

**From:** Andrew Marshall [REDACTED]   
**Subject:** FW: RM200374 and RM181131 - deposit of clean fill earthworks  
**Date:** 6 April 2023 at 09:14  
**To:** Maja Marshall [REDACTED]

AM

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**From:** Sam Marsh [REDACTED]  
**Sent:** Friday, 24 February 2023 9:12 am  
**To:** Andrew Marshall [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Andrew,

I reached out to the site for comment. The latest estimate is 165,000m<sup>3</sup>.

The anticipated finish dates have been pushed out by a month or so from the original months stated in my below emails.

Kind regards,  
Sam

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**Sam Marsh** BAppSc, PGDipAppSc  
Monitoring, Enforcement & Environmental Officer | Assurance,  
Finance and Risk  
Queenstown Lakes District Council  
P: +64 3 441 0499 | DD: +64 3 450 0527  
E: [REDACTED]



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**From:** Andrew Marshall [REDACTED]  
**Sent:** Monday, 20 February 2023 9:53 AM  
**To:** Sam Marsh [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Sam,

This must be at or very close to the 172,300 m<sup>3</sup> that the consent allows at this point. There's been material deposits since our last correspondence below. Can you confirm the current level of deposits at this time so that I can feed back the update?

Photo attached is from this morning.

Thanks and regards,

Andrew Marshall

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**From:** Sam Marsh [REDACTED]  
**Sent:** Tuesday, 1 November 2022 8:23 am  
**To:** Andrew Marshall [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Andrew,

The consent holder was away until last week which has caused my delay.

My answers for each point are as follows:

1. Approximately 155,000M3 is the latest estimate.
2. I can confirm that all conditions of RM200374 are being met at this time.
3. The consent holder understands that no batters are currently exceeding 1:3 and they will be reiterating this condition to the team on site. In the final shaping they will ensure that this batter is not exceeded.
4. Grass seeding of all exposed surfaces is occurring this week.
5. They are expecting to run in the last of the fill to this site by February/march 2022, with final topsoiling and tidying to take place in March/April. The site will be discontinued and the consent complete at that point.

I have also reminded the site of their obligation to monitor and suppress dust over the summer period.

Let me know if you have any further queries about the site.

Kind regards,  
Sam

**Sam Marsh** BAppSc, PGDipAppSc  
Graduate Monitoring, Enforcement and Environmental Officer I  
Regulatory & Finance  
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**From:** Andrew Marshall [REDACTED]  
**Sent:** Monday, 31 October 2022 10:15 AM  
**To:** Sam Marsh [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Sam,

Did you hear back from the consent holder?

Kind regards,

**Andrew Marshall**, LLB, BCom  
Investment Adviser  
Financial Adviser (FA) / NZX Adviser



**D.** [REDACTED] **M.** [REDACTED]  
Craigs Investment Partners House, Level 3, Five Mile Centre, Grant Road, Frankton  
PO Box 2487, Queenstown 9300, New Zealand

[REDACTED]  
[craigsip.com](http://craigsip.com).

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**From:** Sam Marsh [REDACTED]  
**Sent:** Wednesday, 28 September 2022 11:53 am  
**To:** Andrew Marshall [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Andrew,

Apologies for the delay in acknowledgement of your request, I was in Auckland last week.

I will get in touch with the consent holder to follow up on the progress on each of the below. I will be in touch once I have confirmation of each and overall compliance with RM200374.

Kind regards,  
Sam

**Sam Marsh** BAppSc, PGDipAppSc  
Graduate Monitoring, Enforcement and Environmental Officer I  
Regulatory & Finance  
Queenstown Lakes District Council  
P: +64 3 441 0499 | DD: +64 3 450 0527  
E: [REDACTED]



**From:** Andrew Marshall [REDACTED]  
**Sent:** Monday, 19 September 2022 5:47 PM  
**To:** Sam Marsh [REDACTED]  
**Subject:** RE: RM200374 and RM181131 - deposit of clean fill earthworks

Hi Sam,

Referring to your email below from earlier this year – I copy the pertinent correspondence here and add commentary in red below for your consideration and reply.

1. We seek confirmation from Council of the amount of deposit clean fill earthworks to date. Please advise.

1. The site have so far run in approximately 140,000m<sup>3</sup>. There have been very significant deposits since April and we note that the max consent is to 172,300m<sup>3</sup>. Please provide an update on the level of deposits.

2. We seek confirmation of compliance with the Consent Conditions as detailed in Appendix 1 - Consent Conditions.

2. I can confirm that all consent conditions within appendix 1 are being complied with at this time. Please confirm that all consent conditions are still being met.

