



**INTERIM DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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

<b>Applicant:</b>	Sanderson Group Ltd
<b>SH reference:</b>	SH160140
<b>Location:</b>	420 and 444 Frankton Lakes Mile Highway, Queenstown.
<b>Proposal:</b>	An application under Section 25 of the HASHAA to establish a retirement village including ancillary commercial activities and residential lots and units. SH160140.
<b>Zone:</b>	Rural General & Shotover Country Special Zone Queenstown Airport Outer Control Noise Boundary
<b>Commissioners:</b>	David Mead (Chair), Jan Caunter and Scott Stevens
<b>Decision Date:</b>	<b>13 March 2017</b>

IN THE MATTER

of the Housing Accords and  
Special Housing Areas Act  
2013

AND

IN THE MATTER

of Applications under  
Section 25 by Sanderson  
Group to establish a  
retirement village including  
ancillary commercial  
activities and residential lots  
and units. SH160140.

### **INTERIM DECISION**

#### **Commissioners**

David Mead (Chair)

Jan Caunter

Scott Stevens

#### **Hearing and Appearances**

Heard in Queenstown between 16 and 18 January 2017

Hearing closed 7 February 2017

#### **Appearances**

##### **For the Applicant**

Ms V Hamm - Legal Counsel

Mr F Sanderson, Applicant

Mr I Adamson - Architect

Mr J Bentley - Landscape Architect

Ms J Rennie - Urban design

Mr S Winter - Surveyor

Mr D Railton - Engineering

Mr C Rossiter - transportation

Mr B Farrell - Planning

##### **Submitters**

Shotover Country Ltd, The Milstead Trust and Grant Stalker and Donald Bennett.

Mr W Goldsmith, Legal Counsel

Mr A Carr, Transportation

### Council Officers and Advisers

Mr H Anderson, Consultant Planner  
 Ms A Vanstone, Planner  
 Mr M Wardill, Engineering  
 Mr O Brown, Transport  
 Ms N Smetham, Landscape

### Summary

1. This Decision is interim as we have concluded consent should be granted to the application subject to conditions and the deletion of five units and two lots.
2. Those parts of the application that are refused consent are:
  - a) Units 172 and 173 in the southern retirement village
  - b) Lot 12 and Lot 25 and associated unit 11 in the Onslow Road West area
  - c) Units 12 and 13 in the Onslow Road West area as they are positioned within the Outstanding Natural Landscape identified in the Proposed and Operative District Plans.
3. As identified in this Decision, villa units 172 and 173 may be able to be relocated elsewhere within the southern block, outside of the ONL. The proposed housing on Lots 23 and 24 in the Onslow Road West area (being units 12 and 13) may be able to be redesigned so that the houses are located on these lots outside of the ONL. The land that was to be included in Lot 12 and Lot 25 will need to be incorporated into one of the adjoining lots, such as Lot 3.
4. We are open to these changes being made by the applicant if they so wish through the submission of amended plans. If the applicant wishes to pursue the amendments outlined in the above paragraph, then it has leave to prepare and present alternative layout plans within two weeks of this Decision being issued. These plans will then be incorporated into the final decision, if acceptable, with any minor adjustment to conditions where necessary. However if the applicant does not wish to take up this opportunity, then this should be communicated to the Commissioners as soon as possible and we will issue this Decision as a final decision.

### Introduction

5. This is an application under the Housing Accords and Special Housing Areas Act 2013 ("HASHAA" or "the Act") to develop a 332 unit retirement village and ancillary commercial activities including a club house, retail units, cafe, medical centre, child care, gym and restaurant; a 16 unit housing development and a 21 vacant lot residential

subdivision. The proposed development is to be known as the Queenstown Country Club.

6. HASHAA has as its purpose the facilitation of an increase in land and housing supply in certain regions or districts, including Queenstown Lakes District. In addition to housing, section 14(2) (b) of HASHAA provides for non-residential components that are ancillary to quality residential development (such as recreational, mixed use, retail, or town centre land uses).
7. The proposal meets the requirements for a Qualifying Development under section 14 of the Act and the applicant requested under section 20 of the Act that the application for resource consent be considered under HASHAA.
8. The application was limited notified on 18 October 2016. 12 submissions were received (3 in opposition, 2 in support and 7 sought consideration of specific issues). By the time of the hearing, one submission had been withdrawn (Keri and Roland Lemaire-Sicre); while the applicant had resolved issues with a group of residents who reside in Shotover Country (Risinghurst Terrace residents) although their submissions remained live. Five infrastructure providers provided written comments. The four outstanding submitters were Mr and Ms Thompson and the submissions from Shotover Country Ltd, Milstead Trust and G Stalker and D Bennett. The Thompson's concerns covered landscape issues, traffic and the impact of the development on views that they enjoy. The other three submitters' main issue was the need for an upgrade of the intersection of Howards Drive with the State Highway.
9. A hearing was held between the 16th and 18th January 2017 in Queenstown. The Commissioners visited the site and surrounds on the morning of the 16th January and again on the afternoon of the 17th January. The Hearing was adjourned on the 18th January and a Minute was issued recording details of further information to be prepared and circulated, as discussed with the parties, including an updated set of proposed conditions.
10. The hearing was closed on 7 February 2017. A further Minute was issued on 13 February 2017 seeking clarification on a number of the recommended conditions.
11. In accordance with section 31 of HASHAA, the hearing was to have been closed 30 days after closing of submissions, while under section 41 a decision is to have been released 60 working days after notification of the application. As the hearing was closed more than 30 days after the submission period finished, we have extended the timeframe to issue this Decision under Section 37 of the RMA to ensure that we had adequate time to fully consider the material provided during and post the hearing.

## **Relevant Statutory Provisions**

### **Section 34 of HASHAA**

12. Our consideration of this application is to be in terms of section 34 of HASHAA. The relevant portions read:

- (1) *An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:*
  - (a) *the purpose of this Act:*
  - (b) *the matters in Part 2 of the Resource Management Act 1991:*
  - (c) *any relevant proposed plan:*
  - (d) *the other matters that would arise for consideration under—*
    - (i) *sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:*
    - (ii) *any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):*
  - (e) *the key urban design qualities expressed in the Ministry for the Environment's New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.*
- (2) *An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.*
- (3) *For the purposes of subsection (2), in order to be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development, the matters that the authorised agency must take into account, without limitation, are—*
  - (a) *compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and*
  - (b) *compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and*
  - (c) *the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.*
- (4) *In considering an application for a resource consent under this section, the authorised agency—*

- (a) *may direct an affected infrastructure provider to provide any information that the authorised agency considers to be relevant in the circumstances to its consideration of the application; and*
  - (b) *if the authorised agency is the chief executive, may also direct any local authority to provide any information that the authorised agency considers to be relevant in the circumstances to its consideration of the application.*
- (5) *If an authorised agency makes a direction under subsection (4), the infrastructure provider or local authority must provide the information requested as soon as is reasonably practicable.*
- (6) *The Ministry must ensure that a copy of the document referred to in subsection (1)(e), or a link to that document, is on the Ministry's Internet site and that members of the public can easily access the document via that site, free of charge, at all reasonable times.*

13. We note at this point that we did not need to make any directions in terms of section 34(4) as to the (un)availability of infrastructure. We did request that NZTA provide comment on the expert traffic evidence presented by one group of submitters. This is discussed further in the Decision.

14. In terms of the matters set out in section 34(1), the purpose of the Act is contained in section 4 of HASHAA. It reads:

*The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.*

15. Queenstown Lakes District Council is listed in Schedule 1. We note the emphasis of section 4 on increasing the supply of housing, and that a retirement village is a form of housing supply.

16. Section 34(1)(b) addresses Part 2 of the Resource Management Act (RMA). Part 2 covers sections 5 to 8. Section 5 of the RMA sets out the purpose of that Act as being to promote the sustainable management of natural and physical resources.

17. Section 6 of the RMA lists matters which are to be recognised and provided for as matters of national importance in achieving the purpose of the RMA. Section 6(b) is relevant. This requires the protection of outstanding natural landscapes from inappropriate subdivision, use or development.

18. Section 7 of the RMA lists other matters that particular regard is to be had to in achieving the purpose of the RMA. Relevant to this proposal are:

- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*

- (f) *Maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources.*

19. Section 8 of the RMA requires decision-makers to take into account the principles of the Treaty of Waitangi. That was not raised as an issue in this proposal.
20. Section 34(1)(c) of HASHAA refers to proposed plans. There is a proposed district plan for the QLDC area. This plan is still in its preparation phase, with submissions part heard, but no decisions released. As a result of the plan still being formed, there was some debate as to the extent to which we could place greater weight on the proposed plan compared to the operative plan, in terms of the cascading priorities set out in section 34.
21. Section 34(1) (d) refers to section 104 of the RMA. Matters that arise for consideration under section 104 to 104F of the RMA cover a number of points of relevance.
22. Section 104 (1) RMA sets out the matters a consent authority is to have regard to in making a decision on a resource consent application under that Act. Relevant to this proposal, it requires consideration of:
  - *Any actual and potential effects on the environment of allowing the activity;*
  - *Relevant provisions of*
    - *A national environmental standard;*
    - *A national policy statement;*
    - *The Otago Regional Policy Statement;*
    - *The Operative Queenstown Lakes District Plan;*
  - *Any other matter we consider relevant and reasonably necessary to determine the application.*
23. The recently released National Policy Statement on Urban Development Capacity was referred to in evidence. However the extent to which this policy needs to influence our decision was not made clear. We were not presented with any evidence as to housing supply and demand imbalances. The fact that the application is made under HASHAA is sufficient recognition of housing issues in the district.
24. The Otago Regional Policy Statement is relevant, but none of its provisions were seen to be determinative of the various matters raised by the application.
25. The National Environmental Standard for Contaminated Land is relevant, as is the Operative District Plan.
26. Sections 104(2) to (7) RMA are not relevant to this decision. Neither are sections 104A and 104C. Section 104D RMA is relevant as we are considering a non-complying activity. Section 104D provides two gateway tests, one of which must normally be met for consent to be granted to a non-complying activity. In this case, whether an application meets or does not meet the “gateway test” is a relevant

matter to be had regard to as part of consideration of section 34(1)(d), but is not determinative of whether consent may be granted under section 34 of HASHAA when taken as a whole.

27. Sections 104E and 104F RMA are not relevant to this application.
28. Key urban design qualities are required to be addressed by section 34(1)(e). These qualities are detailed in the New Zealand Urban Design Protocol.

### *Reasons Consent Required*

29. Under the Operative District Plan the site is zoned Rural General. The Proposed District Plan maintains this zoning as Rural.
30. The applicant's Assessment of Environmental Effects ("AEE") and Council's section 42A report identified the provisions in the Operative and Proposed District Plans for which consent is required, with some differences. An agreed, complete list of consents required was supplied by the Council and the applicant post the hearing. Numerous consent requirements are triggered. In summary, these cover the following consents, with their activity status noted:
  - a) construction of dwellings and business premises (non-complying)
  - b) subdivision (discretionary)
  - c) earthworks (restricted discretionary).
31. Consent is also required for remediation of soil contamination under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("the NES"). In addition, under section 25 of HASHAA, consent is sought for the creation of access allotments, cancellation of existing easements, creation of easements and cancellation of consent notices.
32. Overall, consent is required under the Operative and Proposed District Plans as a non-complying activity.

### **The Site and Surrounds**

33. The application site and its surrounds are well described in the applicant's AEE and Council's section 42A report. No party took issue with these descriptions. Features that are salient to this decision are as follows.
34. The site is located east of the Frankton urban area, and partly borders, but is elevated above, the developing residential areas of Shotover Country and Lakes Hayes Estate. The land is currently grazed.
35. The site is described as having an hour glass shape, with northern and southern sections joined by a narrow isthmus of land. The site's northern section has an extensive frontage to State Highway 6 to the north and Howards Drive to the east. There are a scattering of trees and vegetation along the frontage of the State Highway, as well as parts



of the eastern and western boundaries. Extensive views are present from the State Highway across the land to The Remarkables. Views into the site from Howards Drive are also present. Views from Shotover Country and Lake Hayes Estate into the northern block are limited by a change in landform and the vegetated escarpment present.

36. The southern section also sits above surrounding land, although part of the site's eastern edge steps down to the housing in Lake Hayes Estate. Part of the southern site is within an Outstanding Natural Landscape (ONL) identified in both the Operative and Proposed District Plans. The southern edge of the site is visible from Council owned reserve land at the foot of Widgeon Place and from the cycle trail that follows the Kawarau River. Views of the land would also be obtained from parts of Lakes Hayes Estate. To the west, as with the northern block, views up to the site from Shotover Country are limited by the landform.
37. The northern and southern sections of the site meet at Jones Road. The main entries into the northern and southern blocks will occur at this point. This area is also the confluence of the roads joining Shotover Country and Lakes Hayes Estate and is an area commonly used by pedestrians moving between the two neighbourhoods, such as school children. Access to the northern site is also possible from Howards Drive to the east. No access from the State Highway is possible. The southern block can only be accessed from Jones Road.

### **The Application**

38. Consent is sought for a retirement village, ancillary commercial activities; a 16 lot residential subdivision to accommodate 13 worker houses and create 3 vacant lots; and a 21 lot vacant subdivision. As originally lodged, the application also sought consent for a 5 lot subdivision off Harries Lane. This particular aspect of the application was withdrawn, prior to the Hearing.
39. The retirement village will comprise 235 single storey, stand alone villas, 97 apartments in a number of 2 to 3 storey apartment buildings and a dementia/aged care facility. A club house for exclusive use of residents and their guests will be positioned to the north of the site. This club house will be 10m high and has a front elevation to the State Highway of approximately 70m in length.
40. On the northern block, the main area of development (villas, apartments, aged care etc) will be located more than 120m back from the State Highway frontage. The area up to 75m back from the State Highway is to be maintained as open pasture, with a new row of avenue type planting along the State Highway frontage and a pedestrian / cycle path way set back from the highway edge. The existing power lines will be undergrounded. Between 120m and 75m back from the State Highway a mix of villas and landscaping is proposed to provide a transitional space. Clusters of villas are proposed, interspersed and contained by orchard and shelter belt like planting. The club house is to be positioned in this part of the site.
41. A range of commercial facilities will be incorporated into the retirement village. These facilities will be open to the public as well as for use by

residents. The majority of the facilities will be located close to Jones Road, at the southern end of the northern block. They will form a small 'village centre', with associated open space and car parking. These buildings will mostly be single storey, with some two storey elements.

42. Only villa type units will be located in the southern block. There will also be a boatshed cafe, situated beside a small pond. This cafe will also be open to the public and is expected to operate more like a restaurant. Vehicle access to this facility will be way of the private road passing through the southern section of the retirement village. The boatshed cafe will be subdivided from the main retirement block so that it is on its own title. Otherwise the retirement village will be retained as one facility.
43. On the eastern flank of the southern site, close to Lakes Hayes Estate will be 13 houses and 3 vacant lots (called the Onslow Road West area or the worker accommodation development). These houses and lots will be accessed off Onslow Road. The worker houses will be mainly 2 storey units, some in duplex form. Three houses and one vacant lot will be located beside or within the ONL as defined on the Operative and Proposed District Plans. These will all be single level houses.
44. Further to the east is a 22 lot subdivision, creating 21 vacant residential lots and one pedestrian access lot. This is known as the Onslow Road East development. The vacant lots will be in an area that will see some earth working in order to provide level platforms. The 'front row' of lots facing south towards the river contains an existing landform bund that will help to screen the view of the future houses on these lots, from land to the south. This bund will be extended to form a continuous screen.
45. A number of the vacant lots will be transferred to the Queenstown Community Housing Trust, to assist with the supply of affordable housing. This commitment sits outside the HASHAA process, as does retention of the worker housing by the applicant.

