



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	<b>E and C Lamont</b>
<b>RM reference:</b>	<b>RM150660</b>
<b>Proposal:</b>	<p>Subdivision consent is sought to subdivide two existing allotments (Lots 1 and 2 Deposited Plan 435914) into a total of six allotments and to establish four new building platforms. Land use consent is sought to erect a residential dwelling on each of the platforms, breach the setback of buildings from waterbodies and to undertake associated landscaping and earthworks.</p> <p>Consent is also sought pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (the NES) for the disturbance of soil and subdivision on a HAIL site.</p>
<b>Legal Description:</b>	Lot 1 Deposited Plan 435914 held in Computer Freehold Register 533996; and Lot 2 Deposited Plan 435914 held in Computer Freehold Register 533997.
<b>Zoning:</b>	Rural General (Operative District Plan)  Rural (Proposed District Plan)
<b>Activity Status:</b>	Discretionary Activity
<b>Notification:</b>	25 May 2016
<b>Closing Date of Submissions:</b>	23 June 2016
<b>Commissioners:</b>	Commissioners A Henderson and C Macleod
<b>Date:</b>	<b>28 September 2016</b>
<b>Decision:</b>	<b>Consent is granted subject to conditions</b>

## **UNDER THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF** an application by E and C Lamont to subdivide two existing allotments into a total of six allotments and to establish four new building platforms, and for land use consent to erect a residential dwelling on each of the platforms, breach the setback of buildings from waterbodies and to undertake associated landscaping and earthworks.

Consent is also sought pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (the NES) for the disturbance of soil and subdivision on a HAIL site

Council File: RM150660

### **DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS COMMISSIONERS A. HENDERSON AND C MACLEOD, HEARING COMMISSIONER APPOINTED PURSUANT TO SECTION 34A OF THE ACT**

#### **The Proposal**

1. We have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. The application (RM150660) has been made by E and C Lamont to subdivide two existing allotments (Lots 1 and 2 Deposited Plan 435914) into a total of six allotments and to establish four new building platforms. Land use consent is sought to erect a residential dwelling on each of the new platforms, to breach the setback of buildings from waterbodies and to undertake associated landscaping and earthworks.
3. Consent is also sought pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (the NES) for the disturbance of soil and subdivision on a HAIL site.
4. A detailed description of the proposal was provided in Section 1.3 – 1.4 of the Resource Consent Application prepared by Kerr Ritchie Ltd. In summary, consent is sought to subdivide two existing allotments (Lots 1 and 2 Deposited Plan 435914) into a total of six allotments and to establish a new building platform on each of Lots 1, 3, 5 and 6. Land use consent is sought to erect a residential dwelling on each of the platforms, a breach of the required setback of buildings from water bodies on Lots 3 and 6, and to undertake associated landscaping and earthworks.
5. Access to proposed Lots 1, 2, 4 and 5 is from a Right of Way that is an existing access off McDonnell Road. Access to Lot 6 is also off McDonnell Road via the existing Soho Winery access, and access to Lot 3 is directly from Hogan's Gully Road via a new crossing point. A new access to the winery is also proposed over Lot 5 from Hogan's Gully Road.

6. Consent is also sought pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (the NES) for the disturbance of soil and subdivision on a HAIL site. A HAIL activity, being a landfill, is located on proposed Lot 6 at the confluence of McDonnell Road and Hogan's Gully Road. A Detailed Site Investigation (DSI) report prepared by RDAgritech was provided with the application.

### Site Description

7. A detailed description of the site and receiving environment within which the application sits can be found in Section 1.4 of the Resource Consent Application. No parties disputed the description of the site or receiving environment, and we are therefore content to rely upon them, noting that the descriptions accord with our impressions from our visit to the site, neighbouring property and surrounding area. We also note that the section 42A report identified the consent history of the site, noting in particular a prior subdivision that created two building platforms on the property, and the consents that established the boutique winery and restaurant facility on the site.

### Notification and Submissions

8. Notification of the application on 25 May 2016 drew one submission opposition to the proposal. The submission was received from Dame Elizabeth and Mr Murray Hanan, Arrowtown residents, and their submission is summarised in the following table.

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Dame Elizabeth Hanan & Mr Murray Hanan	82 McDonnell Road, Arrowtown	<ul style="list-style-type: none"><li>• References to the surrounding zoning to the surrounding land as rural residential properties in the PSI are inaccurate as the land and surrounds is zoned Rural General;</li><li>• The site is to remain as a Rural zone under the Proposed District Plan which aligned to the existing Rural General zone, although it is noted the applicant seeks to change this zoning;</li><li>• Plan Changes 29, 30, and 39 established the Urban Growth Boundary and the site is outside that boundary;</li><li>• Additional vehicle access to the unsealed Hogan Gully road will result in additional traffic issues;</li><li>• Adverse effects in terms of the bore water supply, sewage disposal, and unidentified asbestos in the landfill area;</li><li>• Visual effects from urban sprawl</li></ul>	Consent declined

9. The matters raised in the submission are addressed where relevant later in this decision.

### The Hearing

10. A hearing to consider the application was convened on Friday, 19 August 2016 in Queenstown. In attendance were:

- (a) The Applicants, Mr E and Mrs C Lamont, represented by Mr Peter Ritchie (Surveyor/Landscape Architect,) and Dr Marion Read (Landscape Architect, Read Landscapes); and
  - (b) Council Officers, being Ms Alana Standish (planner), Ms Jo Fyfe (Team Leader Resource Consents) and Ms Helen Mellsop (consultant landscape architect), and
  - (c) Dame Elizabeth Hanan, submitter.
11. We had the benefit of a section 42A report prepared by Council's planner, Ms Alana Standish. Based upon her assessment of the application, Ms Standish recommended that the application be granted for reasons including:
- the adverse effects of the activity will be no more than minor as the proposal is generally well contained within the site by topography and landscaping to ensure effects on the open and pastoral character of the Visual Amenity Landscape and associated with the additional domestication of the site are mitigated. The sites can each be serviced, the earthworks are feasible and the relevant NES and hazards have been appropriately accounted for;
  - The proposal is consistent with the relevant objectives and policies of the District Plan which seek to ensure the landscape values are not diminished through inappropriate development and cumulative effects; and
  - The proposal promotes the overall purpose of the RMA The adverse landscape and visual amenity effects of the proposal can be adequately avoided, remedied or mitigated.

#### **Summary of Evidence Heard**

12. Evidence for this hearing was pre-circulated, and the Applicant provided a summary of their evidence at the hearing. We have read all of the material, and the following is a brief outline of the submissions and evidence presented. This summary does not detail everything that was advanced at the hearing, but captures the key elements of what we were told. The material generally reinforced the matters included in the application and submissions.
13. Where relevant, we address specific issues raised by the submitter in our assessment.

#### **Applicant**

14. **Mr Ritchie** noted that the proposal had been amended following the receipt of the section 42A report, and tabled an amended landscape plan and updated scheme plan. The amendments were a modification of the landscape plan such that a number of beech on proposed lot 6 would be moved into the property to avoid any obstruction of visibility for traffic and amending the proposed boundary between Lots 1 and 3 in order to better reflect the topography of the site.
15. Mr Ritchie considered that the proposal would not significantly degrade the landscape. He noted that the site is surrounded by numerous existing and proposed dwellings, and the density created by the subdivision would not be dissimilar to the existing environment. He also noted that a large retirement village was planned on the adjacent lot, but as this has yet to progress through the consent process, we do not consider it to have any bearing on our consideration of this application.
16. Mr Ritchie considered overall that the site can contain the proposed development, and that the topography of the site, including the proposed mounding and planting, will obscure the visibility of the development. Overall, Mr Ritchie agreed with Ms Standish the adverse effects of the proposal would be acceptable subject to the proposed mitigation and conditions, and that it was consistent with the objectives and policies of the District Plan.

17. **Mr Lamont** tabled a statement setting out the development of the site he had undertaken over the past 17 years, including the development of the ponds on the site and the winery and function centre. He considered the subdivision would enable others to live on the site and carry on with maintaining the land.

#### **Submitters**

18. **Dame Elizabeth Hanan** opposed the application, noting that there would be adverse cumulative effects. She noted that the site was within a visual amenity landscape and that it could not absorb the proposed building platforms, and that some of the platforms would be visible from elevated vantage points. The applicant's proposed changes do not mitigate the effects of the proposal. Dame Elizabeth Hanan also considered there would be adverse effects arising from the traffic to be generated from the proposal, and that there would be insufficient water to service the proposal. She also considered the natural hazards on the site, particularly the flooding hazard on Lots 3 and 6, required the consent to be declined. Finally, Dame Elizabeth Hanan noted that neither the Operative nor the Proposed Plan considered building in the rural zone to be a permitted activity and that the proposal therefore was against both plans.

#### **Officers**

19. **Ms Helen Mellsop** (Council's Consultant landscape architect) spoke to her assessment, and noted that the changes the applicant had made to the boundary between Lots 1 and 3 was appropriate, and would limit fence lines that dissected the existing open spaces on the site. She also considered that the controls on roofing materials proposed by the Applicant would help make the buildings more recessive, especially from elevated positions. Ms Mellsop remained of the view that there would be adverse cumulative effects arising from the proposal, and considered that any assessment needed to consider the landscape from an overall perspective and consider what it could support. Ms Mellsop concluded that subject to the changes promoted by the Applicant, all of the proposed lots could be absorbed apart from Lot 6. She also considered that should the proposal be consented, it would bring the site to the capacity of what it could absorb.
20. **Ms Alana Standish** spoke to her section 42A report, and did not resile from the view that consent could be granted to the entire proposal. She noted that she understood Ms Mellsop's position, but did not agree with her in relation to Lot 6. Ms Standish considered that the proposed platform on Lot 6 could be approved. She noted that the conditions of consent she had proposed required that the specific building designs proposed on Lots 3 and 6 be used, whereas it was sufficient to impose design control conditions on the other lots. She considered that the designs for Lots 3 and 6 in the plans provided with the application were appropriate to mitigate any adverse effects of dwellings on those sites.

#### **Applicant's Right of Reply**

21. **Mr Ritchie** provided a Right of Reply, in which he noted that siltation of the waterway would not be a significant issue as there was no outflow from the ponds. Any sedimentation would settle. He tabled photographs that showed how Lot 6 would be screened by the proposed landscaping. He also noted that some of the existing schist outcrop on Lot 6 would be removed and placed behind the proposed dwelling in order to assist with screening. The existing willow tree at the edge of the pond would be retained as it also assisted in mitigating any visual effects.

#### **District Plan Provisions**

##### Proposed District Plan

22. Section 86[b](1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. An exemption to this

is section 86[b](3) in which case a rule has immediate legal effect in certain circumstances including if the rule protects or relates to water, air or soil.

23. QLDC notified the Proposed District Plan on 26th August 2015. We agree with Ms Standish that the Proposed Plan contains the following rules with immediate legal effect, for which this proposal requires consent:

- A **restricted discretionary** activity pursuant to Rule 21.5.4 in regard to the minimum 20m setback of any building from the bed of a wetland, river or lake. It is proposed to construct buildings on Lots 3 and 6 within 20m of a water body. Council's discretion is restricted to:
  - indigenous biodiversity values;
  - Visual amenity values;
  - Landscape and natural character;
  - Open space; and
  - Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effect of the location of the building.
- A **discretionary** activity pursuant to Rule 21.5.41 in regard to the proposed structure which passes across or through a lake or is attached to the bank of any lake. A lake is defined as "a body of fresh water which is entirely or nearly surrounded by land" (RMA 1991). Therefore the building on Lot 6 to be cantilevered across the pond is considered to pass across and will be attached to the bank of a lake.

