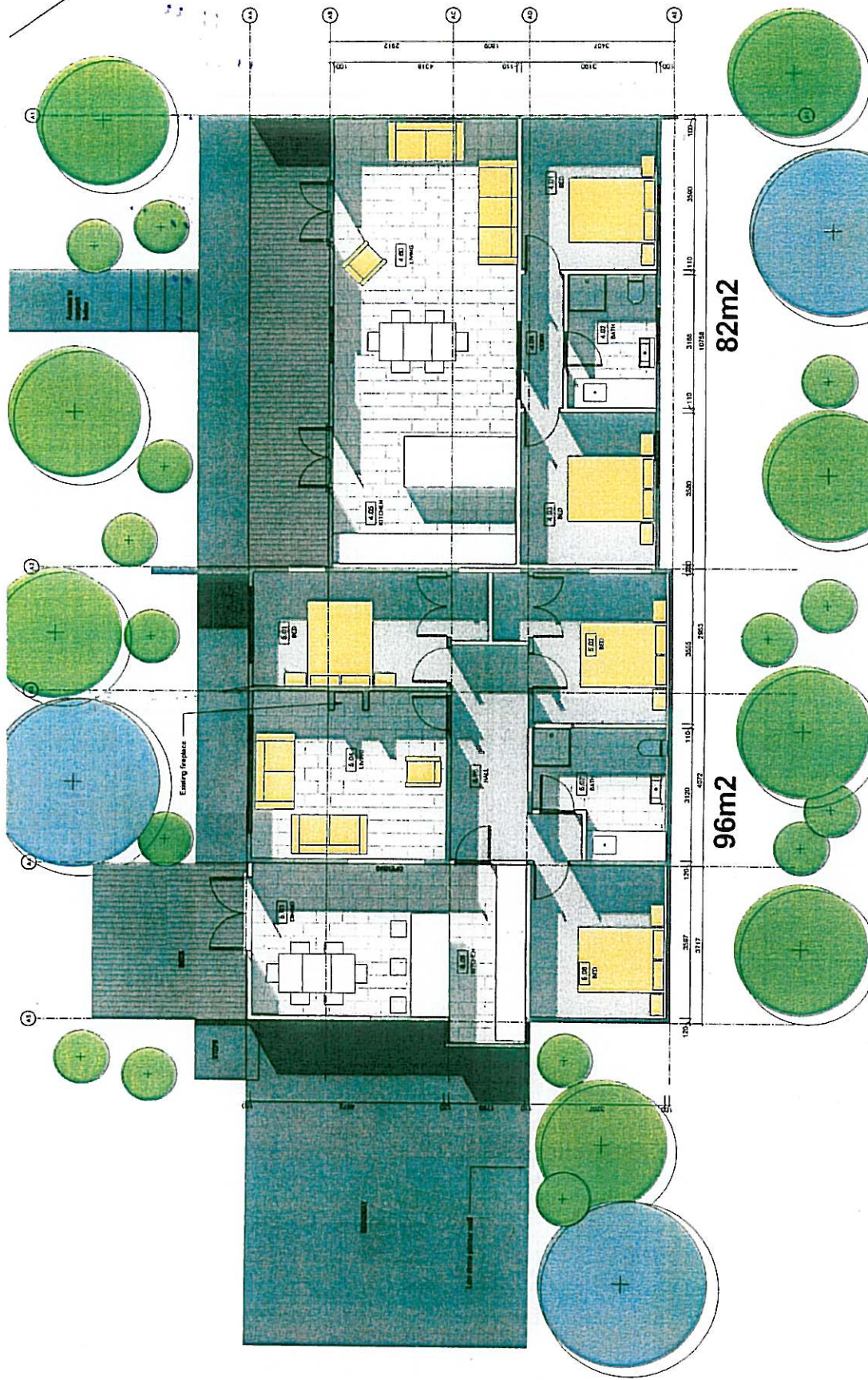


ARAHURA LODGE
BIRDSEYE PERSPECTIVE OF SITE



ARAHURA LODGE
 PERSPECTIVES OF HALL AND BUNK HOUSE

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ARAHURA

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Gisborne

Drawing Title

PROPOSED HALL PLAN

Drawing Number

A205

Project Number

03033

Revision

Project Contact

CCM

Author

Scale

1:50

Date

14/07/2010

Project Contact

CCM

Author

Scale

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Date

14/07/2010

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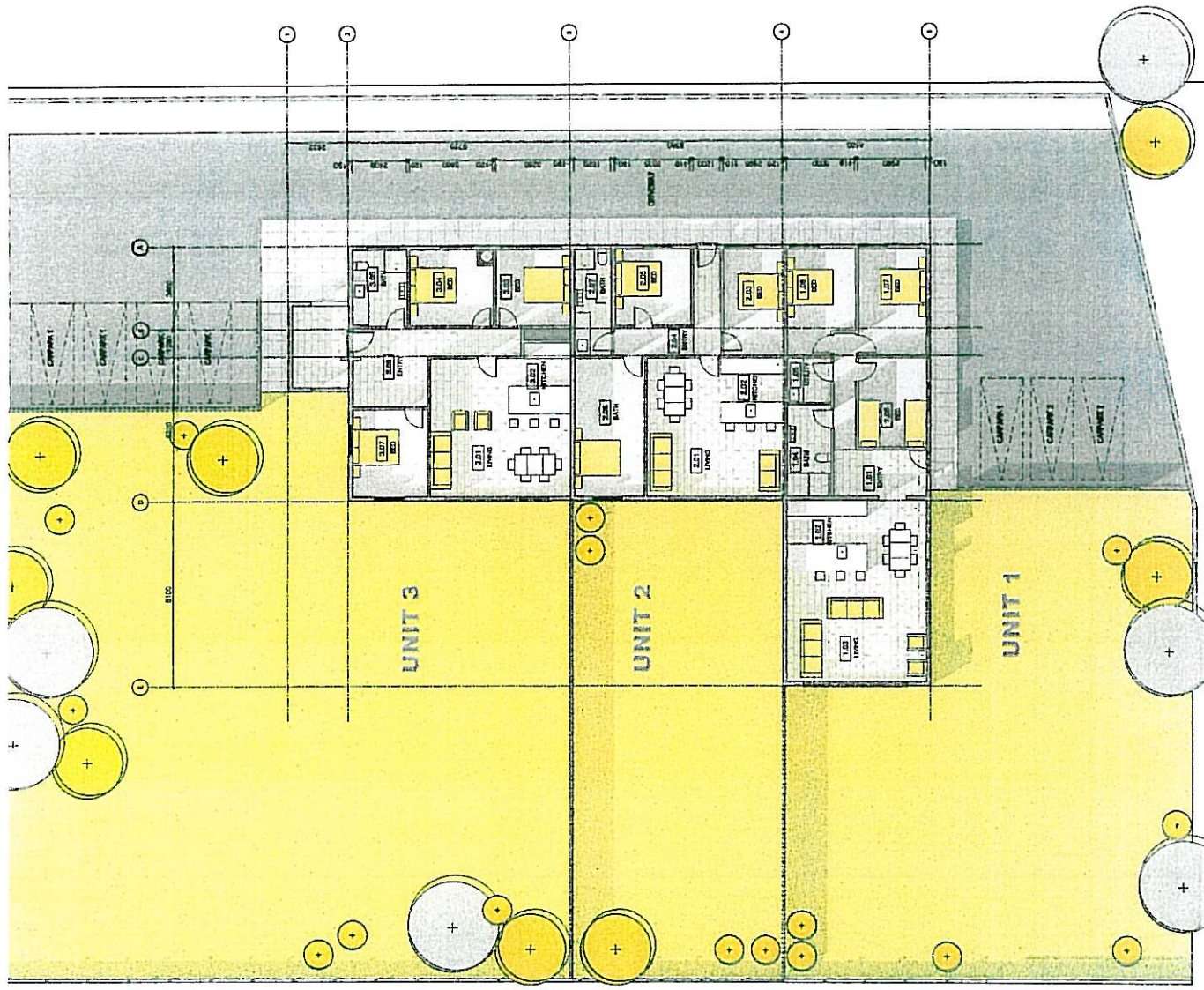
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ARAHURA
310 Main Road, Marlborough Road
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Drawing Title
Proposed South lodge Plan