### **Evidence**

46. The Council's section 42A report and the evidence of the applicant was pre-circulated, as well as that of the expert called by the submitters who appeared. Additional summary statements were presented at the hearing by some experts, as well as verbal comments in response to questions from the Commissioners.
47. The following is a summary of the main points of evidence. Not all points are covered.

### ***Applicant's Legal Submissions and Evidence***

48. Ms Hamm presented written submissions for the applicant. She outlined section 34 of the HASHAA legislation. She noted that the section sets out a different hierarchy for decision making to that of the RMA. The most weight has to be given to the purpose of HASHAA (land and housing supply), with lesser weight given to RMA matters.
49. She stressed that there was a high degree of agreement between the applicant and the Council over the design and layout of the majority of the development. In particular the landscape experts were in agreement

as to the proposed mitigation of landscape effects along the northern frontage with the State Highway, and the southern edge and its relationship to the ONL. She noted that the development was not within an ONL, while significant efforts had been made to retain elements of the rural amenity along the State Highway frontage. In her view, the main outstanding issue was the intersection of Howards Drive with the State Highway, an issue raised by the submitters who appeared. Here, the road controlling authority (New Zealand Transport Agency or NZTA) had submitted on the application and were satisfied with the intersection upgrade proposed by the applicant (an upgrade of the existing 'T' intersection). The Council supported that position.

50. Mr Sanderson spoke of the need for a retirement village. Currently many retired people moved out of the district for aged and/or medical care. The village would offer services not currently available such as the dementia unit and the serviced apartment option.
51. He outlined his approach to village developments and the increasing demand from residents for a more 'open village' atmosphere where there was a mix of people and activities. This had influenced the design in terms of the inclusion of a range of 'public' commercial activities and their location in an accessible part of the site.
52. Feedback from his marketing suggested that most residents were likely to be local people. This matched his experience with other retirement villages elsewhere in the country. Residents tended to be over 70, having lived in the surrounding area. Being able to move to a more secure environment with a range of services close at hand provides substantial benefits to themselves as well as other family members.
53. The village would generate a number of jobs (over 100). The bulk of these workers would be on-site between 9am and 3pm.
54. Mr Adamson briefly addressed architectural design issues. He pointed out the variety of built form proposed and the relationship of the buildings to the site's frontages.
55. Mr Bentley, in response to a request from the Commissioners, spent some time outlining the site and the main components of the development. He then addressed the landscape issues involved. He clarified that initial design work and the Special Housing Area Expression of Interest had stated that a 120m set back along the State Highway frontage would be provided. This principle had been maintained through the design. The groups of villas and orchard and shelter belt planting proposed between 120m and 75m of the State Highway would create a transitional space that would help to present a more rural character to the development. This is in contrast to a 'solid' row of villas and apartments 120m back from the State Highway.
56. He acknowledged that the open nature of the State Highway frontage of the site currently provided a range of landscape values. These include rural views and rural amenity, views of the ONL of The Remarkables and part of the entry experience to the Queenstown / Lake Wakatipu area. His opinion was that the design maintained these values, in part, but there were no advantages from a wider or narrower set back along the State Highway frontage. A new 'frontage' amenity would be created

by the avenue and orchard planting, while the 75m set back retained a sense of openness.

57. The location of the ONL line along the southern section of the site was clarified. He acknowledged that the ONL line shown on a number of the plans was based on his assessment as to where the ONL lay. He had discussed this with Council's landscape expert. The Commissioners noted that the ONL line is set by the District Plan and that they had no jurisdiction to shift the line. Plans showing the ONL line as depicted in the two district plans were subsequently provided. These plans show two villas in the southern block being within the ONL (units 172 and 173), Lot 12 and units 11, 12 and 13 in the Onslow Road West development site, as well as Lots 12 to 17 in the Onslow Road East area. Mr Bentley provided a supplementary statement where he elaborated upon his assessment that even if some units were within the ONL line as set out in the district plans, the effects of this would not be adverse, given the landscape values present. He also acknowledged that a number of the other plans needed to be updated to reflect what was now being proposed.
58. In relation to the submission of the Thompsons, Mr Bentley's opinion was that while their view from the front of their house would be modified by the proposed worker accommodation, the scale of the change was not such as to render the proposed development inappropriate.
59. Ms Rennie outlined urban design issues. The design and layout had been modified in response to feedback from Council experts and in her view there were no outstanding issues. She elaborated upon the connections to be provided to the wider walking and cycling network. In response to questions around future conditions, should other land in the vicinity be urbanised, her view was that the development appropriately responded to existing and known future conditions.
60. Mr Railton covered infrastructure issues. No infrastructure constraints were present. He clarified that stormwater was to be piped to a watercourse located in reserve land to the south of the site. While no consent from the Regional Council was required for this discharge, the applicant was prepared to assist with the creation of a wetland type environment to help treat stormwater. Given the flat nature of most of the site, earthworks would be limited to removal of top soil from roads and other building areas. Top soil would be stockpiled and re-spread.
61. Mr Winter spoke to earthworks in the south-eastern area of the application site - in the Onslow Road East area - where a small gully was to be filled in, and some surrounding land lowered. A natural landform bund in this area was to be augmented to assist with landscape screening. Some of these works are within the ONL identified in the Operative and Proposed District Plans.
62. He also clarified the various paper road relocations and reductions required to facilitate the development. These paper road adjustments are not part of the resource consent applications and do not materially affect the decision that we have to make. The conditions proposed by the applicant took into account the possibility that the road relocations and reductions may not be approved.

63. Mr Rossiter provided additional evidence on transport matters to that of his primary statement, particularly the issue of the intersection of Howards Drive with the State Highway. A number of improvements to the intersection are to be made, as requested by NZTA. He responded to a range of matters raised in the evidence of Mr Carr (covered below). His opinion remained that the application did not trigger the need for a roundabout at the State Highway intersection. The design would not preclude a roundabout (or other improvements) being installed in the future, as no building or structures were proposed in the north-eastern corner of the site. He said that accommodating a roundabout may require additional land at the corner, as well as space for lane 'tapers' along the State Highway frontage and Howards Drive.
64. In response to questions, Mr Rossiter, in consultation with Mr Brown (Council's consultant traffic engineer), outlined the safety of the Jones Road entrances to the northern and southern retirement villages, given the likely demand for pedestrian movements in this area. He recommended that a pedestrian refuge be installed in the median of Jones Road, west of the new entrance into the site.
65. After the hearing, the Commissioners asked for further consideration of bus stops and associated facilities for bus users.
66. Mr Farrell, planning consultant, concluded the applicant's case with an outline of the planning issues involved. In his opinion, given the design proposed and the expert opinions provided by the applicant's witnesses and those of the Council, the application meets all of the 'tests' under section 34 of HASHAA. As such the Commissioners did not need to make findings as to what weight (or trades off) would need to be given to specific aspects of the development. He spoke to possible conditions, indicating a number of points where agreement had yet to be reached with the Council. In particular he noted the need for flexibility around the design of buildings (that is, some flexibility around the design, floor area and placement of villas, as presented), as well as in relation to the design of the 'internal' roads.

### *Submitters*

67. The Thompsons were out of the country at the time of the hearing. We have read their submission and subsequent correspondence with the Council and visited the area in which they live. We did not see a need to contact them directly via teleconference or similar to discuss their submission.
68. Mr Goldsmith appeared for three submitters: Shotover Country, Milstead Trust and G Stalker and D Bennett. Their submissions had sought the construction of a roundabout at Howards Drive and State Highway 6, or alternative relief. Mr Goldsmith clarified that the submitters were now seeking a financial contribution from the applicant to a future roundabout, should one be required. They were no longer seeking that a roundabout be constructed as part of the development. Mr Goldsmith provided extensive submissions on the likely need for a roundabout in the foreseeable future and how a condition could be imposed setting out a financial contribution towards such works, if a roundabout is indeed built in the future. Such a condition may help to

bring forward the timing of an intersection upgrade, compared to the situation of where NZTA may have to fund all of the upgrade.

69. In support of this type of condition he referred to section 34(2) of HASHAA and its requirement that the consent authority must be satisfied that all necessary and appropriate infrastructure is in place (or at least committed to). He proposed a condition precedent to this effect, requiring a set, per lot financial contribution towards a roundabout. The per lot contribution was based on the costs to install the Shotover Country roundabout. This condition would only be triggered if NZTA determined that a roundabout was needed. He acknowledged that NZTA's comments on the application did not support the need for a roundabout to be built now, but neither did the comments rule out the Commissioners imposing such a condition. He further suggested that a condition be imposed requiring the applicant to provide the land needed to accommodate a roundabout at no cost, should NZTA require a roundabout in the future.
70. Mr Carr provided expert evidence on transport issues. He pointed to a range of issues with the evidence of Mr Rossiter, with his overall conclusion being that there was a need for a roundabout to be installed sooner rather than later, due to traffic safety issues. The safety of the right turn out of Howards Drive was seen to be the most problematic.

#### *Council Staff*

71. Council staff made a number of comments in response to having heard the applicant and submitters. We asked for clarification from Ms Vanstone as to the Ladies Mile Masterplan. This plan was mentioned in submissions, evidence and the section 42A report. Ms Vanstone reported that the Council had begun work on a masterplan for the Ladies Mile area, looking at the planning issues should the wider area be urbanised. Ms Vanstone noted that Special Housing Area applications have been prepared for land to the north, although at this point, the Council was not supporting these applications. Ms Vanstone said that the masterplan was 2 to 3 months away from being ready in draft form and there were no public documents that had been released as to its possible content. As such we have placed no weight on the masterplan and what it may or may not contain.
72. Ms Smetham had undertaken a landscape review of the proposal. She reiterated her overall support for the proposal and the associated landscape design, as set out in her review contained in the section 42A report. She acknowledged the point made about the ONL not being able to be 'shifted'. She expressed some difficulty in interpreting the ONL provisions of the plan. Her view was that the housing proposed within the ONL was appropriate. In response to questions from the Commissioners as to her evidence, her opinion remained that the design and layout of the State Highway frontage was appropriate under the circumstances (that is, the identification of the land as a SHA).
73. Mr Brown addressed transportation issues. His assessment was that a roundabout was not presently needed at the Howards Drive / State Highway intersection. Safety issues were present and would be increased with the development, however steps could be taken to manage these risks. He acknowledged that most of these steps

required NZTA action, such as lowering speed limits and/or installing warning signs. A travel management plan that educated future residents and visitors to the village of the dangers of the right hand turn and suggested alternatives could be helpful.

74. Mr Wardill spoke briefly to infrastructure issues, noting that these were addressed by way of conditions.
75. Mr Anderson covered planning matters. His assessment that the development met the tests of section 34 of HASHAA remained after hearing the evidence. He addressed the proposed conditions.
76. Ms Vanstone requested time for the Council to obtain a legal opinion on the condition proposed by Mr Goldsmith. This opinion was provided to us (and the other parties) after the Hearing. The opinion stated that we would have no basis to impose the condition proposed, as the development did not trigger the need for a more substantial upgrade of the roundabout to that proposed by the applicant.

*Applicant's reply*

77. Ms Hamm repeated the point made in her opening that all of the expert evidence on planning, landscape and urban design supported approval of the development. She accepted that the applicant could not 'shift' the ONL, however the analysis of landscape values along the southern fringe of the site supported the conclusion of the landscape experts that units located within the ONL would not undermine the integrity of the ONL, or the landscape values present.
78. On the State Highway frontage, she stated that the applicant was prepared to consider a reduction of the size of the club house, while noting that this was offered on the basis of facilitating consent, rather than in response to a need to further mitigate any visual or landscape impact of the development.
79. She spent some time addressing the condition proposed by Mr Goldsmith, noting a range of issues as to how the condition could ever be made reasonable in the absence of a defined project with a known cost and certainty over the number of beneficiaries of the project. She also disputed the need for the condition, noting that the evidence of Mr Carr raised a range of issues, but was not emphatic that a roundabout was needed now, because of the development. As a nod to facilitating the installation of a roundabout in the future, the applicant was prepared to offer a condition stating that they would provide any land required for a roundabout to NZTA, at no cost, should NZTA request this.
80. Finally, on the question of precedent, she noted that the application would change the existing environment, but otherwise, the Commissioners should not dwell on any issue of precedent. How other blocks of land may develop in the adjacent area would need to be determined by way of case-by-case analysis or within the terms of an agreed masterplan.

### **Evaluation Approach**

81. Section 34(1) of HASHAA requires us to evaluate the proposal by undertaking five weighted considerations, namely the purpose of HASHAA; Part 2 of the RMA; the Proposed District Plan; section 104 and 104D of the RMA and urban design principles. To undertake this task we first identify the significant matters in contention; then consider these matters in terms of the actual and potential effects they might have on the environment and how they might be mitigated. Following that we then consider these effects (and their possible mitigation) in relation to the matters set out in section 34(1), taking into account their relative importance.
82. On the issue of the importance to be placed on the Proposed District Plan, Ms Hamm's view was that as the proposal was not contrary to the broad direction of the proposed plan, we did not need to make a finding on relative weight. We turn to this matter in our overall evaluation.

### **Significant Matters in Contention**

83. Having read the application, Council's reports, the evidence presented by experts and submitters, and having heard the verbal summaries of the various experts and responses to the questions we posed, it is evident that the majority of the application is not in contention. We accept the information, evidence and recommendations provided to us in relation to these matters. We consider that there are six principal issues remaining in contention. They are (in loose order of importance):
  1. Landscape (including ONL)
  2. Intersection of Howards Drive with State Highway 6
  4. Amenity effects of commercial facilities, including signage
  5. Lapse date
  6. Conditions.

#### *Landscape effects*

84. The site is zoned Rural General under the Operative District Plan with ONL and Visual Amenity landscape classifications. Under the Proposed District Plan the site is zoned Rural with ONL and Rural Landscape classifications. The Shotover Country zone applies to a section of land in the northern part of the retirement village development. The Proposed District Plan map as notified did not show this zone, but that has since been amended by the Council using its RMA powers to correct minor errors. The Shotover Country zone shows the relevant area of land as "Open Space".
85. Given the presence of the ONL, we are required to consider the proposal against section 6(b) of the RMA, while section 7 is also relevant in relation to amenity values, particularly those associated with the State Highway frontage.