24. Overall, we agree the application is considered to be a discretionary activity under the Proposed District Plan.

#### The Operative District Plan

25. The subject site is zoned **Rural General** under the Queenstown Lakes District Plan (the **District Plan**).

26. The purpose of the Rural General Zone as described on Page 5-9 of the District Plan is as follows:

*The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:*

- *protects and enhances natural conservation and landscape values;*
- *sustains the life supporting capacity of the soil and vegetation;*
- *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
- *ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*

27. The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine ski areas and national parks.

28. The relevant provisions of the District Plan that require consideration can be found in Chapter 4 (District Wide), Chapter 5 (Rural Areas) and Chapter 15 (Subdivision, Development and Financial Contributions) which require determination under Section 104(1) of the RMA.

29. The proposal requires resource consent for the following reasons:

#### Land use

- A discretionary activity resource consent pursuant to Rule 5.3.3.3[i](a) for the proposed construction of any building and associated physical activity such as roading landscaping and earthworks.

- A discretionary activity resource consent pursuant to Rule 5.3.3.3[iv](a) for a proposed structure which passes across or through a lake or is attached to the bank of any lake. A lake is defined as “a body of fresh water which is entirely or nearly surrounded by land” (RMA 1991). The building on Lot 6 is to be cantilevered across the pond and is therefore considered to pass across and will be attached to the bank of a lake.

#### Subdivision

- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3[vi] for the proposed subdivision and location of residential building platforms in the Rural General zone.

30. Overall, we agree that the proposal is required to be considered as a discretionary activity.

#### **Relevant Statutory Provisions**

31. As a discretionary activity, this application must be considered in terms of Sections 104 and 104B of the RMA.

32. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- a) *any actual and potential effects on the environment of allowing the activity; and*
- b) *any relevant provisions of:*
  - (i) *A national environmental standards;*
  - (ii) *Other regulations;*
  - (iii) *a national policy statement*
  - (iv) *a New Zealand coastal policy statement*
  - (v) *a regional policy statement or proposed regional policy statement*
  - (vi) *a plan or proposed plan; and*
- c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

33. Following assessment under Section 104, the application must be considered under Section 104B of the RMA. Section 104B states:

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

34. Sections 108 and 220 empower us to impose conditions on land use and subdivision consents respectively.

35. Section 104(3)(b) requires that we have no regard to effects on people who have given written approvals of the application. This is particularly relevant in this application as written approval has been obtained from the following parties:

Person (owner/occupier)	Address (location in respect of subject site)
I Weber and D Gibson	63 Hogan Gully Road
J Dagg	10 Hogan Gully Road

K Monk	113 Hogan Gully Road
A Green and P McLean	219 McDonnell Road
J Camp	196 Hogan Gully Road
T Willem	106 Hogan Gully Road
I and SM Todd	68 Hogan Gully road
J and J Staniland	108 Hogan Gully Road
R Monk	175 McDonnell Road

36. Pursuant to section 104(3)(a)(ii) of the Act, any effects on these properties have not been considered.

37. In reaching this decision we note that we have taken into account all of the information provided with the application, the section 42A report and appended assessments, and the evidence presented at the hearing. We visited the site before and after the hearing on 19 August 2016 and are satisfied this enabled us to obtain a sufficient understanding of the site and surrounding environment. We have also considered the provisions of the relevant plans, and Part 2 of the Act.

#### **Principal Issues in Contention**

38. Having reviewed the evidence, we consider that the principal issues in contention are:

- Whether the site can absorb the level of development proposed;
- Visual effects from elevated positions;
- Whether the proposed controls for the future dwellings are sufficient to appropriately manage the actual and potential effects of the proposal; and
- Whether proposed Lot 6 is appropriate.

#### **Permitted baseline, existing environment and receiving environment**

39. All subdivision and new buildings require resource consent in the Rural General Zone. As identified in the section 42A report, permitted activities in the Rural General zone are restricted to matters such as farming activities. We agree that there is no applicable permitted baseline for this application.

#### **Assessment**

40. Planning evidence was provided by Ms Standish for the Council via the section 42A report. No other party provided expert planning evidence, although we note that Mr Ritchie provided expert evidence in his role as a surveyor and landscape architect.

41. We address the relevant effects in the order in which they were addressed in the section 42A report.

#### **Visibility of Development, Natural and Pastoral Character, and Cumulative Effects on the Landscape**

##### *Natural and Pastoral Character and Visibility of Development*



42. In Mr Ritchie's view, the development would not compromise any adjacent Outstanding Natural Landscape or Feature. Ms Mellsop did not dispute this and we agree with this view.
43. The application was advanced on the basis that the proposed dwellings would not be readily visible from public places, notably Hogan's Gully and McDonnell Roads. The Applicant's view generally was that the buildings would only be partially visible at distant locations and therefore not prominent in the landscape, and that existing access points will be utilised, and as such there would be no significant adverse effects on natural and pastoral character, and no adverse visual effects that could not be managed by conditions of consent.
44. Ms Standish agreed, noting that various factors including the scale of built form, the proposed materials, the inclusion of low level mounding where necessary and the proposed landscaping, would all ensure that future dwellings on the platforms would be appropriately absorbed into the site and surrounding area. We also note that the Applicant confirmed it would use the darker, more recessive colours for the roofs of the dwellings, and on this basis Ms Mellsop agreed (with the exception of Lot 6) that this was appropriate and satisfied her concerns regarding the visibility of the proposed dwellings from elevated viewpoints. Accordingly, she amended her position and advised that she was satisfied with the creation of Lots 1 – 5, but remained of the view that Lot 6 was not appropriate, on the basis that she considered it would remain visible for many years and likely remain visible from portions of Hogans Gully Road.
45. Ms Standish noted that she did not adopt Ms Mellsop's position on proposed Lot 6, and explained that in her view, the specific building design proposed by the Applicant would result in a dwelling that could be absorbed into the site. We note in this regard that Mr Ritchie tabled a series of photographs showing the proposed dwelling and the effect that the proposed landscaping would have when viewed in particular from Hogan's Gully Road. He also confirmed that the existing willow trees that provided screening between the proposed dwelling and McDonnell Road would be retained.
46. Having visited the site and considered the visibility of the dwelling on proposed Lot 6 from Hogans Gully Road and McDonnell Road, we agree with Ms Standish. The proposed dwelling will be visible from a short stretch on Hogans Gully Road, and we are satisfied that the proposed landscape planting will mitigate any adverse visual effects from this road. We also agree that retaining the existing willow tree will assist in softening views from McDonnell Road. The proposed dwelling has been designed to fit with the landscape on the site and we agree that there will not be significant visual effects or effects on the natural and pastoral character of the landscape.
47. Overall, we agree with Ms Standish that while the dwellings are visible from elevated positions such as Tobin's Track or the Crown Range lookout, there will not be significant visual effects from these vantage points. From these positions, the proposed dwellings will be visible as part of a much wider landscape, and we are satisfied that the proposed design controls are appropriate to ensure that the dwellings will be sufficiently absorbed into the landscape.

#### *Cumulative Effects of Development on the Landscape*

48. The section 42A report identified that there are four specific properties within the immediate surrounds that have either approved resource consents for subdivision, additional RBPs and dwellings or, in the case of Special Housing Areas, a resource consent application in progress. We note that we are unable to consider the proposed Special Housing Area as no consent has been granted.

49. Following the Applicant's acceptance of the darker, recessive colours for the roofs, we agree that the dwellings will not give rise to significant adverse visual effects such that they will exacerbate the existing level of domestication in the wider valley floor to a significant degree. We agree with Ms Standish that the proposed platforms are small, generally designed to be commensurate with the footprint of low profile dwellings with small identified curtilage area. We are satisfied that the proposal will retain open pastoral character of the site and ensure that this character is continued within the surrounding area. We consider overall that the proposed dwellings on the site will generally be difficult to see, and will not all be visible at any one time. We accept Ms Mellsop's advice, however, that granting consent to this application will bring the subject site to the threshold beyond which further development would give rise to unacceptable adverse effects and give rise to an over domestication of the site. We are satisfied in this instance, however, that the cumulative effects of development can be appropriately managed by conditions of consent.

#### Access, Vehicle Crossings and Traffic Generation

50. The section 42A report included an assessment by Council's engineer, Mr Denis, who was satisfied that all of the proposed lots have legal access either directly to the road or via the Right of Way, and the existing Right of Way and new access ways can be upgraded and constructed to meet Council standards. We accept this advice, and include consent conditions in this regard. We also accept the advice in the engineering assessment that works within the road berm to upgrade and establish the crossings will disrupt normal traffic flows. We consider that this will be a temporary effect, and can be managed by conditions of consent.
51. Mr Denis identified that all of the proposed satisfy the required sight distances for the respective speed zones within which they are located and the use they are to support. We accept Mr Denis's view that the existing crossing to Lots 1, 2 and 4 tracks gravel onto the road, and we agree with his recommended conditions that this crossing is sealed to minimise gravel tracking onto the road. We note the Applicant did not disagree with this conditions and we consider it is appropriate.
52. The section 42A report identified that the sight distance at Lot 6 could be impeded if trees grow on the eastern approach, and recommended a covenant which aligns with Condition 10 of RM990173 to ensure sight distances are maintained. We note that the Applicant provided an amended plan at the hearing that removed this planting and we consider that this addresses the issue.
53. We note that Dame Elizabeth Hanan considered there would be significant traffic arising from the proposed development. We accept the Council's advice that the proposed residential dwellings will generate additional traffic movements (on average eight per allotment per day) on the subject site and surrounding road network. Effects from the additional users on traffic to Frankton and in Arrowtown were raised in Dame Elizabeth Hanan's submission, and raised at the hearing by the submitter. We agree with Mr Ritchie that the additional thirty two traffic movements per day (based upon 8 movement for the 4 new lots proposed) would result in minor effects, and consider that they can be accommodated in the roading network without adversely affecting any party.
54. Overall, we are satisfied that that effects relating to the provision of access to the proposed lots, vehicle crossings and associated traffic generation will not be significant, and can be appropriately managed through conditions of consent.

#### Infrastructure Servicing

55. The section 42A report draws from Mr Denis's engineering assessment and notes that the development can appropriately service each allotment with potable water, onsite effluent and disposal, and that power and telecommunication infrastructure can be provided to the site. We accept this advice and include conditions to ensure that these services are provided in

accordance with these standards, as well as including a consent notice on each of the four new lots (Lots 1, 3, 5 and 6) relating to the ongoing provision for fire-fighting water supply.

#### Earthworks

56. The earthworks proposed to give effect to the subdivision were detailed in the Application and have been considered by Mr Dennis. Mr Dennis is satisfied the works are feasible and, subject to conditions, would not result in instability beyond the site. Mr Dennis also accepted the recommendations within the Geotechnical report provided with the application, and is satisfied the site management can be undertaken and sediment managed in accordance with Council guidelines to reduce sediment entering waterways. We accept this advice. We note that the works will result in some rock entering the pond to which the Lot 6 dwelling will cantilever across, although we accept Mr Ritchie's advice that there is no outlet to the pond and no sediment will therefore leave the site. We therefore accept Mr Dennis's findings, and agree the effects from the earthworks can be mitigated through recommended conditions.

#### Natural Hazards

57. We accept that the site is not listed on the Councils hazard register. We note, however, that the proposed building platforms on Lots 3 and 6 are located within 20m of the water bodies on the site, and Lot 5 is in a depression that could encounter surface flooding. Mr Dennis accepted the findings of the Geoconsulting hazard assessment provided with the application, and recommended conditions to elevate floor levels on Lots 3 and 5 and that there be specific geotechnical investigations to confirm an appropriate foundation design for Lot 6. We agree with this view, and consider that they are sufficient to ensure that any risk from the hazards identified in the application are appropriately mitigated. We agree with the conditions proposed in the section 42A report in this regard.

