



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

**IN THE MATTER OF
THE HOUSING ACCORDS & SPECIAL HOUSING AREAS ACT 2013 (HASHAA)
& IN THE MATTER OF THE HOUSING ACCORDS & SPECIAL HOUSING AREAS
(Queenstown) ORDER 2015**

Applicant:	Bridesdale Farm Developments Ltd
SH reference:	SH150001
Application:	An application under Section 25 of the HASHAA to enable the creation of 148 residential allotments and one commercial allotment and for residential buildings to be erected on 146 of the allotments.
Location:	99 Walnut Lane, 98 Alec Robins Road and 51 Erskine Street, Queenstown
Legal Description:	Lot 3 Deposited Plan 392823 contained in Computer Freehold Register 373464, Lot 4 Deposited Plan 447906 that is held together with Lot 3 Deposited Plan 447906 and Lot 1 Deposited Plan 21087 contained in Computer Freehold Register 566248, Lot 1 Deposited Plan 26719 contained in Computer Freehold Register OT18D/353 and Lot 3 Deposited Plan 337268 contained in Computer Freehold Register 152862.
Zoning:	Rural General, Rural Residential and Low Density Residential (Operative Plan) Rural, Rural Lifestyle and Low Density Residential (Proposed District Plan)
Commissioners:	Denis Nugent (Chair), Mel Gazzard and David Mead
Decision Date	21 March 2016
Re-Issue Date	14 April 2016

IN THE MATTER

of the Housing Accords and
Special Housing Areas Act
2013

AND

IN THE MATTER

of the Housing Accords and
Special Housing Areas
(Queenstown) Order 2015

AND

IN THE MATTER

of an Application under
Section 25 by Bridesdale
Farm Developments Limited
– SH150001

FINAL DECISION

Commissioners

Denis Nugent (Chair)

Mel Gazzard

David Mead

Hearing and Appearances

Heard in Queenstown on 20th and 21st October and 12th November 2015. Final submissions received on 11th March 2016.

Appearances

For the Applicant

- Mr W Goldsmith – Legal Counsel
- Ms R Hodson – Junior Counsel (on 12 November)
- Mr I Munro – Urban Designer
- Ms A Jarvis – Engineer
- Dr S Galloway – Recreation Consultant
- Mr C Meehan – Development Adviser to the Applicant
- Mr P Baxter – Landscape Architect

- Ms J Gillies – Architect and Heritage Consultant
- Mr J Bartlett – Traffic Engineer
- Mr J Edmonds – Planner

Submitters

- Ms J & Mr R Bamford on their own behalf
- Mr D Anderson on own behalf
- On behalf of Ms S Anderson & Mr M Macdonald (referred to as Macdonald-Anderson)
 - Mr C Thomsen – Legal Counsel
 - Dr M Read – Landscape Architect
 - Mr M Macdonald
 - Ms T Ogden-Cork – Urban Designer
 - Mr C Vivian – Planner
- On behalf of Patton & McBride Trusts
 - Ms V Jones – Planner
 - Mr B Patton

Council Officers and Advisers

- Ms A Vanstone – Senior Planner
- Ms J Fyfe – Team Leader Resource Consents – Queenstown
- Mr M Wardill – Engineer
- Ms H Mellsop – Consultant Landscape Architect
- Mr E Jolly – Consultant Urban Designer
- Ms J Galavazi – Reserves Planner

Assisting the Hearing Panel

- Mr N Whittington – Legal Counsel
- Ms R Beer – Team Leader – Planning Support

Introduction

1. Bridesdale Farm Developments Limited (BDFL) lodged an application on 3 July 2015 to enable the creation of 148 residential allotments and 1 commercial allotment and for residential buildings to be erected on 146 of the allotments.
2. The Council notified the application to various parties in accordance with its discretion under s.29 of the Housing Accords and Special Housing Areas Act 2013 and eleven submissions were received (ten in opposition and one in support).
3. We held a hearing on 20th and 21st October and 12th November 2015 and issued an interim decision on 15th January 2016. In that decision we concluded consent can be granted but there were a number of changes that should be made to the subdivision and, as a consequence, the details of the development. We identified the following:
 - a) Revised subdivision plans showing the revised lot layout resulting from the deletion of Lots 139 to 148, the re-arrangement of lots adjoining the Macdonald-Anderson property, and the reduced garden allotment size (and numbers);
 - b) Provide a design for a 10m² shed for the garden allotments;
 - c) Provide details of some form of management arrangement for the garden allotments and other land to be held in common, including details of the duties and responsibilities of the individual lot owners in relation to such arrangement;
 - d) Provide amendments to the planting plans for the reserve area east of the café to include additional planting east of Lots 101 and 102;
 - e) Provide a landscape/planting plan for the terrace face below Road C;
 - f) Revise the building platform on Lot 103 such that it is rectangular with the building platform's western boundary parallel to the east lot boundary while retaining a minimum 4 m setback from the western lot boundary;
 - g) Revise the recommended conditions to take account of our various comments above.

4. We directed that the applicant provide updated plans and conditions which they did so on 17 February 2016. At the same time one submitter requested leave to comment on the revised plans and conditions. We granted that leave on the basis of an open process, but stipulated that any further submissions concentrate on the conditions as proposed by the applicant. We further provided time for the Council staff to comment on the applicant's revised conditions and any points raised by the submitter. We then provided the opportunity for the applicant to comment on the amendments proposed by the Council and the submitter, which they did so on Friday 4 March 2016 in relation to the subdivision consent conditions, and 11 March 2016 in relation to the land use conditions.
5. The iterative process followed has seen a range of matters resolved and we do not dwell on those matters in this decision.
6. The conditions of consent naturally fall into two broad groups - those related to subdivision (and earthworks) and those related to land use and our decision follows that structure.

Subdivision Conditions

7. The following section outlines the main points put forward by the applicant, submitters and Council in response to our interim decision and our 5th Minute. Below, we identify where we consider that there is an outstanding issue to be resolved by us.
8. The applicant proposed a number of amendments to incorporate the interim decision. An updated subdivision plan was provided. The number of lots on the Macdonald-Anderson boundary has been reduced to three (Lots 24, 25 and 27). Lots 139 to 148 have been removed and replaced with a new lot - Lot 406. The areas of the garden allotments have been reduced. Lot 405 is the 'residual area' around these allotments and provides for planting and other landscape treatment. As applied for, Lot 405 was to be amalgamated with Lot 404, but this now appears to have been removed as a requirement. Four accessways over Lot 405 provide for physical access to the garden lots.

Matters in Agreement

9. The exchange of submissions on the conditions has seen the following matters in agreement and we accept the draft conditions as proposed by the Council and applicant in relation to the following:

- a. Cycle trail - the applicant agrees to this trail being formed and secured by way of easement over Lot 404.
- b. Esplanade reserve width, Lot 406 - the Council has sought that the esplanade reserve adjacent to the new Lot 406 be maintained at a 20m width. The applicant has agreed with this.
- c. Type, and grade of street trees - the main type of street tree is agreed to be *Platanus orientalis* (Autumn Glory) to be at least PB 95 grade.
- d. Footpath widths - these are agreed to be as set out in Council's response.
- e. Reference to specific building/construction requirements - these are to be registered as covenants/consent notices.
- f. Maintenance period - a minimum two years maintenance period is agreed.
- g. Use of garden sheds - no ability to use for a home occupation has been agreed.