86. The two landscape experts who provided evidence both supported the overall approach to the development, but both also noted that the development will see a significant change to the existing environment. While we accept their evidence, given the landscape and amenity values present (and their recognition in both the Operative and Proposed District Plans), we consider there is a need for us to carefully consider the effects identified and the extent of mitigation. We begin by addressing the State Highway frontage and then turn to the ONL on the southern edge of the development site.
87. Our site visit demonstrated to us the landscape qualities of the site. The development will be directly visible from Ladies Mile, when travelling in both directions. The site is currently open and grazed and has no significant tree planting to block the views across the site to the Remarkables and beyond. The development will also be visible from Howards Drive, particularly its northern end, where views of open paddocks will change to a more urban context.
88. The western parts of the northern and southern sites will be visible from within Shotover Country. These views of the development will not be extensive given the setback of the buildings on the development site, and the existing vegetation and elevational change present. Some aspects of the southern development areas will be seen from Lake Hayes Estate. The southern face of the development and the associated ONL area will be visible from the Council's Widgeon Reserve, next to the Kawarau River. The whole development will be visible from the Remarkables Skifield Road, but at a distance. Parts of the development (Onslow Road East, Onslow Road West and the southern part of the retirement village) will be visible from the Crown Range Road, but also at a distance.
89. Height poles had been erected at key points showing proposed building heights and these were of assistance in understanding landscape effects. During the hearing, we questioned whether some form of visual simulation of the development (such as photomontages) from key viewpoints would further assist us in understanding the visual and landscape effects of the development. As both Mr Bentley and Ms Smetham considered that visual simulations were not necessary and that they had sufficient information to understand the effects of the development, we did not pursue this matter.
90. In assessing landscape effects, our starting point is the Proposed District Plan and its zoning of the land as Rural. In terms of the background to this zoning, we were particularly conscious of a statement made by Dr Marion Read in her Landscape Character Assessment of the Wakatipu Basin prepared as part of the Proposed District Plan review process, referred to us by Ms Smetham in her report. Dr Read's statement is as follows:

*"Ladies Mile between Lake Hayes and the Shotover River provides an important introduction to the Wakatipu for visitors with expansive views to Cecil and Walter Peaks possible over open pasture providing high visual amenity. It is considered that the protection of the remaining rural character and visual amenity of this landscape unit is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin and that further development in this area should be avoided."*

91. We were also conscious that some of Ms Smetham's landscape report signalled a level of reservation about the development and we questioned her about this. Her report referred to the applicant's transitional approach of an open set back and then the clustering of orchard villas as "the best that could be expected and certainly more appropriate than mounding that is used elsewhere as a screening element." In questioning, Ms Smetham confirmed that she had initially struggled with the size of the development and its frontage to Ladies Mile but now accepted that the applicant had "done a reasonable job of preserving the openness" and that the applicant had "had a good stab" at preserving the open rural character by setting the development back 75m. Any further setback beyond that proposed was, in her view, onerous. She noted that a site owner could plant trees along the site boundary as of right and that this would block the views sought to be protected. She would like to see the open pasture at the front of the site covenanted as a no build area.
92. There was no debate that the development will cause adverse effects on the open landscape in which this site sits. As Ms Smetham noted in her assessment, "the stretch of road between the Gibbston Highway and Shotover Bridge remains dominated by a rural outlook and provides visual access to the Remarkables ONL and views to Cecil and Walter Peaks." It is an important entrance to Queenstown. Mr Bentley and Ms Smetham agreed that the existing rural amenity will be replaced by a new form of amenity that will be more urban. Rural-related characteristics will be incorporated into the development, such as a more rural and open style fencing, orchard planting to reflect a working productive landscape, the addition of rural amenity trees and maintaining some level of openness at the front of the site.
93. Ms Smetham concluded that the development was contrary to many provisions of the Operative and Proposed District Plans provisions. She noted the development was not anticipated by either plan, would remove the rural characteristics of the site and was contrary to the urban growth and strategic directions of the Proposed District Plan. She was particularly concerned with the removal of rural openness along the Ladies Mile frontage, reducing the visual access to the Remarkables ONL. She was less concerned about the effects of the development on the ONL line across the southern part of the site. However, as noted in the discussion of the evidence, this assessment was undertaken with reference to the 'wrong' ONL line.
94. Both Mr Bentley and Ms Smetham referred to the importance of retaining as much of the existing vegetation as possible so as to provide instant maturity and to maintain a sense of place. The existing poplars behind the worker accommodation will be retained, as will the existing vegetation along the dementia unit boundary, the north-western boundary and established cedar trees around the small gully walkway connection from Lakes Hayes Estate to the southern terrace. The trees along the State Highway frontage will be retained for a period of time, providing some screening of the construction works and allowing for the establishment of the new 'avenue' planting along the frontage. The exact wording of the relevant condition is a matter of debate between the applicant and Council.
95. The proposed planting for the site includes mostly European deciduous trees with some evergreen species, along with an avenue of trees

consisting of a large number of flowering cherries to complement existing planting. Ms Smetham also suggested the addition of some further species such as sweet chestnut and hazelnut as orchard species and sweet bay as evergreen hedging, to be consistent with the rural production theme and the addition of kowhai, ribbonwood, hebe and olearia species to the planting list to further enhance native character. We accept these recommendations. The Planting Plans for the site will need to be amended to reflect these additional requirements and the conditions have been amended accordingly.

96. In considering the effects of this proposal, part of the applicant's assessment via Mr Bentley was that the type of development proposed is already evident along Ladies Mile. We do not agree with that assessment. While there are existing residences along this stretch of the highway, they are well set back from the State Highway and have maintained extensive areas of open pasture around them. No development adjoining this stretch of Ladies Mile comprises an urban form of development, as this development will. While the Rural zone rules in both plans require a setback of 50m from SH6, most existing dwellings are setback at varying distances between 153m and 300m and well separated from one another. The Threepwood Farm development further along this stretch of SH6 is set back approximately 464m from SH6. We also agree with Ms Smetham that the applicant overstated the relationship of this development to the Lakes Hayes Estate and Shotover developments, in relation to development on the northern terrace.
97. We accept that the setback from Ladies Mile to the first row of the main development area in the retirement village is approximately 120m. The space between the 75m setback and this 120m line is transitional, comprising a mix of buildings and integrated landscape treatment. In our view, this buffer or transitional area is critical to the mitigation of the landscape effects of the development. We did consider whether a wider set back than 75m should be imposed, but concluded that this would achieve little extra benefit in comparison to the careful treatment of the design of the villas and planting in this transitional space. Having said that, we acknowledge that the development will be visible and represents a considerable change to the environment.
98. We consider the 75m setback from Ladies Mile is sufficiently important that no building should occur in this area, nor should any other form of structure be erected here, while planting needs to be limited to the avenue of trees along the State Highway frontage. Equally, there should be no room for flexibility over the layout or design of the villas, and associated landscaping, in the 75m to 120m transitional space. To this end, the conditions include a consent notice mechanism to ensure the 75m strip is maintained as open pasture and that buildings and structures are prohibited. We have reviewed the recommended conditions applying to the villas in the transitional space and have made amendments to clarify that the number, size, design and placement of the villas must be strictly in accordance with the plans submitted.
99. Given the importance of this entrance to Queenstown and Lake Wakatipu and the Council's apparent planning policy to keep this area as open pasture and undeveloped, we are of the view that the proposed club house (as proposed in the original application) is too large given its frontage to the State Highway. While the applicant regarded the

building as a centrepiece for the development, intended to be a “reference point”, we consider the building is too dominant in this landscape, even if it is mitigated to some extent by the surrounding planting. The applicant offered at the hearing to reduce the size of the club house by 20-25% if this aspect of the development caused us concern. We indicated in our Minute dated 19 January 2017 that we would appreciate seeing a revised plan showing the reduction of the building by 20-25%, so that we could assess that impact. The applicant has produced a revised plan which reduces the club house footprint by 22%, to a maximum height of 9.3m (excluding chimneys) and a length of 60m. We find that this reduction helps to reduce the visual presence of the building somewhat, and increases the open space between it and the group of villas either side.

100. We have amended the conditions to also require that the landscaping for the site accommodate future widening for a roundabout at the corner of Howards Drive and the State Highway. This is further addressed under our discussion of traffic effects. We accept the applicant’s offer of land for future intersection requirements and have included a condition to this effect.

101. Overall, we conclude that the landscape effects are substantially more than minor, even with mitigation in place. The change to the rural landscape along the State Highway frontage and the terrace that lies between Shotover Country and Lakes Hayes Estate will be irreversible and will move this part of the district into an urban form, particularly changing the views from the State Highway. While the applicant has proposed a variety of design controls and planting to mitigate these effects, there is no escaping the hard reality that the rural character will be lost.

102. Turning to the southern flank of the development site, we noted earlier in this Decision the relevance of the ONL. Both Mr Bentley and Ms Smetham undertook their landscape assessments of the development against a revised ONL line they had agreed on. This line does not form part of either the Operative or Proposed District Plans. These assessments were therefore in error, as we have no jurisdiction to consider the development against any line other than those lines drawn in the Operative and Proposed District Plan maps. As we understand it, the ONL line forming part of the Operative District Plan was arrived at by the Environment Court. The Council did its best to transpose that line onto the Operative District Plan maps following that decision. The line shown in the Proposed District Plan has been arrived at following Dr Read’s report referred to above and has been more clearly annotated on the Proposed District Plan maps. The Operative and Proposed District Plan lines are identical so far as this development is concerned.

103. The parts of the QCC retirement village development clearly falling within the ONL are Lots 12 to 17 of the vacant lots to be created to the east of Onslow Road (Onslow Road East); Lots 23 to 25 of the worker housing and Lot 12 to the west of Onslow Road; and villa units 172 and 173 in the retirement village. Villa units 175 to 180 are also partly within the ONL, but these units lie on the northern side (that is, facing away from the river) at the foot of a small hill and are internal to the site. Villa units 172 and 173, Lot 12 and worker accommodation Lots 23 to 25 are

all in much more visually prominent positions, being close to the edge of a south facing escarpment.

104. Lots 12 to 17 of the Onslow Road East area will be vacant sites, but subject to a building set back line. That line will place buildings to the north of a small bund, helping to screen views of future buildings from land to the south. However the set back line still allows for future houses within the ONL as marked on the Operative and Proposed District Plans.
105. Lots 23 to 25 in the Onslow Road West area are located close to the Onslow Road East area. They will each contain a single storey dwelling (being units 11 to 13). In contrast to Onslow Road East, the landform in the area does not provide any form of natural screening. Lot 12 is on a higher terrace. This is a freehold title to be sold. Units 172 and 173 in the retirement village site sit at the very southern end of the retirement village development on a prominent and private escarpment, with views to the river and beyond, that provides a rural edge to the site. All lots are visible from off the site, although units on Lots 12 to 17 would be partially screened by landform.
106. It is clear to us from reading both district plans that the ONL is important to the district and that the plan's policies are directed to preserving the integrity of the ONL. We address relevant policies in the Evaluation section of this decision. Here we note that the general tenor of the objectives and policies is to avoid urban style development in the ONL. The proposed development is clearly not rural in character or use. We are not convinced that Mr Bentley or Ms Smetham have paid sufficient attention to the plan's approach to ONLs. It is not just a matter of mitigating adverse effects. While the applicant proposes planting in the interface with the ONL area, we have reached the view that development in part of the ONL area will generate significant adverse visual and landscape effects. This is a sensitive interface, and of significant public interest given the relationship of the southern edge with the Council reserve and the river.
107. On our site visits we observed that the Onslow Road East development will be able to be seen from the Council reserve, but this area blends into the Lakes Hayes development, in contrast to the other parts of the site within the ONL, while the bund and planting will help to further soften effects. We are satisfied that no significant adverse landscape effects will result from the Onslow Road East development. While development in this area will result in a change to the outlook from adjacent dwellings into this site, the applicant has included design controls and minimum setbacks to protect the amenity of those adjacent residents. We also note that while owners of the immediately adjacent properties were notified of the application, no submissions were received.
108. To the west, units 12 and 13 of the Onslow Road West development (Lots 23 and 24) area are partly in the ONL. It therefore may be possible to move the building platforms on Lots 23 and 24 so that the building footprints are outside the ONL without creating additional environmental effects that would affect our jurisdictional scope. Such amendment could include a revision to the access to these sites.

109. Lot 25 (containing unit 11) is mostly within the ONL and there seems no opportunity to redesign this particular site to avoid the ONL. Lot 12 of the Onslow Road West development and units 172 and 173 of the retirement village southern area are all within the ONL. Any development on Lot 12 will be visible from land to the south. Units 172 and 173 are on a higher terrace, and the height of the face of that terrace has the effect of eliminating immediate views of the units from land to the south. However more distant views of the units will be possible. It may be possible to re arrange the layout of villas on the rest of the southern site to accommodate villas 172 and 173 so that the ONL is avoided and no new visual or landscape effects are generated. We do not see the same potential for Lot 12 and Lot 25 (unit 11).

*Intersection of Howards Drive with State Highway 6*

110. Whether and how the intersection of Howards Drive with State Highway 6 should be upgraded was a focus of the presentation by Mr Goldsmith for three submitters. They seek a condition that requires the applicant to make a financial contribution towards installing a roundabout, should one become necessary in the future. They also proposed a condition that the land that would be needed to accommodate a roundabout not be developed.

111. The applicant's and Council's position was that the development does not trigger the need for a roundabout, although one may be needed in the future. This was also NZTA's view, a view that we asked them to confirm in the light of the evidence presented by the submitters. After the hearing was adjourned, the Council supplied a legal opinion as to whether we had the jurisdiction to impose a contribution condition. That opinion concluded that there were no substantive grounds to impose such a condition.

112. We listened carefully to the points raised by the submitter's expert, Mr Carr, as it is clearly evident to us that the intersection of Howards Drive with the State Highway is a high speed environment and safety is an important issue. The main concern is the safety of the right hand turn out of Howards Drive. The evidence was that the right hand turn was the least numerous turn movement, but during peak times, cars may need to wait 1 or 2 minutes for a gap in the traffic. This length of time may mean that some people take unnecessary risks.

113. We were told that the intersection currently has a low crash rate, lower than is 'normal' for this type of intersection. However traffic numbers on the State Highway appear to be growing quickly and as a result this may change.

114. Mr Carr's view was that a roundabout would be needed sooner rather than later, however he stopped short of saying that the development requires a roundabout to be built now. Mr Carr did take issue with much of the detail of the assumptions made by Mr Rossiter, but we see no need to try to resolve these matters of detail, as Mr Rossiter also acknowledged the need for an upgrade, at some point.

115. Rather, we need to consider whether the condition proposed by Mr Goldsmith is reasonable and appropriate. In doing so, we are mindful that section 34(2) of HASHAA requires us to be satisfied that necessary

infrastructure is in place, with safe road capacity being a form of infrastructure.

116. Given that the weight of evidence in front of us is that the development does not directly trigger the need for a roundabout, we do not consider we have sufficient evidence to require the course of action presented by the submitters. We do agree that a roundabout (or some other form of upgrade) will be needed in the future, but ultimately the timing of that is a decision for the road controlling authority to make, not us. How those works will be funded is unknown and it would be inappropriate for us to impose a financial contribution without a cost estimate and a robust analysis of the incremental contribution of the development to the need for a roundabout.

117. The applicant is proposing some works to improve the intersection and in its closing offered a condition that would require the land needed to accommodate a roundabout be kept free of development, and be offered to NZTA should they request the need for land. We see this has a helpful suggestion and agree with it.

#### *Amenity effects and signage*

118. Some aspects of the development raise amenity effects. Most importantly, these concern the amenity of future retirement village residents as well as the amenity of the wider area should the more public orientated commercial activities proposed take on what might be termed 'a life of their own', separate from the operation of the retirement village. These effects include noise, traffic, signage and operational issues associated with:

- a) The use of the club house for functions;
- b) The use of the café in the civic area;
- c) The use of the boatshed café/ restaurant in the southern part of the site; and
- d) The use of the gym, health care and day care.

119. Mr Sanderson's view was that modern-day retirement village residents desire different facilities from more historical retirement village models and that the commercial facilities are designed to address this. By being open to the public, there was opportunity for informal interaction and mixing between village residents and visitors. Furthermore, the facilities would operate as part of the retirement village, and therefore their management would be closely controlled.

120. While we understand these points, the development is to be a primarily residential environment, as are the nearby Lakes Hayes Estate and Shotover Country neighbourhoods. Indeed the whole development is based on the residential component being of great benefit to the wider community. In our view it is important that the possible amenity effects generated by the commercial facilities are appropriate to a residential area, and that they remain ancillary to the primary purpose of a residential development.