#### Setback of Buildings from Water Bodies

58. We note that the pond on Lot 6 (defined as a lake) is entirely contained within the application site and does not obviously drain beyond the site bounds. Mr Ritchie confirmed this at the hearing. The proposed dwelling on Lot 3 will be set back approximately 7m from the small water body. We accept the evidence in the section 42A report that there is no known indigenous biodiversity, visual amenity or landscape character value associated with these water bodies, and their presence is confined to the application site and therefore internal amenity values. We are satisfied, as addressed above, that any risk to the proposed dwellings from the waterbodies can be addressed by conditions of consent, and we accept Ms Standish's advice in this regard.
59. We also agree that the water bodies are internal features to the site, although they are visible to some degree to passers-by on the road. We are satisfied that the proposed buildings have been designed to add to the amenity for future residents by incorporating the water bodies as features to the design. We agree that this is particularly the case for the proposed building on Lot 6. We are satisfied that there will be no effects on any party beyond the site of having the buildings located within 6m of the water bodies. We also consider that any on-site effects on the proposed dwellings themselves can be appropriately managed by conditions of consent.

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

60. A detailed Site Investigation and a management plan was provided with the application, and was prepared by RDAgritech and reviewed by Mr Glenn Davis of Davis Consulting Group. Mr Davis's assessment identified that the monitoring and maintenance plan provided in relation to the old landfill on part of Lot 6 did not fully consider the extent of hazardous material in the landfill, and that a full assessment is required to understand the hazard risk. However, Mr Davis was satisfied that excluding people from that portion of Lot 6 and imposing a consent notice on the Title of Lot 6 to inform future owners is appropriate. Mr Davis did not raise any other concerns and recommended conditions to update the management plan to address material within the landfill, hazardous gas, and mitigation measures. Ms Standish did not

dispute any of these findings or proposed conditions in the section 42A report, and we therefore agree with information provided by Mr Davis and the section 42A report, and agree that subject to the recommended conditions, any actual and potential effects arising from the presence of the landfill on proposed Lot 6 can be suitably mitigated.

#### Summary of Effects

61. Having considered the evidence of the Applicant, the section 42A report and the matters raised in the submission, as well as the changes made to the proposal following the section 42A report, we are satisfied that overall the proposed development will not give rise to any significant adverse effects relating to engineering matters including servicing, earthworks, access and the mitigation of natural hazards. We are also satisfied, having considered the evidence of Mr Ritchie and Ms Mellsop in relation to landscape effects, and the evidence of Ms Standish, that the adverse effects of the proposed development as it relates to the natural and pastoral character of the site and surrounding area can be appropriately managed by the conditions of consent that are appended to this decision.
62. We have also considered the matter of the proposed density of development on the site. We are satisfied that while the development will result in additional domestication on the site, we note that this is spread across the 40-odd hectare site, and that not all dwellings will be visible from any one vantage point at any one time. We are satisfied that the topography of the site and the proposed design controls are appropriate to ensure that the adverse effects of the proposal are appropriately absorbed in the site. We record, however, that we agree with Ms Mellsop's assessment that granting the consent will bring the site to a threshold beyond which any further development could give rise to adverse cumulative effects on the surrounding landscape, and result in an over domestication of the site.

#### **Objectives and Policies of the Relevant District Plans**

63. We have considered the detailed assessments of the objectives and policies of the relevant Plans as set out in the Application, the section 42A report and the evidence provided. We note that Ms Standish's planning evidence was not challenged by any other planning expert. Ms Standish's assessment was set out in detail in sections 7.4 and 7.5 of the section 42A report, and we accept her assessment.
64. While we acknowledge that we are to have regard to the provisions of the Proposed District Plan, we consider that it can only be given minimal weight given that hearings have yet to be completed and decision made. Notwithstanding this minimal weighting, we accept Ms Standish's view that the proposal is consistent with the relevant provisions within the Proposed District Plan.
65. Overall, we are satisfied that the proposal is consistent with the relevant Objectives and Policies of the relevant planning instruments.

#### **Other Matters**

##### ***Precedent***

66. We do not consider that there would be a precedent arising from this proposal. Consent is sought for a discretionary activity, and the subdivision has been designed to be accommodated within the particular topography of the site. We do not consider that this decision raises any precedent issues.

##### **Part 2 Matters**

67. Section 5 states that the purpose of the Resource Management Act is "to promote the sustainable management of natural and physical resources". "Sustainable management" means managing the use, development, and protection of natural and physical resources in a

way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

68. Section 7 requires that we have particular regard to a range of matters, including the efficient use of natural and physical resources (s7(b)), the maintenance of amenity values (s7(c)), and the maintenance of the quality of the environment (s7(f)). We are satisfied that the evidence presented on behalf of the Applicant, and that of the Council reporting officers, has demonstrated that these matters are appropriately addressed.
69. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
70. For the reasons set out in this decision, we consider the application is consistent with relevant matters in Part 2 of the Act, and overall will achieve the purpose of the Act.

### **Determination**

71. Consent is sought to subdivide two existing allotments (Lots 1 and 2 Deposited Plan 435914) into a total of six allotments and to establish four new building platforms. Land use consent is sought to erect a residential dwelling on each of the new platforms, to breach the setback of buildings from waterbodies and to undertake associated landscaping and earthworks.
72. Consent is also sought pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) regulations 2011 (the NES) for the disturbance of soil and subdivision on a HAIL site.
73. Overall, the activity was assessed as a discretionary activity under sections 104 and 104B of the Act.
74. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. We consider that the adverse effects of this application can be appropriately avoided, remedied or mitigated, and that the proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans.
75. Accordingly, we determine that Consent be granted pursuant to sections 104 and 104B of the Act subject to the attached conditions which are imposed under sections 108 and 220 of the Act.
76. Dated at Queenstown this 28<sup>th</sup> day of September 2016.



Andrew Henderson

Hearings Commissioner

## **Subdivision**

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - John Alexander Surveying "Lots 1 – 6 being a Proposed Subdivision of Lots 1 and 2 DP 435914" Job Ref. 1413rc4, dated 17 August 2015
  - John Alexander Surveying "Access Road to Proposed Lots 1 and 2 RM150660", Job No 1413e1, dated 23/2/16
  - John Alexander Surveying "Long Section of Access Road to Lots 1 and 2 RM150660", Job No 1413e2, dated 23/2/16.
  - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lots 3 and 5, dated May 2015"
  - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lots 1, dated July 2015"
  - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lot 6, dated August 2016"

**stamped as approved on 20 September 2016** and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

### Engineering Conditions

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

4. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works within Hogans Gully Road, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
- a) The provision of a water supply to the boundary of Lots 1, 3 - 6 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the common toby valve and include a bulk flow metre and restrictor valve, all located at the existing road boundary connection point. The design shall limit flows to a maximum of 5,000 litres per day to the entire development site and monitor allocation to each lot therein to ensure 1,000litres per day per residential building platform. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a sealed vehicle crossing to Lot 3 from Hogans Gully Road to be in terms of Council's Rural Road Vehicle Crossing dated September 2003 (attached).
  - c) Upgrading of the crossing to Lots 1, 2, 4 and 5 from McDonnell Road to include a minimum of 10m of sealed carriageway within the property boundary.
  - d) The provision of a sealed vehicle crossing to the new winery access on Lot 5 from Hogans Gully Road to be in terms of Council's Rural Road Vehicle Crossing dated September 2003 (attached). This shall have a minimum width of 5.5m at the boundary and cater for an 8m rigid truck. Provision shall be made for stormwater disposal from the access.
  - e) The formation of a new winery access from Hogans Gully Road to the existing formation to be in terms of Council's standards. This shall include a minimum 5.5m wide carriageway. Provision shall be made for stormwater disposal from the access
  - f) The formation of all rights of ways in accordance with Council's standards. This shall include a minimum 3.5m wide carriageway. Passing bays shall be provided at intervals not greater than 100m for all single lane access roads, or as otherwise approved by Council. Provision shall be made for stormwater disposal from the access.
  - g) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

***To be monitored throughout earthworks***

8. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of works required by condition (5) above.
9. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

***To be completed before Council approval of the Survey Plan***

10. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

***To be completed before issue of the s224(c) certificate***

11. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Subdivision Planner at Council. This information shall be formatted in accordance with

Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

- b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
- c) The completion of all works detailed (7) above.
- d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) Provide written evidence of an existing electricity connection to the building on Lot 2 and the winery on Lot 5.
- f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- g) Provide written evidence of an existing telecommunications connection to the building on Lot 2 and the winery on Lot 5.
- h) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- j) The consent holder shall provide evidence to the satisfaction of the Subdivision Planner at Council as to how the irrigation water supply will be monitored and maintained on an ongoing basis to each lot. In addition monitoring details shall be provided to demonstrate how each residential building platform is able to receive a minimum of 1,000litres/day on an ongoing basis.

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

- k) The consent holder shall provide to the satisfaction of the Subdivision Planner at Council an amended Monitoring and Management Plan (MMP) for the Landfill Dump Hazard (LDH) that covers the following matters:
  - i. A description of the landfill (age, nature of the material deposited into it, construction (is there a liner or capping layer);
  - ii. Details the risk of hazardous ground gas generation from the landfill;
  - iii. Sets out further measures required to mitigate the risk to people living on the site if necessary from the matters addressed in (i) and (ii) above.
- l) The identified landfill area on Lot 6 shall be suitably fenced around the pond to restrict human access in accordance with Figure 4 in the MMP by RDAgritech entitled "*Monitoring and Management Plan: Lamont HAIL*" dated 6 May 2016 (and any subsequently amended MMP).
- m) Signage shall be erected on the fence (Condition 9l) and at potential access points which notifies any persons attempting to enter the area of the possible presence of contaminants. The signage shall be certified by the Subdivision Planner prior to being erected on the fence.
- n) A consent notice shall be drafted in consultation with the Council to record the presence of the LDH area on Lot 6. The notice shall record that specified activities shall not be conducted within the specified LDH area as identified on Figure 3 "Landfill extents PSI based" of the MMP dated 6 May 2016 (and any certified amendments). The specified activities are:
  - i. Growing or harvesting of cultivated or wild flora or fauna for human consumption from the LDH area or the pond adjacent to the LDH area.
  - ii. Earthworks involving the addition, removal and disturbance of soil in or from the LDH area.
  - iii. Contact recreation activities in or on the pond adjacent to the LDH area.
  - iv. Use of pond water for any potable consumptive purposes.
  - v. Groundwater abstraction for any use from beneath the LDH area.



### ***Ongoing Conditions/Consent Notices***

12. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) Any building proposed on Lots 3 and 6 shall be as per the design approved under land use consent RM150660 which sets a maximum building height RL 396.0 for Lot 3 and RL389.0 for Lot 6.
  - c) Any building within the approved residential building platforms on Lots 1, 4 and 5 shall comply with the following design controls:
    - i. Maximum height above existing ground level shall be RL 435.0 for Lot 1, RL 420.15 for Lot 4, and RL 410.70 for Lot 5.
    - ii. All exterior surfaces shall be coloured in the range of blacks, browns, greens or greys.
    - iii. Pre-painted steel and any roofs shall have a reflectance value not greater than 20%.
    - iv. Other exterior surface finishes shall have a reflectance value not greater than 30%.
    - v. Prior to the construction of any dwelling other than that approved in land use consent RM150660, a landscape plan shall be submitted to Queenstown Lakes District Council for approval. In this instance the landscape plan shall achieve the following objectives:
      - vi. screening of the dwelling from public places in the vicinity;
      - vii. enhance the natural character of the landscape by consisting of indigenous plants endemic to the Wakatipu Basin.
  - d) The approved landscape plan for each lot (1, 3, 5 and 6) shall be implemented in the next available planting season following completion of dwelling construction on that lot and shall be thereafter maintained and irrigated in accordance with the plan. Should any plant die or become diseased, it shall be replaced in the next available planting season.
  - e) All domestic activities on each lot are to be restricted to the curtilage area shown the landscape plans approved as part of RM150660:
    - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lots 3 and 5, dated May 2015"
    - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lots 1, dated July 2015"
    - Kerr Ritchie Architectural Landscape "Landscape Concept Plan Lot 6, dated August 2016"

This includes, but is not restricted to: domestic gardens and associated structures including pergolas, glasshouses and tunnel houses; vehicle parking and turning areas; washing lines; garden sheds; and large play equipment such as trampolines.
  - f) The balance of the site outside the curtilage area on each lot is to be kept free of noxious weeds and managed as open pastoral land or native wetland, beech or grey shrubland vegetation. No new exotic trees or plants shall be established outside the curtilage area.
  - g) Wetland areas on Lots 1, 3, 5 and 6 are to be maintained. Enhancement planting with native wetland species is permitted.
  - h) All fencing outside of the curtilage area on each lot shall be limited to post and wire or post and netting.
  - i) Water tanks shall be partially buried and screened from public places by mounding and/or native plants endemic to the Wakatipu Basin.
  - j) Driveways shall be formed in gravel or chip seal only.

