

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	Luise Lockwood Family Trust
RM reference:	RM110686
Location:	Arrowtown – Lake Hayes Road, Wakatipu Basin
Proposal:	Construct a dwelling, undertake associated earthworks, and to vary condition 6 of resource consent RM020776.
Type of Consent:	Variation and Land Use
Legal Description:	Lot 14 Deposited Plan 338474 (CFR: 158388)
Valuation Number:	2907127014
Zoning:	Bendemeer Special Zone (District Plan)
Activity Status:	Discretionary
Notification:	Non notified
Commissioner:	Commissioner Sinclair
Date Issued:	18 November 2011
Decision:	Granted with conditions

This is an application for a variation under Section 127, and resource consent under Section 88 of the Resource Management Act 1991, to construct a dwelling, undertake associated earthworks, and to vary condition 6 of resource consent RM020776 (as previously varied under RM020776.127).

The original RM020776 application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 13 August 2003. A variation to that consent was considered under delegated authority on 15 December 2004. This decision was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 17 November 2011, and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

Under the District Plan the site is zoned Bendemeer Special Zone and the proposed variation and land use requires resource consent for the following reasons:

Land Use

1. A **controlled** activity consent pursuant to Rule 12.9.3.2(i)(a) in regard to the addition and construction of buildings within Activity Area (8). Council's control is limited to the location, external appearance, associated earthworks, access and landscaping.
2. A **restricted discretionary** activity consent pursuant to Rule 12.9.3.3(iv) as the proposed earthworks do not meet Site Standard 12.9.5.1(iii)(1)(a), which requires that the total volume of earthworks per site shall not exceed 100m³ within a 12 month period. A volume of 3,660m³ is proposed. Council's discretion is restricted to this matter.
3. A **restricted discretionary** activity consent pursuant to Rule 12.9.3.3(iv) as the proposed earthworks do not meet Site Standard 12.9.5.1(iii)(1)(b), which requires that the total volume exposed earth shall not exceed 200m² within a 12 month period. An area of 2,620m² is proposed. Council's discretion is restricted to this matter.
4. A **restricted discretionary** activity consent pursuant to Rule 12.9.3.3(iv) as the proposed earthworks do not meet Site Standard 12.9.5.1(iii)(2)(a), which requires that the vertical height of any cut shall not exceed 2.4 metres. A cut height of 4 metres is proposed. Council's discretion is restricted to this matter.
5. A **non-complying** consent pursuant to Rule 12.9.3.4 as the activity does not comply with Zone Standard 12.9.5.2(vi) in regard to Building Coverage. The maximum building coverage for residential units in Activity Areas (1) – (8) shall not exceed 500m² in area. The proposed dwelling has a building coverage of 564.2m².
6. A **non-complying** consent pursuant to Rule 12.9.3.4, as the activity does not comply with Zone Standard 12.9.5.2(i)(a) Residential Density. The Zone Standard requires 1 Residential Unit per 50000m² in Activity Area (8). The application site is 49,179m².

Variation

- A **discretionary** resource consent pursuant to Section 127(3)(a) of the Resource Management Act 1991 where applications for changes to consent conditions are to be assessed as discretionary activities. Consent is sought to vary condition 6 of land use consent RM020776 (as varied under RM020776.127).

Overall, the application is considered to be a **non-complying** activity.

The application was considered on a non-notified basis in terms of Section 95A and 95B whereby the consent authority was satisfied that the adverse effects of the activity on the environment are not likely to be more than minor and whereby all persons who, in the opinion of the consent authority, may be adversely affected by the activity, have given their written approval to the activity.

Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108:

Decision 1 - Land Use

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans (**Baxter Design Group: Lockwood Residence Landscape Masterplan. Ponting Fitzgerald: A1.02, A1.03, A1.04, A1.05 A2.01, A2.02, A2.03, A2.04 A2.05 - stamped as approved on 17 November 2011**) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100.

Landscaping Conditions

3. No building on Lot 14 DP338474 shall exceed the height of the building detailed with drawings *Lockwood Residence, Lot 14, Bendemeer, Lake Hayes, - N & E Elevations, A2.01, S & W Elevations, A2.02, Master Suite Elevations, A2.03.*
4. The approved landscape plan shall be implemented within the first planting season from completion of construction, and thereafter be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced in the next available planting season.

Engineering Conditions

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

5. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with "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.

To be monitored throughout earthworks

6. 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.
7. No earthworks, temporary or permanent, are to breach the boundaries of the site.

On completion of earthworks

8. On completion of the works, access to the dwelling shall be formed in accordance with Council's standards with suitable provision for stormwater disposal.
9. At the completion of the earthworks, all earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised within 6 weeks.

10. On completion of the earthworks, the consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Decision 2 - Variation to Conditions of RM020776

That the application by Luise Lockwood Family Trust to vary Condition 6 of RM020776 (as previously varied by RM020776.127) be GRANTED pursuant to section 127 of the Resource Management Act 1991, such that Condition 6 now reads as follows (additional wording denoted **bold underline**);

- 6 *Buildings on the residential allotments numbered 1 – 36 shall be located within the building platforms shown on the approved plan: BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230 – CP6.dwg dated November 2004, with the exception of the following.*

For the purposes of this Condition 6 'Building Platform' shall mean:

- (i) The building platforms surveyed and plotted on the survey plan in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited – Masterplan ref 3230-CP6.dwg dated November 2004; or*
- (ii) A reconfigured building platform only where the final location and shape conforms to the following criteria:*
 - (a) The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan*
 - (b) The maximum area for a building platform shall be 1000m².*

Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.