Drawing Number	Project Number	Project Contact @ CCM
A201	00033	CCM
	Revision	
	A	
Date	Scale @ A1	Scale @ A3
16 APR 2009	1:100	1:100

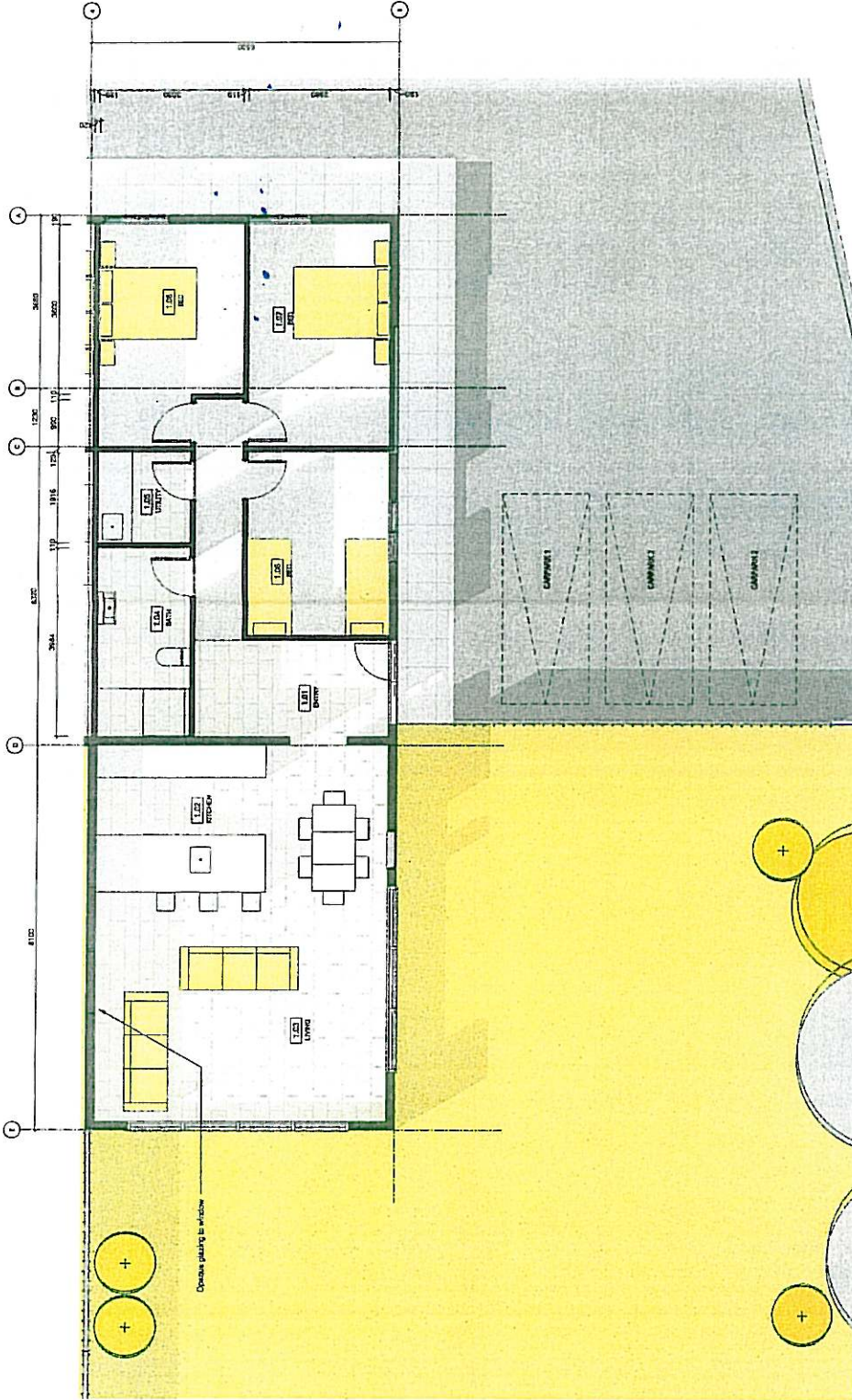


1 PROPOSED SOUTH LODGE PLAN
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1 UNIT 1 PLAN
1:10

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ARAHURA
215 Masterton/Marlborough Road
Gardstone

Drawing Title
South lodge - Unit 1 Plan

Drawing Number	Project Number	Project Contact @ CCM
A202	08033	CWM
	Revision	Scale @ A3
	A	1:50
Date	18 APR 2020	Scale @ A3
		1:50

Rev.	Description	Date
A	PRELIMINARY DESIGN	18 APR 03

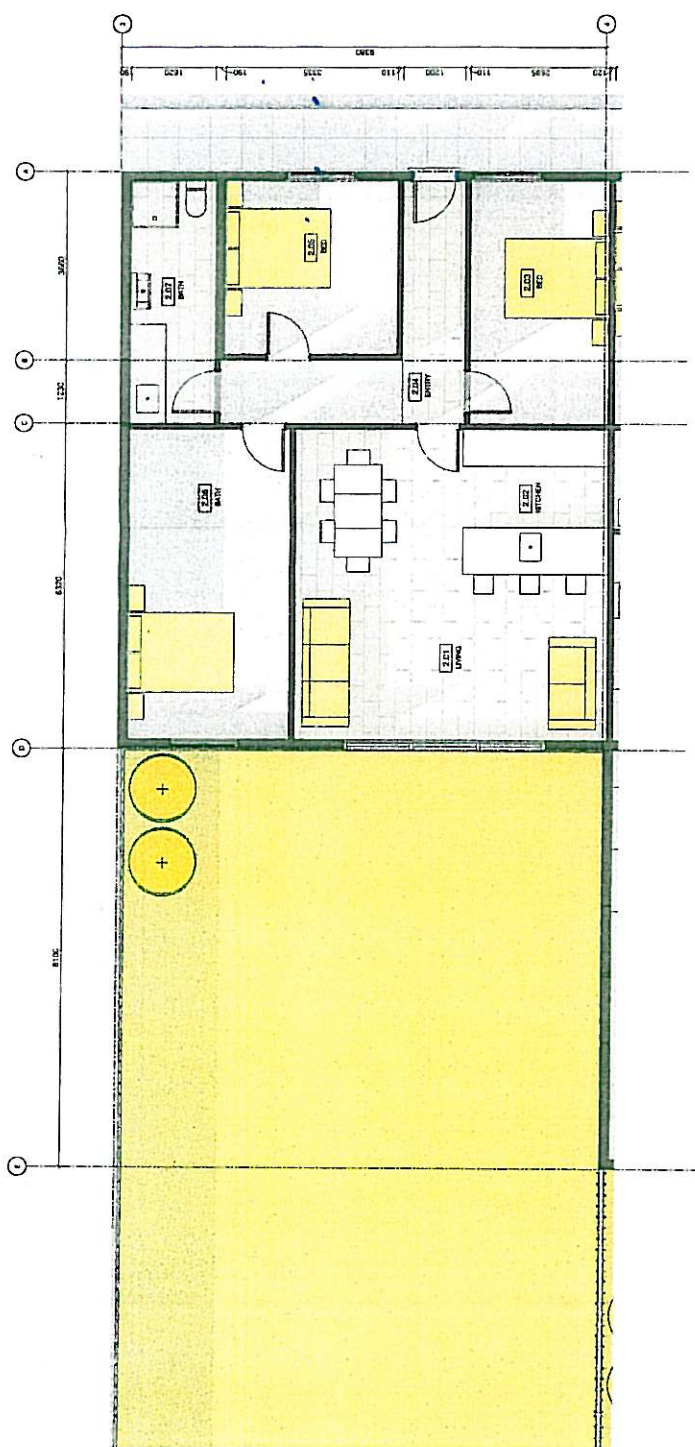
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<p>215 Masterton / Mairiporrough Road/ Gadstone</p>	<p>Drawn's Title</p>	<p>South Lodge - Unit 2 Plan</p>	<p>Drawing Number</p>	<p>A203</p>	<p>Date</p> <p>16 APR 2005</p>
<p>ARAHURA</p>			<p>Project Number</p> <p>05033</p>	<p>Revision</p> <p>A</p>	<p>Project Contact @ CDU</p> <p>DWM</p>
				<p>Scale @ A1</p> <p>1 : 50</p>	