- k) Entranceways from shall be non-obtrusive, in keeping with traditional rural elements. Gates and gate posts proposed for any entranceway shall be to a height of no more than 1.2m.
- l) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Southern Monitoring Services dated 6 May 2015. The proposed wastewater system shall be subject to review by Council prior to implementation and shall be installed prior to occupation of the dwelling.  
At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.
- m) Prior to the construction of any buildings on Lot 3, the owner for the time being shall ensure the building platform is a minimum of 0.8m above the floor of the valley in accordance with the recommendations of the Geoconsulting Ltd report "Suitability of building sites: Lots 1 & 2 DP 435914, Hogan Gully Road" dated 10 May 2015.
- n) Prior to the construction of any buildings on Lot 5, the owner for the time being shall ensure the building platform is a minimum of 0.5m above the floor of the valley in accordance with the recommendations of the Geoconsulting Ltd report "Suitability of building sites: Lots 1 & 2 DP 435914, Hogan Gully Road" dated 10 May 2015.
- o) Prior to the construction of any buildings on Lot 6, the owner for the time being shall engage a suitably qualified geoprofessional to undertake further site assessment in accordance with the recommendations of the Geoconsulting Ltd report "Suitability of building sites: Lots 1 & 2 DP 435914, Hogan Gully Road" dated 10 May 2015.
- p) On Lot 6, any vegetation, boundary fencing or other structures adjacent to the road boundary shall be removed or kept trimmed as necessary to ensure that sight distances from the vehicle crossing are not obstructed. A clear line of sight of at least 115 metres shall be maintained in each direction along McDonnell Road from the vehicle crossing to the site.
- q) At the time a dwelling/building is erected on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.  
The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by

QLDC's standards for rural roads (as per QLDC's Land Development and Subdivision Code of Practice). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

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

The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

## ***Land Use Conditions***

***Land use consent is granted to erect a dwelling on each of the lots approved under RM150660 (subdivision consent) subject to the following conditions:***

### General Conditions

- 1 That the development must be undertaken/carried out in accordance with the plans:
  - (a) Kerr Ritchie Architectural Drawing Index – RC Issue August 2015
    - Lot 3, Plans 10-02 (House Plan), 20-01 (House Elevations) and 30-01 (House Sections)
    - Lot 6, Plans 10-01 (House Plan), 10-01 (House Elevations) and 30-01 (House Sections)
  - (b) Kerr Ritchie Architectural Landscape “Landscape Concept Plan Lots 3 and 5, dated May 2015’
  - (c) Kerr Ritchie Architectural Landscape “Landscape Concept Plan Lots 1, dated July 2015’
  - (d) Kerr Ritchie Architectural Landscape “Landscape Concept Plan Lot 6, dated August 2016’

**stamped as approved on 20 September 2016**, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until:
  - a) The subdivision approved under RM150660 is completed (224c certificate issued)
  - b) the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

### Landscaping

3. The consent holder shall ensure the approved landscaping plan for the lot as per RM150660 shall be implemented prior to occupation of any dwelling. The plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

### Engineering

4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and

shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.

6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
7. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice and who shall supervise the fill procedure and ensure compliance with NZS 4431:1989 (if required). This engineer shall continually assess the condition of the fill procedure.

***To be monitored throughout the earthworks***

8. No earthworks, temporary or permanent, are to breach the boundaries of the site
9. No earthworks shall take place within the Landfill Dump Hazard (LDH) as identified on Figure 3 "Landfill extents PSI based" of the report by RDAgritech entitled "*Monitoring and Management Plan: Lamont HAIL*" dated 6 May 2016 (and any certified amendments).
10. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
11. The earthworks, batter slopes, retaining, geoprofessional assessments, inspections and site management shall be undertaken in accordance with the recommendations of the report by Geoconsulting Ltd "Suitability of building sites: Lots 1 & 2 DP 435914, Hogan Gully Road" dated 10 May 2015.
12. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability.

***On completion of earthworks***

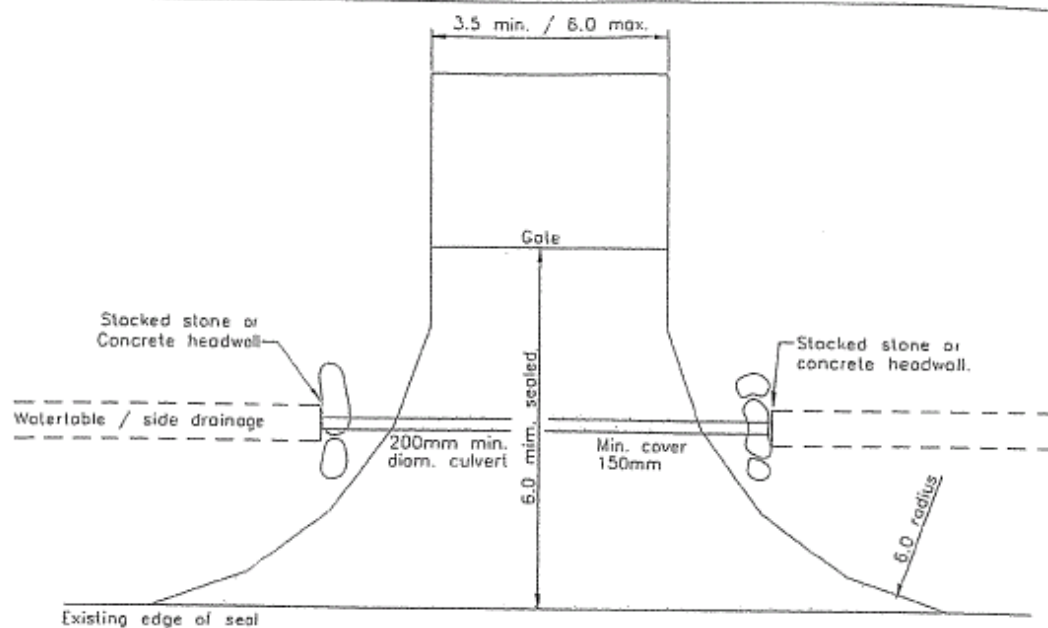
13. On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall comply with the recommendations made in the report by Geoconsulting Ltd "Suitability of building sites: Lots 1 & 2 DP 435914, Hogan Gully Road" dated 10 May 2015. Specifically this shall ensure building platforms are suitably elevated above perceived flood levels.
14. On completion of earthworks within the building footprint and prior to the construction of the building, the consent holder shall ensure that either:
  - a) Certification from a suitably qualified engineer experience in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer; or;
  - b) Should the building be founded on fill then the foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

***To be completed when works finish and before occupation of the dwelling***

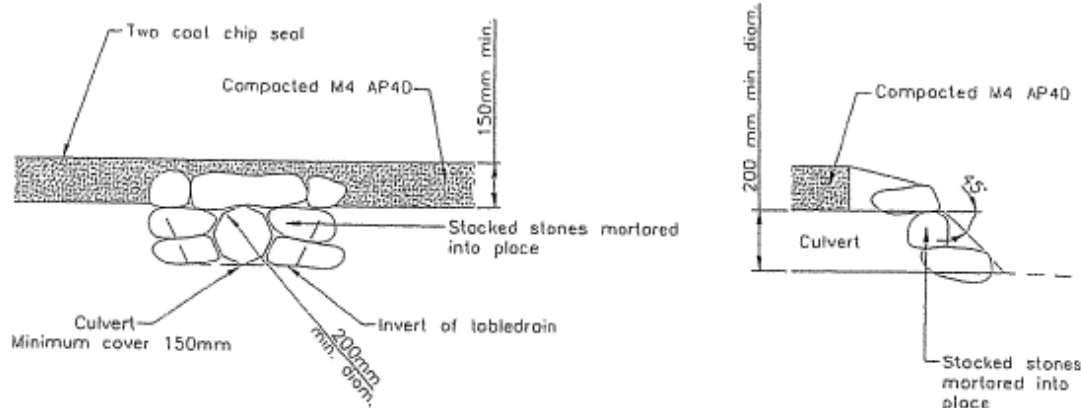
15. Prior to the occupation of the dwelling, the consent holder shall complete the following
  - a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - b) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.

**Advice Note:**

1. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
2. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
3. This consent triggers a requirement for Development Contributions. Please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.



**DIAG. 2 - PRIVATE ACCESS - PLAN**



## HEADWALL DETAIL

**NOTES:**

1. If the access is from an unsealed road then it need not be sealed.
2. Construction to be of M4 AP40 gravel, at least 150mm deep.
3. Where the access intercepts existing side drainage / water table, a 200mm min. diam (or min. diam of upstream culvert, whichever is the greater) culvert is to be installed. Pipe to be heavy PVC or conc. with appropriate bedding. If 150mm cover cannot be achieved then unreinforced conc. protection shall be provided.
4. For dimensions of Private Access (frequent use by heavy vehicles) (Diag. 3) or Commercial Access (Diag. 4) see Appendix 7 of the Council's District Plan.
5. Maximum grade of batters is 1V : 3H