The building platform for Lot 14 is defined as that identified on the Pointing Fitzgerald Plan A1:02 and approved under RM110686. All construction shall hereafter be contained within that platform, and any dwelling constructed within this platform shall be in accordance with the plans approved under the land use component of RM110686.

Advice note

All other conditions of RM020776 shall continue to apply.

Reasons for the Decision

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows:

- (1) The holder of a resource consent may apply to a consent holder for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*
- (3) Sections 88 to 121 shall apply, with all necessary modifications, as if –*
 - (a) the application were an application for a resource consent for a discretionary activity; and*
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.*

- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
- (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*

Proposal

Consent is sought to construct a dwelling, undertake associated earthworks, and to vary land use condition 6 of resource consent RM020776.

The site contains an existing residential building platform (RBP) which is square in shape and occupies an area of 998.6m². The RBP is annotated on a scheme plan approved under subdivision and land use consent RM020776, and also on the deposited plan for the site. The existing RBP was redefined under a variation to RM020776 which was granted on 15 December 2004, and is referenced as RM020776.127.

The RBP is not referenced in any Consent Notice, but construction within the platform is instead approved by the land use aspect of RM020776, which authorises buildings within the platform subject to conditions. Construction within the platform is also a requirement of Land Covenant in Transfer 6372613.1.

As the proposed dwelling is located outside of the approved RBP, the application now seeks to revise the location and dimensions of the RBP to accommodate the dwelling. The proposed RBP is an irregular shape, but similarly covers an area of 998.6m². This requires that condition 6 of RM020776.127 is varied to reference an alternate RBP reflecting the footprint of the dwelling.

The proposed dwelling will consist of two separate buildings. The primary building will be built into an existing hummock, and will comprise two levels. It will contain two bedrooms, a lounge, kitchen, dining area, garage, water feature and two decks. The garage will have an earth roof.

The second building will be located further towards the east, and will be linked to the primary building by an outdoor pathway. This building will also be built into an adjacent hummock. The secondary building will contain a bedroom, lounge and bathroom.

The following materials and colours will be utilised in construction:

Roofing:	Dark Charcoal membrane
Soffits:	Cedar
	Exposed in-situ concrete with rough sawn pine textured facing or matt clear seal finish
Joinery:	Black Forest anodised double glazing
	Cedar frames stained to match weathered finish
Cladding:	Cedar, stained to match weathered finish
	Exposed in-situ concrete (rough sawn pine formwork facing). Matt clear seal finish
Garage Doors:	Matt Black Coloursteel
Entry Doors	Cedar door in cedar frame, stained to match weathered finish.
Decks:	Loose schist stone chip.

Construction on the site will result in a building coverage of 564.8m², whilst a building coverage of 500m² is anticipated in the zone. Consent is sought for this 64.8m² increase.

Consent is also required as a Zone Standard requires 1 Residential Unit per 50000m² in Activity Area (8). The application site is 49,179m². Development is however anticipated upon the site and a dwelling could be constructed within the 'existing' building platform.

The design philosophy for the dwelling is for the structures to embrace the existing topography and character of the landform. It is because of this that the structures are positioned, and located in part

within two existing hummocks. As the structures will be nestled within the existing topography, earthworks are required to prepare the site and landscape the surrounds.

The earthworks are estimated at an overall volume of $3,660\text{m}^3$, which will comprise an equal volume of both cut and fill ($1,830\text{m}^3$ each). Earthworks will occur over an area of $2,620\text{m}^2$, and will require a maximum cut of 4.5m.

The site and locality have been described by Lakes Environmental's Landscape Architect as follows:

The site is part of undulating glaciated and scoured upland within the Wakatipu Basin between the Arrow River and Lake Hayes. The upland rises some 100m above the lowland areas around the Arrow River, north Lake Hayes and associated tributaries. The landform is an elevated rolling drumlin landscape that is punctuated with serrated schist reefs. Open pasture carpets the landform with the occasional cluster of poplars, hawthorn and matagouri peppered across the rolling terrain. The subject site is within a more rustic rural landscape than the remainder of the manicured Bendemeer zone. The site is secluded and separated from the surrounding countryside by its elevated position, hummock landforms and belt of mature trees along the western boundary. The site is relatively isolated from the more intensive rural development on the lower areas of the basin.

In addition, the site is determined to be located within a Visual Amenity Landscape (VAL).

Assessment of Effects on the Environment

Land, Flora and Fauna

The application includes a proposed landscape plan which has been considered by Lakes Environmental's Landscape Architect. The Landscape Architect advises that the plan aligns with design controls anticipated under RM020776 and is appropriately sensitive to the landscape context.

The Landscape Architect states that the excavation of the two hillocks/mounds will degrade the integrity of the natural landscape as the mounds will be excavated and the buildings will be integrated into the landform. However, the Landscape Architect finds that the resulting built form will be far more integrated with the landform than would otherwise be expected with a more standard building. Any adverse effects would therefore not be significant.

The Landscape Architect identifies an exposed schist reef as being an important natural feature within the site. This is located in close proximity to the secondary building (to the east). As construction may damage this feature the Landscape Architect advises that it should not be altered. This is necessary to retain the integrity of the characteristic landforms of the landscape. The Landscape Architect and the applicant have agreed that a revised landscape plan which specifically identifies the schist face, and notes that only debris are to be removed will resolve this concern. The development can then be undertaken in accordance with the revised plan.

