

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN CARDRONA ALPINE DEVELOPMENTS
LIMITED

ENV-2006-CHC-000403

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge R Gordon Whiting sitting alone under section 279 of the Act

IN CHAMBERS at AUCKLAND

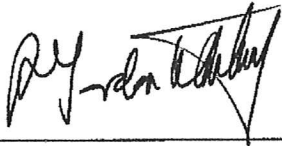
CONSENT ORDER

1. The Court has read and considered the Memorandum of the Parties dated 13 July 2007 and the email from the Upper Clutha Environmental Society dated 1 August 2007.
2. In signing this consent order the Court has not considered the merits of the conditions of consent agreed by the parties (and in particular whether it achieves the purpose of the Resource Management Act 1991) but only confirmed that:



- (a) All of the parties to the proceedings have executed the Memorandum requesting this order; and
 - (b) The proposed order is prima facie reasonably within the scope of the application for resource consent and appeals initiating the proceedings.
3. Therefore, this Court **ORDERS**, by consent, that the agreed conditions of consent are imposed as set out in Schedule A attached to this Order:

DATED at AUCKLAND this 3rd day of August 2007



R Gordon Whiting
Environment Judge



Schedule A

Proposed Conditions of Consent:

1. That the activity be undertaken in accordance with application and plans stamped as "Approved Plans" attached to decision C 062/2007 together with the Structural Landscape Plan attached to these conditions, with the exception of the amendments required by the following conditions of consent.
2. That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
4. The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
5. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) The provision of an updated report on the Cardrona Water Supply Ltd scheme that details the emergency storage volume, fire fighting demand and actual peak water demands, based upon current Council standards, for:
 - All existing residential connections
 - All future connections approved by Cardrona Water Supply Ltd
 - Cardrona Hotel connection based upon assessment of demand of existing facilities (hotel rooms, bar and restaurant)
 - Brooklynne Stage 1 - 3 connections
 - Cardrona Alpine Ltd connection



- b) If an alternative water supply scheme is in place at the time the consent holder proposes to connect water, the Consent Holder shall provide to Council for its prior approval, evidence of the scheme that details the emergency storage volume, fire fighting demand and actual peak water demands, based upon Council standards at the time the evidence is provided.
- c) The provision of a water supply to the boundary of Lots 1 - 6 in terms of Council's standards. Each lot shall be supplied with a minimum of 2100 litres per day of potable water that complies with the requirements of the Drinking Water Standard for New Zealand 2005. A fire fighting supply in accordance with SNZ PAS 4509:2003 is to be provided for each Lot.
- d) The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified engineer and subject to the approval of Council prior to implementation. The stormwater system shall be designed so that the rate of runoff and transport of debris to the neighbouring Lot 2 DP320515 is not increased as a consequence of the development.
- e) The provision of a sealed vehicle crossing from Cardrona Valley Road to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the Proposed District Plan. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made to continue any roadside drainage.
- f) The provision of a metalled common access way to the Lots that complies with the guidelines provided for in Table 3.2(a) of the NZS4404:2004 amendments as adopted by the Council in October 2005.
- g) The provision of a geotechnical assessment by a suitably qualified engineer assessing the risk to the Lots from the Cardrona Fault as identified on the Queenstown Lakes District Council Natural Hazard Register Maps, such assessment to be submitted to Council prior to the commencement of works.
- h) In the event that the Geotechnical Assessment recommends the performance of conditions, prior to certification pursuant to Section 224 of the Act and in accordance with Section 221, a Consent Notice containing the recommended conditions shall be registered on the pertinent Certificates of Title.