RURAL ROAD VEHICLE CROSSING

SEPT 2003  
Not To Scale

**Fig.3**

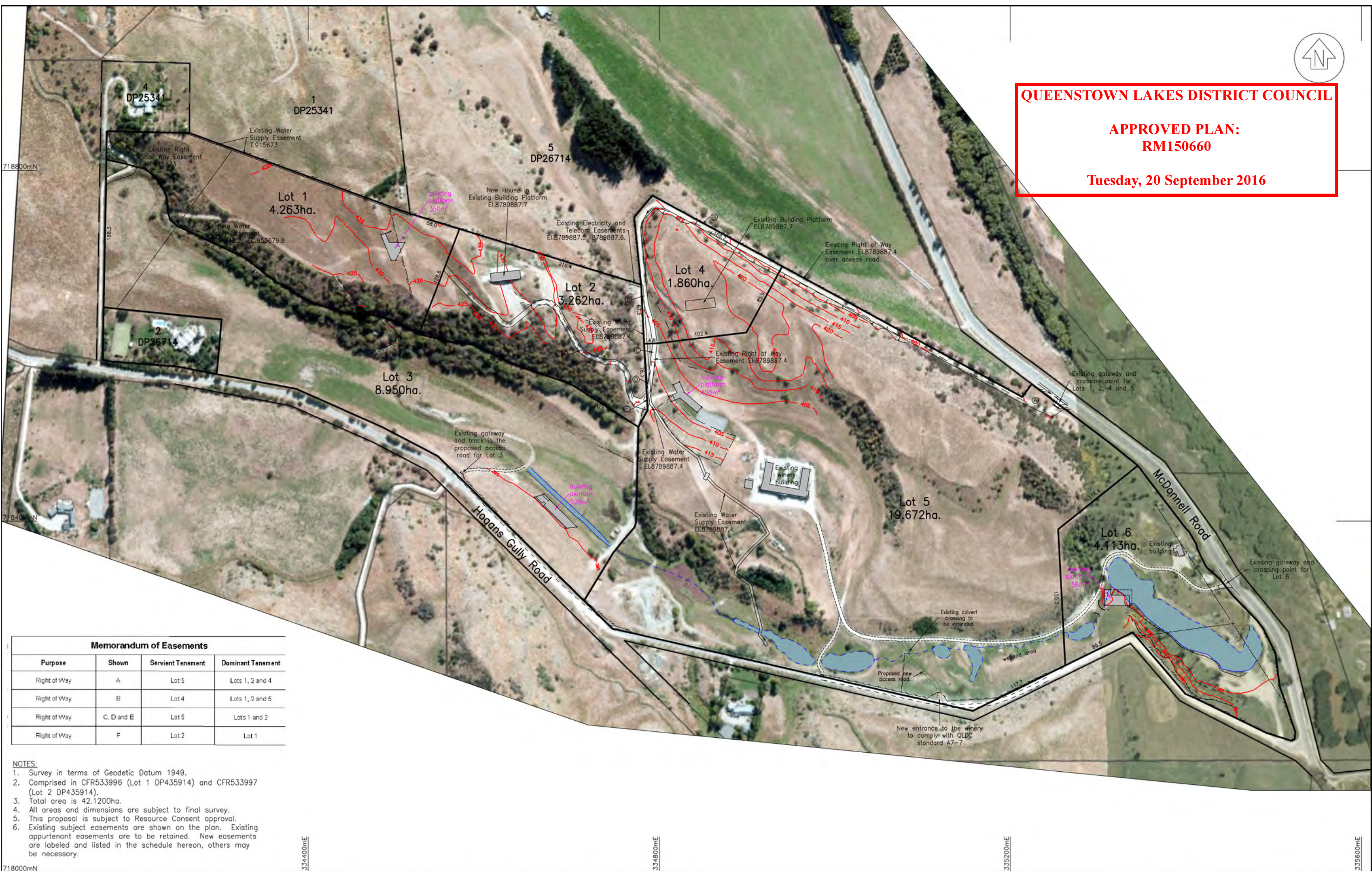




**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM150660**

**Tuesday, 20 September 2016**



Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	Lot 5	Lots 1, 2 and 4
Right of Way	B	Lot 4	Lots 1, 2 and 5
Right of Way	C, D and E	Lot 5	Lots 1 and 2
Right of Way	F	Lot 2	Lot 1

- NOTES:
- Survey in terms of Geodetic Datum 1949.
  - Comprised in CFR533996 (Lot 1 DP435914) and CFR533997 (Lot 2 DP435914).
  - Total area is 42.1200ha.
  - All areas and dimensions are subject to final survey.
  - This proposal is subject to Resource Consent approval.
  - Existing subject easements are shown on the plan. Existing appurtenant easements are to be retained. New easements are labeled and listed in the schedule hereon, others may be necessary.

Surveyed by:  
**John Alexander Surveying**  
P.O.Box 13 Arrowtown  
p: 03 4421988  
m: 027 6027575  
e: jasurveying@xtra.co.nz

**Lots 1 - 6 being a Proposed Subdivision of Lots 1 and 2 DP 435914**

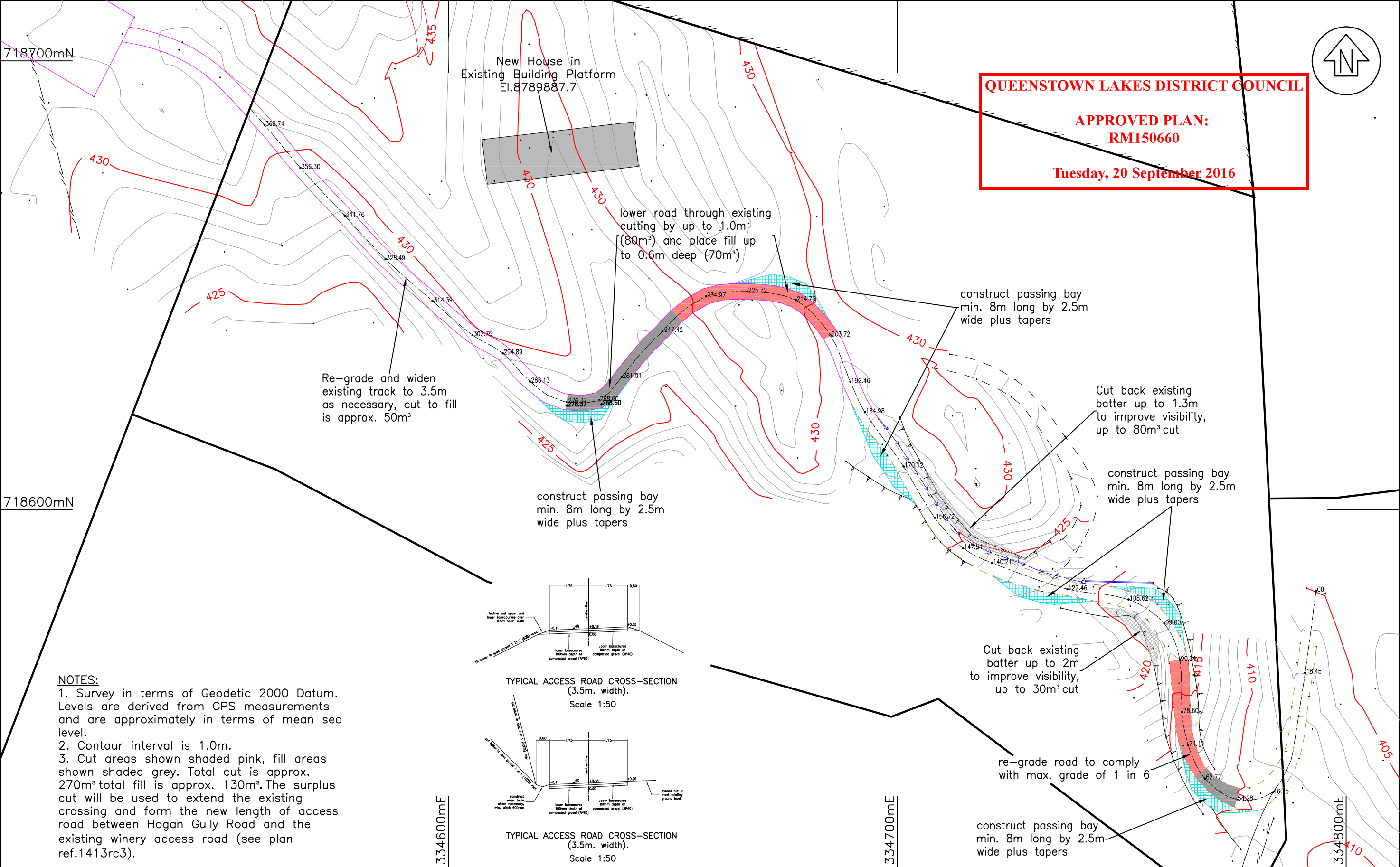
Prepared for E and C Lamont.

Amendments:  
1. New entrance to winery off Hogan Gully Road added 4-9-15.  
2. Entrance to winery off Hogan Gully Road amended 24-2-16.  
3. Lots 1, 2 and 3 boundaries reconfigured 1-8-16.

Datum: Geodetic 1949  
Level Datum: Mean sea level  
Contour Interval: 1 metre

Scales: 1:2000@A1  
1:4000@A3  
Date: 17 Aug 2015  
Job Ref. 1413rc4





Surveyed by:  
**John Alexander Surveying**  
P.O.Box 13 Arrowtown

p: 03 4421988  
m: 027 6027575  
e: jasurveying@xtra.co.nz

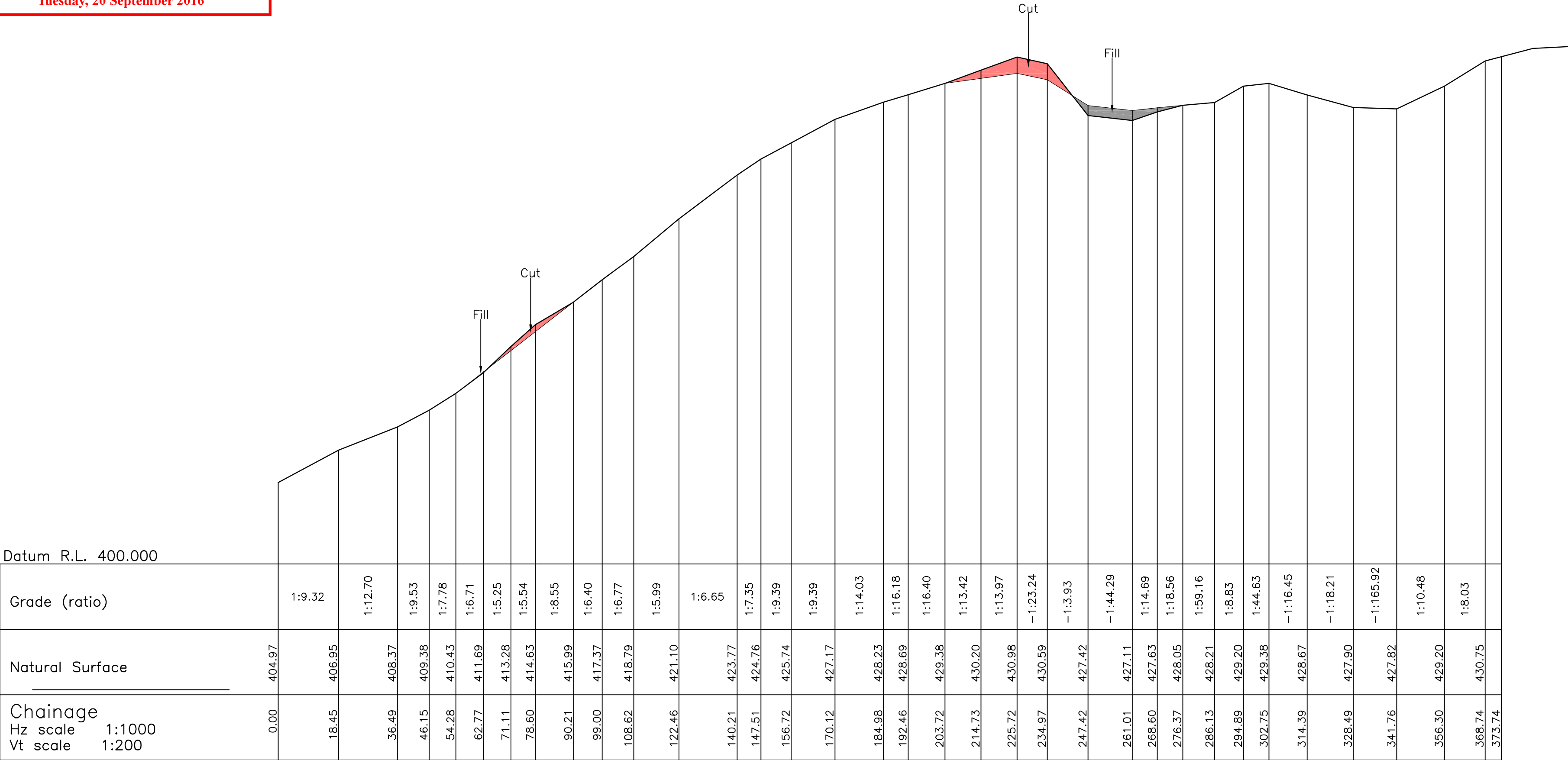
**Access Road to Proposed Lots 1 and 2 RM150660**

Prepared for E and C Lamont.