Subject to conditions to preserve the integrity of the natural landscape, any adverse effects to landform are determined to be less than minor.

Infrastructure

The site is serviced with water, wastewater, electricity and telecommunications. No stormwater disposal is yet provided. However Lakes Environmental's engineer advises that this can be satisfactorily disposed of via soak holes, and can be addressed as part of the Building Consent.

Any adverse effects on infrastructure will be less than minor.

Natural Hazards

Lakes Environmental's engineer advises that no geotechnical issues are anticipated with regard to the proposed earthworks. Standard conditions of consent can ensure that all earthworks are undertaken in an appropriate manner and these will ensure any adverse effects are avoided or mitigated.

No natural hazards relevant to the site are noted on the Queenstown Lakes District Council's Hazard Register Maps.

People and Built Form

Lakes Environmental's Landscape Architect has considered the proposed activity and provided an assessment which is attached to this report.

The Landscape Architect advises that whilst the proposed development will be visible from the Crown Range Road, the design of the building integrated into the ground form would reduce its visibility in comparison with a more standard building within the approved building platform. The only other views of the dwelling from the greater environment will be very minimal views from McDonnell Road. From this vantage the proposed dwelling would be far less obvious than permitted development of the currently approved platform.

The site is visually contained as elevated terrain effectively screens it from view from most places within the basin to the north and east. The Landscape Architect advises that height controls on the proposed platform which restrict built form to that specifically proposed by this application will ensure that the dwelling will be sufficiently low to integrate it with the landscape and to ensure it does not break the skyline. This will ensure that there will be no significant effects upon the arcadian pastoral character of the landscape.

The Landscape Architect has considered the range of materials and finishes to be used in construction of the dwelling, and finds them to be appropriate in the context of the landscape with no potential adverse effects identified.

The 64.8m² increase in structure coverage will be imperceptible from the greater environment, and the dwelling will not appear as a dominant or otherwise large feature on the site. Any adverse effects associated with this increase will be negligible.

The construction of a residential unit on a 49,179m² allotment is not considered to have any adverse effects. It is noted that development is anticipated upon the site and for reasons described by the applicant in the attached application, it would appear that the breach of the Zone Standard requiring a site area of 50,000m² is more so a technical non-compliance with the plan. No adverse effects are anticipated.

The relatively low height, materials, and use of topography will create a dwelling that is sympathetic to the landscape, and in this regard it is acknowledged that a dwelling otherwise constructed in accordance with RM020779 would by comparison have potentially greater adverse effects than what is now proposed. As such, any adverse effects are determined to be less than minor.

Culture

The site is not known to contain any items of cultural or archaeological value. Adverse effects in terms of culture and heritage *will be nil*.

Traffic Generation and Vehicle Movements

The site can accommodate an appropriate access and necessary parking and manoeuvring areas. Lakes Environmental's engineer advises that conditions of consent can ensure that these areas are formed to Council's standards.

Subject to conditions requiring formation to Council's standards, there will be no adverse effects in terms of traffic generation and vehicle movements.

Nuisance

Some noise and dust can be expected in association with construction works. It is considered however that any potential nuisance effect in terms of noise will be limited and less than minor.

Effects on Persons

The location of the proposed development is visually contained within the site. It is noted that the proposed dwelling is sympathetic to the landscape and significantly less visible than what could potentially be constructed as of right. As the proposed dwelling cannot be readily viewed from any adjoining site, no persons are deemed to be affected by the development.

It is noted that the applicant has provided Affected Persons Approval from the owners of the balance of the Bendemeer lots. These owners might otherwise have been considered to be affected given the expectations for development required under Land Covenant in Transfer 6372613.1. However, the actual effects of the development are determined to be nil.

Objectives and Policies

Relevant objectives and policies are found in Part 12 - Resort Zones of the District Plan.

Those relating to the Bendemeer Special Zone outline the need for development to be managed and contained so that it does not compromise the ice sculptured legibility of the land, when viewed from surrounding public roads to the south of the zone, other than the Crown Range Road. The retention of significant areas of open space and the maintenance and enhancement of naturalness, rural character and amenities are promoted.

The proposed development is determined not to have any significant adverse effects upon the landscape. The location of the revised building platform, and the design of the proposed dwelling will not diminish open space, nor adversely affect the naturalness, rural character, or amenities of the environment.

Overall, the proposed activity will not be contrary to the intent of the relevant objectives and policies.

Other Matters

Local Government Act 2002: Development Contributions

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

For the foregoing reasons a Development Contribution is not required.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

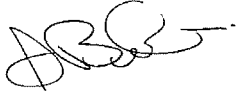
You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

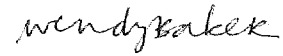
If you have any enquiries please contact Aaron Burt on phone (03) 450 0322 or email aaron.burt@lakesenv.co.nz

Prepared by
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Aaron Burt
PLANNER