Matters in Contention: Applicant's Revised Conditions

Road C

- 10. It is agreed that Road C will be a public road. Road C provides for access to the lower terrace and garden allotments. With the removal of Lots 139 to 148 on the lower side of Road C, the applicant initially proposed that Road C be a private road with an easement over the new lot to be created - Lot 406, but ultimately shifted from that proposal. The applicant has, however, proposed that Road C be constructed as a gravel road.

Maintenance of Garden Allotments

- 11. A consent condition is proposed that requires a covenant to be placed against the titles of all garden allotments. This will require the upkeep of the allotments. A clause will allow for each lot owner to enforce the covenant against any other lot owner, as follows:

A covenant shall be registered against the titles to all of the Garden Allotments Lots 500-550, 562-606, 608-629 and 631-646 for the purpose of ensuring the upkeep and maintenance of the Garden Allotments. The covenant shall:

- a) Require the lot owner to maintain the lot free of weeds and any other vegetation other than grass species and vegetation planted for productive or horticultural purposes (vegetables, flowers, etc);
- b) Require the lot owner to keep the lot tidy. In particular:

- (i) materials other than vegetation shall be stored within a garden shed unless being used for productive or horticultural purposes;
- (ii) any cut or otherwise harvested vegetation shall be stored neatly in piles or composted or burned.

c) Be for the benefit and burden of all of Lots 500-550, 562-606, 608-629 and 631-646 so that each lot owner shall have the ability to enforce the covenant against any other lot owner.

Enforcement powers shall include the ability for any lot owner (on notice) to enter onto any other lot to remedy any breach of the covenant;

d) Be approved by Council's solicitors, prior to s224C certification, to ensure that it meets the above requirements;

e) Be registered upon deposit of the Plan(s) of Subdivision creating Lots 500-550, 562-606, 608-629 and 631-646.

Submitter's response

12. Counsel for the Macdonald-Andersons raised three points with regard to the conditions:
 - a. Firstly, an advice note be attached to the land use consent conditions for Lots 24, 25 and 27 stating that the hedge on the northern boundary of these lots is pre-existing and house designs should take into account shading effects.
 - b. Secondly, a condition of subdivision consent requiring a construction management plan be prepared for Lots 24, 25 and 27 and be approved by the Council. This management plan is to set out how damage to the hedge and its roots are to be avoided. The plan is to be prepared in consultation with the Macdonald-Andersons.
 - c. Thirdly, a consent notice be registered against the titles of Lots 24, 25 and 27 stating that there may be only one residential unit constructed in each lot; there can be no residential flats; and that the residential units comply with height, boundary set back and coverage dimensions set out.
13. The submission also pointed out that one of the revised lots to the south of their boundary - Lot 25 - is still relatively small, while further requesting that the three lots all be less than 500m² to prevent the option of further subdivision, if the consent notice option is not followed.
14. The applicant opposed the advice note proposed by the submitter on the basis that it was unnecessary. They do not accept the proposal for a construction management plan, but do propose a consent notice condition stating that there may be no excavation within 3m of the boundary, except for minimal surface excavation. They did not agree to a condition limiting further subdivision.

15. The Council supports the preparation of a construction management plan, but did not agree that the plan should be prepared in consultation with the Macdonald-Andersons.

Council Officers

16. Council officer's proposed conditions raised the following issues:
- a. Road C. Council is concerned about maintenance issues and considers that the road should be formed (sealed) to the base of the escarpment. On the lower terrace, where subject to flood hazard, an unsealed formation is appropriate.
 - b. Lots 405 and 406. The Council state that they understand that Lot 405 will be owned by BFDL but do not pursue amalgamation of this lot with Lot 404. No indication is given of the appropriate ownership of Lot 406, and whether this is to be a separate lot that could be built upon. A consent notice condition has been agreed to ensure that the proposed planting on Lot 405 is maintained in perpetuity. However no mention is made of the planting on Lot 406.
 - c. Garden Allotments. The Council does not agree with the covenant condition proposed by the applicant in respect of the maintenance of the garden allotments. Rather they see this to be the responsibility of a specific ownership entity / management company. To this end, a condition is proposed to require a suitable management entity be put in place to manage the land occupied by the garden allotments and the accessways. The following condition is proposed:
 - a) The consent holder shall establish a suitable management entity which shall be responsible for the on-going management and maintenance of the private accessways K, L, M & N and Garden Allotments Lots 500-550, 562-606, 608-629 and 631-646. In respect of the garden allotments, this agreement must include provision for:
 - 1) That said lots are kept free of weeds and any other vegetation other than grass species and vegetation planted for productive or horticultural purposes (vegetables, flowers, etc);
 - 2) All materials other than vegetation shall be stored within a garden shed unless being used for productive or horticultural purposes;
 - 3) Any cut or otherwise harvested vegetation shall be stored neatly in piles or composted or burned (such as grass clippings etc.)

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.

Furthermore, it is implied by a further condition that the owners of the garden allotments are to be shareholders in the ownership entity to ensure the longevity of the entity. The applicant opposes the conditions requiring the establishment of an ownership entity responsible for the ongoing management and maintenance of the garden allotments.

17. Earthworks plans. The Council seeks reference to the earthworks plans submitted as part of the application material, in the conditions of consent. The applicant opposes this on the grounds that the plans were for information purposes only.

Conditions in Contention

18. Based on the above, a number of matters need our attention.

Road C

19. This road has been renamed the River Access Road on the updated masterplan. We agree that the section of this road to the foot of the escarpment (to the border with Lot 205) should be vested as a public road. We further find that this section of the road should be sealed to Council's standards. We accept that this comes at a cost, but consider that this cost was reasonably anticipated when the application was lodged. The removal of Lots 139 to 148 does lessen the number of properties over which this cost can be spread, but we consider that this must be considered alongside the longer term maintenance costs faced by the Council (and ratepayers). The applicant has not presented any evidence as to the extent to which the cost of sealing the road will create an intolerable burden.

Lots 404, 405 and 406

20. We deal with these lots together as they raise issues as to the number of lots to be created and subsequent development.
21. Lot 406 has been created in response to our decision that Lots 139 to 148 be deleted. We note that, as agreed by the applicant, this lot's eastern boundary now provides for a 20m wide esplanade reserve beside Hayes Creek. The creation of a new lot raises the prospect of a house site. That house would be subject to separate consent processes. However, there is also a requirement for planting on part of the lot (as part of the treatment of the ONL and the management of the visual effects of the Bridesdale development on that landscape). It is unclear to us who is to maintain this planting and if the land is owned separately to the other lots, the long term fate of that planting.

22. Lot 405 appears to have taken on a different role through the rearrangement of the garden lots. The reduction in the size of the garden allotments has resulted in an area of 'residual' land around the garden allotments. The landscaping plan shows mounds and planting in this residual land to help meld the garden allotments into the landscape. If it remains a separate lot, there is now a potential for a house site to be identified outside the garden allotments. Again, questions over the long term maintenance of the planting are raised.
23. With regard to Lot 404, as notified, the application sought:
 - a. To create a balance lot (Lot 404); and
 - b. To create an amalgamation condition so that Lots 404 and 405 would be held in the same certificate of title.
24. The application material notes that Lots 404 and 405 would be retained by BFDL.
25. At the same time, the application sought to remove an amalgamation condition that required Lots 1 DP 21087 and Lot 3 DP 447906 to be held with Lot 4 DP 4470906 (Lot 4 DP 4470906 is the subject of this application). In our interim decision we noted that the 'de-amalgamation' was within scope of the application.
26. We have determined that Lots 404, 405 and 406 should be held together as they essentially cover the areas of Lot 4 DP 4470906 that are to remain "undeveloped". The required planting and maintenance of that planting on Lots 405 and 406 should be secured by way of consent notice.
27. We have further considered whether Lots 404, 405 and 406 are to be held with Lot 3 DP 447906 and Lot 1 DP 21807. We accept that as notified, the application sought the creation of Lot 404 combined with Lot 405, as a separate 'rural' lot. We further note that as applied for, Lots 404 and 405 are contained entirely within the flood plain and the applicant's hazard evidence was such that there was no realistic prospect of it being used for residential purposes. Without an identified building platform, we are not satisfied that a rural lot should be created.
28. We do not accept that the application sought consent for three rural lots, as is now proposed through the creation of Lot 406.
29. Amalgamating Lots 404, 405 and 406 with Lots 1 DP 21087 and Lot 3 DP 447906 means that no new rural lots are created, while the land is retained in the ownership of BFDL, as proposed in the application material. This arrangement also provides some security over the long term maintenance of the required planting.