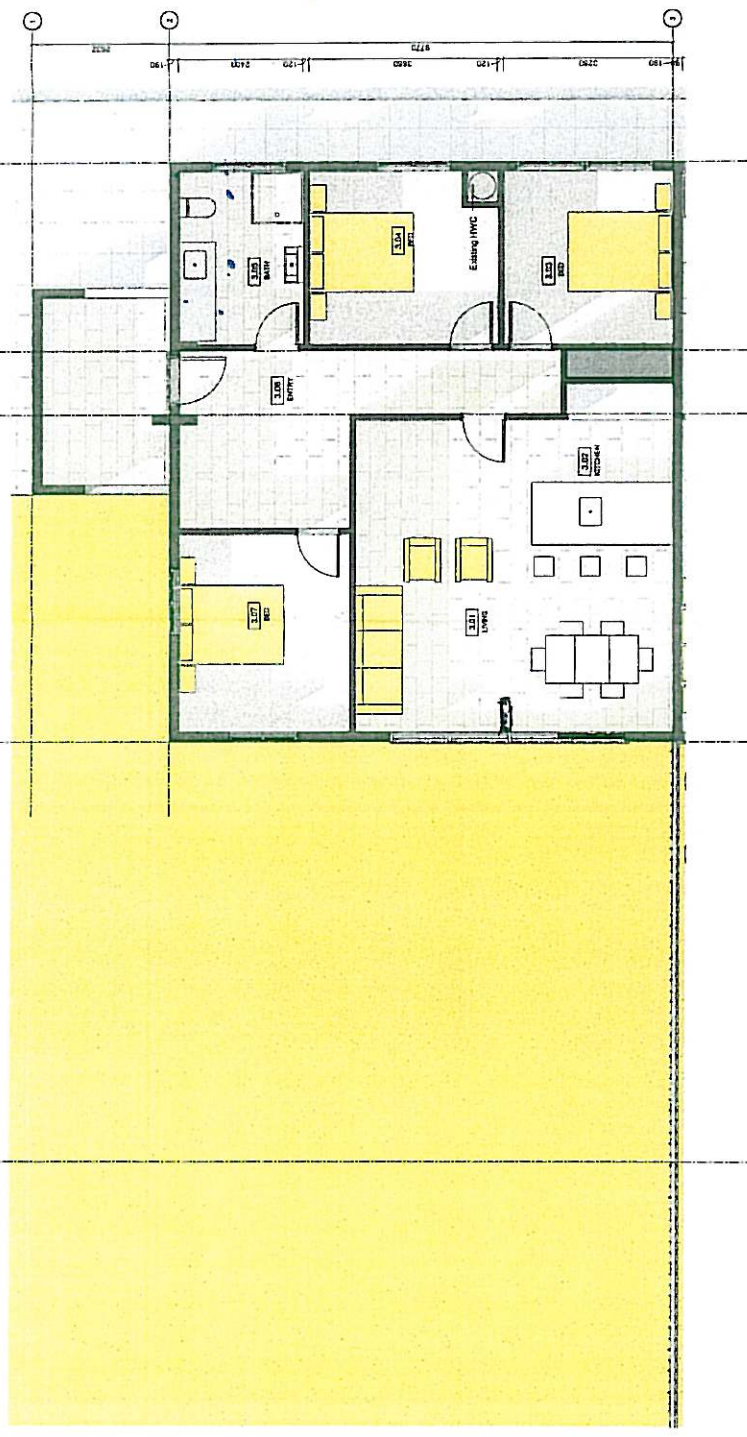


1 UNIT 2 PLAN
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Rev. Description Date

A PRELIMINARY DESIGN 18 APR 03



1 UNIT 3 PLAN
1:100

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Drawing Title
South Lodge Unit 3 plan

Drawing Number	Project Number	Project Contact @ CCM
A204	00033	CWM
	Revision	
	A	
Date	Scale @ A1	Scale @ A3
10 APR 2003	1:100	1:100

16/4/2003 12:59 PM C:\New\Projects\00033 ARAHURA\ARAHURA\UNIT3\00033.dwg

Appendix E

Body corporate and memorandum of understanding

Memorandum of Understanding

Between the Body Corporate of 1618 Longbush Road, Gladstone, Wairarapa and the Unit Title Proprietors (the Unit Holders)....

This Memorandum of Understanding incorporates the understanding between the Owner/Developer of 1618 Longbush Road, Gladstone, Wairarapa and the Carterton District Council and will form an essential part of any future agreement for sale of any unit title situated on the subject property.

The property at 1618 Longbush Road ('the subject property') is proposed to be subdivided into a number of unit titles (as shown on the attached plan) to facilitate more flexible ownership arrangements for development and on-sale. Seven of these units – specifically numbers 16, 22, 23, 24, 25, 26, 27 – may be used for residential occupation. Six of the remaining units – specifically numbers 17 – 21 are for vehicle parking and construction on these will be restricted to single storey implement sheds. The remaining 15 units – numbered 1 – 15, comprise bare land, some or all of which will attach to some or all of the seven residential units (16, 22 – 27). Construction on these fifteen units will be in accordance with the Carterton District Council District Scheme and for the avoidance of doubt will be strictly non-residential and limited to implement sheds.

The Body Corporate has been set up with the Body Corporate rules ('the rules') providing the power for the Body Corporate to appoint a committee (as is usual and provided for in the Unit Titles Act 1972), with power to carry out (some of) the duties of the Body Corporate. The rules have been further amended to provide that the (Body Corporate) Committee may in turn delegate certain of its authorities to a committee or committees each representing all of the unit holders in a particular building.

In providing these powers it is the Unit Holders' intention that within the limits that might be set from time to time by the (Body Corporate) Committee the Unit Holder(s) in a particular building will be able to be delegated the responsibility for the management and upkeep of that particular building. The rules provide the (Body Corporate) Committee the power to step in when the management by the unit holder(s) of a particular unit or units is not to the satisfaction of the (Body Corporate) Committee.