Reviewed by
LAKES ENVIRONMENTAL LTD



Wendy Baker
PLANNING TEAM LEADER

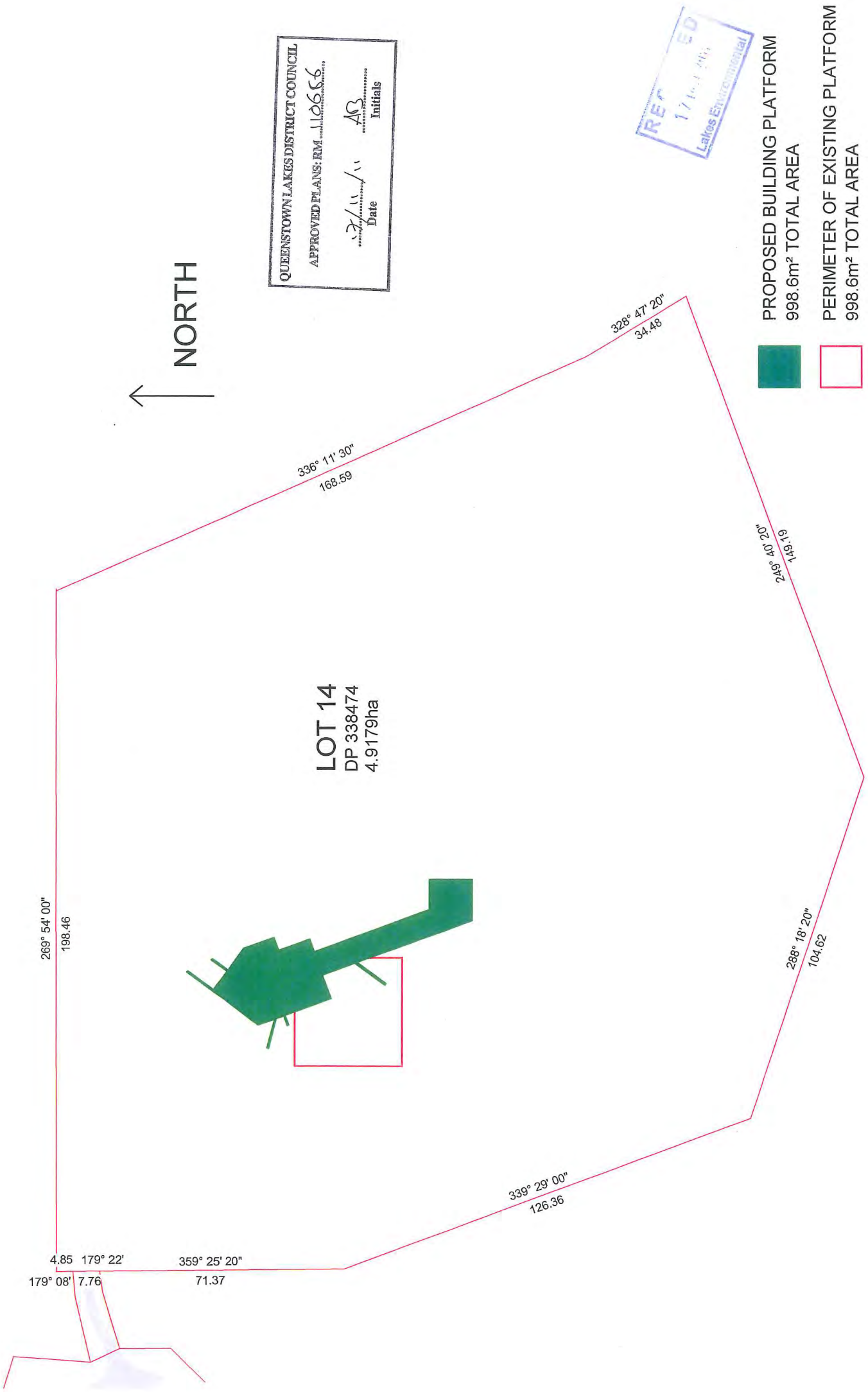


QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RM 110686
 Date 27/11/11 Initials AS