Maintenance of garden allotments and accessways

30. Council is concerned that:
 - a. the burden of maintenance of the accessways will fall onto it if BFDL ceases to exist; and
 - b. they will be called upon to monitor and enforce conditions relating to the upkeep of individual allotments.
31. The Council proposes a management entity to address these issues. In contrast, the applicant is concerned that a management entity or similar will place an administrative burden on the lot owners and will not work over time as ownership changes. The applicant points out that accessway maintenance will be subject to normal provisions relating to maintenance obligations and cost share as part of the relevant easements, while the covenant proposed by them in respect of the upkeep of individual allotments does not require the Council to take on a monitoring and enforcement role.
32. In addressing these issues, we are mindful that any conditions that we impose must be for a resource management purpose, for example so as to mitigate an adverse environmental effect.
33. As for accessway maintenance, we see that issue as being able to be resolved by the landowner and the owners of the allotments who retain the easement. Given the low key nature of the allotments (gardens), we do not see a major access maintenance issue arising. However some form of organisation is likely to be needed to ensure collection of contributions towards maintenance costs, from the numerous lot owners.
34. We do see the need for a condition associated with the avoidance of weeds/pests and general maintenance and use of the garden allotments. Our interim decision identified this need. The Council and the applicant appear to agree on the need for such a condition. The question for us is who is to 'administer' this condition. We appreciate the point that the Council does not wish to be placed in the role of monitoring, and enforcing if necessary, how more than 100 small garden allotments are to be managed.
35. The applicant claims that their proposed condition absolves the Council of any monitoring and enforcement requirements. However it is hard to see how an individual owner is to press home compliance with the covenant, under the condition as proposed by them.

36. We consider that an owners (residents) society is needed, rather than a company or more general management entity, as implied by the Council's proposed condition, and that a condition to this effect is appropriate.
37. All allotment owners should automatically be a member of the society, with the aim of the society to ensure the tidy use and maintenance of the garden allotments and accessways, for the benefit of all members. In respect of the garden allotments, this society must ensure, through appropriate agreements with the lot owners, that:
- a. the lots are kept free of weeds and any other vegetation other than grass species and vegetation planted for productive or horticultural purposes (vegetables, flowers, etc);
 - b. all materials other than vegetation shall be stored within a garden shed unless being used for productive or horticultural purposes;
 - c. any cut or otherwise harvested vegetation shall be stored neatly in piles or composted or burned (such as grass clippings etc.)
38. The consent holder should establish and operate the society for a minimum of 3 years. All garden allotment owners are to be automatically members of this entity and should assume any management responsibilities after this time. The legal documents that are used to set up the society are to be checked and approved by the Council's to ensure that the society can fulfil its duties.
39. We have considered whether such an condition places an intolerable burden on the garden allotment owners, given the affordable housing aims of the development. We do not see the residents society as being a major enterprise, and as the benefits of the garden allotments fall to the owners, then it is appropriate that they collectively be responsible for the management and maintenance of them. We note that the management arrangement does not preclude individual allotment owners renting out their plots to other home owners in the development or indeed in the wider Lakes Hayes Estate area. While the society will not completely absolve the Council of all monitoring (and potential enforcement) requirements, it nevertheless places responsibility firstly upon the beneficiaries of the activity enabled by the consent.

Earthworks Plans

40. The Council sought that reference be made to the relevant earthworks plans in the conditions. The applicant opposed this on the grounds that the earthworks

plans were for information purposes only. Furthermore, as a result of the amendments to the masterplan, they are out of date (to an extent). We note that the application was for earthworks, and the proposed earthworks profiles, particularly along the boundaries with existing development and the existing esplanade reserve, were important matters in determining the nature of off-site effects.

41. We have determined that a condition requiring a final earthworks plan to be prepared and approved by the Council, prior to any earthworks occurring on site, is appropriate. This earthworks plan is to identify and confirm the nature and extent of landform changes along the boundaries of the site, in general accordance with indicative plans lodged with the application.

Macrocarpa Hedge

42. We agree with the Macdonald-Andersons that some form of oversight of works around the roots of the hedge is appropriate. While mindful that common law would say that landowners need to work together when earthworks are close to vegetation on boundaries, we accept that the hedge has a role in the wider landscape, and therefore deserves a degree of recognition.
43. The applicant has proposed that no works occur within 3m of the boundary. We are unsure as to why 3m has been selected, apart from noting that a 4m building set back is proposed for the lots that abut the hedge. We have no information to determine whether works greater than 3m from the boundary, will, or will not affect the health the hedge.
44. We find that the management plan condition proposed by the submitter, as modified by the Council, is a more appropriate condition than a set distance. We agree with the Council that the condition should not refer to consultation with a third party. In addition, we have determined that the condition should refer to works 'minimising' damage to the root system, rather than preventing damage.
45. We do not see any benefit from the requested advice note and neither do we see the need to stipulate that the lots may not be further subdivided. The review of the District Plan may or may not provide for an alternative zoning of the relevant land, but that is a separate process to the one that we are involved in.
46. Finally, we agree with the submitters that Lot 25 is still too small. In our view, it does not offer sufficient opportunities to design a house that recognises the

presence of the hedge. As proposed, the lot is 12.3 m wide. 1m side boundaries apply, leaving a 10.3m wide building platform. The lot should be increased in width to at least 16m (i.e. the southern and northern boundaries should be 16m wide) to accommodate a reasonable building platform towards the lots southern boundary. The size of Lot 27 should be reduced accordingly.

Land Use Conditions

47. By the end of the sequential process of submissions on the land use conditions, the majority of issues had been resolved.
48. There are four issues that require our attention, these being:
 - a. Double driveways
 - b. Lot 103
 - c. Use of Bridesdale cottage
 - d. Hedge on Macdonald-Anderson property.

Double driveways

49. Bridesdale Farm House Lots types A, C and F all involve use of a double driveway configuration. In our interim decision we noted and agreed with concerns around the proliferation of the use of these housing types.
50. The double driveways see a reduction in street parking and disrupt pedestrian amenity. The double driveway option is particularly problematical on corner sites where the double driveway increases potential conflicts with turning traffic, for both cars and pedestrians.
51. The applicant has set out the following proposal:
 - a. For Lots 4 to 23; 28 and 29; 48 to 71 and 76 to 81, the housing typologies have been adjusted so that the double driveway options are not available on 18 selected lots. The intention is that no more than 3 double driveways may occur in a row. To give effect to the outcome a 'single' driveway variant of the relevant house designs have been prepared. This uses a 5m wide driveway as opposed to the 11.5m wide driveway originally proposed.