Amendments:

Datum: Geodetic 1949  
Level Datum: Mean sea level  
Contour Interval: 1 metre

Scale: 1:800@A3  
Date: 23 Feb 2016  
Job Ref. 1413e1

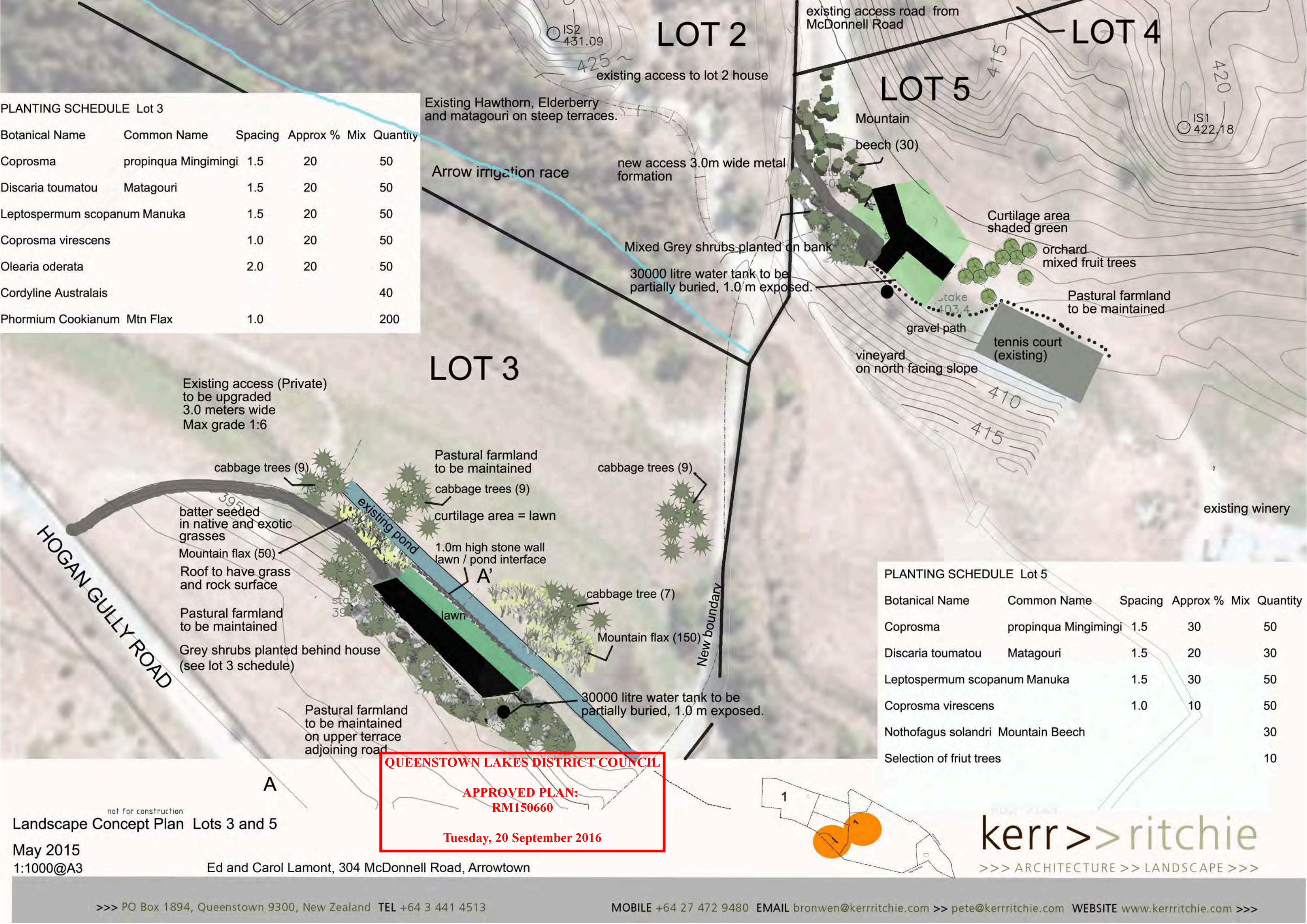


Longitudinal section between 00 and 373.74



# PLANTING SCHEDULE Lot 3

Botanical Name	Common Name	Spacing	Approx %	Mix	Quantity
Coprosma	propinqua Mingimingi	1.5	20	50	
Discaria toumatou	Matagouri	1.5	20	50	
Leptospermum scoparium	Manuka	1.5	20	50	
Coprosma virescens		1.0	20	50	
Olearia oderata		2.0	20	50	
Cordyline Australais					40
Phormium Cookianum	Mtn Flax	1.0			200



Existing Hawthorn, Elderberry and matagouri on steep terraces.

Arrow irrigation race

new access 3.0m wide metal formation

Mixed Grey shrubs planted on bank

30000 litre water tank to be partially buried, 1.0/m exposed.

Mountain beech (30)

Curtilage area shaded green

orchard mixed fruit trees

Pastural farmland to be maintained

gravel path

tennis court (existing)

vineyard on north facing slope

Existing access (Private) to be upgraded 3.0 meters wide Max grade 1:6

cabbage trees (9)

batter seeded in native and exotic grasses

Mountain flax (50)

Roof to have grass and rock surface

Pastural farmland to be maintained

Grey shrubs planted behind house (see lot 3 schedule)

Pastural farmland to be maintained on upper terrace adjoining road

Pastural farmland to be maintained

cabbage trees (9)

curtilage area = lawn

1.0m high stone wall lawn / pond interface

A'

lawn

cabbage trees (9)

cabbage tree (7)

Mountain flax (150)

30000 litre water tank to be partially buried, 1.0 m exposed.

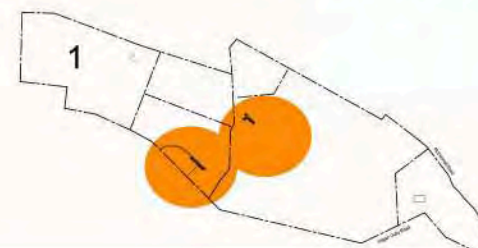
## PLANTING SCHEDULE Lot 5

Botanical Name	Common Name	Spacing	Approx %	Mix	Quantity
Coprosma	propinqua Mingimingi	1.5	30	50	
Discaria toumatou	Matagouri	1.5	20	30	
Leptospermum scoparium	Manuka	1.5	30	50	
Coprosma virescens		1.0	10	50	
Nothofagus solandri	Mountain Beech				30
Selection of fruit trees					10

QUEENSTOWN LAKES DISTRICT COUNCIL

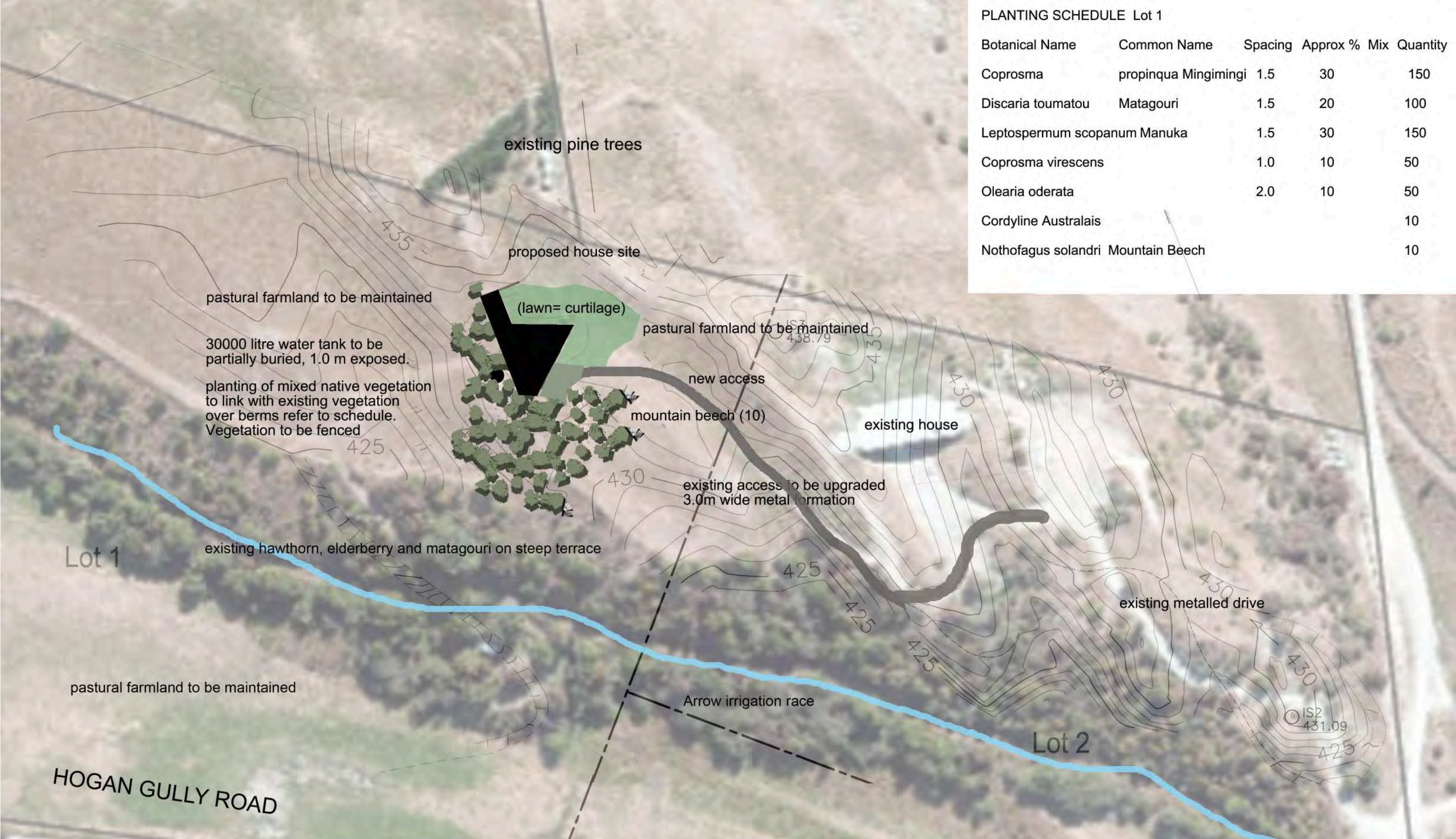
APPROVED PLAN:  
RM150660

Tuesday, 20 September 2016



kerr >> ritchie  
>>> ARCHITECTURE >> LANDSCAPE >>>

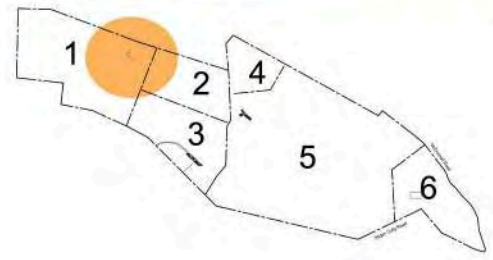




PLANTING SCHEDULE Lot 1					
Botanical Name	Common Name	Spacing	Approx %	Mix	Quantity
Coprosma	propinqua Mingimingi	1.5	30		150
Discaria toumatou	Matagouri	1.5	20		100
Leptospermum scoparium	Manuka	1.5	30		150
Coprosma virescens		1.0	10		50
Olearia oderata		2.0	10		50
Cordyline Australais					10
Nothofagus solandri	Mountain Beech				10