LOCKWOOD RESIDENCE - LOT 14 BENDEMEER - LANDSCAPE MASTERPLAN

REFERENCE: 1619 - SK11 SCALE = 1:400 @A3 06/10/2011



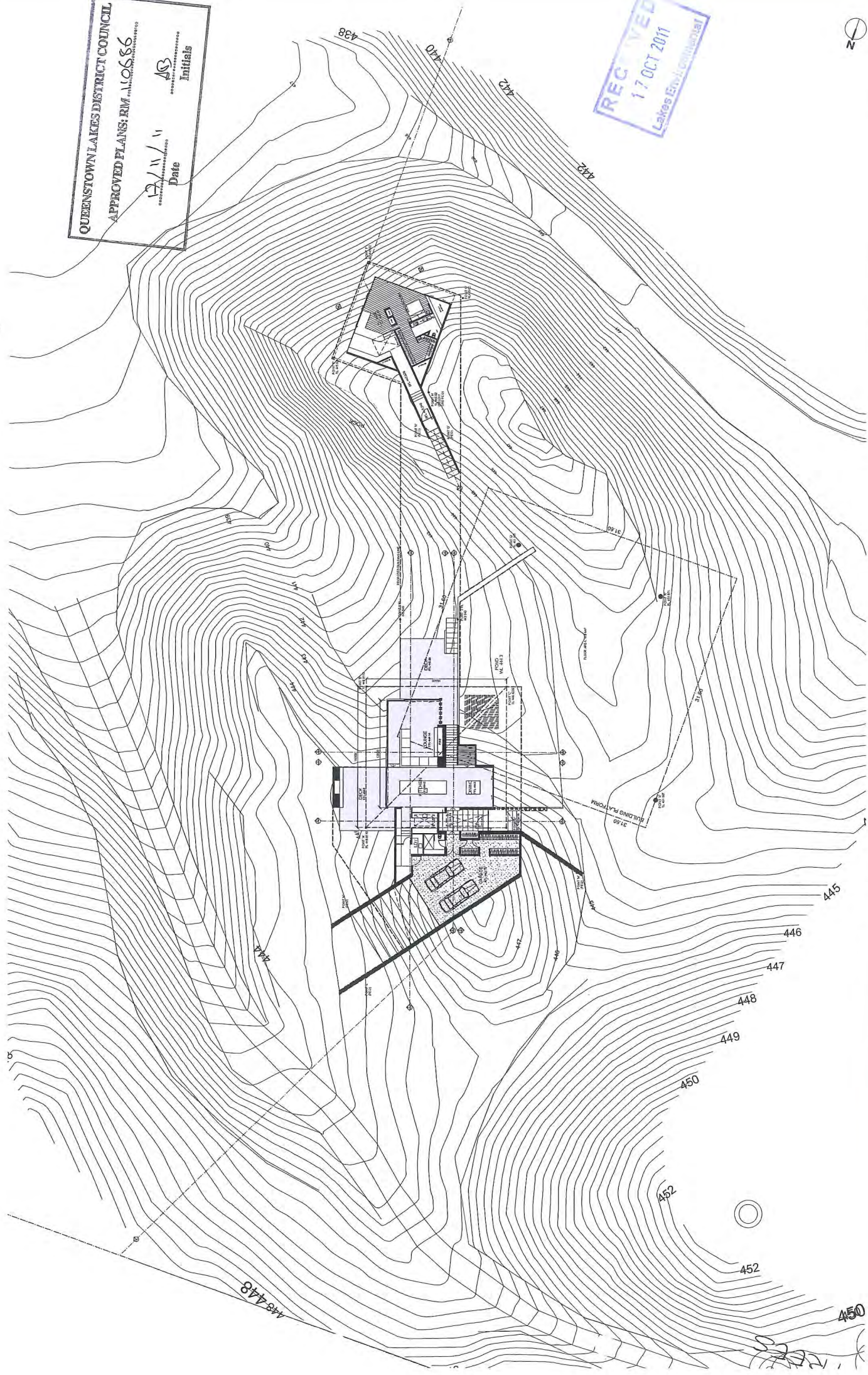
QUEENSTOWN LAKES DISTRICT COUNCIL
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Date 12/11/11 Initials AB

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17 Nov 2011
Lakes Environmental

PROPOSED BUILDING PLATFORM
998.6m² TOTAL AREA
PERIMETER OF EXISTING PLATFORM
998.6m² TOTAL AREA

QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RM 110686
 12/11/11 Date
 AS Initials

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NO AMENDMENTS
 DRAWING SITE PLAN

REV SHEET

A1.03

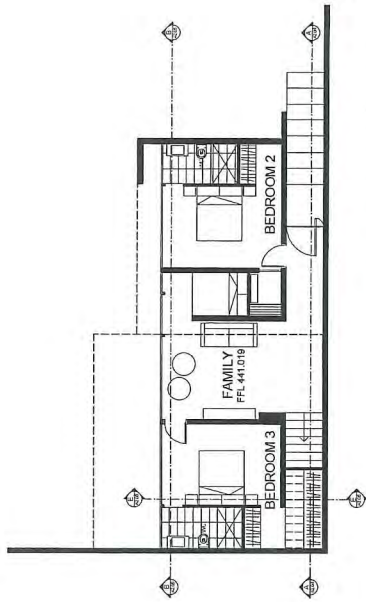
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LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