- b. For Lots 39 to 42 and 43-46, a condition is to be imposed that has the effect of restricting the use of the lots to specific house typologies if adjacent lots use the double driveway option.

- 52. Council agreed with the condition as proposed, but noted some administrative complexities with the approach proposed for Lots 39 to 42 and 43-46. That is, it is a first come, first served approach.
- 53. We consider that the limitation of no more than 'three' double driveways in a row does not really address the issues identified. In fact a single driveway in a group of seven double driveways makes little difference. Having said that, we accept that where a number of housing typologies are proposed for a site, then the chances of the double driveway option being selected in all cases reduces.
- 54. The following lots are proposed by the applicant to have a double driveway limitation:

Lots 7, 8, 15, 19, 23, 50, 54, 59, 64, 69, 74, 79, 86, 97, 100, 114, 122, and 126.
- 55. The double driveway issue is of most concern on the main roads, being Road A and Road B. To address the corner issue, Lots 11 and 12 should be added along with Lots 52 and 56 as lots where a double driveway cannot be used.
- 56. On the other hand, Lot 23 is off a right of way and is not an issue in terms of driveway configurations. Likewise, Lot 74 is on a (mostly) single loaded minor road and need not be constrained. In a similar vein, Lot 114 is accessed off a small access lane and does not front the street (as illustrated on the masterplan), while Lots 122 and 126 front a cul-de-sac (Road J) and therefore do not need a double driveway control. Lot 8 could be replaced with Lot 11.
- 57. For Lots 39 to 42 and 43 to 46, we are concerned that the condition as drafted (for each of these lots) could lead to problems in administration and enforcement. We consider it is better to do what the applicant has done in the row from lots 4-23 by specifying the single driveway plans for specific lots. The limit should be placed on the four main corner lots as those are in the position to be the most disruptive to pedestrian traffic.
- 58. Lots 39, 42, 43 and 46 should therefore be added to the list.
- 59. To summarise, the following lots should be lots where the single driveway variant is to be used:

Lot 7

Lot 11

Lot 12

Lot 15

Lot 19

Lot 39

Lot 42

Lot 43

Lot 46

Lot 50

Lot 52

Lot 54

Lot 56

Lot 59

Lot 64

Lot 69

Lot 97

Lot 102.

Building Platform: Lot 103.

60. In our interim decision we identified the need to restrict the building platform on this lot so as to mitigate amenity effects on the neighbouring (existing) property. In particular, we identified the need to:

Revise the building platform on Lot 103 such that it is rectangular with the building platform's western boundary parallel to the eastern lot boundary while retaining a minimum 4m set back from the western boundary.

61. Condition 5 of the proposed conditions for Lot 103 requires a 4m set back from the western boundary (the boundary with the neighbouring property). In response to our interim decision, the applicant proposed the following additional text in condition 6:

The building footprint shall be rectangular, with its western side parallel with the eastern side lot boundary.

62. This insertion does not fully implement the import of our interim decision which was to confine the building to the south-eastern corner of the lot. We have inserted the following condition:

"The building shall be contained within an envelope that complies with the set back distances in condition 5 and extends no more than 11 metres from the eastern side boundary".

Public Toilets - Bridesdale Cottage.

63. The Council sought that a condition be imposed to the effect that the toilets that will be part of the proposed cottage cafe be available for public use. The Council's intention appears to be based on an understanding that rather than provide a public toilet in one of the reserve areas, the cafe could offer this service. The applicant does not agree with this interpretation and resists any such condition.
64. The related subdivision consent does not specify that public toilets be installed on any of the proposed reserve areas.
65. We see a need for a public toilet and consider one of the reserve areas to be the logical location of such. We consider this to be an operational issue that the Council will need to address.

Hedge on Macdonald Anderson Property

66. The submission from the Macdonald-Anderson's counsel sought conditions relating to the protection of the macrocarpa hedge as per the discussion under the subdivision conditions. The Council considers the additional conditions and advice note relating to Lots 24, 25, and 27 are appropriate. The applicant considers that the addition of those conditions and advice note is unnecessary

and overly burdensome and is disproportionate to the outcome of protecting the root system of the hedge. Instead, the applicant proposes the same condition as they did for the subdivision consent, namely that any excavations be more than 3m from the boundary.

67. For the subdivision consent we determined the need for a 'hedge management plan' to be prepared. That plan would stipulate the actions to be taken to maintain the long term health of the hedge, given house building on the three lots. That plan will be developed as part of the subdivision and be a condition of the subdivision consent. We see no need to add a further condition to the same effect to the relevant land use conditions.

Conclusion and Decision

68. Having reviewed the submissions received on the proposed conditions and based on the above findings we are satisfied that the revised plans submitted - subject to the further amendments set out in this decision - and the conditions of consent as detailed below address the issues we identified in our interim decision and appropriately provide for the subdivision and development of the subject land, within the terms of Section 34 of the Housing Accords and Special Housing Areas Act. The reasons for the decision remain those set out in our interim decision.
69. Consent is accordingly granted under sections 34 to 38 of the Housing Accords and Special Housing Areas Act and sections 104, 104B and 104D, 105, 106, 108 and 220 of the Resource Management Act to the non-complying activity application by Bridesdale Farm Development Limited to authorise resource consent for the following:
- a. Creation of 137 lots (136 residential lots and 1 commercial lot)
 - b. Construction of dwellings on 134 lots (Lots 1,4 to 138)
 - c. Creation of 134 garden allotments and the construction of a garden shed upon each of the garden allotments
 - d. Use of McBride Cottage as a cafe
 - e. Creation and vesting of roads and recreational reserves

- f. Creation of an esplanade reserve with a reduced width of 20 metres in some places along Hayes Creek
- g. Vehicle and cycle/walkway access to the Kowarau River and public car parking
- h. Creation of access allotments and easements, cancellation of existing easements, surrendering of consent notices, cancellation of amalgamation conditions
- i. Associated infrastructure, roading, access, car parking, earthworks, landscaping and planting;

subject to conditions.

Attached to this decision are the subdivision consent conditions.

Due to the number of land use consents to be issued by the Council, the land use consent conditions will be forwarded to the applicant over the forthcoming week, based on the above decision.

Pursuant to Section 56 of the Housing Accords and Special Housing Areas Act and Section 133A of the Resource Management Act 1991 this consent is being re-issued and amended as follows:

- River Access Road footpath has been amended to be 1.5m on one side, rather than 2m. This change reflects the agreement reached between the applicant and the council during the process of exchange of submissions on the draft conditions;
- An advice note has been added advising the resource consent will lapse on the 21 March 2018, as per paragraph 284 of the Interim Decision. This advice note has been added for the sake of clarity; and
- Appendix B (Transmission Line Consent Notice Conditions) have been attached.