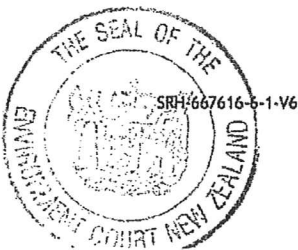
6. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision.
 - b) The completion of all works detailed in condition (5) above.
 - c) The consent holder shall provide evidence to the Council of a responsible body (Management Group) who will be responsible for the maintenance and operation of the water supply scheme installed to ensure that it complies with the Drinking Standards for New Zealand 2005.
 - d) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the lots. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
7. Prior to commencing any work on the site the consent holder shall install a vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal. This crossing shall be upgraded in accordance with Council's standards, or removed, at the time dwellings are constructed on the site.
8. Prior to commencing works, the consent holder shall submit to Council for approval a site management plan for the works including measures to prevent sediment entering any waterway system.
9. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan (TMP) to Council for approval. The Traffic Management Plan shall be prepared by a registered and certified Site Traffic Management Supervisor (STMS). Traffic Management shall be undertaken in accordance with the approved Traffic Management Plan at all times. Contractors who are responsible for temporary traffic management must have a person who is qualified as a STMS responsible for the implementation of Traffic Management.
10. The consent holder shall install measures to control and or mitigate any dust, silt run-off and sedimentation that may occur. Specific measures shall be installed to prevent sediment entering any waterway system. 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.



11. The consent holder shall undertake the site management, excavation, temporary works, retaining walls and batter slopes in accordance with the report prepared by Weber Consulting Ltd titled: Cardrona Subdivision - Engineering Report".
12. A suitably qualified and experienced engineer (or Chartered Professional Engineer under the Chartered Professional Engineers Bill 2002) shall monitor and confirm the ground conditions and cut depths encountered are those expected and designed for in the Weber Consulting Ltd report titled: Cardrona Subdivision - Engineering Report". Should the site conditions be found unsuitable, then a suitably qualified and experienced engineer shall submit to Council new designs/work methodologies for the excavation/retention systems prior to further work being undertaken with the exception of work to stabilise the site in the interim. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.
13. If any excavation spoil is to be removed from the site, the consent holder shall provide details, for approval, to Council, of where the fill is being deposited. The information submitted shall include the name of the approved landfill where the fill is to be deposited, or the resource consent number that permits the deposition of fill on the destination site.
14. 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 their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
15. Prior to construction of any buildings on the site a suitably qualified engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be founded (if any).
16. Within four weeks of completing the earthworks the consent holder shall submit to Council as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
17. At the completion of the earthworks all earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.
18. No earthworks, temporary or permanent, are to breach the boundaries of the site except for those required to form the entrance crossing and its associated sight distances.



19. Upon completion of the earthworks, 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) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining walls on site.
20. Prior to certification pursuant to section 224 of the Act and in accordance with section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Titles for the performance of the following conditions on a continuing basis:
- a) At the time a dwelling is erected on Lots 1 - 6, the owner for the time being shall engage a suitably qualified engineer to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the approval of Council prior to implementation.
 - b) At the time a dwelling is erected on Lot 1-6, the owner for the time being shall construct an access way to the dwelling that complies with the New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005.
 - c) At the time a dwelling is erected on Lots 1 - 6, the owner for the time being shall engage a suitably qualified engineer to design an effluent disposal system in terms of AS/NZS 1547:2000 that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:
 - Specific design by a suitably qualified professional engineer and based upon the recommendations of the "Cardrona Subdivision - Effluent Disposal Report" by Weber Consulting Ltd.
 - A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.
 - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
 - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
 - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.