121. The section 42A report stated that so long as opening hours were restricted to between 7am to 8pm, then the commercial activities were unlikely to have any adverse amenity effects on the wider environment. The recommended conditions that we received after the Hearing proposed hours of operation between 6am and 10pm, with no explanation of the difference.
122. The applicant advised that the club house facility would only be used by residents of the retirement village and their families. This would enable the use of the facility for events such as birthday parties. Given the prominent location of the club house on the State Highway frontage, we see a need to carefully control use of the club house. The draft conditions confirmed this restricted use to residents and their guests but the final set of conditions submitted by the Council and applicant had dropped this requirement. We find that this restriction on use needs to be reinserted. We further find the need, for the sake of clarity, that the club house cannot be used for commercial functions / hireage, and there must be no exterior signage on the building. The building is in a very public location and we do not consider exterior signage to be appropriate.
123. We wish to make it clear in this decision that we do not consider it appropriate for the club house to be used by the public, should such an application be made in the future. The club house has been approved only because of the immediate ancillary benefit it provides to the retirement village. We consider it inappropriate to expand the club house operation to enable the wider public to use it for conferences and functions.
124. The café in the civic area will be open to the public and is a potential amenity for the wider area. However, we see no reason for this facility to differ markedly in its closing hours from other cafes consented nearby in Lakes Hayes Estate, Shotover Estate and Bridesdale. We understand that these facilities operate between 8am and 8pm. Opening hours of 7am to 8pm would be appropriate, as per the section 42A report.
125. The boatshed café/ restaurant is located at the southern end of the village in a somewhat more secluded area, but it will be reached by a road through the southern part of the retirement village site. This facility will also be open to the public. The applicant sought that this facility be open between 6am and 10pm. In light of the purpose of this facility and in order to protect the amenity of retirement village residents and the wider area, we have decided to restrict the boatshed opening hours to 8am - 10pm, with 10pm being a hard and final closing time.
126. For both cafes, a noise management plan that sets out compliance with specified noise conditions would be appropriate, while further conditions can address the potential for rubbish removal and deliveries between 8pm and 8am.
127. We understand that these controls align this part of the development with other controls imposed on similar venues in the district. They act as a safety net, should operation of the retirement village change in the future, and the commercial activities become 'stand alone' enterprises.



128. The gym, child care, health care and retail activities will also be open to the public. While we wish to avoid any conflict between these activities and retirement village residents, we consider it difficult to impose conditions to this effect. The main amenity control is on the hours of operation. The hours of operation for the gym, child care and health care will therefore remain as sought by the applicant as 6am – 10pm, but retail should operate more in line with the recommendations of the section 42A report (7am to 8pm). We encourage the applicant to approach these operations sensitively so as to avoid disturbance to nearby residents.
129. The applicant proposes three signs, one at each vehicle entrance, measuring approximately 1.8 x 3.6 (6.5m<sup>2</sup> face). The application mentioned that additional signs will also be established within the site in relation to the proposed retirement village and commercial node activities. However details of these additional signs were not presented with the application, apart from stating in the AEE that the signs would not be visible from open spaces.
130. The approval of any signs to be erected that are in addition to the three signs covered by the above paragraph will need to be managed by way of the normal zone-based rules. We do not consider we have sufficient information to grant consent to any further signage.
131. Our conclusion on the matter of amenity is that the facilities to be provided can operate compatibly with the residential nature and the village and the surrounding area, provided appropriate conditions are put in place.

#### *Lapse dates*

132. Section 51 of HASHAA provides that the default lapse period for a consent granted under HASHAA is one year. The same section provides that if an extension is sought under section 125(1A) RMA to extend a lapse period, the purpose of HASHAA is to be considered rather than whether approval has been received from persons who could be adversely affected by the extension.
133. We consider HASHAA clearly directs that qualifying developments are not to sit in abeyance for long periods and that consents should be exercised promptly. The function of the Act, evident from the Act's purpose, is to make land available for residential purposes and therefore to increase the supply of housing.
134. The applicant has sought five year lapse periods for all consents. The Council agreed with this position. The applicant stated that it intended to have the entire development completed within 7-8 years, with the first part of the retirement village development being completed within five years. Ms Hamm advised us that the subdivision consent was required to create individual lots for the worker accommodation. The applicant will build the accommodation but the individual lots could be sold off separately to the retirement village if the applicant so chose.
135. We do not consider a five year lapse to be appropriate in all cases. Some aspects of the overall development should proceed as soon as possible, most particularly the worker accommodation (Onslow Road West), which has been described by the applicant as being available for

workers at the retirement village, but also for construction workers as the site is being developed. As the subdivision consent is not required to be issued prior to the accommodation being developed given the applicant owns the Onslow West land, the lapse period for the Onslow Road West land use consent will be one year. We have also added a condition that the subdivision of the sites in the Onslow Road West area (Lots 13 to 24) can only occur once the units are constructed.

136. The subdivision consent for Onslow Road East should, in our view, also be exercised ahead of the remainder of the other consents, due to the benefit of this development to affordable housing supply. We understand the provisions of the RMA are that the approval of the survey plan by the Council must be achieved prior to the consent lapsing. We have imposed a lapse date of two years on this subdivision consent.
137. The balance of the consents have a five year lapse date. This aligns with the purpose of HASHAA, that the development will be achieved within a relatively short time frame. To avoid any difficulty with the overlap between the subdivision consent and the land use consents, the commencement date for the Onslow Road East land use consent will be the date at which the section 223 RMA approval is granted by the Council.

#### *Conditions*

138. At the conclusion of the hearing we requested that the applicant and Council work on a revised set of conditions, addressing areas raised during the hearing, as well as noting any areas of disagreement between the Council and applicant. We received the amended conditions on Friday 3 February 2017. In those conditions were two substantive issues where the applicant and Council could not agree. Our review highlighted a number of issues where we considered that the conditions did not fully address the range of effects identified during the hearing and we also outline those matters in this section.
139. The first of the two areas that the Council and applicant could not agree on relate to condition 1 and its reference to development being in accordance with the plans submitted. The applicant wished to have the words 'in general accordance used', while the Council preferred the words 'in accordance'.
140. In considering this point, we note that the application as submitted relies upon a particular layout and form of development to address landscape and amenity issues, particularly in regard to its key interfaces with the State Highway, the ONL and Lakes Hayes Estate to the east. We appreciate that within the core or middle of the site, there should be some flexibility over layout and design of villas for example, while exact details of internal road design have yet to be settled. The finer detail of these features can be managed through appropriately worded conditions that allow for some flexibility over final design. However for key 'interface' features, the conditions need to provide the requisite specificity. We find that the words 'in accordance with' are the appropriate words to use in condition 1, noting the ability for specific conditions to allow for flexibility where warranted.

141. The second area of debate related to the timing of removal of existing vegetation along the State Highway frontage. The applicant had proposed that the existing vegetation remain for the first 18 months of the project. This would allow time for replacement planting to be established while the existing vegetation help screens construction works. The Council has sought that the 18 month period be extended to 30 months, although the condition proposed by Council allows for this period to be reduced, perhaps for stages, upon request. The 30 month period recognises the time taken for trees and vegetation to become established given local conditions.
142. Our finding on this matter is that given the landscape sensitivity of the State Highway frontage, a longer retention period is beneficial. The developing Frankton Flats area provides a local example of the visual effects associated with a large construction project. We have amended the text of the condition somewhat to clarify that the default retention period is 30 months, unless it can be demonstrated that the new planting has become established to the extent that it is fulfilling the same visual screening effect as the existing planting. We understand that the undergrounding of the power lines would happen contemporaneously with the removal of the existing vegetation.
143. Turning to other amendments made by us in response to the evidence and our deliberations as set above, we have made the following general adjustments.
144. We have specified that the design and layout of the villas within the 75m to 120m 'transition zone' must match the design and layout submitted. Other conditions that allow for flexibility over height, floor area and design of buildings within the site will not apply to the buildings in this area.
145. The club house dimensions have been amended to reflect those offered by the applicant to reduce this building footprint. The design and layout of this building must also match the design and layout submitted.
146. We have strengthened the controls applying to the front 75m of the site. This area is to be retained and maintained as open pasture. This is to avoid for the potential of shelter belts or other forms of planting to be placed in the open paddock area.
147. The club house is not to be available for commercial hire by non residents, and there will be no exterior signage on the building. Further conditions apply to the operation of the cafe in the centre and the boatshed cafe to ensure they remain a facility compatible with a residential environment, including the need to prepare a noise management plan.
148. The tracks and trails identified on the plans are to be protected by way of easement. These easements should be registered as part of the subdivision consent, and not registered later as sought by the application. We do not see any risk that the final location of the trails will differ from the location shown on the application diagrams. The trails are to be formed prior to the occupation of buildings as staged between the northern and southern blocks.

149. Lot 3 in the Onslow Road West area (Stage 6) is to be held as a private open space area, with consent notices relating to the maintenance of landscaping and retention of the lot as an open area.
150. The conditions require that there be no buildings within the ONL, in the vicinity of the area occupied by villa units 172 and 173 of the southern retirement village. We accept that units 172 and 173 may be able to be relocated within the main part of the southern development site through a redesign, while not generating any new effects. The area occupied by these two villas will need to be retained as part of the open area of the retirement village. Similarly, there should be no buildings or structures located on the land that was to be included in Lot 12 and Lot 25 in the Onslow Road West area. The loss of a dwelling on Lot 12 will not affect the retirement village and is not expressly part of the worker accommodation development and so in our view, there is no detriment to housing supply or affordability. The unit on Lot 25 was identified for worker housing, however we do not consider that this promised benefit is of sufficient size to warrant retention of the dwelling, given the ONL.
151. The buildings on Lots 23 and 24 should also avoid the ONL. As we have said, the building platforms for units 12 and 13 on Lots 23 and 24 could possibly be shifted so the buildings lie outside the ONL line, such as two units horizontal to the ONL line, with appropriate landscape screening on their southern side to ensure a transition into the ONL landscape. We are conscious that significant changes in this area may be seen to create new adverse landscape effects, especially so for existing residents in the Lake Hayes Estate area. However our judgement is that a rearrangement of development on Lots 23 and 24 will not lead to any new effects.
152. The residential units to be constructed in the Onslow Road East and West areas cannot be used for visitor accommodation. This reflects the overriding purpose of HASHAA to promote housing supply, as well as to counter the general pressure experienced in the district to use residential stock for holiday rentals.

### **Evaluation**

153. Having considered the main effects in contention and made findings on them in terms of their nature and scale and possible mitigation, we now turn to consider these effects in the light of the cascading priorities set out in HASHAA. In doing so, we look at the combined picture of the above effects, rather than them individually.
154. Before turning to the matters listed in section 34 (1) of HASHAA we briefly consider the matter of precedent. Neither the applicant nor the Council's planning evidence addressed precedent effects in their evidence. However we are conscious that through this decision, a substantial change to the current environment of the area will be enabled and that that change will inevitably flow through to how surrounding land may be developed. In that sense a precedent is being set.
155. In her reply Ms Hamm submitted that precedent was of limited relevance to this application because of the fact the application is made

under HASHAA and the dominant consideration is therefore the purpose of HASHAA. To our mind, the applicant appeared to distinguish this application from others that might follow simply because of its HASHAA status. That overlooked the real possibility that other HASHAA applications may also follow in this part of the district, in reliance on this application having been approved. We are aware that a HASHAA application has already been made for land across the road (Glen Panel) but was refused by the Council for lack of information. Mr Goldsmith made it plain in his submissions that the Glen Panel will be back on the table for consideration at the earliest opportunity.

156. Likewise, as we have mentioned, the Council is currently working on a masterplan for Ladies Mile. The approval of this application, and the conditions imposed on the various consents, will form an important basis for that long-term planning exercise and is expected to also influence the proposed district plan hearing process. We are therefore very conscious of the long-term implications this HASHAA approval may have for planning in this part of the district over the next 20 or so years.

157. We are therefore of the view that precedent effects must be considered and evaluated.

#### *Purpose of HASHAA*

158. At the outset of our evaluation, we consider that many aspects of this development would struggle to pass the RMA statutory tests given the extent of the landscape effects and the development's direct conflict with many of the Council's planning policies. That concern has to be balanced against the Council's decision to accept this development as a qualifying development under HASHAA. HASHAA takes precedence over the planning documents relevant to the application. The Council's acceptance that this is a qualifying development under HASHAA, despite the planning conflict, signals the Council's intention that this site should be developed for this housing purpose.

159. Granting consent to this application will clearly facilitate an increase in the supply of land and housing. The retirement sector is part of the wider housing market, and there is a growing need for facilities and services aimed at this sector. The worker housing and sections for the Community Housing Trust are a valuable addition to these resource, but not significant in pure numbers.

160. We understand from reading the reports prepared by the Council, that the retirement village component of the development was important to the Council's decision to support the SHA application. If this was a 'normal' residential development, the need to provide additional housing capacity over and above that provided for by the Operative and Proposed District Plans in a very visible and important part of the Basin may be questioned. In this specific case, the application is for a comprehensive retirement facility and as such, we do agree that this fact needs to be given weight in our decision making.

161. Core network infrastructure (water, wastewater, roading) is present. The layout does not appear to preclude or foreclose on the logical and

appropriate development of other land to the north, east or west for urban uses in the future.

## *Part 2 RMA*

162. The proposal will enable the community of Queenstown to better provide for its social, economic and cultural wellbeing by providing additional housing of a particular form and type. There is a reasonably foreseeable need for existing and future generations to require housing and facilities for older adults, in the way envisaged by this proposal. There is nothing to suggest the life-supporting capacity of air, water, soil or ecosystems will not be safeguarded.

163. In relation to adverse effects on the environment, we note that the development as presented would have transgressed matters of national importance in terms of section 6 of the RMA. This is an important caveat to the importance of housing supply under HASHAA. We have excluded the lots and units that would have been within the ONL as identified in the Proposed District Plan, and would be in visible locations. Without this change, the application would have been in breach of Part 2. We do not see a particular pressing need for the lots and units identified in the ONL in terms of land and housing supply and therefore the housing supply requirement of section 34 (1) (a) should yield to the requirements of Part 2 of the RMA, for this particular issue. We have included conditions to the effect that buildings and structures need to be kept out of the identified areas. However we see the potential for the replacement of some of the excluded units within other parts of the development site, and this is a point that we address below.

164. In terms of section 7 of the RMA, there will be adverse effects in terms of amenity (outlook) enjoyed by people using the State Highway and Howards Drive. This negative effect is mitigated to a reasonable degree, such that we could not say that Part 2 requirements to maintain this amenity would trump the purpose of HASHAA. We also accept that neighbouring properties to the east will have altered outlooks, but these effects are not of a scale or significance to result in a negative finding in relation to Part 2 of the RMA. We have addressed the potential amenity effects of the development, particularly the boatshed café/ restaurant, on residents of the retirement village and the desire to protect their amenity and the quality of the wider residential environment. The proposal is an efficient use of natural and physical resources.

165. There are no section 8 matters relevant to the application. Kai Tahu ki Otago and Te Ao Marama Inc did not raise any concerns about the proposal. There are no recorded Maori archaeological sites within the site. The conditions of consent include provisions addressing any accidental discovery protocols.