Signed for the Hearing Panel
David Mead



Dated 21 March 2016

SH150001 - SUBDIVISION, EARTHWORKS AND INFRASTRUCTURE ONLY **CONDITIONS**

1. General Conditions

That the development shall be undertaken/carried out in accordance with the following plans:

Clark Fortune McDonald

- Bridesdale Subdivision Lots 1, 3-25, 27-138, 150, 200-205, 300-301, 304-308, 400-402, 404-406, 500-550, 562-606, 608-629 and 631-646 BEING A PROPOSED SUBDIVISION OF LOT 1 DP 26719, LOT 3 DP 337268, LOT 3 DP 392823 AND LOT 4 DP 447906; Job No. 11670, drawing Nos 08_1 to 08_7, Rev U dated 7.3.16 by Clark Fortune MacDonald & Associates;

Baxter Design Group

- Bridesdale Farm Master Plan; Ref: 2459-SK274 dated 4 March 2016 by Baxter Design Group;
- Materials And Setout (Road A Entrance); Ref: 2459-WD200, Rev 4, dated 1 December 2015 by Baxter Design Group;
- Materials And Setout (Road B Entrance); Ref: 2459-WD201, Rev 5, dated 1 December 2015 by Baxter Design Group;
- Carpark at Kwarau River; Ref: 2459-WD203, Rev 2, dated 13 August 2015 by Baxter Design Group;
- Walkway Section; Ref: 2459-WD204, Rev 2, dated 13 August 2015 by Baxter Design Group;
- Road Crossing Plan; Ref: 2459-WD205, Rev 4, dated 1 December 2015 by Baxter Design Group;
- Typical Road Sections; Ref: 2459-WD206, Rev 3, dated 1 December 2015 by Baxter Design Group;
- Typical Road Sections; Ref: 2459-WD207, Rev 4, dated 9 February 2016 by Baxter Design Group;
- Typical Road Sections; Ref: 2459-WD208, Rev 2, dated 28 January 2016 by Baxter Design Group;
- Planting Plan – Reserve Area North of Lot 92 and 93; Ref: 2459-WD300, Rev 4, dated 3 March 2016 by Baxter Design Group;
- Planting Plan – Reserve Area East of Café Part A; Ref: 2459-WD301, Rev 5, dated 3 March 2016 by Baxter Design Group;
- Planting Plan – Reserve Area East of Lots 98-102; Ref: 2459-WD309, Rev 4, dated 3 March 2016 by Baxter Design Group;
- Planting Plan – Market Square; Ref: 2459-WD302, Rev 3, dated 3 March 2016 by Baxter Design Group;
- Existing Walnut Tree Locations; Ref: 2459-WD303, Rev 2, dated 13 August 2015 by Baxter Design Group;
- Market Square; Ref: 2459-WD202, Rev 2, dated 13 August 2015 by Baxter Design Group;
- Street Tree Planting Plan (North); Ref: 2459-WD102, Rev 5, dated 3 March 2016 by Baxter Design Group;
- Street Tree Planting Plan (South); Ref: 2459-WD103, Rev 5, dated 3 March 2016 by Baxter Design Group;
- Lighting Plan; Ref: 2459-WD104, Rev 4, dated 28 January 2016 by Baxter Design Group;
- Prop. Planting on ONL Terrace Face & Wetlands; Ref: 2459-WD320, Rev 3, dated 3 March 2016 by Baxter Design Group;

Holmes Consulting Group

- Section 1-1 (Basin Inlet), Project No. 112576, Sketch No. 112576-20150731-SK01; Rev 2 dated 31.7.2015 by Holmes Consulting Group;
- Section 2-2 (Basin Perimeter Bund) and Section 4-4 (Basin Perimeter Bund w/ Diversion Drain), Project No. 112576, Sketch No. SK02; Rev 2 dated 31.7.2015 by Holmes Consulting Group;
- Section 5-5 (Basin Outlet) & Section 3-3 (Typical Cross Section of Outlet Swale), Project No. 112576, Sketch No. SK03; Rev 2 dated 31.7.2015 by Holmes Consulting Group;
- Wetland Bund Plan, Job No. 112576 by Holmes Consulting Group;
- Intersection road A and Erskine Street detail set out, Job No. 112576, Sheet No. C40-01 by Holmes Consulting Group.

stamped as approved on 21 March 2016

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. 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.

General

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 3 June 2015 and subsequent amendments to that document up to the date of issue of this subdivision and land use consent. Council's standards are available at: <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. At least five (5) working days prior to commencing work onsite, the Consent Holder 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 subdivision and earthworks 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" and all aspects of the works covered under NZS4404:2010 "Land Development and Subdivision Engineering", in relation to this development.
5. At least five (5) working days prior to commencing work on site the Consent Holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition (6 and 15) below shall be demonstrated.
6. At least five (5) working days prior to commencing work on site, the Consent Holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council for written approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor ("STMS"). The Traffic Management Plan shall include clear guidance for all contractor traffic in order to achieve the objective of safe and efficient operation of the road network. The Traffic Management Plan shall address the following matters:
 - a) Traffic control plans;
 - b) Warning signs on approach to the site (including truck crossing signs);

- c) Signage at the site to identify entrances/exits that are to be used including any site entrances/exits that are closed;
- d) Any temporary speed limits required past the site and when these shall be applied;
- e) Contact details for the site STMS; and
- f) A maximum speed limit of 10km per hour is to be imposed in the Right of Way in the northwest corner of the property (linking the property to Erskine Street).

All contractors obligated to implement temporary Traffic Management Plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.

7. At least five (5) working days prior to commencing work on site the Consent Holder shall provide to the Council for written certification an updated Site Management Plan from the Contractor for the development. This plan shall use, as the basis, the draft Site Management Plan within Section 9.3 of the Clarke Fortune McDonald & Associates Infrastructure Assessment report dated November 2014. The Site Management Plan shall address the following matters:
 - a) To control dust from the site;
 - b) Protection of the surrounding natural watercourses from contamination and sediment runoff;
 - c) Parking of construction traffic; and
 - d) The contact details of the site manager.
8. Prior to the commencement of works on site the Consent Holder shall prepare and lodge with Council an application to cancel conditions (e) and (f) of registered Consent Notice 9041787.6. If and when consent is granted, the Consent Holder shall prepare (for execution by the Council) and then register the required Notice of Cancellation of those two consent notice conditions. All costs shall be borne by the Consent Holder.
9. A minimum of five (5) working days prior to commencing work on site the Consent Holder shall arrange an onsite meeting with a Resource Management Engineer at Council and the contractors responsible for the works to ensure that all parties involved are aware of what is required of them during the construction process. This meeting shall occur within the 5 working days prior to the commencement of works.
10. The Consent Holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 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. Measures shall include hay bales or silt fences to prevent silt and sediment entering any waterways within the development site.
11. Prior to the commencement of works on site the consent holder shall prepare and lodge with Council for written certification a Hedge Management Plan specific to Lots 24, 25 and 27 that identifies and specifies the measures to be taken to works on these lots that will ensure the long term health and viability of the Macrocarpa hedge located upon 51 Walnut Lane, Queenstown (legally described as Lot 2 DP 457573 and identified as CFR 593551) is not compromised. The consent holder shall obtain the services of an appropriately qualified and independent arborist to prepare the Hedge Management Plan. All work to be undertaken shall be in accordance with the certified plan.

12. 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 acceptance, 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 separate certificate shall be provided for each design discipline:

- a) The provision of a water supply to all lots but excluding Lots 404, 405 and 406 and including the provision of one connection at the garden allotments in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 and the toby valve. The costs of the connections shall be borne by the Consent Holder. A water meter as required by QLDC's Water Meter Policy shall be installed for every lot (including the garden allotments if connected to Council's water supply system).
- b) Provision of a developer agreement to address the following necessary upgrades to the water supply network to allow for increased demand generated by the development:
 - i) Installation of a falling main/manifold through Howards Drive (to be 200 mm ID), and
 - ii) Installation of a pressure reducing valve at Crawford Drive.

The developer agreement shall confirm the programming of and payment for these upgrades, with upgrades to benefit the wider network to be offset against development contributions.