- d) The drinking water supply is to be operated and managed by the Consent Holder or responsible body (Management Group in accordance with Condition 6(c)) for the lots. Should the water not meet the requirements of Queenstown Lakes District Council Standards then the Consent Holder or the Management Group for the lots (as the case may be) shall be responsible to ensure that the Queenstown Lakes District Council Standards are met or exceeded.
- e) In the event that the number of persons to be accommodated on any of Lots 1 - 6 is to be greater than 3, then the Queenstown Lakes District Council will require commensurate increases in the water supply to those lots at the rate of 700 litres per extra person per day.
- f) Design Control:
- All buildings shall be restricted to the residential building platforms only.
 - All buildings shall:
 - i) Be clad in timber, plaster or stone only.
 - ii) Cladding and roofing colours shall have a light reflectance value of approximately 36% or less, and appear appropriately recessive in the landscape over all seasons of the year, in the natural range of browns, greens or greys.
 - iii) All roofs shall be of a pitched gable form. Flat roofs are permitted as connections between gable forms but shall not comprise of more than 20% of all roof area of a single building.
 - iv) Be clustered or otherwise arranged within the building platforms on each Lot to reduce the perceived mass and to avoid single, large-scale structures. The combined area of all buildings on each lot shall not exceed 300m². No separate component shall have a floor area of greater than 200m² and a length more than 15 metres.
 - The maximum height of buildings shall be as follows:
 - i) Buildings on Lot 1 shall be limited to a maximum height of 4.5 metres above existing ground level.
 - ii) Buildings on Lot 2 shall be limited to a maximum height of 4.5 metres above existing ground level.
 - iii) Buildings on Lot 3 shall be limited to a maximum height of 5 metres above existing ground level.



- iv) Buildings on Lot 4 shall be limited to a maximum height of 5 metres above existing ground level.
- v) Buildings on Lot 5 shall be limited to a maximum height of 5 metres above existing ground level.
- vi) Buildings on Lot 6 shall be limited to a maximum height of 5 metres above existing ground level.

Internal access ways shall be of a 3 metre wide metal formation.

Planting shall be installed in accordance with the approved Structural Landscape Plan. Planting in addition to that shown on this plan shall only be permitted if it is pursuant to a landscape plan that has been approved in relation to an individual lot. Plantings shown on the approved Structural Landscape Plan shall be implemented within the first planting season of consent being granted for a proposed dwelling to be erected on the allotment. Thereafter they shall be maintained and irrigated in accordance with the plan. If any plant shall die it shall be replaced within the next planting season. The Structural Landscape Plan shall be attached as part of Condition 1.

At the time an individual lot is to be built on the owner shall submit a landscape plan for approval (as part of a controlled activity resource consent application). The individual plans shall detail how each lot is to be developed, shall be consistent with the approved Structural Landscape Plan and shall comprise of native shrub and tussock species only.

All fencing shall be post-and-wire only, except for post-and-rail and stacked stone walls, which shall be permitted as entrance features.

That part of Lots 5 and 6 shown as protected on the approved Structural Landscape Plan shall be maintained by way of grazing. No domestic curtilage or storage, except for water stored in tanks, shall be permitted in this area. This area shall be maintained so as to be kept free of broom, briar and other exotic weed species on an ongoing basis. For the avoidance of doubt water tanks may be located in this area.

The proposed water storage tanks shall not be visible from Cardrona Valley Road. This is to be achieved by:

- a) locating the tanks so as to be screened by natural topography, or
- b) burying the tanks, or