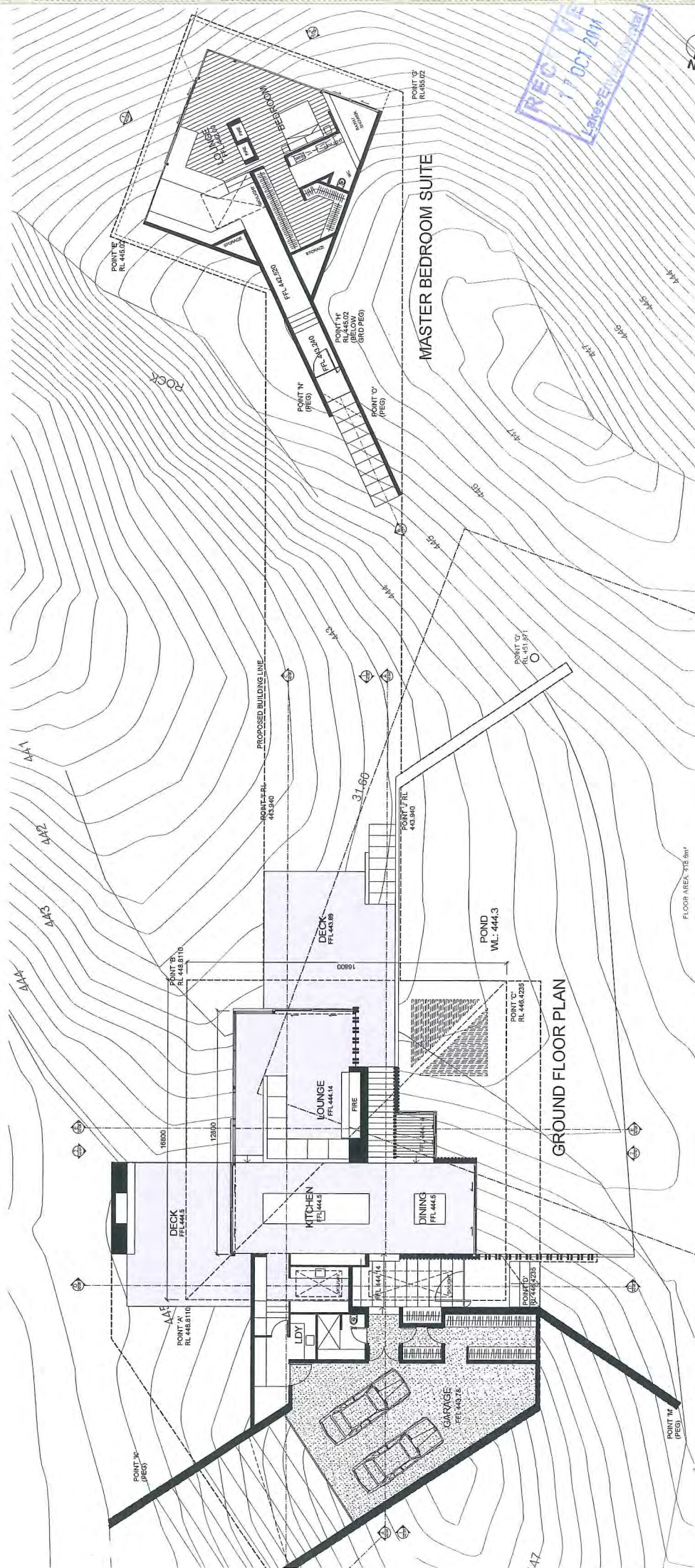


PONTING FITZGERALD



QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RM 110686
 Date 17/11/11
 Initials AS

LOWER FLOOR PLAN



GROUND FLOOR PLAN

LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

PONTING FITZGERALD

NO	REVISIONS	REV	SHEET
DRAWING FLOOR PLANS			
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DATE: SEP 2011 1:200 @ A3			

A1.04

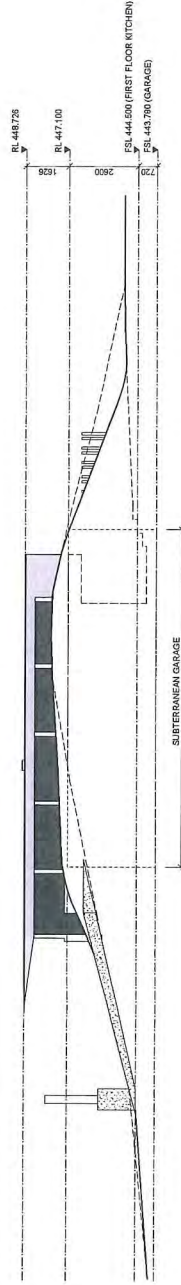
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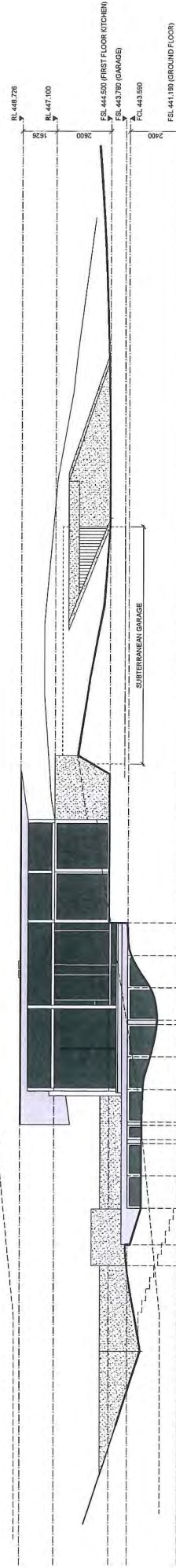
QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RM 110886
 17/11/11 Date
 Initials

+7000 (MAXIMUM HEIGHT)



1 NORTH ELEVATION
 A1.3 SCALE 1:100

+7000 (MAXIMUM HEIGHT)



2 EAST ELEVATION
 A1.3 SCALE 1:100

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 17 OCT 2011
 Lakes Environmental

LOCKWOOD RESIDENCE, LOT 14, BENEMEER, LAKE HAYES

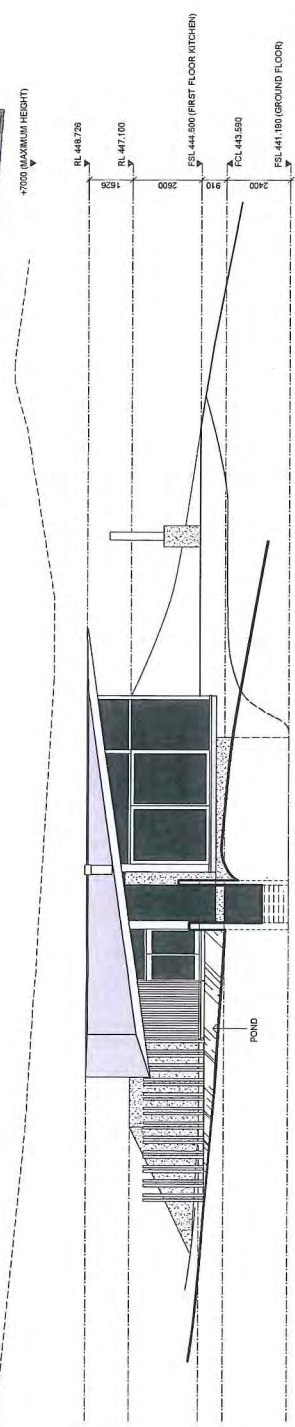
NO	AMENDMENTS	REV	SHEET
DRAWING N & E ELEVATIONS			

A2.01

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17/11/11 AS
Date Initials



1 SOUTH ELEVATION
SCALE 1:100



2 WEST ELEVATION
SCALE 1:50

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LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