- c) The provision of a foul sewer connection from all lots (with the exception of the garden allotments and Lots 404, 405 and 406) to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for the two units. The costs of the connections shall be borne by the Consent Holder.
- d) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within all lots (with the exception of the garden allotments and Lots 404, 405 and 406), in accordance with Council's standards and connection policy. This shall include:
 - i) A reticulated primary system to collect and dispose of stormwater from all potential impervious areas within each lot (with the exception of the garden allotments and Lots 404, 405 and 406) to the reticulated stormwater disposal system / to an approved outfall discharging to engineered treatment system before discharging at a controlled flow to either Lake Hayes Creek or the Kawarau River. The details of the stormwater maintenance regime shall be submitted and approved by the Council.
 - ii) The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot (with the exception of the garden allotments).
 - iii) A secondary protection system consisting of secondary flow paths to cater for the 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots (with the exception of the garden allotments and Lots 404, 405 and 406), and no increase in run-off onto land beyond the site from the pre-development situation; and
 - iv) All lots (with the exception of the garden allotments) shall be designed to ensure there is no standing water / surface ponding following (up to and including) a 5% AEP rain event.
- e) The provision of fire hydrants with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution shall be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private

roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits. All road lighting shall be designed with zero up spill. No road lighting shall be permitted on any part of the lower river terrace (including the garden allotments).

- g) The full design of Roads A, B, D, F, G, H, I, and J and the River Access road to the boundary of Lot 205 in accordance with Council's standards. Except that Road J be formed with a footpath on one side and a target operating speed of 30 km per hour. A bus route shall be accommodated into the detailed engineering design on roads A, B, D and E.

For clarity the roads shall be designed to include the following tabled requirements:

Subdivision Road	CoP Design Reference	Minimum Movement Lane	Minimum Legal Width	Footpaths Required	Target Operating Speeds
A	E13	8.4m	20m	2m both sides except near Erskine Street	50km/hr
B	E13	8.4m	20m	2m both sides	50km/hr
River access road to Lot 205	E12, except reduced road width which complies with Figure E11	5.7m	12m at the narrowest point. The minimum, legal width for the rest of road is to be 15m	1.5m on one side	40km/hr
D	E12	5.7m	15m	1.5m both sides	40km/hr
E	E12	5.7m	15m	1.5m both sides	40km/hr
F	E12	5.7m	15m	1.5m one side	40km/hr
G	E12	5.7m	15m	1.5m both sides continuing all the way to the stub of footpath on Road F	40km/hr
H	E12	5.7m	15m	1.5m both sides	40km/hr
I	E12	5.7m	15m	1.5m one side	40km/hr

- h) That the Market Square is designed as a shared pedestrian area in accordance with the approved plans, in Condition (1).

The detailed engineering and landscape designs of this area shall be reviewed and accepted in writing by Council prior to construction being undertaken and shall include:

- i) Pavement materials and textures to create a slow-speed traffic area.
 - ii) Entry treatments to slow vehicles as they enter the Market Square.
 - iii) Shared use signage on approach to the Market Square.
 - iv) Confirmation that the target operating speed within the Market Square will be less than 30 km per hour; and
 - v) Identification of alternative vehicle routes, including bus route, when the Market Square is being used for community events.
- i) The provision of a plan for the design of the road that provides access across Lot 205 to the garden allotments and to the Kawarau River parking area (indicated on the Baxter Design Group Masterplan SK166), to comprise 150mm of compacted M4/ AP40 gravel, 6m wide formation with grass swales, and to include the footpath shown on the Bridesdale Farm Master Plan Ref: 2459-SK274 dated 4 March 2016 by Baxter Design Group. A plan for the design of the public parking area adjacent to the Kawarau River; comprising 150mm of

M4/ AP40 compacted gravel formation accommodating up to 20 car parking spaces and adequate manoeuvring. Access design to and through the garden allotments within Lot 405 to be 150mm of compacted A4/ MP40 gravel, 3.5m width. All stormwater drainage shall be in the form of road-side swales. Any required fencing on the lower river terrace shall be standard rural post and wire only to a maximum height of 1.2 metres.

- j) Provision for a bus shelter is to be included in the detailed design. The bus shelter is to be located in the vicinity of Market Square. The detailed design of the bus route and bus shelter shall be reviewed and accepted in writing by Council prior to construction being undertaken. For the avoidance of doubt, the Consent Holder is not required to construct the bus shelter as part of this consent.
 - k) The detailed design of intersections with Erskine Street and Judge and Jury Drive, in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and approval in writing by Council to ensure those standards are met with any associated costs met by the Consent Holder.
 - l) All road drainage sumps shall include the provision of traps and siphons, or alternative solution accepted by the Council.
 - m) 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 NZS4404 Schedule 1A Certificate.
 - n) The provision of a Design Certificate submitted by a suitably qualified design professional for the Wastewater Pump Station/s required for the wastewater reticulation. The certificates shall be in the format of IPENZ Producer Statement PS1.
 - o) Detailed design of a priority intersection control to be installed at the intersection of Judge and Jury Drive and Hope Avenue. The minor road approach, Judge and Jury Drive, shall include appropriate signs and markings which shall comply with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
 - p) All intersections within Bridesdale Farm shall include traffic signs and markings which shall comply with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
13. Prior to commencement of any works on the land being developed the Consent Holder shall provide to the Queenstown Lakes District Councils (Property and Infrastructure Department) for review and acceptance copies of the detailed design for reserve areas in accordance with the QLDC's Land Development and Subdivision Code of Practice including the following:
- a) All cycle trails in accordance with Council's Cycle Trail and Track design and specifications 2015;
 - b) The playground on Lot 304 in accordance with NZS 5828:2004 standards;
 - c) The specifications and location of the handrail at the viewing point and trail terminus at the Hayes Creek waterfall; and
 - d) The design of the lower informal play area on Lot 308 to be developed as 'Amenity Turf' in accordance with Council's Turf Reinstatement Specifications 2007.
14. At least five (5) 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 QLDC's Land Development and Subdivision Code of Practice who is familiar with the 'Geosolve Limited', Geotechnical Reports as submitted with the Bridesdale Farm Subdivision Application and who shall supervise the excavation procedures and ensure compliance with the earthwork recommendations of this report.
15. Prior to the commencement of works on site the consent holder shall prepare and lodge with Council for written certification a final Earthworks Plan. This plan is to be in general accordance with the earthworks profiles set out in the application AEE.

Use of Right of Way between 63 and 65 Erskine Street

16. The Consent Holder may use the existing Right of Way in the northwest corner of the property (linking the property to Erskine Street) for a period of four weeks following the date of commencement of physical works authorised by this consent, limited as follows:

Monday to Friday: 8am to 6pm

Saturday: 8am to 2pm

Sunday: No works.

17. A maximum speed limit of 10km per hour is to be imposed in the Right of Way.
18. At the end of that four week period the Consent Holder shall construct a fence along the boundary of the property at the southern end of the easement area to prevent physical access between the property and the easement area.

Advice Note: It is anticipated that this Right of Way in favour of the subject site may be surrendered prior to the issue of the title.

To be monitored throughout earthworks

19. The earthworks shall be undertaken in accordance with the recommendations of the reports by 'Geosolve Limited', Geotechnical Reports as submitted with the Bridesdale Farm Subdivision Application, and the Hedge Management Plan that was approved as part of Condition (11) above.
20. 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.
21. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the construction of the Erskine Street intersection, the construction of the Judge and Jury Drive Road extension, works required to either connect into or extend/upgrade Council infrastructure to service this development, the construction of the cycle/walking paths located in the esplanade reserve in the north east corner of the site and the construction of a stormwater overland flow channel to be located in the esplanade reserve in the north east corner of the site.
22. Hours of operation for earthworks, shall be:
- Monday to Friday (inclusive): 7.30am to 6.00pm.
 - Saturdays 7.30am to 12.00pm.
 - Sundays and Public Holidays: No Activity.