For ease of understanding, the rules which permit this delegation are as follows:

Rules 1.5, 2.8, 3.1, 3.2.2, 3.2.4, 3.3, 3.6, 4.4, 5.1, 5.2, 5.3, 5.5, 19.4, 19.5

In addition, Rules 22.1-22.4 provide restrictions to ensure responsible care for any animals on the land.

NOTICE OF CHANGE OF RULES

IN THE MATTER of The Unit Titles Act 1972

A N D

IN THE MATTER of Body Corporate Number
Wellington Registry

TO: The District Registrar
Wellington Registry

Notice is HEREBY GIVEN that the rules of Body Corporate Number were on the
day of 2009 duly amended in the manner set out in the First and Second
Parts hereto:

AND IT IS HEREBY CERTIFIED that each of the amendments set out in the First Part hereto has been
duly authorised and approved by a unanimous resolution of all the proprietors who together constitute the
said Body Corporate and each of the amendments set out in the Second Part hereto has been duly authorised
and approved by resolution of the said Body Corporate at a general meeting.

DATED at Wellington this day of 2009

THE COMMON SEAL of)
Body Corporate Number.....)
was affixed hereto)
in the presence of:)

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PART I - RULES THAT MAY BE AMENDED BY UNANIMOUS RESOLUTION OF BODY CORPORATE

Duties of the Proprietor

A unit proprietor shall –

- 1.1 Compliance (Public Law): Forthwith and at all times carry out all work that may be ordered by any competent local authority or public body in respect of the unit to the satisfaction of that authority or body.
- 1.2 Compliance (Private Law and Land Covenants): Comply in all respects with all Acts, bylaws, and regulations for the time being in force in the area in which the unit is situated in so far as they relate to the use, occupation, or enjoyment of the unit.
- 1.3 Compliance (Others): The duties and obligations imposed by these rules on the proprietor or occupier of a unit shall be observed not only by the proprietor or occupier but also by their guests, employees, contractors, licensees, and tenants.
- 1.4 Design and Use Controls and Procedures: Not permit in relation to the unit or the common property, any building, sign, water, gas, sewage, drainage or electrical services, landscaping or other improvements to be constructed, erected, installed added to, or demolished without the consent of the body corporate, and to not affect the insurance policies arranged by the body corporate.
- 1.5 Additions / Alterations: Make no additions or structural alterations to the unit (including any building, temporary structures, fence, sign, landscaping, alteration to gas, water or electrical installations) or in any way alter the elevation or external appearance or decoration thereof without the consent of the body corporate or a delegated committee of the body corporate.
- 1.6 Maintenance and Repair: Repair and maintain the interior of the unit, and keep it in sufficiently good order, repair, and condition to ensure that no damage or harm shall ensue

to the common property or to any other unit in the building of which the unit forms part. Where applicable; a unit proprietor shall maintain in good order any outdoor yard and/or garden or lifestyle areas (including any parking area – units 16, 22-27 – and/or any non-residential land – units 1 - 15) associated with the unit.

- 1.7 Payment of Rates and Levies: Duly and punctually pay all rates, taxes, charges, and other outgoings from time to time payable in respect of the unit to any local authority or public body and all sums properly levied in respect of the unit by the body corporate.
- 1.8 Right of Entry: Permit the body corporate (or its agents or servants) at all reasonable hours to enter into and upon the unit for any reasonable purpose, including but not limited to:
 - 1.8.1 maintaining, repairing, or renewing any water tanks, pipes, conduits, wires, cables, or ducts for the time being in, upon, or passing through the unit and capable of being used in connection with the enjoyment of any other unit or common property;
 - 1.8.2 maintaining, repairing, or renewing any common property;
 - 1.8.3 ensuring that the rules are observed;
 - 1.8.4 maintaining repairing or renewing any common walls, partitions or floors between the units;
 - 1.8.5 painting and refurbishing the exterior of the unit.

Duties of the Body Corporate

The body corporate shall -

- 2.1 Repair and Maintain Fixtures & Fittings: Repair and maintain all chattels, fixtures, fittings (including fire escapes), fences, grass paved sealed and gravelled areas, gardens, curbing, channelling, drainage and other services used, or intended, adapted, or designed for use, in connection with the common property or the enjoyment thereof.
- 2.2 Repair and Maintain Installations: Repair and maintain all water tanks, pipes, wires, cables, ducts, and all other apparatus and equipment of whatsoever kind and wheresoever situate which may be reasonably necessary for the enjoyment of an incidental right which may from time to time exist by virtue of section 11 of the Unit Titles Act 1972.

- 2.3 Repair and Maintain Exterior: Repair, maintain and clean in all respects the exterior of the buildings, including accessories, of which the unit forms part.
- 2.4 Insure Premises: Insure and keep insured all buildings and other improvements on the land to the replacement value thereof (including demolition costs and architect's fees) against fire and such other risks as are set out in Section 15 of the Unit Titles Act 1972.
- 2.5 Proof of Insurance: On request, produce to any unit proprietor, or a registered mortgagee of any unit, or any person authorised in writing by any unit proprietor or registered mortgagee of any unit, all policies of insurance effected by the body corporate, and the receipt for the last premiums paid in respect thereof.
- 2.6 Schemes for Decoration: Settle and approve schemes for the decoration and exterior painting of the buildings and common areas and all signs to be erected, placed or affixed on the units or common areas.
- 2.7 Sinking Fund: Maintain a sinking fund to provide for items of maintenance or repair to the common property and building exterior which may be required from time to time.
- 2.8 Notwithstanding paras 2.1 - 2.6 (above) and 4.1 (below) the body corporate may delegate to a committee(s) made up of the proprietor(s) of the unit or units comprising a building some or all of the duties prescribed as the duties of the body corporate.

Powers of the Body Corporate

The body corporate may -

- 2.9 Bank Accounts: Establish a current account at a bank, and nominate for the purposes of this paragraph three (3) persons (including the secretary) of whom any two (2) may operate the account.
- 2.10 Loans: Borrow any money necessary to enable it adequately to perform its duties or exercise its powers.

- 2.11 Investments: Invest any money for the time being held by it (whether in a fund established under section 15 of the Unit Titles Act 1972 or otherwise) in any of the modes of investment for the time being authorised by law for the investment of trust funds.
- 2.12 Right to Contract: Enter into any agreement with a proprietor or an occupier of any unit for the provision of amenities or services by it to the unit or to the proprietor or occupier.
- 2.13 Special Privilege: Grant to a proprietor of a unit or to anyone claiming through him any special privilege (not being a lease) in respect of the enjoyment of part or parts of the common property PROVIDED THAT any such grant shall be determined by special resolution.
- 2.14 Levy Defaulting Proprietor: Levy and require payment solely from a defaulting unit proprietor without the necessity of making an application pursuant to Section 33 of the Act or apportioning the liability to the unit proprietors as a whole of any fees costs or expenditure incurred in the recovery of a contribution or other lawful payment from such defaulting unit proprietor (including legal fees which shall be recoverable from a defaulting proprietor on a solicitor/client basis).
- 2.15 Management: Enter into a management agreement for such period, at such remuneration and upon such terms and conditions as the body corporate may think fit, for the delegation of its responsibilities to manage, repair and maintain the unit title development and fulfil any other duties of the body corporate.

Committee(s) of the Body Corporate

- 3.1 Mandate: Where there are more than three Proprietors, the powers and duties of the body corporate shall be exercised and performed by a committee (or committees, pursuant to 2.8 above), subject to any restriction imposed or direction given at a general meeting of the body corporate PROVIDED THAT any expenditure of over \$10,000 not being expenditure which the body corporate is legally obliged or previously authorised to incur, shall be referred to a general meeting and if the share of the proprietor or proprietors of any principal unit in any expenditure that is referred to a general meeting exceeds \$2,000 that

expenditure shall not be incurred unless it is approved by at least a three-fourths majority of votes.