NO. 1
DRAWING S & W ELEVATIONS

REV. SHEET

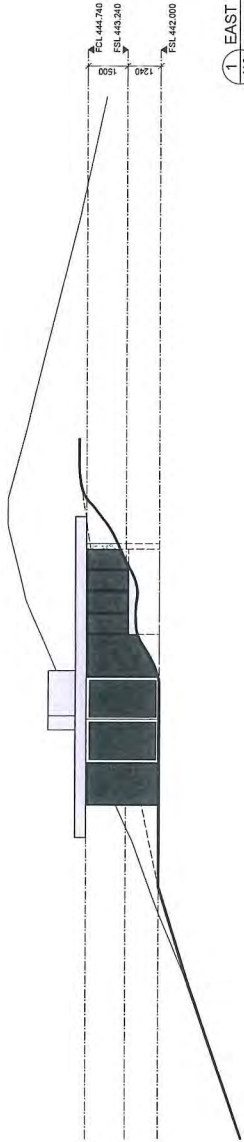
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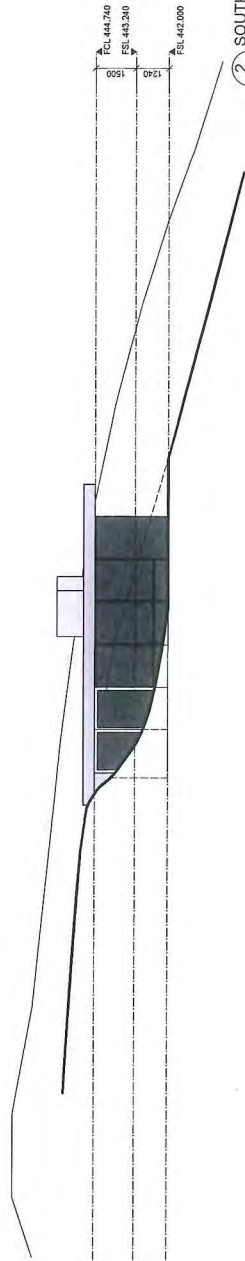
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A2.02

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLANS: RM 110686
17/11/11
Date
Initials



1 EAST ELEVATION
A13 SCALE 1:100



2 SOUTH ELEVATION
A13 SCALE 1:100

RECEIVED
17 OCT 2011
Lakes Environmental

LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

NO. AMENDMENTS
DRAWING MASTER SUITE ELEVATIONS

REV. SHEET

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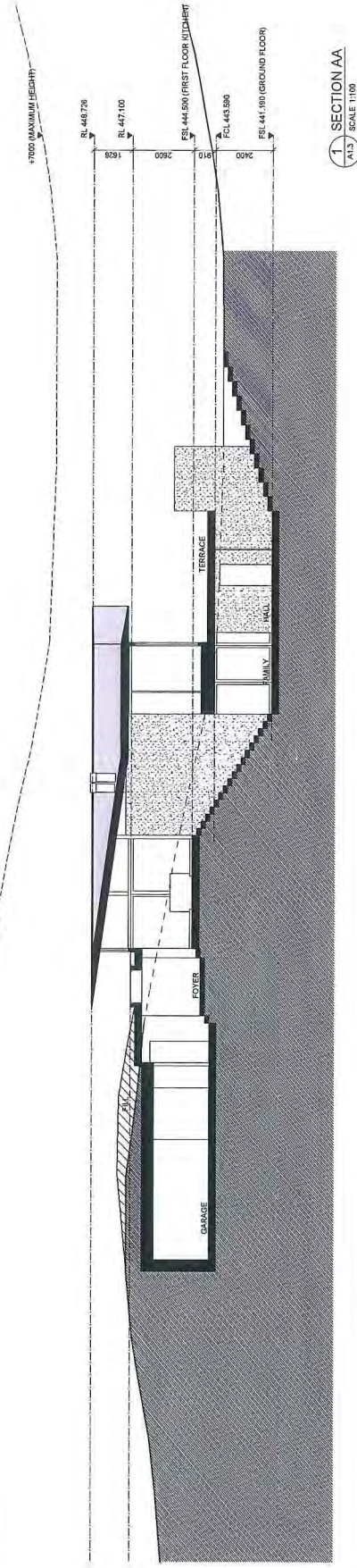
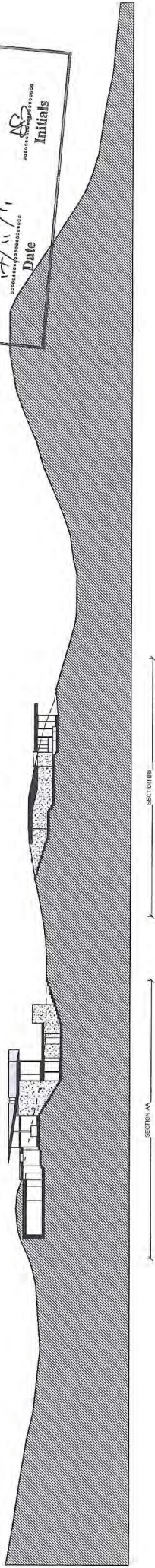
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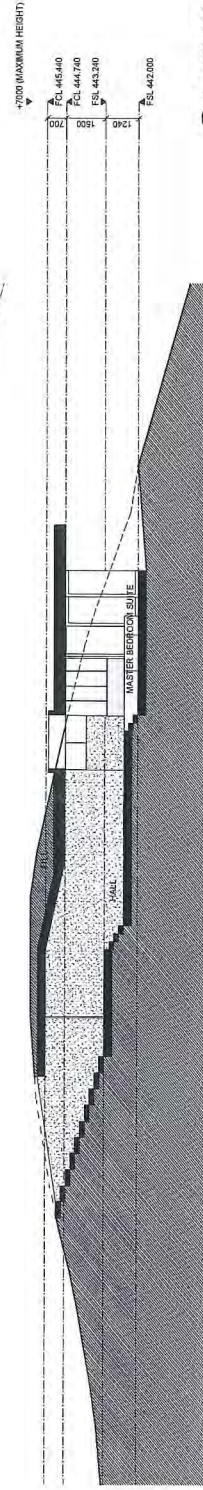
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QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: EM 110188
 7/11/11
 Date
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1 SECTION AA
 A1.3 SCALE 1:100