3. We seek confirmation that this towering mound of fill will be shaped/flattened to blend in to the surrounding natural typography

3. The site have confirmed that no batter slope exceeds 1(V):3(H) and that the stockpiles currently on site are temporary. The large mound on site is topsoil that has been stripped back into a pile to be respread over the fill once it is deposited. The height of the deposits is alarmingly high, dusty and clearly interferes with the landscape and views from Hackett Rd, Brett Lane, and Jacks Point Rise. Please reconfirm that no batter slope exceeds 1(V):3(H).

4. We seek information on a timeline of grassing this deposit. Refer General section 7. c) of RM200374

4. The site is currently in stage 5, and they have confirmed that they have been grass seeding exposed areas within 2 weeks of completion of a stage and in a progressive manner. There does not appear to be any grass on site. Please reconfirm compliance with section 7. c) of RM200374.

5. We seek confirmation of updated completion date.

5. They believe they will be complete next year, this will essentially be stages 7 and 8 completed. Re-grassing will occur during spring this year and Autumn next year. We are now in Spring so we expect to see re-grassing imminently. Please confirm.

Thanks you for taking the time to look into this and provide some of the answers we sought. Given the direct impact this has on ourselves and our immediate community, we need confirmation that the situation is being monitored and confirmation of the above so we can fee this information back.

Kind regards,

Andrew Marshall

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**From:** [REDACTED]  
**Sent:** Monday, 19 September 2022 8:53 am  
**To:** Andrew Marshall [REDACTED]  
**Subject:** Fwd: RM200374 and RM181131 - deposit of clean fill earthworks

Sent from my iPhone

Begin forwarded message:

**From:** Sam Marsh [REDACTED]  
**Date:** 2 May 2022 at 9:04:19 AM NZST  
**To:** [REDACTED]  
**Subject:** FW: RM200374 and RM181131 - deposit of clean fill earthworks

Good Morning Andrew & Maja,

I have undertaken a site visit to the clean fill site operating under RM200374 and since been in correspondence with the site confirming compliance and addressing your concerns.

Below is my response to your five questions:

1. We seek confirmation from Council of the amount of deposit clean fill earthworks to date. Please advise.
  1. The site have so far run in approximately 140,000m<sup>3</sup>
2. We seek confirmation of compliance with the Consent Conditions as detailed in Appendix 1 - Consent Conditions.
  2. I can confirm that all consent conditions within appendix 1 are being complied with at this time.
3. We seek confirmation that this towering mound of fill will be shaped/flattened to blend in to the surrounding natural typography
  3. The site have confirmed that no batter slope exceeds 1(V):3(H) and that the stockpiles currently on site are temporary. The large mound on site is topsoil that has been stripped back into a pile to be respread over the fill once it is deposited.
4. We seek information on a timeline of grassing this deposit. Refer General section 7. c) of RM200374 '
  4. The site is currently in stage 5, and they have confirmed that they have been grass seeding exposed areas within 2 weeks of completion of a stage and in a progressive manner.
5. We seek confirmation of updated completion date.
  5. They believe they will be complete next year, this will essentially be stages 7 and 8 completed. Re-grassing will occur during spring this year and Autumn next year.

In regards to the comments you have made in respect Mr Denney's assessment of Effects on the Environment. We can only enforce conditions of consent, from the monitoring I have undertaken I am of the belief that they are in compliance with their conditions, at this time.

Should you have any further questions or concerns, please feel free to contact me.

Kind regards,  
Sam

**Sam Marsh** BAppSc, PGDipAppSc  
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Regulatory & Finance  
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E: [REDACTED]



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**From:** Sam Marsh  
**Sent:** Monday, 28 March 2022 4:02 PM  
**To:** [REDACTED]  
**Subject:** FW: RM200374 and RM181131 - deposit of clean fill earthworks

Good Afternoon Andrew & Maja,

I apologise for the delayed response to your request for the confirmation of the below points for RM200374. I have taken over this matter from an officer who has since left QLDC.

I undertook a site visit earlier this month and am currently in correspondence with the site about compliance.

Once I have assessed compliance with the consent and addressed your concerns, I will be in touch shortly with an update.

Should you have any further questions on the matter, please do not hesitate to contact me.

Kind regards,  
Sam

**Sam Marsh** BAppSc, PGDipAppSc  
Graduate Monitoring, Enforcement and Environmental Officer I  
Regulatory & Finance  
Queenstown Lakes District Council  
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E: [REDACTED]



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**From:** Andy and Maja Marshall [REDACTED]  
**Sent:** Monday, 28 March 2022 2:02 PM  
**To:** RCMonitoring <[RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz)>  
**Cc:** Resource Consent <[resourceconsent@qldc.govt.nz](mailto:resourceconsent@qldc.govt.nz)>  
**Subject:** Re: RM200374 and RM181131 - deposit of clean fill earthworks

Good afternoon,

We sent the email below on 22nd December and are still waiting on a reply.

Can you please consider the email and come back to us.