## *Proposed District Plan*

166. We were directed to a number of policies and objectives of the Proposed District Plan, particularly those related to urban growth and management of rural landscapes and resources. Mr Anderson and Mr Farrell seemed to be in broad agreement that while the development was not within an identified urban area (that is within an urban growth boundary), this was not fatal to the application, as the urban growth

boundary is a method to achieve a number of outcomes. These outcomes are spelled out in Objective 3.2.2.1, which refers to urban growth occurring in a logical manner, making effective use of land, not incurring high infrastructure costs and not leading to sporadic or sprawling development. The development meets these tests. Mr Anderson did identify that the proposal is contrary to policies relating to development in rural zones.

167. As we have made plain in this Decision, we do not accept the advice relating to the ability to shift the ONL, as set out in the Proposed District Plan, or that we should 'read down' the Proposed District Plan's policies on Outstanding Natural Landscapes due the plan still being developed. We find that the ONL line has a reasonable basis for its location, not being dissimilar to that in the Operative District Plan. Given the Proposed District Plan sits as the third tier of our assessment, due consideration must be given to its objectives and policies as notified, even if those provisions are subject to submissions and decisions. Equally we note that the applicant relies upon other provisions of the Proposed Plan to support its application, notably those related to urban growth and expansion.

168. In terms of the relevant objectives and policies relating to ONLs, the following are relevant:

*Objective 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

The supporting policy requires that these features be protected from the adverse effects of subdivision and development.

*Objective 6.3.1 The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.*

169. Supporting policies include:

*Policy 6.3.1.3 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7 1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.*

*Policy 6.3.1.5 Avoid urban subdivision and development in the Rural Zones.*

*Policy 6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.*

170. Objective 6.3.4 refers to protecting, maintaining and enhancing the District's Outstanding Natural Landscapes (ONL). Supporting policies include:

*6.3.4.1 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.*

*6.3.4.3 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed public roads.*

171. Overall, our evaluation is that the development is contrary to all of these objectives and policies addressing ONL landscapes. These objectives and policies reinforce and give expression to the requirements of section 6 and Part 2 of the RMA. In our view, it is not possible to claim that the benefits to housing supply of the units and lots we have identified as being in the ONL can outweigh the adverse effects generated.

172. In relation to objectives and policies relating to rural landscapes, the Proposed District Plan provisions allow scope for more development in rural areas. For example, Objective 3.2.5.2 refers to minimising effects on rural landscapes, while Objective 6.3.5 refers to ensuring that landscape qualities are not degraded. In terms of these provisions, we see the ability for adverse effects to be weighed against positive benefits of the housing to be provided, particularly in the light of the general objectives of the plan that do contemplate the potential for urban expansion, as well as the priorities of HASHAA.

#### *Sections 104-104F*

173. The application requires consideration under section 104D of the RMA. In the context of the existing zoning of the site - Rural General - the development creates adverse effects that are more than minor in terms of rural amenity and resources. The development is also contrary to the objectives and policies of the Operative District Plan in relation to the sustainable management of rural resources. In the normal course of events, section 104D would place a high hurdle in front of an application of this type. We find that the development would not pass either of the gateway tests.

174. However in the context of the identification of the area as a Special Housing Area and the cascading priorities of HASAA; this finding takes on lesser relevance and is not sufficient to overturn the first priority under section 34 of HASHAA.

175. In terms of precedent issues for plan administration, this is of concern to us. The SHA identification is relevant, but not by itself sufficient to address all issues to do with precedent and plan integrity. We note particular aspects of this proposal that weigh in favour of its approval as:

a) The 75m to 120m metre transitional 'zone' from Ladies Mile is important with its mix of building and planting between Ladies Mile and the first street accessing the retirement village housing off Howards Drive.

b) The area of open pasture within the 75m setback is to be completely free of any buildings and plantings.



c) The larger buildings, other than the club house, are located well away from the State Highway and are mitigated by planting, with the majority of the development more than 120m from the State Highway frontage.

d) The site lies partly between two existing urban areas, Lake Hayes Estate and Shotover Country and some of the facilities provided can help to improve the social and economic conditions of these two neighbourhoods.

e) The development is for a specific form of housing development that is not currently present in the district; where there is a clear need for this type of facility (particularly the more advanced forms of aged care to be provided) and to be viable, a large facility needs to be established.

176. Our conclusion on this matter is that there is a precedent effect that is tempered by the above points. However that effect is not of a sufficient scale or magnitude to overturn the cascading priorities of HASHAA.

#### *Urban Design Protocol*

177. Section 34(1) (e) of HASHAA requires an assessment of the proposal against the key urban design qualities expressed in the NZ Urban Design Protocol.

178. We have taken the key urban design qualities to mean the seven "Cs" that are set out in the Protocol.

179. We note that the application included an urban design assessment at Appendix E, and, generally, the approach taken by the applicant to the layout of the majority of the site was supported by the experts we heard from, or at least not strongly challenged.

180. Our finding is that in relation to the key qualities of the Urban Design Protocol, the application performs appropriately, subject to appropriate conditions as identified during the hearing and in this decision.

#### *Consent Notice and Covenants*

181. Finally we address the amendments sought to existing consent notices and covenants. During the hearing, we enquired as to the content of the covenant and consent notice referred to on the Onslow Road West title (Lot 3 DP 379403). This land is owned by Queenstown Workers Accommodation Limited, which we were informed is a Sanderson Group company.

182. The covenant includes these provisions:

a) That any lot owner completes the construction of any building on the lot within one year (exterior cladding and exterior painting). A building could be constructed in stages over a longer period provided each stage is completed within one year.

b) The maximum height of any building must not exceed 7.0 metres above ground level. There are also controls on recession lines.

c) No more than one dwelling may be erected on a lot as referred to in the Permitted Subdivision Schedule.

d) There is a prohibition on further development.

183. We were advised that the covenant controls were arrived at as part of the Lake Hayes subdivision but that they did not come down onto the relevant title. These controls passed on to the person to whom Lake Hayes Estate transferred this land to, but not to any successor in title (clause 11.3).

184. Consent Notice 7636760.3 resulted from the Lakes Hayes subdivision process. Only some of the provisions of the Consent Notice apply to Lot 403. Conditions 2(c) - (e) address the provision of two off street carparks, the prohibition on open fires (excluding gas fires) and the range of roof colours. Condition 4 prohibits the excavation or removal of the part of the berm within the embankment area adjacent to a number of lots, including Lot 403. Importantly, Condition 2(f), defining height limits, does not apply to Lot 403.

185. Mr Wardill was comfortable with the cancellation of easements and noted in his report the need to ensure the conditions recorded the consent notice requirement for Lot 403 that all lots provide two car parking spaces for each residential unit.

186. We see no issues with the cancellation of these consent notices and easements.

### **Decision**

187. Consent is granted in part, with conditions (included as **Attachments 1-5**).

188. Those parts of the application that are refused consent are:

a) Units 172 and 173 in the southern retirement village

b) Lot 12 and Lot 25 and associated unit 11 in the Onslow Road West area

c) Units 12 and 13 in the Onslow Road West area as they are positioned within the ONL identified in the Proposed District Plan and the Operative District Plan.

189. The relevant existing consent notice and easement are cancelled as per the resolutions at **Attachment 6**.

190. The reasons for the decision are as set out above. In summary, the development will provide for housing supply and choice in a well designed layout, meeting a specific need in the community for services and facilities associated with older adults. The housing can be provided with adequate and appropriate infrastructure. The design and layout (as amended by way of granting consent in part and the amended conditions) takes into account the context of the site, the presence of the ONL and its relationship with properties to the south-west and south-east.

*Interim Decision*

191. As noted in this Decision, villa units 172 and 173 may be able to be relocated elsewhere within the southern block, outside of the ONL. The proposed housing on Lots 23 and 24 in the Onslow Road West area (being units 12 and 13) may be able to be redesigned so that the houses are located outside of the ONL. The land that was to be included in Lot 12 and Lot 25 will need to be incorporated into one of the adjoining lots, such as Lot 3. We are open to these changes being made.
192. We have considered whether conditions could be incorporated into the decision to allow for these adjustments, with any amended plans to be certified by the Council. However we are mindful of our responsibilities under HASHAA and the RMA to ensure that effects are adequately mitigated and not to pass over this responsibility to Council officers. As such we consider that it is reasonable and appropriate for amended plans to be presented to the Commissioners for approval, if that is the course of action to be followed by the applicant.
193. Given the potential adjustments signalled, this Decision is therefore an interim decision. If the applicant wishes to pursue the amendments outlined above, then it has leave to prepare and present alternative layout plans within two weeks of this Decision being issued. These plans will then be incorporated into the final decision, if acceptable, with any minor adjustment to conditions made if necessary. However if the applicant does not wish to take up this opportunity, then this should be communicated to the Commissioners as soon as possible and we will issue this Decision as a final decision.



D Mead

For the Commissioners

13 March 2017

**Contents**

<a href="#"><u>LAND USE CONSENT CONDITIONS – QUEENSTOWN COUNTRY CLUB RETIREMENT VILLAGE AND ANCILLARY ACTIVITIES (QCC NORTH AND SOUTH SITES)</u></a>	37
<a href="#"><u>LAND USE CONSENT CONDITIONS: ONSLOW ROAD EAST</u></a>	56
<a href="#"><u>LAND USE CONSENT CONDITIONS: ONSLOW ROAD WEST (Lots 10 and 11)</u></a>	62
<a href="#"><u>LAND USE CONSENT CONDITIONS: ONSLOW ROAD WEST (Lots 13 to 24)</u></a>	
<a href="#"><u>SUBDIVISION CONSENT: QUEENSTOWN COUNTRY CLUB RETIREMENT VILLAGE AND ANCILLARY ACTIVITIES; ONSLOW ROAD EAST AND ONSLOW ROAD WEST</u></a>	73
<a href="#"><u>CONSENT NOTICE CANCELLATIONS</u></a>	91

## LAND USE CONSENT– QUEENSTOWN COUNTRY CLUB RETIREMENT VILLAGE AND ANCILLARY ACTIVITIES

### (QCC NORTHERN AND SOUTHERN SITES)

Resource consent is granted in part for the construction and operation of a retirement village and ancillary activities described in the AEE prepared by John Edmonds + Associates dated September 2016 (and as identified on drawings C16005A\_202 Rev 2 and C16005A\_203 Rev 2 prepared by Boffa Miskell Limited dated 3 February 2017), as follows:

#### Retirement village (exclusive to village residents)

- Up to 332 dwelling units, including villas and apartments
- Hospital, aged care and dementia care
- Clubhouse
- Bowling green
- Pavilions.

#### Ancillary community and recreation activities

- Medical centre (Building G)
- Child care centre (Building H)
- Gym/pool (building C)

#### Ancillary commercial activities

- Retail (Buildings D and E)
- Cafe (Building F)
- Boatshed café/ restaurant (Building I)

including earthworks, landscaping and provision of infrastructure services, roading (private and public roads) cycle and pedestrian trails and entrance signs and related works associated with the development. Consent is also granted under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Resource consent is refused in relation to the location of Villas 172 and 173 within the Outstanding Natural Landscape area illustrated and marked out on the plan titled '*SH160140 – ONL Landscape Line 9 March 2017*'.

#### **General**

1. The development shall be undertaken in accordance with the following drawings and the application as submitted, including amendments presented before and at the hearing, with the exception of the amendments required by the following conditions of consent.

Reference	Drawn by	Dated
RC.01 Rev A	Warren & Mahoney	12/12/2016
RC.01 Rev A	Warren & Mahoney	12/12/2016
RC.02 Rev A	Warren & Mahoney	12/12/2016
RC.03 Rev A	Warren & Mahoney	12/12/2016
RC.04 Rev A	Warren & Mahoney	12/12/2016
RC.05 Rev A	Warren & Mahoney	12/12/2016
RC.06 Rev A	Warren & Mahoney	12/12/2016
RC.07 Rev B	Warren & Mahoney	12/12/2016
RC.08 Rev B	Warren & Mahoney	12/12/2016
RC.09 Rev B	Warren & Mahoney	12/12/2016
RC.10 Rev B	Warren & Mahoney	12/12/2016

RC.11 Rev A	Warren & Mahoney	12/12/2016
RC.12 Rev A	Warren & Mahoney	12/12/2016
RC.13 Rev A	Warren & Mahoney	12/12/2016
RC.14 Rev A	Warren & Mahoney	12/12/2016
RC.15 Rev A	Warren & Mahoney	12/12/2016
RC.16 Rev A	Warren & Mahoney	12/12/2016
RC.17 Rev A	Warren & Mahoney	12/12/2016
RC.18 Rev A	Warren & Mahoney	12/12/2016
RC.19 Rev A	Warren & Mahoney	12/12/2016
RC.20 Rev A	Warren & Mahoney	12/12/2016
RC.21 Rev A	Warren & Mahoney	12/12/2016
RC.22 Rev A	Warren & Mahoney	12/12/2016
RC.23 Rev A	Warren & Mahoney	12/12/2016
RC.24 Rev A	Warren & Mahoney	12/12/2016
RC.25 Rev A	Warren & Mahoney	12/12/2016
RC.26 Rev A	Warren & Mahoney	12/12/2016
RC.27 Rev A	Warren & Mahoney	12/12/2016
RC.28 Rev A	Warren & Mahoney	12/12/2016
RC.29 Rev A	Warren & Mahoney	12/12/2016
RC.30 Rev A	Warren & Mahoney	12/12/2016
RC.31 Rev A	Warren & Mahoney	12/12/2016
RC.32 Rev A	Warren & Mahoney	12/12/2016
RC.33 Rev A	Warren & Mahoney	12/12/2016
RC.34 Rev A	Warren & Mahoney	12/12/2016
RC.35 Rev A	Warren & Mahoney	12/12/2016
RC.36 Rev A	Warren & Mahoney	12/12/2016
C16005A_200 Rev 2	Boffa Miskell	03/02/2017
C16005A_201 Rev 2	Boffa Miskell	03/02/2017
C16005A_202 Rev 2	Boffa Miskell	03/02/2017
C16005A_203 Rev 2	Boffa Miskell	03/02/2017
C16005A_203A Rev 2	Boffa Miskell	03/02/2017
C16005A_204 Rev 2	Boffa Miskell	03/02/2017
C16005A_205 Rev 1	Boffa Miskell	03/02/2017
C16005A_206 Rev 1	Boffa Miskell	03/02/2017
C16005A_210	Boffa Miskell	03/02/2017
C16005A_211	Boffa Miskell	03/02/2017
C16005A_212	Boffa Miskell	03/02/2017
C16005A_213	Boffa Miskell	03/02/2017
C16005A_214	Boffa Miskell	03/02/2017
C16005A_215	Boffa Miskell	03/02/2017
C16005A_216 Rev 1	Boffa Miskell	03/02/2017
C16005A_217 Rev 3	Boffa Miskell	03/02/2017
C16005A_217A Rev 3	Boffa Miskell	03/02/2017
C16005A_220	Boffa Miskell	03/02/2017
C16005A_221 Rev 4	Boffa Miskell	20/01/2017
C16005A_221A Rev 4	Boffa Miskell	03/02/2017
C16005A_222 Rev 3	Boffa Miskell	03/02/2017
C16005A_222A Rev 3	Boffa Miskell	03/02/2017
C16005A_223	Boffa Miskell	03/03/2017
C16005A_230	Boffa Miskell	03/02/2017
C16005A_231	Boffa Miskell	03/02/2017
C16005A_232 Rev 1	Boffa Miskell	03/02/2017
C16005A_233	Boffa Miskell	03/02/2017
C16005A_234	Boffa Miskell	03/02/2017
C16005A_240	Boffa Miskell	03/02/2017
C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017
C16005A_244 Rev 2	Boffa Miskell	03/02/2017

Q6231-12-1 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-2 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-3 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-4 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-5 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 (Alt) Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-7 Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-8 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-9 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-10 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-11 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-12 Rev F1	Paterson Pitts Group	20/01/2017
Draft Signage plans 1 and 2		02/01/2017

**stamped as approved on 13 March 2017**

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 77 of the HASHAA and any finalised, additional charges under section 77 of the Act.
3. The Consent Holder is liable for costs associated with the monitoring of this resource consent under Section 77 of the HASHAA and shall pay to Council an initial fee of \$290.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's (QLDC) policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Advice Note*

*The current standards are available on Council's website via the following link: [www.qldc.govt.nz](http://www.qldc.govt.nz)*

5. The dementia care facility shall be constructed and completed in the first stage of development; that is, before the Southern villas and any of the ancillary community, recreation and commercial activities are constructed.