3.2 Members:

3.2.1 Until the first annual general meeting of the body corporate, a proprietor from each unit shall constitute the committee. Where title to a unit is held in multiple ownership, one such owner shall be designated by the others to act as their representative member on the body corporate committee; in the event of failure to agree, the first person named on the Certificate of Title shall be entitled to act as body corporate committee member for that unit. Where the unit proprietor is a Corporation, a representative committee member shall be appointed.

3.2.2 After the first annual general meeting of the body corporate, the committee (or committees, pursuant to 2.8 above) shall consist of such number of proprietors, not being fewer than 3 (or , for committees formed pursuant to 2.8 above, the number of units in a building), as is fixed from time to time by the body corporate at an annual general meeting.

3.2.3 The members of the committee shall be elected at each annual general meeting, to hold office until the next annual general meeting PROVIDED THAT unless the committee consists of all the unit proprietors, the body corporate may by resolution at an extraordinary general meeting remove any member of the committee before the expiration of his term of office and appoint another proprietor in his place to hold office until the next annual general meeting.

3.2.4 Notwithstanding the provisions of 3.2.3, the members of a committee formed pursuant to 2.8 shall be the proprietor(s) of the unit(s) in a building.

3.2.5 Any casual vacancy on the committee may be filled by the remaining members of the committee.

3.3 Quorum: Prior to the holding of the first annual general meeting, the quorum necessary for the transaction of the business of the committee shall be one registered proprietor from each unit. Thereafter the quorum necessary for the transaction of the business of the committee may be fixed by the committee; and unless so fixed shall be 2 if there are not more than six members and three otherwise. A quorum for a committee formed pursuant to 2.8 shall be the number of units in the building (i.e. for the removal of doubt, all unit proprietors in the particular building).

- 3.4 Minimum: If the number of committee members is reduced below the number which would constitute a quorum, the remaining members may act for the purpose of increasing the number of members to that number or of summoning a general meeting of the body corporate, but for no other purpose.
- 3.5 Majority of Vote: At meetings of the committee all matters of general business shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the meeting shall not have a casting vote.
- 3.6 Mediation: In case of deadlock the matter for determination shall if arising in a committee formed pursuant to 2.8, be referred to the committee appointed by the body corporate for its decision, and any such decision still in dispute, or any other committee or body corporate decision in dispute shall be referred to mediation by a Law Society approved mediator to be agreed by the proprietors or, failing agreement to be appointed by the New Zealand Law Society Dispute Resolution Committee on the terms of the standard mediation agreement approved by the Mediators' Institute of New Zealand. In the event that the deadlock has not been resolved within twenty eight (28) days (or such other period as agreed to in writing between the proprietors) after the appointment of the mediator, the matter shall be referred to a single arbitrator where the proprietors can agree on one, and failing agreement, to two arbitrators, one to be appointed by each group of proprietors to the matter of difference and, if the arbitrators are unable to agree, then to their umpire to be appointed by them before entering on the consideration of the matter submitted to them. In either case the arbitration shall be conducted in accordance with the provisions contained in the Arbitration Act 1996 or any other act in substitution for that act for the time being in force and the decision of the arbitrator, arbitrators or their umpire shall be final and binding upon all proprietors and upon the body corporate.

General Business of the Body Corporate Committee

SUBJECT to any restriction imposed or direction given at a general meeting, the committee may:

- 4.1 Meetings: Meet for the conduct of business, adjourn, and otherwise regulate its meetings as it thinks fit PROVIDED THAT it shall meet when any member of the committee gives to the other members not less than 7 days' notice of a meeting proposed, specifying the reason for calling the meeting.

- 4.2 Employment: Employ for and on behalf of the body corporate such agents and servants as it thinks fit in connection with the control, management, and administration of the common property and the exercise and performance of the powers and duties of the body corporate.
- 4.3 Election of Convenor: From time to time elect one of its members to act as convener of the committee.
- 4.4 Delegation of Duties: Delegate to one or more of its members, and/or to a committee formed pursuant to 2.8, such of its powers and duties as it thinks fit, and at any time revoke the delegation; and
- 4.5 Convene General Meetings: Whenever it thinks fit, convene an extraordinary general meeting of the body corporate.

Duties of the Body Corporate Committee

The committee shall-

- 5.1 Minutes: Keep minutes of its proceedings (and require any committee formed pursuant to 2.8 to keep minutes of its proceedings) and cause minutes to be kept of general meetings of the body corporate, and include therein a record of all resolutions.
- 5.2 Books of Account: Cause (and require any committee formed pursuant to 2.8 to cause) proper books of account to be kept in respect of all sums of money received and expended by it, and the matters in respect of which all such income and expenditure is received or incurred.
- 5.3 Inspection of Books: On application by a proprietor or a mortgagee of a unit, or any person authorised in writing by either of them, make (and require any committee formed pursuant to 2.8 to make) the books of account and all minutes available for inspection at all reasonable times.

- 5.4 Extraordinary General Meetings: Upon a requisition in writing made by proprietors entitled to 25 percent of the total unit entitlement of the units, convene an extraordinary general meeting of the body corporate.
- 5.5 Validity of Actions: No act or proceeding of the committee (or of any committee formed pursuant to 2.8) or of any person acting as a member of the committee (or of any committee formed pursuant to 2.8) shall be invalidated in consequence of there being a vacancy in the number of the committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he or she was incapable of being or had ceased to be such a member.

Meetings of the Body Corporate

- 6.1 Memorandum in Lieu of Meeting: Anything that may be done in accordance with these rules may be done by resolution passed without a meeting or any previous notice being given, by means of an entry in the minute book signed by all the members (or their duly appointed proxies) having the right to vote on the resolution, and comprising all the proprietors for the time being of all the units comprised in the unit plan.
- 6.1.1 The body corporate secretary shall give notice of any such resolution by such means and within such time as the secretary considers appropriate in the circumstances.
- 6.1.2 It shall not be necessary for the body corporate to hold an annual general meeting or an extraordinary general meeting if everything required to be done at that meeting, within the time prescribed for the holding of the meeting, is done by means of an entry in the minute book signed in accordance with this proviso. A memorandum pasted or permanently affixed in the minute book and signed by all the required members of the body corporate shall be deemed to be an entry accordingly.
- 6.2 Annual General Meetings: A general meeting of the body corporate, to be called the annual general meeting, shall, in addition to any other extraordinary meeting, be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting. The first annual general meeting of the body corporate shall be held

within 6 months after the date of the deposit of the unit plan or of the sale of the first unit, whichever is the later.

- 6.3 Extraordinary General Meetings: All general meetings of the body corporate other than annual general meetings shall be called extraordinary general meetings.
- 6.4 Notice of Meetings: At least 7 days notice of every general or extraordinary meeting of the body corporate specifying the place, the date, and the hour of the meeting, and the proposed agenda, shall be given to all persons entitled to exercise a vote in accordance with the provisions of section 41 of the Unit Titles Act 1972 and of these rules PROVIDED THAT accidental omission to give such notice to anyone so entitled shall not invalidate any proceedings at any such meeting.
- 6.5 Service of Notice: Any notice required to be given under these rules shall be sufficiently given if delivered personally to the person concerned or if left, or sent by letter posted to the person concerned, at the last address of that person notified to the body corporate, or if no such address has been so notified at that person's last known place of residence PROVIDED THAT if a proprietor advises the body corporate in writing that he requires notices sent to him by post to be sent by registered post, a notice thereafter sent to him by post shall not be sufficiently given unless it is sent by registered post.
- 6.6 Quorum: At a general meeting of the body corporate, the persons entitled, on an ordinary resolution to exercise the voting power in respect of not less than one-third of the units shall constitute a quorum. Save as otherwise provided in these rules, no business shall be transacted at any general meeting of the body corporate unless a quorum is present at the time.
- 6.7 Quorum if Meeting Adjourned for Lack of Quorum: If within half an hour from the time appointed for a general meeting of the body corporate a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the number of persons present and entitled to vote at the expiration of that half hour shall constitute a quorum.