2 SECTION BB
 A1.3 SCALE 1:100



LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

NO	REVISIONS	REV	SHEET
1	SECTION AA & BB		
2	SECTION BB		
3	SECTION AA		
4	SECTION BB		
5	SECTION AA		
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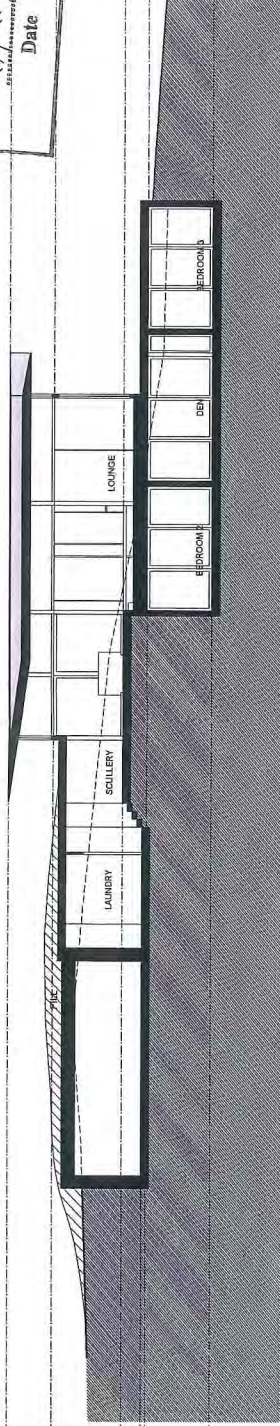
A2.04

PONTING FITZGERALD

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+7000 (MAXIMUM HEIGHT)

RL 448.726
RL 447.100
RL 447.100
FSL 444.500 (FIRST FLOOR KITCHEN)
FSL 443.750 (GARAGE)
FCL 443.550
FSL 441.150 (GROUND FLOOR)



1 SECTION BB
A1.3 SCALE 1:100

+7000 (MAXIMUM HEIGHT)

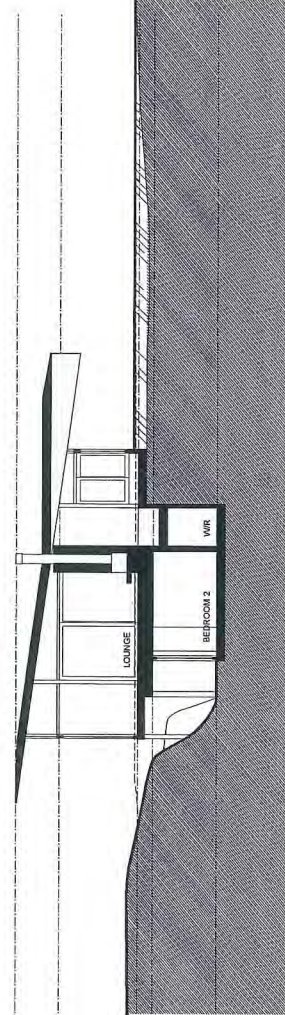
RL 448.726
RL 447.100
RL 447.100
FSL 444.500 (FIRST FLOOR KITCHEN)
FSL 444.140



2 SECTION DD
A1.3 SCALE 1:100

+7000 (MAXIMUM HEIGHT)

RL 448.726
RL 447.100
RL 447.100
FSL 444.140
FCL 443.550
FSL 441.150 (GROUND FLOOR)



3 SECTION EE
A1.3 SCALE 1:100

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLANS: RM 110686
Date 11/11/11
Initials [Signature]



PONTING FITZGERALD

LOCKWOOD RESIDENCE, LOT 14, BENDEMEER, LAKE HAYES

NO	AMENDMENTS	REV	SHEET
	DRAWING	SECTION CC, DD, EE	
	DRAWN BY	SCALE 1:100 @ A1	
	DATE	1:200 @ A3	

A2.05

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