In addition, no heavy vehicles shall enter or exit the site, and no machinery shall start up or operate earlier than 7.30am. All activity on the site is to cease by 6.00pm.

23. If the Consent Holder:
- a) discovers koiwitangata (human skeletal remains), waahitaoka (resources of importance), waahitapu (places or features of special significance) or other Maori artefact material, the Consent Holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and

their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwitangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the Consent Holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

To be completed before Council approval of the Survey Plan

24. 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;
- b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan;
[Note: the road naming application shall be submitted to the Council's Property Information Administrator Knowledge Management and shall be lodged prior to the application for the section 223 certificate]
- c) Easements in gross shall be established over the Council mains;
- d) Lots 205, 301, 304, 305, 306 and 308 shall be vested as Recreation Reserve with the Queenstown Lakes District Council; and
- e) Lot 307 shall be vested as Local Purpose Reserve (Esplanade) with the Queenstown Lakes District Council.
- f) Lot 25 shall be increased in width to 16m (southern and northern boundaries) and Lot 27 reduced by the reciprocal amount.

Amalgamation / Covenant Condition

25. The following shall be registered with Land Information New Zealand:

- a) That each garden allotment is to be held in the same Computer Freehold Register with its corresponding residential lot (as set out in the schedule of amalgamations contained in Appendix A);
- b) That Lot 400 (legal access) be held as to seven undivided one-seventh shares by the owners of Lots 23-25 and 27-30 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith.

- c) That Lot 401 (legal access) be held as to three undivided one-third shares by the owners of Lots 33-35 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith.
- d) That Lot 402 (legal access) be held as to three undivided one-third shares by the owners of Lots 103-105 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith.
- e) That Lots 404, 405 and 406 be held in the same Computer Freehold Register as Lot 3 DP 447906 and Lot 1 DP 21087.

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

26. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the Consent Holder 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/development at the Consent Holder's cost. 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) The implementation and full completion of all works detailed in Conditions (12) and (13) above.
- c) 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 (excluding the garden allotments and Lots 404, 405 and 406) and that all the network supplier's requirements for making such means of supply available have been met.
- d) 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 (excluding the garden allotments and Lots 404, 405 and 406) and that all the network supplier's requirements for making such means of supply available have been met.
- e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- f) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Wastewater Pump Station/s. The certificates shall be in the format of IPENZ Producer Statement PS3 and PS4.
- g) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
- h) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- i) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- j) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- k) The Consent Holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in

accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice as at the date of issue of this subdivision consent that has been prepared by a suitably qualified professional as defined in Section 1.2.2 of the Code and certifies to Council that the proposed building platforms/lots are suitable for residential building development. The reporting shall identify areas that provide "Good Ground" as defined in NZS3604, and any areas that require specific design for stability and foundation design. In the event that specific design is required in respect of a lot, a covenant or consent notice shall be registered on the relevant Computer Freehold Registers for such lot(s) in respect of which the Schedule 2A statement that building construction would only be suitable if certain mitigation measures and / or remedial works were carried out at the time of construction. The covenant or consent notice shall require that a report from a suitably qualified professional shall accompany any building consent application for building construction on that lot. The report shall outline any mitigation measures and / or remedial works required to be carried out on that lot at the time of construction.

- l) A post construction safety audit of all new roads and access ways/right of ways, to confirm construction in accordance with plans approved by Council and that any minor unforeseen issues identified are remedied. Recommendations from this post construction safety audit will not include any amendment to roading alignment but may require amendment to road markings, signage and other minor changes to appropriately mitigate unforeseen safety concerns identified. All recommendations shall be completed at the Consent Holder's expense to Council's satisfaction
- m) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- n) The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- o) The completion of landscaping in accordance with the plans approved in Condition (1). This shall include all street tree planting approved in Condition (1).
- p) The Consent Holder shall provide a copy of the formal agreement reached between the Consent Holder and Council's Parks and Reserves Department that details the maintenance of trees, irrigation, turf, gardens, trails and trees in the esplanade, reserves and road reserve areas for a period of two (2) years following practical completion of these areas. This agreement shall include details of replacement planting if any plant shall die within this period.
- q) The completion of the necessary upgrades to the water supply network as specified in the Developer Agreement detailed in Condition (12b).
- r) The consent holder shall establish an incorporated society (Residents Society) to comprise the owners for the time being of Lots 500-550, 562-606, 608-629 and 631-646 (Garden Allotments) and the private accessways marked as K, L, M & N on the approved plan (Access Lots) to the satisfaction of the Council's solicitors in accordance with the requirements set out in this condition.

The Residents Society shall be incorporated for the purposes of ensuring the proper management and maintenance of the Garden Allotments and the Access Lots as grantee under, and in accordance with, suitable land covenants to be registered against the titles to the Garden Allotments and the Access Lots (Land Covenant) to ensure that:

- (i) the Garden Allotments are kept free of weeds and any other vegetation other than grass species and vegetation planted for productive or horticultural purposes (vegetables, flowers, etc.), in accordance with good horticultural practices;

- (ii) the Garden Allotments are kept reasonably clean and tidy at all times, and clear of all waste, refuse and rubbish and that all equipment and other materials shall be stored within a garden shed unless being used for productive or horticultural purposes; and
- (iii) any cut or otherwise harvested vegetation shall be stored neatly in piles or composted or otherwise disposed of lawfully, and the Garden Allotments shall be used in a manner so as not to cause a nuisance.

For the initial period commencing on the date Council issues a s 224(c) certificate and expiring on the earlier of 3 years or the date upon which the consent holder no longer holds any interest in any of the Garden Allotments or the Access Lots (Initial Period), the consent holder shall be responsible for the management and operation of the Residents Society to ensure compliance with the objects set out above. Following the Initial Period, the Residents Society shall comprise the owners for the time being of the Garden Allotments and the Access Lots.

The consent holder shall be responsible for all costs associated with satisfaction of this condition, including the Council's solicitor's costs in reviewing and approving the establishment of the Residents Society and the terms of the Land Covenant.

Ongoing Conditions/Consent Notices

27. The following conditions of the consent shall be complied with perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act. The final wording of the consent notice instrument shall be checked and approved by the Council's solicitors at the Consent Holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.

- a) Conditions providing for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition (12)(d) above, if any.
- b) For any relevant lots, building construction requirements as required by condition 25(k) above, shall be registered as ongoing requirements.
- c) The following Consent Notice condition:

The Lot Owner shall not:

- a) Erect, construct or install any solid fuel burning fireplace or appliance in any dwelling;
and
- b) Burn any garden waste, rubbish, or materials of any kind whatsoever other than solid fuel (such as wood or coal) burned within a Barbeque when cooking.

For the purposes of this conditions 'Barbeque' means any portable or permanent device constructed or placed for the purposes of outdoor cooking.

- d) Consent Notice conditions specific to Transmission Lines on Lots 117, 118, 119, 123, 124, 125, 126, 127 and 128, attached as **Appendix B**;
- e) A condition shall be registered against the title(s) to any part of the property which has the benefit of the existing Right of Way easement 723997.5 referred to in Condition 16 to 18, acknowledging that the fence across the southern end of the easement shall be maintained in perpetuity and that the Right of Way easement right shall not be exercised. This condition shall not need to be complied with if, upon deposit of the relevant subdivision plan(s) authorised by this consent, the Consent Holder registers a surrender of the benefit of the Right of Way easement held by the property.