- 6.8 Chair: At a general meeting of the body corporate, the convenor of the committee shall chair the meetings if he or she is present. If there is no convenor or if the convenor is not present or is unwilling to act, the chair shall be elected at the commencement of the meeting.

Voting of Body Corporate

- 7.1 Majority: Save as otherwise provided by the Unit Titles Act 1972 or these rules, all matters at a general meeting of the body corporate shall be determined by a simple majority of votes. In the case of equality of votes the chair for the time being of the meeting shall not have a casting vote or a deliberative vote and the dispute resolution provisions of these rules shall apply.
- 7.2 Allocation of Votes: Subject to the provisions of section 41 of the Unit Titles Act 1972, at any general meeting of the body corporate-
- 7.2.1 Where a unanimous resolution is required, each person who is a proprietor of a residential unit (units 16, 22, 23, 24, 25, 26 and 27) shall be entitled to exercise one vote with the proviso that if the resolution primarily affects any of the parking units (units 17-21) or lifestyle units (units 1-15) then each person who is a proprietor of one of these affected units shall be entitled to exercise one vote.
- 7.2.2 Where a poll is demanded or a special resolution is before the meeting, each vote shall correspond in value with the unit entitlement of the principal residential unit and/or lifestyle unit(s) and/or parking unit(s) and accessory unit (if any) in respect of which it is exercised.
- 7.2.3 In all other cases one vote only shall be exercised in respect of each principal residential unit, and no separate vote may be exercised in respect of any parking, lifestyle or accessory unit.
- 7.2.4 Any proprietor which is a company or other incorporated body may, by resolution of its directors or other governing body, and the Crown by exercise of the applicable statutory authority authorise such person as it thinks fit to act as its representative at any meeting of the body corporate or committee, provided however that the company or other incorporated body shall notify the body corporate of the name of the person so authorised, and that person may exercise the

same powers on behalf of the proprietor he or she represents as that proprietor could exercise if it were an individual person.

- 7.3 Polling of Votes: At any meeting of the body corporate any person present and entitled to vote on the matter that is under consideration may demand a poll thereon, which shall be taken in such manner as the chair thinks fit.
- 7.4 Evidence of Resolution: The result of the poll shall be deemed to be the resolution of the meeting at which it was demanded. Where a poll is not demanded, a declaration by the chair that a resolution has been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded for or against the resolution.
- 7.5 Right to Proxy: Any vote to be cast at a general meeting of the body corporate may be exercised personally or by proxy. A proxy shall be appointed in writing. Where 2 or more persons are jointly entitled to exercise one vote and wish to do so by proxy, that proxy shall be jointly appointed by them and may be one of them. If only one of those persons is present at a general meeting and they have not appointed a proxy as aforesaid, he or she may exercise the vote.
- 7.6 Conditional Voting Rights: Except where a unanimous resolution is required, a power of voting in respect of a unit shall not be exercised unless all amounts accrued due and payable to the body corporate under the Unit Titles Act 1972 or these rules have been duly paid.
- 7.7 Rights and Duties of Body Corporate: If there is no committee, the responsibility and the powers given to the committee by these rules shall be those of the body corporate; and, unless the context otherwise requires, every reference in these rules to the committee shall be read as a reference to the body corporate.

Secretary

- 8.1 Appointment: A secretary (who may or may not be a proprietor) shall be appointed by the body corporate at its first general meeting for such term, at such remuneration, and upon such conditions as it may approve; and any secretary so appointed may be removed by the body corporate, either at a subsequent annual general meeting or at an extraordinary general

meeting called for that purpose. At any such meeting the secretary shall have the right to attend and be heard.

8.2 Function: The function of the secretary shall be to keep proper books of account in which shall be kept full, true, and complete accounts of the affairs and transactions of the body corporate and to carry out such other functions as may from time to time be delegated to him or her by the body corporate.

8.3 Certificate of Body Corporate: Notwithstanding anything contained in these rules, the secretary from time to time appointed by the body corporate may in the name of and on behalf of the body corporate give certificates pursuant to Section 36 of the Unit Titles Act 1972 to any person authorised in writing by any proprietor to request such certificate and where such certificate is given, then:

8.3.1 The common seal of the body corporate may be affixed to the certificate without any further or other authority; and

8.3.2 The affixing of the common seal to the certificate shall be witnessed by the secretary and one proprietor.

8.4 Balance Sheet: The secretary shall in each year prepare a balance sheet showing the body corporate's financial dealings during that year, and shall, within 6 months after each annual general meeting, send a copy of the latest balance sheet to every proprietor.

Miscellaneous

9.1 Use of Seal: The common seal of the body corporate shall not be used without the authority of the committee of the body corporate previously given. Whenever the seal is affixed to any instrument, that instrument shall be attested by at least 2 members of the committee or, where an administrator has been appointed or there is only one proprietor, by the administrator or that proprietor.

9.2 Special resolution: For the purposes of these rules a special resolution means a resolution proposed at a general meeting of the body corporate of which at least 14 days' notice specifying the intention to propose the resolution as a special resolution has been given.

- 9.3 Voting on Special Resolution: Where a resolution is proposed as a special resolution, the vote of the meeting shall be taken in the same way as if it had been proposed as an ordinary resolution and a poll had been demanded PROVIDED THAT a special resolution shall be deemed not to be carried unless persons entitled to exercise not less than three-fourths of the value of the votes and not less than three-fourths of the number of votes exercisable in respect of all the units vote in favour of it.

Signage and Naming

The land, buildings and improvements comprising the principal units, and common property shown in the unit plan shall be referred to, named and known as 1618 Longbush Road.

PART II - RULES WHICH MAY BE AMENDED BY RESOLUTION OF BODY CORPORATE

The rules contained in the Third Schedule to the Unit Titles Act 1972 are hereby revoked and the following rules substituted therefor:

Use

- 11.1 A proprietor or occupier of a unit shall :
Occupy and use the unit and the common property to allow the quiet enjoyment of the other proprietor and occupiers, and to maintain the quality and standards of the property.
- 11.2 A proprietor or occupier of a unit shall not:
 - 11.2.1 Common Property: use the common property in such a manner as unreasonably interferes with the use and enjoyment thereof by the other unit proprietors or occupiers or any employee, agent, sub-tenant, contractor, guest, invitee or customer of such proprietor or occupier and in particular shall not drive, operate or use or permit to be driven, operated or used on the common property any vehicle or machinery or a weight or nature which is likely to cause damage to the common property AND any damage to the common property caused or contributed to by the use of any such vehicle or machinery in the aforesaid manner shall be made good by the proprietor who caused the damage as directed by the body corporate.
 - 11.2.2 Burn Rubbish: burn rubbish anywhere in a unit or on the common property unless authorised by the Body Corporate or its duly appointed committee.
 - 11.2.3 Rubbish Accumulation: allow any rubbish or litter to accumulate or any unit or part thereof or on the common property nor dispose of trade refuse or waste anywhere except into bins or receptacles for removal either on the usual days by the local authority or by independent contractors promptly when required so to do by the body corporate.