***Prior to commencing works on site***

***Construction***

6. At least 10 working days prior to any works commencing on site the Consent Holder shall prepare and submit to the Council for review and acceptance an Environmental Management Plan (EMP) to demonstrate how the Consent Holder shall control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure prepared by QLDC and the "Draft Construction Management Plan" submitted with the consent application.
7. The objective of the EMP is to protect the environment from the potential and actual effects of earthworks and construction activities on the site. Of particular importance is the control of dust from the earthworks, noting that the proximity of the site to the Airport Approach and Protection Measures Designation means that proactive measures should be employed. The terrace site is particularly exposed to the wind and given there is a high residential population plus a flight path immediately adjacent to the site, controls of dust are vitally important.
8. Measures identified in the EMP shall include but not be limited to:

- a) Identification of all potential dust emissions
- b) Staging of the earthworks in manageable amounts/areas to ensure practical dust mitigation is possible, supplemented by plans to demonstrate proposed staging and dust and silt migration mitigation
- c) Wetting:
  - Haul roads (water cart)
  - Work areas (k-line)
- d) Dust suppressant polymer on cleared areas not being traversed in work (if needed)
- e) The method and timeframe for rehabilitating any temporary construction and batter areas
- f) Cover loads or do not overload
- g) Revegetation as soon as works are complete
- h) Stockpiles of earth no higher than 2m
- i) Cease works under windy conditions if above methods cannot control dust from ongoing works
- j) Low speeds on haul roads and defined haul roads.

Alternative measures can be suggested by the Consent Holder or their contractor for consideration by Council.

9. All accepted measures outlined in the EMP shall be implemented prior to the commencement of any earthworks and shall remain in place for the duration of the earthworks, until all exposed areas of earth are permanently stabilised. A Council engineer shall be contacted to inspect these works prior to commencement of earthworks on site or if any changes are proposed after the initial inspection.
10. At least 10 working days prior to the commencement of construction works on the site, the Consent Holder shall prepare and submit to the Council a Construction Management Plan (CMP) for review and acceptance. The objectives of the CMP shall be to provide guidance on the environmental management of the construction of the activities authorised by this consent so as to avoid, remedy or mitigate the adverse environmental effects associated with the construction works.
11. The CMP shall address matters not covered by the EMP (Condition (6)). The CMP must include (but is not limited to) the following:
  - a) The name, contact details, experience and qualifications of the person/s nominated by the Consent Holder to supervise the implementation of, and adherence to, the CMP.
  - b) A staging plan, identifying the construction of each phase of the project and the anticipated timeframe and scheduling for the construction works, including dates and hours of operation.
  - c) A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in the Queenstown Lakes District Operative and Proposed District Plans during earthworks and construction.
  - d) Comments received from Transpower (relevant for works on the Southern site only in regard to Condition 11.e.(iii) below); and Contact Energy (in regard to Condition 11.e.(iv) below).
  - e) The methods that will be employed to address the following specific items of concern:
    - i. Ensure that pools of standing water are unable to form during construction, thereby avoiding any potential attraction of birds to the site.
    - ii. Any temporary lighting of the site that may be required during construction, and the detail as how any potential glare effects will be actively managed to avoid impacting on aircraft operations at Queenstown Airport.
    - iii. The National grid. The protection of the CML-FKN-A transmission line, including tower 116 for the development of the Southern site only.

*Advice Note:*

*Transpower may require the following:*



- a. *Details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with any damage to the CML-FKN-A line or towers, directly or indirectly caused by works undertaken to give effect to this consent.*
  - b. *Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2011 (NZECP 34:2001) or any subsequent revision of the code, including but not limited to those relating to:*
    - 1. *Excavation and construction near towers (Section 2);*
    - 2. *Building/Structure to conductor clearances (Section 3);*
    - 3. *Ground to conductor clearances (Section 4);*
    - 4. *Mobile plant to conductor clearances (Section 5); and*
    - 5. *People to conductor clearances (Section 9).*
  - c. *Details of any areas that are "out of bounds" during construction and within which additional management measures are required, such as fencing off, entry and exit hurdles and the minimum height for any hurdles. Where a safety observer is required, it shall be at the Consent Holder's cost.*
  - d. *Details of contractor training for those working near the CML-FKN-A transmission lines.*
- iv. Protection of the underground gas reticulation system operated by Rock Gas/Contact Energy.

*Advice Note:*

*Rock Gas / Contact Energy may require the following:*

- a. *As built plans of the gas network (to be supplied by Contact Energy;*
  - b. *Evidence to show adherence to Contact Energy's conditions for working near its underground gas pipelines (copy attached in Appendix B;*
  - c. *Details confirming how the reticulated gas supply network will be maintained throughout construction.*
12. At least 7 working days prior to commencing any works within the State Highway road reserve, the Consent Holder shall submit a Traffic Management Plan to undertake works to the New Zealand Transport Agency or its Network Management Consultants, for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). 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 Manager of Resource Management Engineering prior to works commencing.
13. At least 5 working days prior to commencing work within any Council road reserves, the Consent Holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council, for acceptance. The Traffic Management Plan shall be prepared by a STMS. Where relevant this shall include reference to maintaining safe walking journeys for school children travelling between Lake Hayes Estate and Shotover Primary School. 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 Manager of Resource Management Engineering at Council prior to works commencing.
14. At least 5 working days prior to commencing work onsite, the owner of the land being developed shall provide a letter to the to the Manager of Resource Management Engineering at Council advising who their representative(s) is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of Council's Land Development and Subdivision Code of Practice, in relation to this development.

15. At least 5 working days prior to commencing any work onsite, 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 earthworks and construction process. All prior to commencement of works conditions detailed in these Conditions (being conditions 6 to 21) shall be demonstrated to be met.
16. Prior to commencing any work on the site the Consent Holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Should the construction crossing not prevent earthwork material from tracking onto the public roading network the Consent Holder shall install an appropriate wheel wash facility, in lieu of the gravel construction crossing, for all construction traffic use prior to exiting the site(s).
17. Prior to the commencement of works on site the Consent Holder shall prepare and lodge with the Manager of Resource Management Engineering for acceptance the final Earthworks Plan, which includes existing and finished ground levels and cross sections. These plans are to be in general accordance with the earthworks profiles set out in the application AEE.

### ***Infrastructure***

18. Unless otherwise authorised by the Manager of Resource Management Engineering, prior to the commencement of any works on the land being developed the Consent Holder shall provide to the Council for review and certification, 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 (4), to detail the following engineering works required:
  - a) The provision of a water supply to each habitable unit, and commercial building within the development stage in terms of Council's standards and connection policy. The costs of making these connections shall be borne by the Consent Holder. This shall include either:
    - i. Installation of an Acuflo CM2000 toby valve located at the public road reserve boundary, or an alternative solution acceptable to Council. This shall include an approved water meter as detailed in QLDC's Water Meter Policy (Appendix A), dated August 2015
    - OR
    - ii. A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the public road reserve boundary of each saleable lot, or an alternative solution acceptable to Council. The costs of the connection shall be borne by the Consent Holder.
  - b) The provision of necessary upgrades to the Council's water supply and sewer drainage networks and facilities to allow for the increased demands generated by the development. For clarity the upgrades may be staged in agreement with Council's Chief Engineer.
  - c) The provision of a foul sewer connection from each habitable building and commercial building within the development to the reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. 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 each lot, 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;
    - ii) The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot;

- iii) As part of the Lakes Hayes Estate open drain enhancement the Consent Holder shall prepare a wetland area concept design by a suitably qualified professional, to service both the Northern and Southern development areas prior to discharge to an approved outlet point with the Kawarau River;
  - iv) The Consent Holder shall install and maintain the wetland servicing the Northern and Southern development areas for a 5 year term following the construction of the wetland. Should the wetland filtration device not be performing effectively and as designed the maintenance term shall be extended for a further 2 years and all necessary remedial works completed by the Consent Holder to rectify the wetland to ensure performance as designed. For clarity the Consent Holder shall not be liable for the cost of maintenance and/or installation of areas not serviced by the subject development;
  - v) 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, and no increase in run-off onto land beyond the site from the pre-development situation;
  - vi) All lots shall be designed to ensure there is no standing water / surface ponding following (up to and including) a 5% AEP rain event;
  - vii) An Operation and Maintenance (O&M) manual for the stormwater soakage/filtering device (wetland) that services the Northern and Southern areas and which outlines adequate maintenance instructions and frequencies.
- e) The provision of fire hydrants with adequate pressure and flow to service all buildings and lots in the development with a fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- f) The provision of intersection and road improvements with State Highway 6 and Howards Drive to meet the New Zealand Transport Agency (NZTA) and Council's requirements and standards. A copy of the NZTA reviewed and approved plans shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing. These shall include:
- i. Extending the State Highway 6 queuing length and associated road widening for the right-turn-in lane onto Howards Drive from State Highway 6.
  - ii. The provision of separate left and right turn out lanes from Howards Drive onto State Highway 6.
- g) The formation of intersections with Howards Drive, Jones Avenue and Onslow Road extension in accordance with the latest Austroads intersection design guides. These designs shall be subject to expert review and acceptance by Council with any associated costs met by the Consent Holder and specifically include the following:
- i. The Southern village entrance with Jones Avenue intersection shall be provided with a minimum 70m Extended Design Domain (EDD) Safe Intersection Sight Distance (SISD) in each direction.
  - ii. The widening of the carriageway of Jones Avenue to accommodate a pedestrian refuge island and a right turn bay for vehicles turning right into the Queenstown Country Club Northern site.
  - iii. The Howards Drive intersection with the Northern retirement village entrance shall include a right-turn-in lane from Howards Drive and associated road widening in accordance with latest Austroads design guides.
  - iv. Low speed intersection designs to support safe walking journeys to school between Lake Hayes Estate and Shotover Primary School.
- h) The provision of a bus stop and shelter on each side of Howards Drive as shown on the plans titled C16005A 211, prepared by Boffa Miskell and dated 03/02/2017, and the provision of a safe pedestrian crossing to facilitate the movement of pedestrians across Howards Drive, in accordance with Council standards. The detailed design of the associated road widening, bus stop infrastructure, signage and markings, and pedestrian crossing, are to be expert reviewed and accepted by Council prior to construction of the bus stops and associated infrastructure being undertaken and shall include drop kerbs as necessary to provide for wheelchair access.

- i) The formation of all roads in accordance with Council's standards and as shown in SH160140 application drawings unless otherwise agreed with the Manager of Resource Management Engineering at Council, including the following provisions:
- i. The ability for 8m long service vehicles to access all road areas during full occupation of on-street parking spaces.
  - ii. All residential lots and rights of way accessed directly from legal public roads shall be provided with formed vehicle crossings.
  - iii. A maximum posted speed environment of 30km/hr shall be provided to both the Northern and Southern retirement village roading areas.
  - iv. The formation of footpaths in accordance with Council standards and designed to facilitate access by wheelchairs and mobility scooters.
  - v. All road drainage sumps shall include the provision of traps and siphons, or alternative solution accepted by the Council.
  - vi. Avoidance of 90 degree kerb and channel within the area between 75m and 120m of the State Highway and in the boat shed cafe (knoll) area.

Advice Note:

*For private roads, Council acknowledge that there may be some departures from the code of practice. These will be subject to the acceptance of Council's Manager of Resource Management Engineering.*

- j) The provision of road lighting to all public road areas in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Road lighting installed on private roads/rights of way/access lots shall be designed to a Lighting Subcategory of P5 and be privately maintained with all operating costs the responsibility of the lots serviced. Private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits and be designed to ensure zero upward light spill.

Advice Note:

*For clarity, the private street/path lighting does not require specific engineering review and acceptance but shall meet the above measures for monitoring purposes only.*

- k) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- l) Detailed design for all cycle/pedestrian trails which shall be designed in accordance with Grade 2 of the Council's cycle trail and track design standards and specifications 2016. Details shall include submitting long sections showing trail gradients as well as detailed engineering cross sections and the details of way finding signage using the Council's branded signage templates.
- m) Detailed design drawings of the following open space areas for Council Team Leader Resource Consents approval:
- i. Green Spaces
    - Knoll (Boatshed Café Area)
  - ii. Street Legibility
    - Boulevard and main street access
    - Commercial streets
  - iii. Commercial / Retail spaces
    - Commercial centre
    - Plaza
    - Village Green.

Advice Note:

*The purpose of Condition 18(m) is to achieve the design intent as outlined in Section 4 of the Queenstown Country Club Design Statement dated September 2016 and attached as Appendix 8 to the AEE. Attention is to be given to materials (hard and softscape), furniture, planting, universal access footpaths and cycleways, lighting (including addressing CPTED and Southern Lights Strategy).*

- n) Detailed design of the Clubhouse car parking spaces providing at least four disabled car parking spaces in the Clubhouse parking area to Council's standards.

**Contaminated Soils**

19. Prior to the commencement of work on or within 15m of any contaminated piece of land identified in the 'Preliminary Site Investigation Report: Queenstown Country Club Special Housing Development', prepared by Opus and dated August 2016 including within 15m of that piece of land, a detailed site investigation (DSI) shall be submitted to the Team Leader, Resource Consents at Council for review and acceptance. The purpose of the DSI is to identify the extent of contaminated soils on the site and proposed remedial measures to mitigate any adverse effects of contamination. Any contaminated soil required to be removed offsite as part of the ground work shall be taken to a facility authorised to accept the waste.
20. Prior to the commencement of works within the area outlined in Condition (19) the Consent Holder shall submit to Council for acceptance a Contaminated Land Site Management Plan prepared by a suitably qualified person as defined in the 'National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health'. The plan/report shall detail health and safety measures to be undertaken on site to limit exposure of persons to contaminated soils during excavation. Once certified, the Contaminated Land Site Management Plan shall be adhered to at all times during construction.
21. Prior to commencement of works within the area outlined in Condition (19), if required, a suitably qualified professional shall prepare a Remedial Action Plan to remove or manage contaminated soils such that no one is exposed to contaminated soils. This Remedial Action Plan shall be submitted to Council for review and acceptance. Once certified, the remedial action plan shall be adhered to at all times during the earthworks. Any actions must be implemented prior to any person living on the site.

**To be monitored throughout earthworks**

22. All works are to be undertaken in accordance with the approved Environmental Management Plan Condition (6) and Construction Management Plan Condition (10).

**Earthworks**

23. Hours of operation for earthworks and construction shall be:
  - a. Monday to Friday (inclusive): 7.30am to 6.00pm
  - b. Saturday: 7.30am to 12.00pm.
  - c. Sundays and Public Holidays: No Activity.
  - d. No heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 7.30am.
  - e. All earth-working activity on the site is to cease by 6.00pm.
24. All earthworks and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the QLDC Land Development and Subdivision Code of Practice who is familiar with the Geosolve Limited Geotechnical report titled 'Queenstown Country Club: Geotechnical Assessment' dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use Applications and who shall supervise the excavation procedure and ensure compliance with the recommendations of these reports.