- f) The following Consent Notice condition specific to Lots 129 – 138 inclusive shall be registered against the title(s) - The native revegetation planting implemented prior to issue of title to Lots 129 – 138 inclusive as illustrated on Plan: Proposed Planting on ONL Terrace Face and Wetlands: Ref: 2459-WD320, Rev 3, dated 3 March 2016 by Baxter Design Group situated on each of those lots shall be maintained by the relevant lot owner, provided that vegetation can be topped if it obscures views from the building platform level within the lot. Any plant which dies shall be replaced within the next available planting season, so that the objective of a continuous vegetated area as shown on Plan: Proposed Planting on ONL Terrace Face: Ref: 2459-SK83 dated 18 Nov 2015 by Baxter Design Group shall be maintained in perpetuity.
- g) The following Consent Notice condition specific to Lots 94 – 102 inclusive shall be registered against the title(s) - The native revegetation planting along the bank above the esplanade reserve that was implemented prior to issue of title to Lots 94 – 102 inclusive as illustrated on Plans: Planting Plan – Reserve Area East of Cafe; Ref: 2459-WD301, Rev 5, dated 3 March 2015 by Baxter Design Group and Planting Plan – Reserve Area East of Lots 98-102; Ref: 2459-WD309, Rev 4, dated 3 March 216 by Baxter Design Group situated on each of those lots shall be maintained by the relevant lot owner, provided that vegetation can be topped if it obscures views from the building platform level within the lot. Any plant which dies shall be replaced within the next available planting season, so that the objective of a continuous vegetated area as shown on Plans: Planting Plan – Reserve Area East of Cafe; Ref: 2459-WD301, Rev 5, dated 3 March 2015 by Baxter Design Group and Planting Plan – Reserve Area East of Lots 98-102; Ref: 2459-WD309, Rev 4, dated 3 March 2016 by Baxter Design Group shall be maintained in perpetuity.
- h) The following Consent Notice condition specific to Lot 405 shall be registered against the title -The native revegetation planting around the garden allotments as illustrated on Plan: Street Tree Planting Plan (South) Ref: 2459-WD103, Rev 5, dated 3 March 2016 by Baxter Design Group shall be maintained by the relevant lot owner. Any plant which dies shall be replaced within the next available planting season, so that the objective of a continuous vegetated area as shown on Plans: Street Tree Planting Plan (South) Ref: 2459-WD103, Rev 5, dated 3 March 2016 by Baxter Design Group shall be maintained in perpetuity.
- i) The following Consent Notice condition specific to Lot 406 shall be registered against the title -The native revegetation planting as illustrated on the Plan: Proposed Planting on ONL Terrace Face and Wetlands: 2459-WD320, Rev 3, dated 3 March 2016 by Baxter Design Group shall be maintained by the relevant lot owner. Any plant which dies shall be replaced within the next available planting season, so that the objective of a continuous vegetated area as shown on Plans: Proposed Planting on ONL Terrace Face and Wetlands: 2459-WD320, Rev 3, dated 3 March 2016 by Baxter Design Group shall be maintained in perpetuity.
- j) The following Consent Notice condition specific to Lots 94 – 102, and 133 to 138 shall be registered against the title(s):

No habitable buildings/structures shall be located within the no build zones that are illustrated as hatched areas on theBridesdale Farm Master Plan; Ref: 2459-SK274 dated 4 March 2016 by Baxter Design Group.
- k) The following Consent Notice condition specific to the Garden Allotments shall be registered against the title(s):
 1. The owners must ensure that the Garden Allotments are:
 - (i) kept free of weeds and any other vegetation other than grass species and vegetation planted for productive or horticultural purposes (vegetables, flowers, etc.), in accordance with good horticultural practices;
 - (ii) kept reasonably clean and tidy at all times, and clear of all waste, refuse and rubbish and that all equipment and other materials shall be stored within

Garden Allotment Sheds unless being used for productive or horticultural purposes; and

- (iii) used in a manner so as not to cause a nuisance, and any cut or otherwise harvested vegetation shall be stored neatly in piles or composted or otherwise disposed of lawfully.

- 2. The Garden Allotment Sheds shall not be converted or used as a residential unit, residential dwelling, residential flat, granny flat, sleepout or be used for any home occupation purposes. It shall be used for storage purposes only.

- l) The following Consent Notice condition specific to Lots 24, 25 and 27 shall be registered against the titles:

All works shall comply with the Hedge Management Plan as required by condition 11.

Recommended Advice Notes

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. 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 QLDC.
3. The Consent Holder is advised to obtain all necessary consents from the Otago Regional Council.
4. All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.
5. Any trees or vegetation planted shall comply with the Electricity (Hazards from Trees) Regulations 2003 or any subsequent revision of the regulations.
6. Please be advised that Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development shall not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act.
7. The Consent Holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5 metres 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.
8. Prior approval from Council's Senior Engineer and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if this water supply is to be utilised for dust suppression during earthworks.
9. The lapse period for SH150001 – Subdivision, Earthworks and Infrastructure only is two years from the date of issue, as per Paragraph 284 of the Interim Decision. For clarification purposes, this consent will lapse on the 21 March 2018.

APPENDIX A – Schedule of Amalgamations Residential Lots and Garden Allotments

[illegible]

Residential Lot 60 with Garden Allotment 516	Residential Lot 133 with Garden Allotment 545
Residential Lot 61 with Garden Allotment 517	Residential Lot 134 with Garden Allotment 546
Residential Lot 62 with Garden Allotment 518	Residential Lot 135 with Garden Allotment 547
Residential Lot 63 with Garden Allotment 519	Residential Lot 136 with Garden Allotment 548
Residential Lot 64 with Garden Allotment 520	Residential Lot 137 with Garden Allotment 549
Residential Lot 65 with Garden Allotment 521	Residential Lot 138 with Garden Allotment 550
Residential Lot 66 with Garden Allotment 522	
Residential Lot 67 with Garden Allotment 523	
Residential Lot 68 with Garden Allotment 524	
Residential Lot 69 with Garden Allotment 525	
Residential Lot 70 with Garden Allotment 526	
Residential Lot 71 with Garden Allotment 527	
Residential Lot 72 with Garden Allotment 528	
Residential Lot 73 with Garden Allotment 529	
Residential Lot 74 with Garden Allotment 530	
Residential Lot 75 with Garden Allotment 531	
Residential Lot 76 with Garden Allotment 532	

Appendix B – TRANSMISSION LINE CONDITIONS

The Consent Notice conditions apply to those areas named 'Transmission Line Consent Notice Area' ("TLCNA") and marked 'AA', 'BB', 'CC', 'DD' and 'EE' on Deposited Plan (to be allocated). Where the provisions of this Consent Notice conflict with, or do not match, the provisions of any other general consent notice registered on the Computer Freehold Register to a Lot (registered on or about the date of registration of this Consent Notice) then the provisions of this Consent Notice shall prevail.

The following condition (a) and advice notes (a to c) below shall be the subject of a consent notice on the titles for proposed Lots 118, and 123-128 traversed by the CML-FKN-A transmission line.

- a. *No habitable buildings/structures shall be located within 12m of the centreline of a National Grid Transmission Line.*

Advice Notes:

- a. *All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.*
- b. *Any trees or vegetation planted shall comply with the Electricity (Hazards from Trees) Regulations 2003 or any subsequent revision of the regulations.*
- c. *Please be advised that Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any*