- 11.2.4 Exterior Refurbishment: permit the exterior of his/her unit to be painted or refurbished except with the consent of the body corporate in conformity with the general scheme of painting or refurbishment for the units approved by the body corporate.
- 11.2.5 Light/Air Restrictions: restrict light or air to adjoining units.
- 11.2.6 Aerials etc: save with the express written consent of the body corporate, erect or affix or cause to be erected or affixed to the building or any part thereof any radio or television mast or antenna. In the event the body corporate considers that the rights or interest of the proprietors or occupiers are being adversely affected such consent may be modified or withdrawn on the giving of 14 days notice.
- 11.2.7 Signs, Notices etc: affix or display any signs, advertisements, notices, posters, placards, banners or like matter to or on any part of the outside or inside of the building nor do anything to vary the external appearance of their units without the prior written consent of the committee PROVIDED ALWAYS that while the original proprietor remains a proprietor of any unit it or its servants and/or agents may without the consent of the committee paint, affix or display any signs, advertisements, notices, posters, placards or banners to or on any part of the building for the purpose of offering for sale any unit in the building.

Relation to Management

- 12.1 All requests for consideration of any particular matter to be referred to the committee or to the body corporate shall be directed to the secretary or the building manager as appropriate and not to the chairman or any members of the committee. Proprietors or occupiers of units shall not directly instruct any contractors or workmen employed by the body corporate unless so authorised.

Obstruction

- 13.1 The pathways and drives on the land and any easement giving access to the land shall not be obstructed by any of the proprietors or occupiers of units or used by them for any other purpose than the reasonable ingress and egress to and from their respective units or

accessory units and shall not be used in a manner likely to cause damage or undue wear and tear to any paved or sealed surfaces and no proprietor or occupier of a unit shall park or stand or shall permit to be parked or stood on common property any vehicle except with the consent in writing of the committee. A proprietor or occupier of a unit shall not obstruct nor deposit nor throw anything on any path, hallway, stairway, corridor, lobby, entrance way in the building, or fire escape, or any common property, or any appurtenances or conveniences, nor injure nor dirty any part thereof nor obstruct any lights, skylights, windows or other means of illumination of the common property or the units generally.

Interior Maintenance

- 14.1 Responsibility of Proprietor: Each proprietor or occupier of a unit shall be responsible for the interior maintenance and decoration of the unit.
- 14.2 Approved Tradespersons: Any work performed in a unit that may affect the services or other parts of adjacent and other units shall be performed by a qualified tradesperson and the work shall not be performed until the committee has given consent; except that for emergencies the proprietor or occupier shall firstly obtain the consent of the committee for the qualified tradespersons to be employed and the work may be performed without further consent being required, but providing that after the emergency the proprietor or occupier shall furnish a report of the work done to the committee.
- 14.3 Alterations: The proprietor or occupier shall not make any alterations to walls, floors, stairs and roofs either internally or externally without firstly submitting details of the alterations to the committee to allow the committee to satisfy itself that the work will not affect the legal requirements that apply to the other parts of the building; and the committee shall have the right to require conditions for the work to ensure that the bylaws continue to be satisfied.

Landscaping

- 15.1 The body corporate is responsible for trimming the trees, creeper and shrubs when necessary and general maintenance of the common property.

Windows

- 16.1 All windows shall be kept clean on the inside faces and if broken or cracked shall be promptly replaced by the proprietor or occupier of the unit at his expense with fresh glass of the same or better quality and weight as that being replaced.
- 16.2 Approval of Window Coverings: The proprietor or occupier shall not display blinds or curtains visible from the outside of the unit by others than the occupier of the unit unless the colour and design of those blinds and curtains are approved by the committee or the building manager. In giving such approval the committee shall ensure as far as practicable that the blinds and curtains used in all units represent a uniform and orderly appearance when viewed from the outside of the building.
- 16.3 Laundry Restriction: No clothing, bedding or other articles shall be hung on the windows, balconies or on the outside of the building(s) or windows thereof, other than on approved clotheslines.

Water

- 17.1 A proprietor or occupier of a unit shall not waste water and shall ensure that all water taps in the unit are promptly turned off after use.
- 17.2 Blockage of Pipes etc.: The water closets, conveniences and other water apparatus including waste-masters and dishwashers, waste pipes and drains shall not be used for any purpose other than those for which they were constructed and no sweepings or rubbish or other unsuitable substance shall be deposited therein. Any damage or blockage resulting to such water closets, conveniences, water apparatus, waste pipes and drains from misuse or negligence shall be borne by the proprietor or occupier whether the same is caused by their own actions or those of guests, employees, contractors, licencees or tenants.

Notice of Accidents, Defects etc

- 18.1 A proprietor or occupier on becoming aware of any defect, damage or defilement of the building or any part thereof, or of any hazard that may threaten the safety of any unit holders and/or their tenants or visitors shall notify the committee immediately of the same and the

committee shall have authority by its agents or servants in the circumstances having regard to the urgency involved to examine or make such repairs or renovations or take such other action as they may deem necessary for the safety and preservation of the building(s) and the safety of persons as often as may be necessary.

Cleaning

- 19.1 Littering Prohibited: A proprietor or occupier of a unit shall not throw or allow to fall or permit or suffer to be thrown or fall any papers, rubbish, refuse, cigarette butts or other substances or liquids whatsoever, out of the windows or doors or down the staircase from balconies, from the roof or in passageways of the building. Any damage or costs for cleaning or repair caused by breach hereof shall be borne by the proprietor or occupier of the unit concerned.
- 19.2 High Standard of Care: The proprietor or occupier shall keep his unit clean and maintained in a manner appropriate to good quality residential/lifestyle accommodation. All practicable steps shall be taken to prevent infestation by vermin and/or insects and any such infestation shall be reported at the earliest opportunity to the Body Corporate.
- 19.3 External Cleaning: The committee shall use its best endeavours to cause all external surfaces (including windows) and the common property (including all floors and floor coverings, stairways and outdoor areas) of the building to be cleaned in a proper and workmanlike manner and such cleaning will include the regular removal of rubbish and garbage from the building. The proprietor or occupier will permit reasonable access for cleaners including access for cleaning windows during business hours. Any damage caused by the cleaners to any unit shall be reported by the proprietor or occupier to the committee who will arrange compensation by the cleaners. All costs in providing the cleaning services of any building as aforesaid shall be borne by the proprietors in that building equally. The frequency of cleaning shall be determined by the committee.
- 19.4 Cleaning by Unit Holder(s): Nothing in these provisions is intended to prevent a unit holder (or any committee formed pursuant to 2.8) from itself carrying out the exterior cleaning of its own unit or building, so reducing the necessity for cleaning by the committee

- 19.5 Additional Cleaning: If any proprietor or occupier or the committee (or any committee formed pursuant to 2.8) requires cleaning of external window surfaces or a unit in excess of the frequency referred to in clause 20.3, the cost of such additional cleaning shall be paid for by the proprietor or occupier of the unit requiring such additional cleaning or if more than one proprietor or occupier is involved then proportionately by each proprietor or occupier.

Rubbish Disposal

- 20.1 Disposal: Each proprietor or occupier shall only use suitable refuse containers and will arrange for rubbish collection by the local authority or other organisation (including private commercial organisations) from a place approved by the committee.
- 20.2 Storage: Empty bottles, boxes, used containers and similar items shall be stored tidily and out of sight, as directed by the committee or the building manager.