25. All earthworks shall be undertaken in accordance with the recommendations of the Geotechnical report titled 'Queenstown Country Club: Geotechnical Assessment' prepared by Geosolve Limited and dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use Applications and the Earthworks Plan accepted in condition (17) above.
26. 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. This shall include monitoring the effectiveness of all construction crossings. The loading and stockpiling of earth and other materials shall be confined to the subject site.
27. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the execution of the roading, service, landscaping and facility installations carried out in general accordance with Condition (25) or as reviewed and accepted in Condition (18) above.
28. Only cleanfill material shall be deposited at the sites. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - a) combustible, putrescible, degradable or leachable components;
  - b) hazardous substances;
  - c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - d) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
  - e) liquid waste.

Acceptable materials include: asphalt (cured), bricks, ceramics, concrete, fibre cement building products, glass, road sub-base, soils, rock, gravel and clay provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Only topsoil shall be used for final cover.
29. All exposed areas of soil shall be vegetated and/or sealed within one month of excavation works being completed.
30. Should the exposed soil surfaces be vegetated with grass, bird resistant grass seeds shall be used to avoid attracting birds to the site.
31. All existing public pedestrian walkways and cycleways shall remain open and useable to the public throughout the duration of the works.

#### **Accidental Discovery Protocol**

32. If the Consent Holder:
  - a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (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 koiwi tangata 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, the Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- 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.
  - iv. Site work may only recommence following consultation with Council.

## **Landscaping**

### ***Prior to construction***

- 33. At least 10 working days prior to any works on the land being developed, the Consent Holder shall provide detailed landscape plans and design specifications of any landscaping that is taking place within road reserves (including paper roads), existing reserves or areas proposed to be vested as reserve by a suitably qualified Landscape Architect to be certified (if appropriate), by the Council's Parks Planning Manager, to demonstrate the following:
  - a. Detail of the landscape trees and plants that includes the species, grade, size and location
  - b. Details of any earthworks including cross sections
  - c. Detail of any street tree location in relation to infrastructure
  - d. Irrigation plan showing how trees are to be irrigated
  - e. Tree pit details showing root ball treatment and staking
  - f. Path width, material and construction details
  - g. Details and locations for any other proposed assets, such as park seats, irrigation and fencing
  - h. Maintenance requirements.

#### Advice Note:

*The Consent Holder is welcome to seek guidance from the Parks Planning Manager when preparing the landscape plan. This may facilitate certification if any matters of concern are addressed. Street Tree Planting Guidelines are available on request from the QLDC Arborist.*

- 34. At least 10 working days prior to commencement of any works on the land being developed the Consent Holder shall provide to the Council's Team Leader Resource Consents for certification an updated landscape plan that provides details of the densities, heights and grades of trees / vegetation including any mounding and the staging of the planting for all perimeter planting around the outside edge of the Northern site. The updated landscape plan shall clearly identify and take into account:

- a. avoidance of permanent planting of trees in land that may be required for a future roundabout at Howards Drive / State Highway 6 intersection;
- b. the requirement of condition (38) to temporarily retain existing vegetation along the northern boundary;
- c. existing trees that are to be retained along the eastern and western boundaries including the existing vegetation along the Dementia Unit boundary;
- d. any recommendations identified in the ornithological report required by Condition (36).

Advice Note

*The landscape plan shall be a more detailed version of the following plans prepared by Boffa Miskell:*

- a. 'Planting Plan – Northern Area drawing No. C16005A\_240', dated 03/02/2017
- b. The plans titled 'Section A C16005A\_2320, Section B C16005A\_231, Section C C16005A\_232, all dated 03/02/2017 and '
- c. Planting Plan – Plant List C16005A\_242 Rev 1' and 'Planting Plan – Plant List C16005A\_243 Rev 1' dated 03/02/2017.

35. At least 10 working days prior to commencement of any works on the land being developed the Consent Holder shall provide to the Council's Team Leader of Resource Consents for certification an updated landscape plan for the remainder of the Northern site and for the Southern site that further details:
- a. the landscape treatment of the areas of the site within the Proposed District Plan Outstanding Natural Landscape so as to maintain and enhance the landscape and visual qualities of this area
  - b. the retention of existing vegetation, including the Poplars near the Onslow Road West site and established cedar trees around the gully walkway connection from Lake Hayes Estate to the southern terrace
  - c. the incorporation of a wider palette of species, such as Hebe salicifolia and Olearia species in areas of native planting, and Castanea sativa (sweet chestnut), hazelnuts as orchard species and Laurus nobilis (sweet bay) as evergreen hedging, in areas of exotic planting.

Advice Note

*The landscape plan shall be an updated version of the following plans prepared by Boffa Miskell:*

- a. 'Planting Plan – Northern Area drawing No. C16005A\_240', dated 03/02/2017
- b. 'Planting Plan – Southern Area drawing No. C16005A\_241', dated 03/02/2017
- c. The plans titled 'Section A C16005A\_2320, Section B C16005A\_231, Section C C16005A\_232, all dated 03/02/2017 and '
- d. Planting Plan – Plant List C16005A\_242 Rev 1' and 'Planting Plan – Plant List C16005A\_243 Rev 1' dated 03/02/2017.

36. As part of conditions (33) to (35) the Consent Holder shall include a review of the landscape plans required by Conditions (33), (34) and (35) from a suitably qualified ornithologist that confirms the plant and tree species will not comprise a natural attraction to bird life and will not have an adverse effect on safe aircraft operations by creating additional bird strike hazard at Queenstown Airport. If the review finds that the species will have an adverse effect as mentioned above, the landscape plan shall be revised with alternative tree species to ensure safe aircraft operations.
37. All Northern perimeter (around outside edge of the Northern site) specimen trees, landscaping and mounding, shall be in accordance with the landscape plan certified by way of condition (34) and shall be planted and constructed within the first planting season from grant of this resource consent. All perimeter trees shall be a minimum of 2.5m tall at the time of planting.



Advice Note:

*The objective of this condition is to ensure planting is undertaken and starts to become an effective screen to mitigate the visual effects of the buildings proposed to be constructed. This should occur prior to the buildings being erected to minimise adverse effects from public places.*

38. No vegetation shall be removed from within 20m of the northern boundary (to State Highway 6) within 30 months of the granting of consent, unless the new planting required by Condition (34) has reached a height and density that provides the same visual benefits as the existing planting, in which case the existing vegetation may be removed in whole or in stages, as agreed in writing by the Council's Team Leader, Resource Consents.

Advice Note:

*The objective of this condition is to provide sufficient planting seasons for the new planting to establish to an acceptable level. This increases the opportunity for the planting to grow and lessens the unforeseen circumstances such as a particularly poor growth season.*

39. At the time of removal of vegetation within 20m of the northern boundary approved under Condition 38 above, the consent holder shall be responsible for the undergrounding of existing powerlines along the boundary of the site.
40. All planting covered in Conditions (34) and (35) above shall be in accordance with the approved planting plans and shall be undertaken in the following manner:
- a) Orchard tree planting a minimum of 1.2m tall at the time of planting shall be planted in the first planting season following the first building consent approved for the orchard villas and shall be in accordance with the drawing titled 'Queenstown Country Club: Planting Plan – Northern Area: Drawing No. C16005A\_240, prepared by Boffa Miskell and dated 03/02/2017.
  - b) All other planting within each stage approved under Condition 1 shall be implemented within the first planting season after construction is completed within each stage.
  - c) Wholly native planting shall be planted within the landscape protection area as specified on drawing No. C16005A\_241 Rev 1, prepared by Boffa Miskell and dated 03/02/2017.

**Landscape Maintenance**

41. All new plants shall be maintained to ensure successful development of the planting during the construction phase. This is to include irrigation and weed and pest management. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
42. All planting shall be maintained in perpetuity thereafter. If any plant or tree should die or become diseased it shall be replaced within the next available planting season. This includes ensuring that all native shrubs and grasses proposed on the terrace edges and the knoll are irrigated and maintained to ensure survival and healthy growth.

**On completion of earthworks and prior to construction**

43. Prior to construction of any building, the Consent Holder shall complete the following:
- a) The submission of a Geotechnical Completion Report and Schedule 2A certificate for each stage as earthworks are completed to the Manager of Resource Management Engineering for Council on completion of earthworks with the Schedule 2A certification including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the Consent Holder prior to construction of any building.

- b) The Consent Holder shall include any specific foundation requirements within the dwelling/building designs, if any identified within the Geotechnical Completion Report.
- c) The completion and implementation of the earthworks approved in Conditions (17) and (21) above. The Consent Holder shall prepare and lodge with Council for written certification plans and cross sections showing the finished ground levels are consistent with those accepted in Condition (17) above.

### ***Prior to occupation of buildings and dwellings***

#### ***Infrastructure***

44. Prior to occupation of any building/dwelling, 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 completion and implementation of all works detailed in Condition (18) above.
  - c) A post construction safety audit of all public roads and access ways/right of ways, to confirm construction in accordance with plans reviewed and accepted by Council and that minor unforeseen issues identified are remedied. Recommendations from this post construction safety audit will not include amendment to roading alignments 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.
  - d) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (14) 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
  - e) The Consent Holder shall enter into a developer's agreement between the developer and Council in relation to a maintenance period for the stormwater system, if the system is to be vested in Council.
  - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Wastewater and Water Pump Stations. The certificates shall be in the format of IPENZ Producer Statements.
  - g) The submission of Operation and Maintenance manuals for wastewater and water pump stations.
  - 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 road safety signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public roads (if any).
  - j) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
  - k) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards for the aged care facility, commercial and community buildings/activities contained on Lot 2 (Stage 2) as indicated on plan titled: 'Q6231-12-2 Rev F1' prepared by Paterson Pitts and dated 20/01/2017 and for public roads. Within these areas car parking servicing more than 3 parking spaces the spaces shall be clearly and permanently marked out. Provision shall be made for stormwater disposal.

#### **Advice Note:**

*It is noted that some deviations to Council's standards may take place within the internal roads.*

- l) Any power supply connection to the buildings/dwellings shall be underground from existing reticulation, including the undergrounding of the existing power lines beside State Highway 6 on the Northern site, and in accordance with any requirements and standards of the Network providers.
- m) Any wired telecommunications connection to the buildings/dwellings shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
- n) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- o) The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- p) The Consent Holder shall provide a copy of the developer's agreement reached between the Consent Holder and the Council's Parks and Reserves Department that details the maintenance of trees, irrigation, turf and gardens in the Council owned road reserve areas and cycle and walking trails for a period of three (3) years following practical completion of these areas. This agreement shall include details of replacement planting if any plant shall die within this period. Replacement planting shall take place within the next available planting season. The Council will not continue irrigation following this period. If the resource Consent Holder wishes to continue a higher level of service to these reserve areas following the three (3) years the Consent Holder may elect to continue maintenance by extending the agreement with the Council's Parks Manager. For clarification, the maintenance of cycle trails/walking tracks will be the responsibility of the Consent Holder for a period of three (3) years.

### **Buildings**

- 45. There shall be no building or structures within 75m of the State Highway 6 boundary of the site, as shown on the plan titled 'Queenstown Country Club: Northern Site Building Setback Plan, drawing number C16005A\_205 Rev 1, prepared by Boffa Miskell and dated 03/02/2017.
- 46. All buildings shall be setback from neighbouring property boundaries in accordance with the building setback plan titled 'Queenstown Country Club: Northern Site Building Setback Plan, drawing number C16005A\_205 Rev 1' and 'Queenstown Country Club: Southern Site Building Setback Plan, drawing number C16005A\_206 Rev 1' prepared by Boffa Miskell and dated 03/02/2017.
- 47. All villas and the Clubhouse located between 120m and 75m of the State Highway 6 boundary of the site shall be located and designed as detailed in the AEE prepared by John Edmonds + Associates dated September 2016 and as shown on drawing numbers C16005A\_210 and 211 prepared by Boffa Miskell and dated 03/02/2017. There shall be no more than 21 villas in this area of the site and each villa shall not exceed a footprint shown on the plan prepared by Boffa Miskell C16005A\_210 and 211, and dated 03/02/2017.
- 48. The Clubhouse is to be located as per plan C16005A\_210 and 211, prepared by Boffa Miskell and dated 03/02/2017, but reduced in size to that shown in the plan titled 'Queenstown Country Club, Clubhouse/Floor Plan, RC 01 Rev A' prepared by Warren and Mahoney dated 12/12/2016. The Consent Holder shall provide, for Council approval, Clubhouse elevations plans including details of maximum heights, materials and roofing.
- 49. There shall be no buildings or other structures within the Outstanding Natural Landscape (ONL) as illustrated and marked out on the plan titled 'SH160140 – ONL Landscape Line 9 March 2017', within the general area shown as being occupied by Villas 172 and 173 on plan C16005A\_217 Rev 3, prepared by Boffa Miskell and dated 03/02/2017.

#### Advice Note:

*Consent to Villas 172 and 173 is refused and the area that was to be occupied by the villas is to be kept free of buildings.*

- 50. All villas shall have a maximum height not exceeding 5.8m from the finished ground level as approved in Condition (17).

51. Except for those villas covered by Condition (47), the maximum footprint of any villa shall be 310m<sup>2</sup> (including conservatories). The actual location of each villa is to be in general accordance with the approved master plan titled 'Queenstown Country Club: Master Plan, drawing number C16005A\_204 Rev 2' prepared by Boffa Miskell and dated 03/02/2017, and as modified by Condition (49).
52. All villas shall include two on-site car parking spaces.

**Advice Note:**

*In this case 'on-site' refers to the unit area associated with each villa.*

53. Each villa shall only have one kitchen.
54. Any residential dwelling or retirement village accommodation on the site located within 80 metres of the seal edge of State Highway 6 shall be designed, constructed and maintained to achieve a design noise level of 40 dB LAeq(24h) inside all habitable spaces.
55. A design report prepared by an acoustic specialist shall be submitted and accepted by the Council demonstrating compliance with Condition (54) above, prior to construction or alteration of any dwelling or retirement village accommodation on the site within 80 metres of the seal edge of State Highway 6. All buildings and alterations shall be constructed in accordance with the accepted design report.
56. All building materials shall be in accordance with the approved in Condition (1) above unless otherwise agreed in writing by the Team Leader Resource Consents.
57. Prior to the commencement of any works, plans shall be submitted and approved by the Team Leader Resource Consents which detail residential villa typologies not outlined in the approved Architectural Drawings listed in Condition (1) above. These shall be in general accordance with the architectural design objectives and materials listed within the Resource Consent Drawings dated 12 December 2016. All buildings shall be constructed in accordance with the approved plans.

**Advice Note:**

*The purpose of this condition is to allow flexibility in the final villa designs such that they may not necessarily reflect the plans as approved in accordance with Condition (1).*

**Lighting / Fencing**

58. All exterior lighting shall be a maximum of 3.2m high and directed downwards and away from adjoining sites, and shall be in accordance with the Southern Lights Strategy.
59. Unless otherwise approved by the Team Leader, Resource Consents any fencing located on the boundary of the site shall be limited to:
- a) Fencing that is visually permeable and constructed of natural materials and does not exceed 1.2m. Fencing adjacent the Ladies Mile frontage shall be rural in character, such as post and wire.
  - b) Fencing around the Dementia Care unit shall be permeable 'swimming pool' type fencing (as set out in Drawing C16005A\_223 dated 20/01/2017). This fencing type and height shall be submitted for approval to the Team Leader Resource Consents at Council at the time of building consent lodgment. All fencing shall be constructed in accordance with these approved details.
60. All fencing adjacent to private roads shall have maximum height of 1.2m.
61. Internal fencing within all sites shall be limited to the following:
- a) Screening of private amenity and domestic/commercial storage areas (i.e. clothes drying areas and recycling bin storage areas).
  - b) All screen fencing other than the above screening is to be a maximum of 1.2m with emphasis on avoiding significant domination of street fencing.