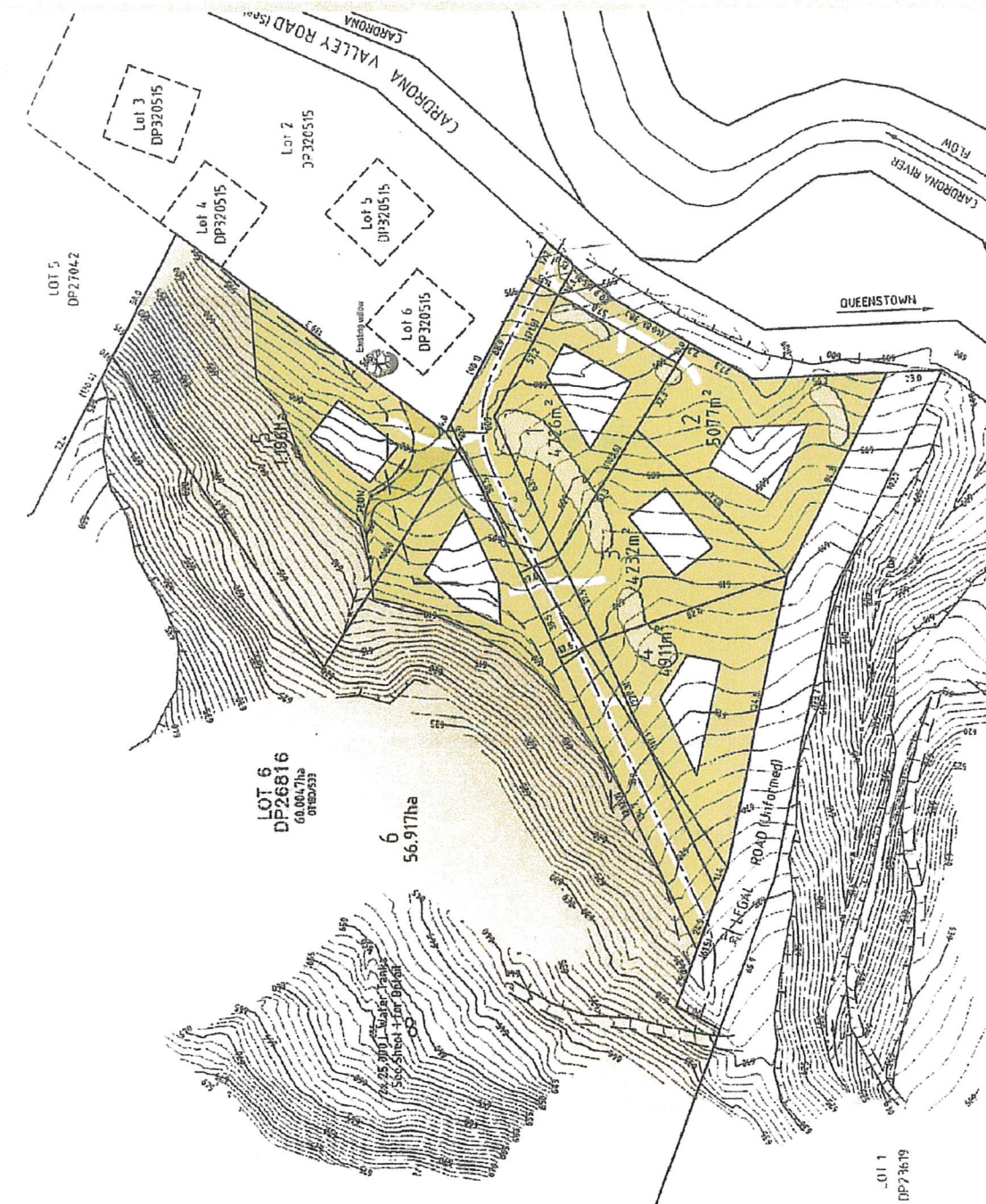
- c) screening the tanks using indigenous planting, or
- d) a combination of the above methods.

- 22. Prior to development commencing on site, the applicant shall provide to Council for approval a weed management plan which proposes methods for the control of weed species on the site including; Broom, Briar and other exotic weed species.
- 23. Any excess material should be spread out evenly over the site, and shall be replanted with grass or other native species within one year of consent being granted, or within the first planting season from completion of earthworks (whatever is sooner).
- 24. All easements shall be granted or reserved.

Advice Note;

The Council may elect to exercise its duties and functions through the employment of independent consultants.





LEGEND

- Proposed residential building platform
- Proposed area of exotic grasses to be maintained by mowing
- Area to be maintained by grazing and kept free of exotic weed species
- Proposed driveway formation
- Proposed water feature
- Proposed tussock shrub planting:
Poa sp. (80%), *Hebe* *laetifolia* (5%), *Hebe* *albertiana* (5%), *Hebe* *conopsea* (5%), and *Kunzea* *erectata* (10%)
- Proposed riparian planting:
Phormium *tenax* (15%), *Phormium* *cookianum* (15%), *Carex* *secta* (20%), *Carex* *maurica* (10%), *Coriaria* *richardi* (10%), *Juncus* *novae-zelandiae* (20%), and *Cordyline* *australis* (10%)