Parking and Lifestyle Units

- 21.1 Parking: Units designated for parking purposes (units 17-21) shall only be used as a parking place for motor vehicles and for storage. Accessory parking units AUP 26 and AUP 27 shall only be used as a parking place for motor vehicles.
- 21.2 Shed (or carport) and Storage: A proprietor or occupier of each of units 17-21 may build a shed (or carport) and storage unit in the parking unit, provided that
- 21.2.1 consent by the committee for the type, size and appearance of the shed (or carport) and storage unit is obtained prior to the construction; and
- 21.2.2 no storage unit is to prevent the parking of a vehicle without protrusion from the parking lot, shed or carport.
- 21.3 A proprietor of Unit 26 or 27 may build a carport on AUP 26 or AUP 27 respectively, provided that consent by the committee for the type, size and appearance of the carport is obtained prior to the construction
- 21.4 No storage will be allowed in the roof areas, or in any other space except in accordance with clause 21.2.
- 21.5 Lifestyle units: Units designated for lifestyle purposes (units 1-15) shall only be used for this purpose and shall not be used for residential purposes.
- 21.6 Other Use Prohibited: Parking and lifestyle units shall be kept tidy and free of all litter and obstructions and shall not be used for any purpose other than that designated.

Animals

- 22.1 A proprietor of a residential or parking unit shall not keep any animal or bird in or about the unit or the common property without the prior approval in writing of the Committee, provided that the consent of the Committee shall not be withheld in the case of domestic cats, birds, small breed dogs, and dogs specifically trained and kept for a person with a disability.
- 22.2 Owners of lifestyle units 1-15 may keep animals on or about their lifestyle units or the common property with the prior approval in writing of the Committee, which approval shall implicitly require the unit owners to ensure that such animals are maintained in a good state of health and that their use of the common property is considerate to other unit holders.
- 22.3 Owners of pets and/or animals shall be responsible for ensuring that the pets and/or animals do not cause a nuisance or foul the common property. The committee has the absolute discretion to revoke its consent if this clause is breached.
- 22.4 Clause 22.2 notwithstanding, no unit holder may keep pigs on their lifestyle unit.

No Dangerous Substances

- 23.1 A proprietor or occupier of a unit shall not permit anything to be done nor bring nor keep anything in the unit or in the building which may create a fire hazard or which shall increase the rate of fire insurance on the building or any property on the land or which may contravene the fire regulations or the rules, regulations, ordinances or by-laws of any authority having jurisdiction over the building or the services supplied thereto.

Conduct and Noise

- 24.1 Nuisance Prohibited: A proprietor or occupier of a unit shall not make or permit any objectionable noise in the building or the common property or interfere in any way with the peaceful enjoyment of other proprietors or occupiers of units or those having business with them or of any person lawfully using the common property. All musical instruments, radios, stereo equipment, television sets and the like shall be operated in such manner that noise transmitted to adjacent and other units shall be within legally accepted limits and shall not cause annoyance to the other proprietors or occupiers of units. No proprietor or occupier of a unit shall hold or permit to be held any social gathering in his unit in which there shall occur any noise which interferes with the peace and quietness of any other proprietor of

occupier of a unit, at any time of day or night, unless prior permission of all other proprietors or occupiers that may be affected is obtained.

24.2 Duty to Mitigate: In the event of any unavoidable noise in a unit at any time the proprietor or occupier thereof shall take all practical means to minimise annoyance of other proprietors or occupiers of units by closing all doors, windows and curtains of his unit and also such further steps as may be within his power for the same purpose.

24.3 Prohibited Activity: A proprietor or occupier of a unit shall not:

24.3.1 permit any auction, sale, garage sale or such like activity to be conducted or to take place in the unit, the building, any accessory unit or on the common property; nor

24.3.2 use or permit to be used the common property or any part thereof for any business promotional or commercial purpose or display or advertisement of any goods or services;

except with the consent in writing and in accordance with any conditions imposed by the body corporate.

Heavy Objects

25.1 The proprietor or occupier shall not place any article or thing in or about the building or the unit which shall exceed or have the effect of exceeding the standard basic load for which the building was designed AND the proprietor or occupier shall not without the prior written consent of the committee bring into or install in or permit or suffer to be brought into or installed in the building or the unit or any part thereof any goods, merchandise, machinery, plant or anything whatsoever of such weight, nature or description as shall impose or throw upon the building or any part thereof any stress, strain or weight likely to damage, weaken or cause any movement or structural defect in the building or any part thereof. All damage done to the building or any part thereof or any article or thing therein contained or comprised therein in taking in, moving or removing heavy things shall be made good and paid for by the proprietor or occupier who or whose agent shall cause it. Before any safe or any other heavy article is moved into or out of the building at least 24 hours notice in writing of the intention to move such safe or article shall be given by the proprietor or occupier to the committee or to the building manager and the moving of the same into or out of the

building shall only be done under the supervision of a responsible person approved by the committee or the building manager.

Security

A proprietor or occupier of a unit shall:

- 26.1 Closure: use best endeavours to protect and keep safe the unit and any property contained therein from theft or robbery by securely fastening all doors and windows to the unit on all occasions when the unit is left unoccupied and the committee or building manager shall have the right to enter and fasten the same if left insecurely fastened; and
- 26.2 Compliance: Observe and perform all rules and regulations relating to the security of the building and any common property or amenities located therein as the committee or the building manager may from time to time prescribe.

Leasing

- 27.1 Where a unit is to be leased, rented or occupied other than by the proprietor, for a continuous period exceeding three months, then the proprietor as a condition precedent shall be required in respect of such proposed lease, tenancy or other right of occupation in favour of some other person, association or entity to do the following:
 - 27.1.1 Obtain the Consent of the Body Corporate: Obtain the consent of the body corporate, and the body corporate may decline such consent without the need to give reasons for its decision;
 - 27.1.2 Notice of Rules: Ensure that the proposed lessee, tenant or occupier has received a copy of, and has acknowledged an obligation to abide by, the rules of the body corporate so far as they affect those persons; and
 - 27.1.3 Provide Details: Advise the secretary of the body corporate of the private address and telephone number of the proprietor and of the occupier, or if the proprietor or occupier is a corporation then of the manager, secretary or other responsible person employed by the proprietor or occupier, and shall keep the body corporate promptly informed or any change of such address or telephone number.

Emergency Contact

- 28.1 The proprietor of a unit shall advise the body corporate of the private address (if different from the unit) and telephone number of the proprietor or occupier; if the proprietor or occupier is a corporation, then of the building manager, secretary or other responsible person employed by such proprietor or occupier. The proprietor or occupier shall keep the body corporate promptly informed of any change of such address or telephone number.

Fire Drills and Evacuation Procedures

- 29.1 The body corporate shall have the right to require the proprietor or occupier to perform from time to time fire drills and observe all necessary and property emergency evacuation procedures and the proprietor or occupier and persons under the control of the proprietor or occupier shall co-operate with the body corporate in observing and performing such rules and procedures.

Body Corporate Costs

- 30.1 Where the body corporate spends money as a result of a breach of the Act or the rules by any proprietor or the lessees, guests or licensees of any proprietor, the body corporate shall be entitled to recover the amount so spent as a debt in any action in any court of competent jurisdiction from the proprietor (together with the body corporate's legal costs on solicitor/client basis).

Common Property

- 31.1 The committee of the body corporate may make special rules relating to the common property and its use and enjoyment and such special rules shall be complied with by all proprietors. Such rules may not be inconsistent with these rules and shall not derogate from any lease, easement or other legal right enjoyed by a proprietor or any special right or privilege granted to a proprietor in accordance with the Act or by the body corporate pursuant to these rules.