Thanks and regards

Andrew & Maja Marshall

On 22/12/2021, at 21:30, Maja Marshall [REDACTED] wrote:

RM Reference: RM181131 and RM200374  
Re: Application under s88 of the Resource Management Act 1991 (RMA) to use an existing site to deposit clean fill earthworks  
Location: Kingston Road  
Legal Description: Lot 12 Deposited Plan 364700 held in Computer Freehold Register 262752

We are residents at 33 Hackett Road, Jacks Point and are currently completing construction of a residential home located at 22 Hackett Rd, Jacks Point which is located on the south end of Jacks Point residential development.

We reference the consent provided in the above application with specific reference made to the following:

Page 5 - 3.3.2 Assessment: Effects On The Environment, para 5 & 6: 'Mr [Richard] Denney [Council's consultant landscape architect] considers that the proposed completed landform will blend into the surrounding natural topography and, once completed, will appear as a visual continuation of the surrounding pastoral landscape. Mr Denney's assessment is accepted and overall, effect on landscape values and visual quality and amenity will be less than minor'.

Page 5 of RM200374 - 3.3.3 Assessment: Effects On The Environment, state that 'The applicant has also advised that works are expected to be completed by Autumn 2021'.

Page 7 - 4.3.2 Assessment Effects on Persons, para 4: There are residential properties

approximately 140m to the north of the fill site on Hackett Road but these are screened by vegetation and the topography of the neighbouring land'.

Page 7 - 4.3.4 Decision: Effects on Persons (s95B(1)) - 'In terms of section 95E of the RMA, the adverse effects on persons are considered to be less than minor and therefore no person considered to be adversely affected'.

We make the following comments:

1. We attach to this email photos taken from our residential site at 22 Hackett Road, Jacks Point. Our primary views are to the West and South. As you can see from the photographs, the negative effect on the landscape and visual quality and amenity is considerable. Further, our section is not screened by vegetation (given that the southern aspect is one of our primary views and the reason we bought that site), nor does the topography of the land screen the landfill. We have a direct line of sight to the landfill earthworks, as will numerous sites on the south side of Jacks Point. We can also hear the trucks from our home at 33 Hackett Road very clearly which is located behind two other houses from the deposit site.

The effect on the landscape and to persons is therefore considerable. What has transpired is inconsistent with Mr Denney's assessment, which was a material consideration for the granting of application.

We therefore ask Council to consider whether the assessment of Mr Denney regarding 3.3.2 Assessment: Effects On The Environment and 4.3.2 Assessment Effects on Persons is consistent with what has resulted to date. We contend that there is very material difference in the assessment versus the condition of the earthworks.

We note that consent was provided to allow deposit clean fill earthworks of 172,300 m<sup>3</sup> so long as specified conditions have been complied with.

1. We seek confirmation from Council of the amount of deposit clean fill earthworks to date. Please advise.
2. We seek confirmation of compliance with the Consent Conditions as detailed in Appendix 1 - Consent Conditions.
3. We seek confirmation that this towering mount of fill will be shaped/flattened to blend in to the surrounding natural topography. Note that the highest RL on LOT 12 is RL390 (a very small proportion) and the rest of LOT 12 and beyond is a flat valley at RL380. Refer General section 18. of RM200374; '*No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):3(H).*'
4. We seek information on a timeline of grassing this deposit. Refer General section 7. c) of RM200374 '*On completion of each stage all areas shall be top soiled to a depth to support healthy grass growth, shaped to the contour of the approved earthworks plan Earthworks Plan, Proposed Airstrip Fill Site, Blakely Wallace Associates L01 of 1, and have an established healthy grass sward over no less than 90% of the area within the site to be blend naturally into the surrounding terrain.*'
5. We seek confirmation of updated completion date.

Thank you for considering our comments along with the attached photos. The photos attached are dated in title to show how much fill has been deposited over the year. December alone looks to have been large amounts and the shape of the deposit does not in any way, shape or form blend in naturally with the landscape. This is of material importance to us given the substantial amount of money we have invested

into our house and land and the significant negative impact that the earthworks is having on us in terms of our enjoyment of the property, along with the negative influence of the landfill on the value of our property and others at Jacks Point.

Kind regards,

**Maja & Andrew Marshall**  
**22 Hackett Rd**  
**Jack Point 9371**

**P. 021331878**  
**E. [REDACTED]**

<AUG 31.2021.jpeg><DEC 01.2021.jpeg><DEC 07.2021 A.jpeg><DEC 07.2021 B.jpeg><DEC 08.2021.jpeg><DEC 10.2021 A.jpeg><DEC 10.2021 B.jpeg><DEC 15.2021.jpeg><FEB 23.2021 .jpeg><JULY 29.2021.jpeg><JUNE 26.2021.jpeg><NOV 17.2021.jpeg>

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