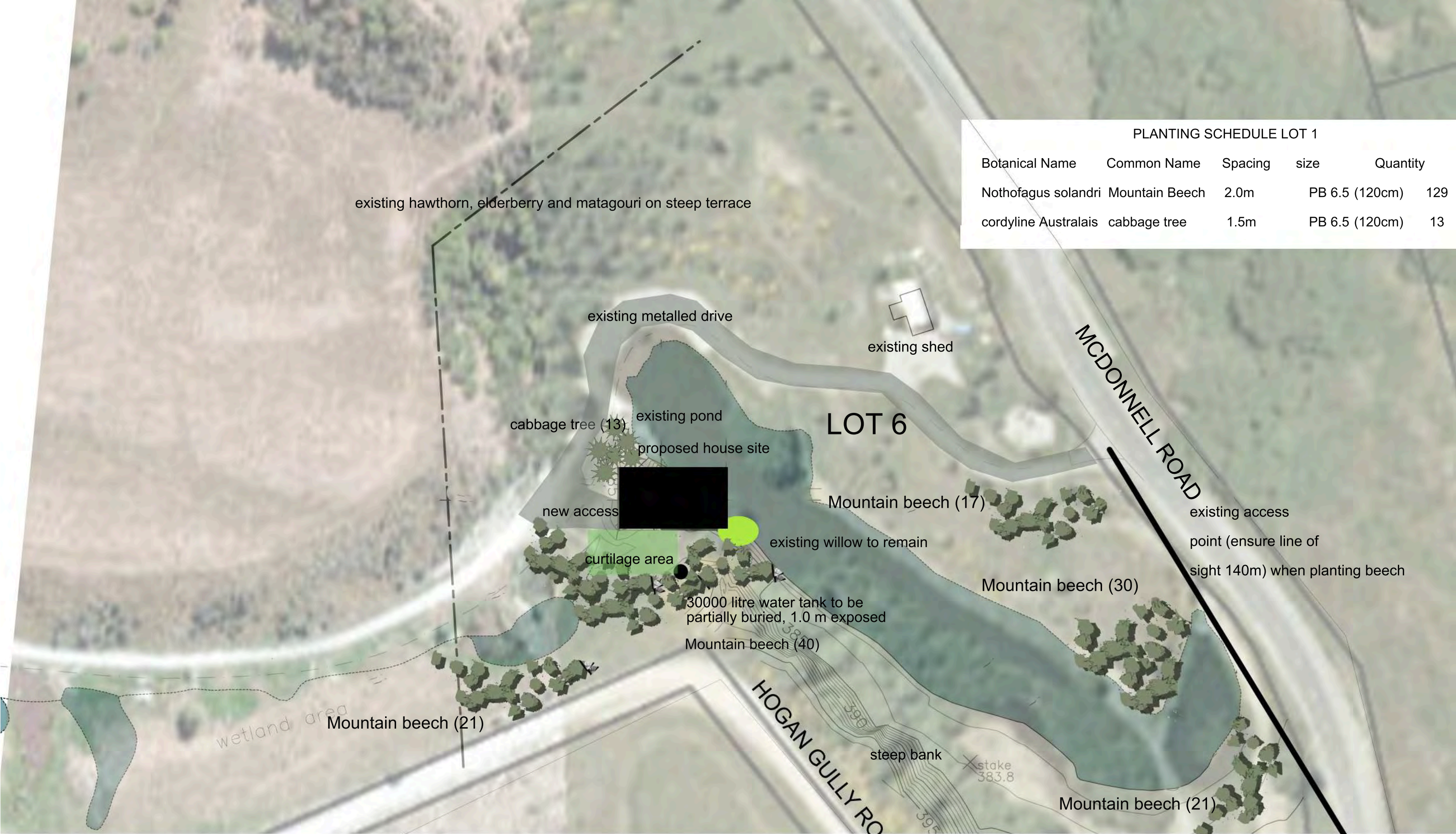
Landscape Concept Plan Lot 1  
July 2015  
For Ed and Carol Lamont  
1:1000 @ A3

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
  
**APPROVED PLAN:**  
**RM150660**  
  
**Tuesday, 20 September 2016**



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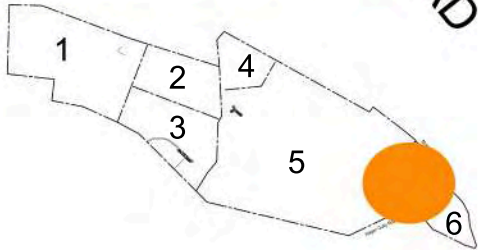




PLANTING SCHEDULE LOT 1				
Botanical Name	Common Name	Spacing	size	Quantity
Nothofagus solandri	Mountain Beech	2.0m	PB 6.5 (120cm)	129
cordyline Australais	cabbage tree	1.5m	PB 6.5 (120cm)	13

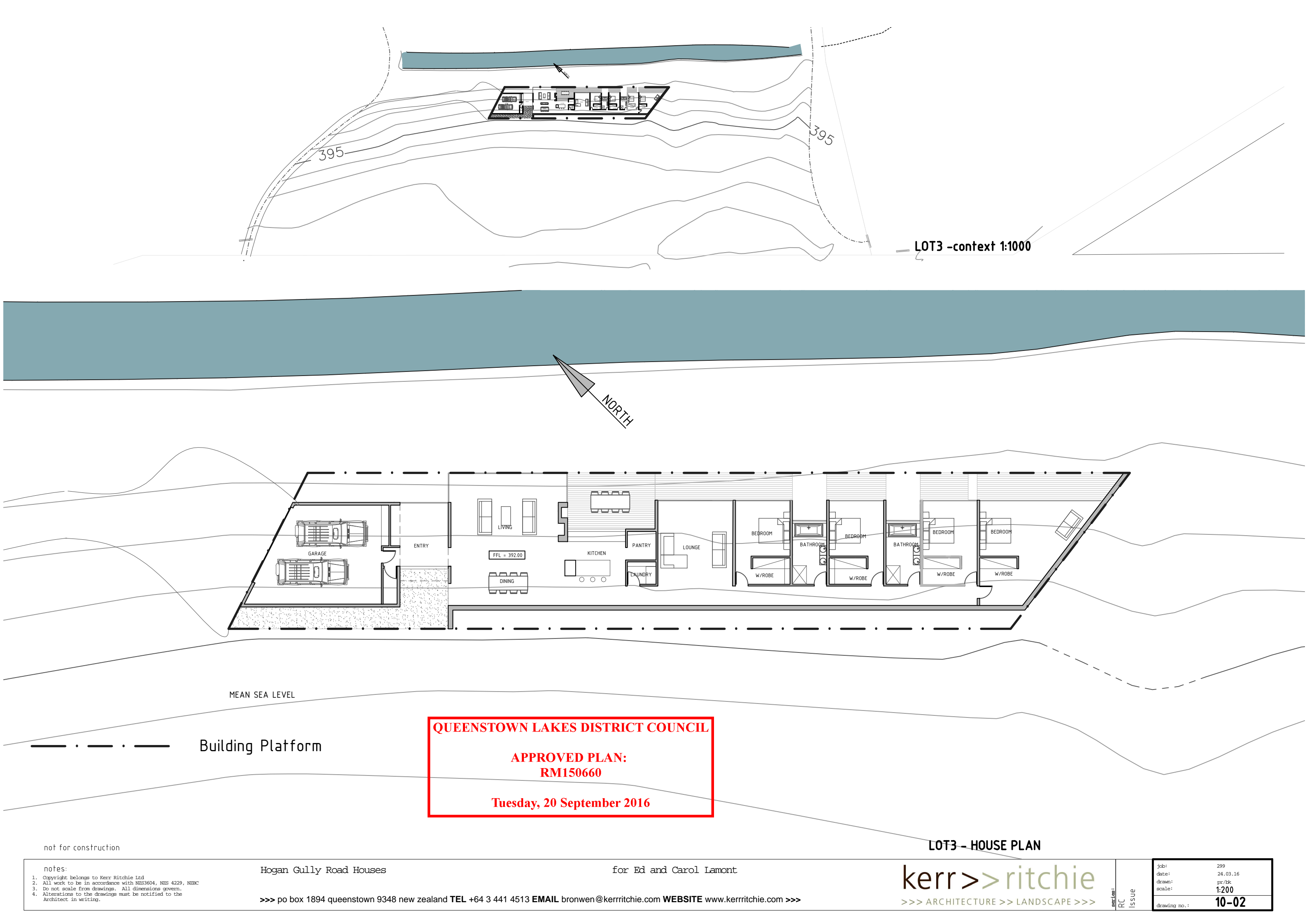
Landscape Concept Plan Lot 6  
August 2016  
Ed and Carol Lamont  
1:1000@A3  
not for construction

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Tuesday, 20 September 2016



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MEAN SEA LEVEL

Building Platform

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not for construction

LOT3 - HOUSE PLAN

notes:  
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3. Do not scale from drawings. All dimensions govern.  
4. Alterations to the drawings must be notified to the Architect in writing.

Hogan Gully Road Houses

for Ed and Carol Lamont

>>> po box 1894 queenstown 9348 new zealand TEL +64 3 441 4513 EMAIL bronwen@kerrritchie.com WEBSITE www.kerrritchie.com >>>

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job:	299
date:	24.03.16
drawn:	pr/hk
scale:	1:200
drawing no.:	10-02

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RM150660

Tuesday, 20 September 2016

key

natural local stacked stone cladding

natural colour stained cedar weatherboards - Drydens- "Birch"

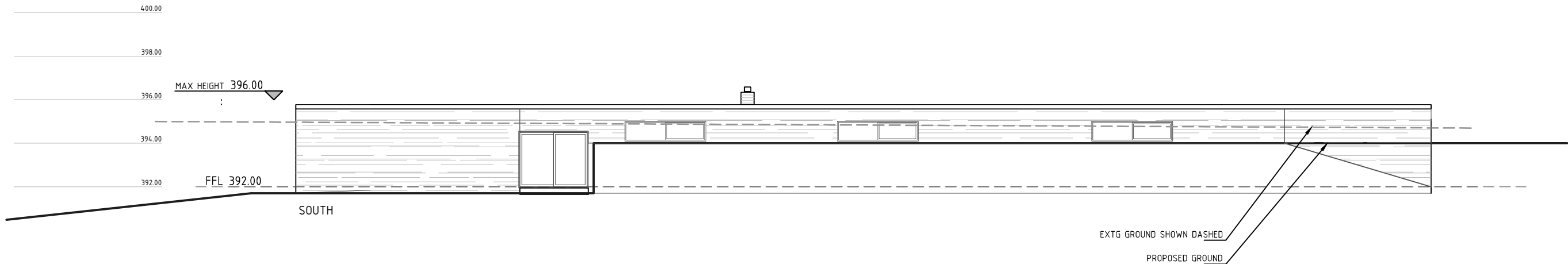
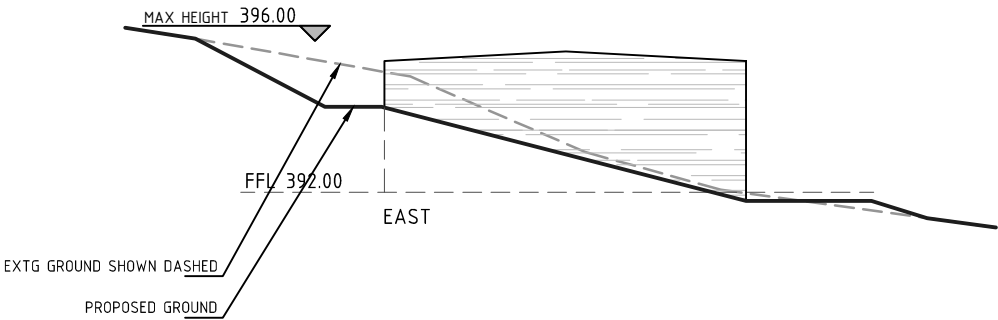
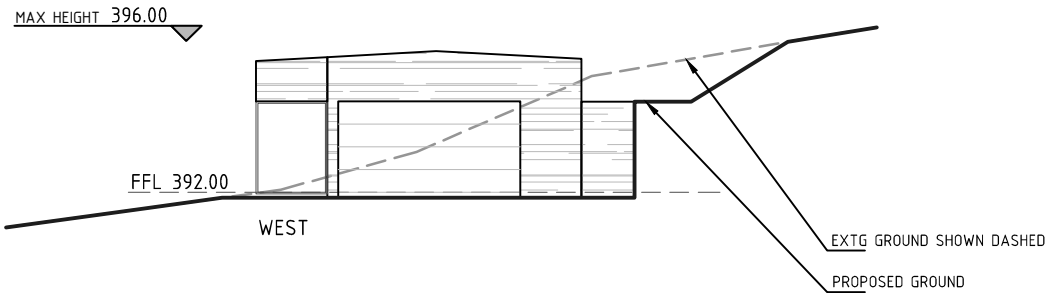
steel tray roofing - dark colour - Colorsteel "Slate"

clear glass balustrade

window joinery - Metropolis coal-du

Note: corner flashings, gutters and downpipes all coloursteel to match roofing

NOTE: DATUM - ABOVE



not for construction

LOT 3 - HOUSE ELEVATIONS

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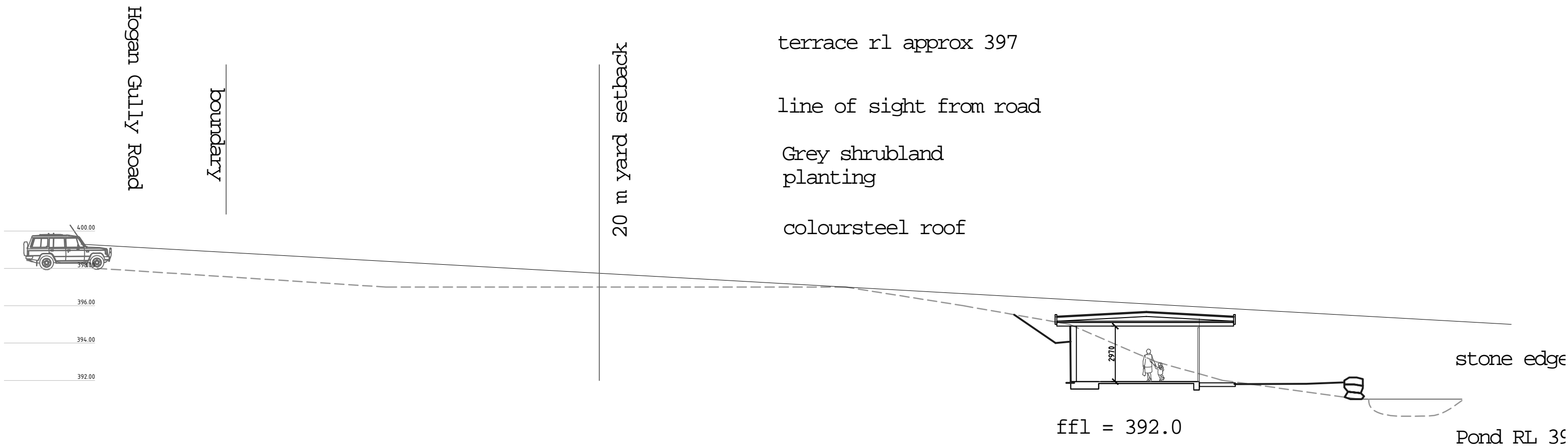
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job:	299
date:	24.03.16
drawn:	pr/bk
scale:	1:200
drawing no.:	20-01



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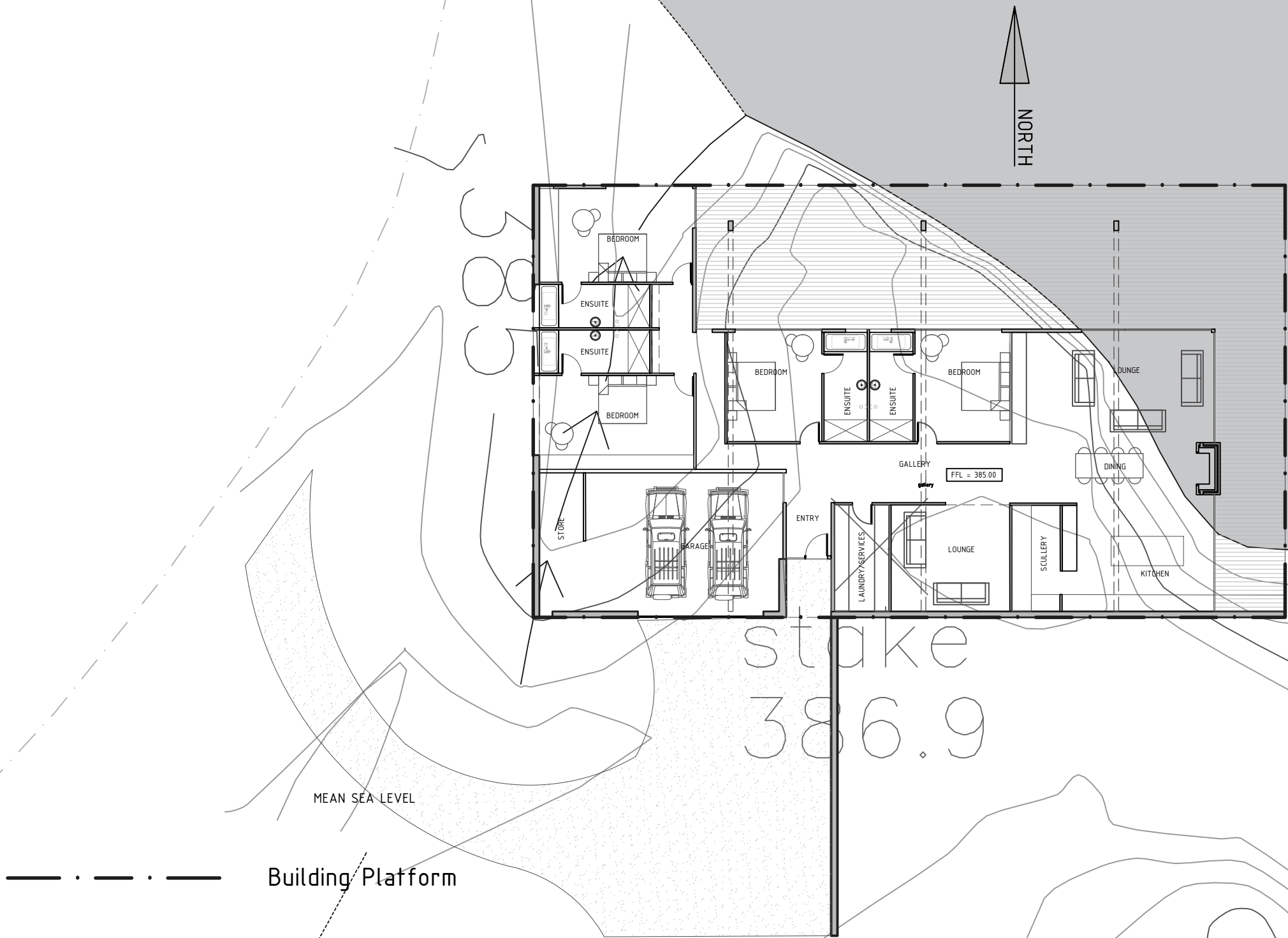
LOT 3 - HOUSE SECTION



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not for construction

LOT6 - HOUSE PLAN

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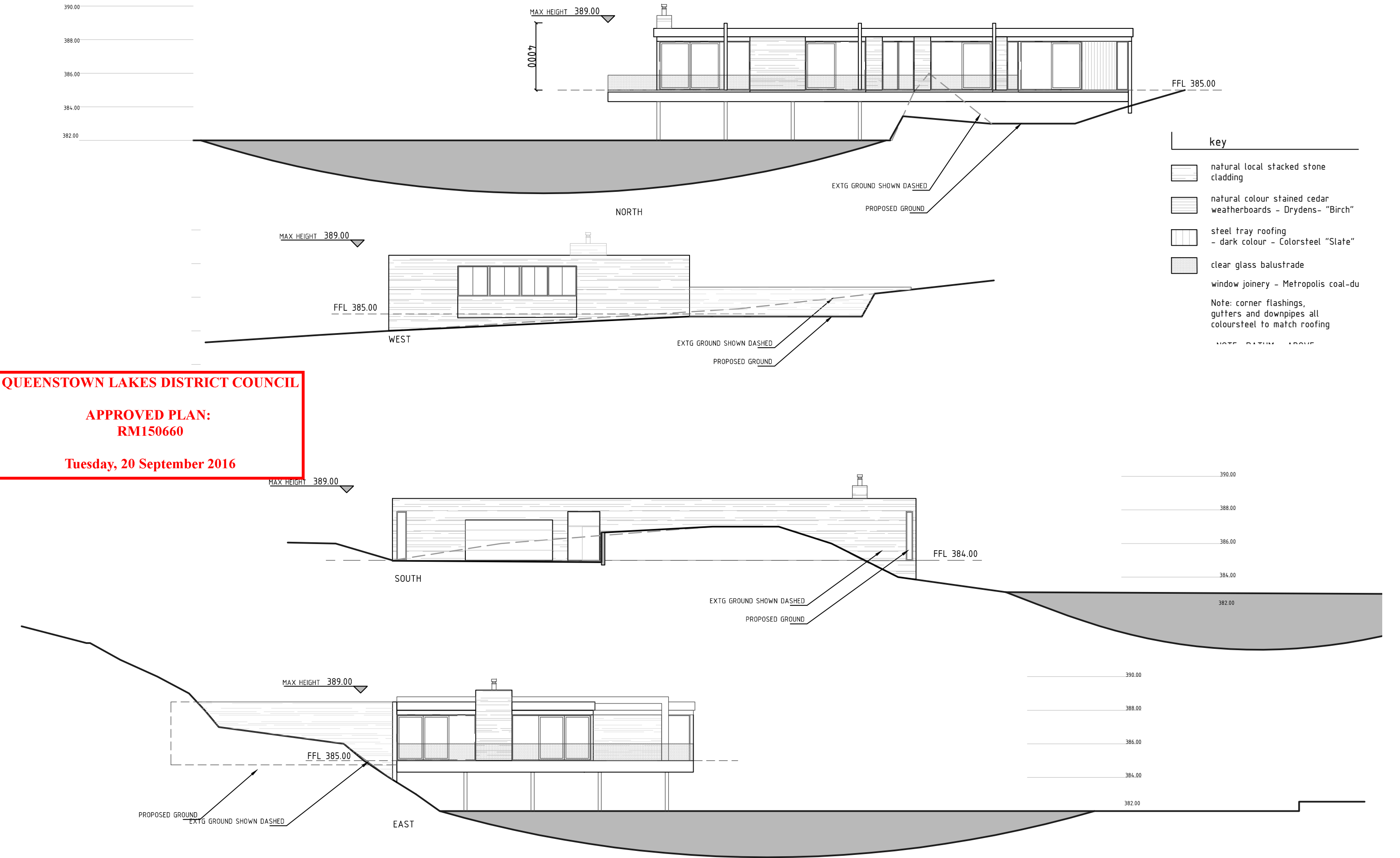
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job:	299
date:	24.03.16
drawn:	pr/hk
scale:	1:200
drawing no.:	10-01



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LOT6 - HOUSE ELEVATIONS

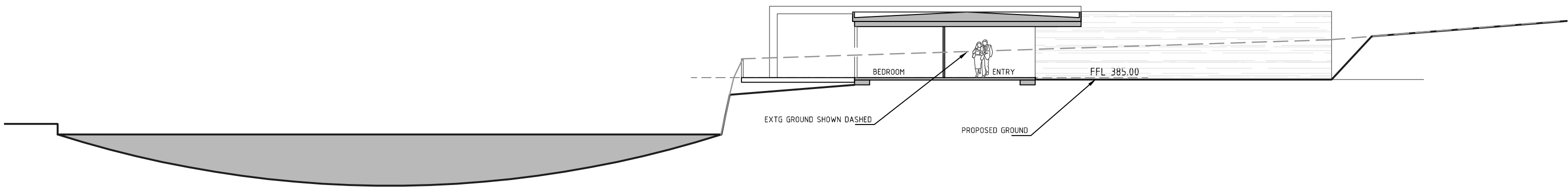
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>>> ARCHITECTURE >> LANDSCAPE >>>

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date:	24.03.16
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scale:	1:200
drawing no.:	10-01

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APPROVED PLAN:  
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LOT6 - HOUSE SECTIONS

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sheet: RC Issue	job:	299
	date:	24.03.16
	drawn:	pr/hk
	scale:	1:200
drawing no.:		30-01