**Signage**

62. Details of the entrance signage including the final location, coloured elevation and materials plans shall be provided for approval of the Council's Team Leader Resource Consents. The entrance signs shall be restricted to the three vehicle entrance points to the retirement village and shall be limited to the following:

- a) Maximum 3.4m<sup>2</sup> face area for each sign;
- b) Queenstown Country Club lettering;
- c) Maximum of 1.2m in height (includes the fence/structure it is attached to);
- d) The only illumination shall be down lighting and meet the Southern Lights Strategy.

Specific design consideration shall be given to the colours, materials such as schist, local stone, wood and plaster. All entrance signage shall be in accordance with the approved plans and shall not be erected prior to approval of the Team Leader, Resource Consents.

63. There shall be no exterior signage on the clubhouse.

**Operation of ancillary activities**

64. The ancillary community and recreation activities (gym, health care and child care) shall only operate between the hours of 6.00am to 10.00pm, Monday to Sunday inclusive. Deliveries and rubbish removal shall not occur between the hours of 8pm and 8am.

65. The ancillary commercial activities (retail, cafe and boatshed café/restaurant) shall operate between the hours of 7.00am and 8.00pm, Monday to Sunday inclusive, except that the boatshed cafe/restaurant shall open at 8.00am and may close at 10.00pm. Deliveries and rubbish removal from any ancillary commercial activity shall not occur between the hours of 8.00pm and 8.00am.

66. Prior to the first use of any of the ancillary commercial activities for a cafe or restaurant, the Consent Holder shall submit a Noise Management Plan for certification by the Council. The on-going operation and management of the ancillary commercial activities shall take place in accordance with the certified Noise Management Plan.

67. The Noise Management Plan submitted to the Council shall include a description of each of the noise generating activities associated with the cafe/ restaurant, and the appropriate methods, measures and techniques to achieve the objectives of:

- a) Compliance with the following noise standard:

Activities conducted on the premise shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any adjacent villa or apartment building:

- Daytime (0800 – 2200 hrs) 50 dBA L<sub>10</sub>
- Night-time (2200 – 0800 hrs) 40 dBA L<sub>10</sub> and 75 dBAL<sub>max</sub>

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics.

- b) Details of the noise controls and best practice options for minimising each noise source to achieve the objectives of this condition; including measures to control noise from outdoor activities after 8pm, including outdoor seating areas, vehicle movements and outdoor storage of rubbish and other materials.
- c) A complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken.

68. Use of the Clubhouse shall be solely for residents of the retirement village and their guests. There shall be no commercial hireage of the premises to other parties.

***Access to Gas Storage Facility & CML-FKN-A line***

69. Access to the underground bulk LPG tank owned and operated by Contact Energy shall remain unobstructed unless specific agreement has been provided by Contact Energy and supplied in writing to the Council.
70. The Consent Holder must ensure that access to the CML-FKN-A line for maintenance work (at all reasonable times) and for emergency works (at all times) shall remain unobstructed unless specific agreement has been provided by Transpower and supplied in writing to the Council.

***Volunteered Condition***

71. If and when NZTA proceeds with an upgrade of the Howards Drive/State Highway 6 intersection (in its current location) to a roundabout intersection, the Consent Holder shall at the written request of NZTA (and at NZTA's election) transfer the land reasonably required for a roundabout to NZTA without any compensation payable to the Consent Holder.

*Advice note*

*This condition has been offered by the applicant and is imposed on an Augier basis. This means that the Consent Holder cannot later assert that the condition was unlawfully imposed, but will not preclude the applicant from making an application to change or cancel the conditions for other reasons such as a roundabout being ultimately constructed in a different location.*

***Review***

72. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Section 52 of the HASHAA (section 128 and 129 of the RMA), serve notice on the Consent Holder of its intention to review the conditions of this resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
  - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the HASHAA and RMA.

***Lapse***

73. Under section 51 of the Housing Accords and Special Housing Areas Act 2013, this consent lapses if not given effect to 5 years after the date of commencement of the consent.

*Advice Notes*

- *Any newly planted trees or vegetation within 12 metres of the centreline of the CML-FKN-A transmission line must not exceed 2 metres in height at full maturity and comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.*
- *The Consent Holder is advised to obtain all necessary consents from the Otago Regional Council.*

- *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.*
- *Prior approval from Council's Principal 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.*
- *The Consent Holder is advised to contact the Gas Network operators should gas reticulation be considered for installation through development areas.*
- *The Consent Holder is advised to obtain Council formal approval (License to Occupy or similar) for any private services proposed within the public roading reserve prior to installation, if any.*
- *The land use consent will be completed in stages. Where the conditions above require information to be provided to Council, the amount of information to be provided need only be commensurate with the development being undertaken as part of that stage, but having regard to the entire development.*
- *This resource consent does not include signage other than entrance signage. All other signage would be subject to the District Plan rules.*

## LAND USE CONSENT: ONSLOW ROAD EAST

Resource consent is granted to erect a dwelling on each of the Lots 1 to 21 (Stage 7 subdivision: SH160140) as described in the AEE prepared by John Edmonds + Associates dated September 2016 and as identified on drawings Q6231-12 Sheet No 7, Rev F2, Prepared by Patterson Pitts and dated 07/02/2017.

### **General**

1. This land use consent shall not commence until the Computer Freehold Register has been issued for these residential Lots.
2. The development shall be undertaken in accordance with the following plans and the application as submitted, including amendments presented before and at the hearing, with the exception of the amendments required by the following conditions of consent.

<b>Reference</b>	<b>Drawn by</b>	<b>Dated</b>
C16005A_200 Rev 2	Boffa Miskell	03/02/2017
C16005A_201 Rev 2	Boffa Miskell	03/02/2017
C16005A_203 Rev 2	Boffa Miskell	03/02/2017
C16005A_203A Rev 2	Boffa Miskell	03/02/2017
C16005A_204 Rev 2	Boffa Miskell	03/02/2017
C16005A_216 Rev 1	Boffa Miskell	03/02/2017
C16005A_217 Rev 3	Boffa Miskell	03/02/2017
C16005A_217A Rev 3	Boffa Miskell	03/02/2017
C16005A_221 Rev 4	Boffa Miskell	03/02/2017
C16005A_221A Rev 4	Boffa Miskell	03/02/2017
C16005A_222 Rev 3	Boffa Miskell	03/02/2017
C16005A_222A Rev 3	Boffa Miskell	03/02/2017
C16005A_233	Boffa Miskell	03/02/2017
C16005A_234	Boffa Miskell	03/02/2017
C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017
C16005A_244 Rev 2	Boffa Miskell	03/02/2017
Q6231-12-1 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-2 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-3 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-4 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-5 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 (Alt) Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-7 Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-8 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-9 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-10 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-11 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-12 Rev F2	Paterson Pitts Group	07/02/2017

**stamped as approved on 13 March 2017**

3. 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 77 of the HASHAA and any finalised, additional charges under section 77 of the Act.



4. The Consent Holder is liable for costs associated with the monitoring of this resource consent under Section 77 of the HASHAA and shall pay to Council an initial fee of \$290.

***To be completed before construction of the dwelling***

5. The Consent Holder shall review the subject lot 'Certificate of Title' for any specific foundation requirements, if any, and ensure compliance within the dwelling design.
6. The dwellings shall be designed with access in accordance with the crossing point constructed at the time of subdivision unless otherwise approved by Council engineers.

***Design Controls***

7. Buildings shall comply with the design controls specified in Table One below.

Table One

<b>i. Maximum Building Height</b>	8m (Lots 1 to 8, 18 to 21) 6m (Lots 9 to 17)
<b>ii. Recession Planes</b>	No part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above original ground level at any given point on the site boundary, except that: (i) gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m <sup>2</sup> with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
<b>iii. Building Coverage</b>	The maximum building coverage shall be 45%
<b>iv. Landscape</b>	At least 25% of the site to be permeable surface
<b>v. Continuous Building Length</b>	Any building façade length above one storey shall not exceed 16m.
<b>vi. Setbacks</b>	a) 3m from road boundary b) 1.5m from all other boundaries. With the exception of: i. Lot 1 that shall provide a 3m setback from northern and southern boundaries and 1.5m from eastern and western boundaries ii. Lots 12 to 17 all buildings and structures are to be west of the Building Set Back Line shown on Drawing Q6231-12, Rev F2, prepared by Patterson Pitts, dated 07/02/2017
<b>vii. Boundary Fencing</b>	a) Up to a maximum 1.5m height. b) No fencing shall be located within the landscape protection line shown on drawings Q6231-12 Sheet No 7, Rev F2, Prepared by Patterson Pitts and dated 07/02/2017.
<b>viii. Materials / Colours</b>	a) All building claddings shall be of stacked schist stone, painted or unpainted wooden weatherboards, packed earth or solid plaster. b) Colours are to be of dark recessive tones only and have a LRV less than 35%. c) All building roofing shall be of slate, timber shingles, or a light weight metal cladding (including corrugated roofing) or equivalent imitation materials. Colours shall be of dark, recessive tones with a LRV of less than 35%. d) All windows shall be of low reflective glass. e) All exterior lighting shall be fixed and no higher than 3m metres above finished

	ground level, filtered and pointed downwards and screened so as to reduce lux spill.
--	--

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

8. Prior to the occupation of any dwelling, the Consent Holder shall complete the following:
- The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Each residential unit shall be provided with two off street car parking spaces. Provision shall be made for stormwater disposal.
  - Any power supply connection to the building shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
  - Any wired telecommunications connection to the building shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
  - The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - The dwelling shall be connected to water, stormwater and wastewater connections as established by the underlying subdivision.

***Landscaping***

9. The owners of Lots 11 to 17 shall maintain the structural landscaping within each residential lot south of the 325.5 Contour line, in perpetuity. Should any tree or plant die or fail to thrive it shall be replaced in the next available planting season at the Residential Lot Owner's expense.

***Lapse***

10. Under section 51 of the Housing Accords and Special Housing Areas Act 2013, this consent lapses if not given effect to 5 years after the date of commencement of the consent.

**Advice Note:**

- 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.*

## LAND USE CONSENT: ONSLOW ROAD WEST: LOTS 10 and 11

Resource consent is granted to erect a residential unit on each of the Lots 10 and 11 as described in the AEE prepared by John Edmonds + Associates dated September 2016 and as identified on drawing Q6231-12 Sheet No 6(ALT), Rev F2, Prepared by Patterson Pitts and dated 07/02/2017.

### **General**

1. This land use consent shall not commence until the Computer Freehold Register has been issued for these residential Lots.
2. The development shall be undertaken in accordance with the following plans and the application as submitted, including amendments presented before and at the hearing, with the exception of the amendments required by the following conditions of consent.

<b>Reference</b>	<b>Drawn by</b>	<b>Dated</b>
C16005A_200 Rev 2	Boffa Miskell	03/02/2017
C16005A_201 Rev 2	Boffa Miskell	03/02/2017
C16005A_203 Rev 2	Boffa Miskell	03/02/2017
C16005A_203A Rev 2	Boffa Miskell	03/02/2017
C16005A_204 Rev 2	Boffa Miskell	03/02/2017
C16005A_216 Rev 1	Boffa Miskell	03/02/2017
C16005A_217 Rev 3	Boffa Miskell	03/02/2017
C16005A_217A Rev 3	Boffa Miskell	03/02/2017
C16005A_221 Rev 4	Boffa Miskell	03/02/2017
C16005A_221A Rev 4	Boffa Miskell	03/02/2017
C16005A_222 Rev 3	Boffa Miskell	03/02/2017
C16005A_222A Rev 3	Boffa Miskell	03/02/2017
C16005A_233	Boffa Miskell	03/02/2017
C16005A_234	Boffa Miskell	03/02/2017
C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017
C16005A_244 Rev 2	Boffa Miskell	03/02/2017
Q6231-12-1 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-2 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-3 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-4 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-5 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 (Alt) Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-7 Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-8 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-9 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-10 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-11 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-12 Rev F2	Paterson Pitts Group	07/02/2017

**stamped as approved on 13 March 2017**

3. 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 77 of the HASHAA and any finalised, additional charges under section 77 of the Act.

4. The Consent Holder is liable for costs associated with the monitoring of this resource consent under Section 77 of the HASHAA and shall pay to Council an initial fee of \$290.
5. The Consent Holder shall review the subject lot 'Certificate of Title' for any specific foundation requirements, if any, and ensure compliance within the dwelling design.
6. The dwellings shall be designed with access in accordance with the crossing point constructed at the time of subdivision unless otherwise approved by Council engineers.

### ***Design Controls***

7. Buildings shall comply with the design controls specified in Table One below.

Table One

<b>i. Maximum Building Height</b>	6m
<b>ii. Recession Planes</b>	No part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above original ground level at any given point on the site boundary, except that: (i) gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m <sup>2</sup> with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
<b>iii. Building Coverage</b>	The maximum building coverage shall be 30%
<b>iv. Landscape</b>	At least 25% of the site to be permeable surface
<b>vi. Setbacks</b>	Buildings shall be setback a minimum of 1.5m from all boundaries.
<b>vii. Boundary Fencing</b>	Up to 1.5m in height.
<b>viii. Materials / Colours</b>	<ol style="list-style-type: none"> <li>a) All building claddings shall be of stacked schist stone, painted or unpainted wooden weatherboards, packed earth or solid plaster.</li> <li>b) Colours are to be of dark recessive tones only and have a LRV less than 35%.</li> <li>c) All building roofing shall be of slate, timber shingles, or a light weight metal cladding (including corrugated roofing) or equivalent imitation materials. Colours shall be of dark, recessive tones with a LRV of less than 35%.</li> <li>d) All windows shall be of low reflective glass.</li> <li>e) All exterior lighting shall be fixed and no higher than 3m metres above finished ground level, filtered and pointed downwards and screened so as to reduce lux spill.</li> </ol>

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

8. Prior to the occupation of the dwelling, the Consent Holder shall complete the following:
  - a) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Each residential unit shall be provided with two off street car parking spaces. Provision shall be made for stormwater disposal.
  - b) Any power supply connection to the building shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.

- c) Any wired telecommunications connection to the building shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
- d) The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- e) The dwelling shall be connected to the water, wastewater and stormwater systems established at the time of the underlying subdivision.

***Lapse***

9. Under section 51 of the Housing Accords and Special Housing Areas Act 2013, this consent lapses if not given effect to 5 years after the date of commencement of the consent.

**Advice Note:**

*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.*

## LAND USE CONSENT: ONSLOW ROAD WEST: Lots 13 to 24

Resource consent is granted to erect 12 residential units as described in the AEE prepared by John Edmonds + Associates dated September 2016 (and as identified on drawings C16005A\_222 and C16005A\_222A prepared by Boffa Miskell Limited dated 03/02/2017).

### General

1. The development shall be undertaken in accordance with the following plans and the application as submitted, including amendments presented before and at the hearing, with the exception of the amendments required by the following conditions of consent:

C16005A_200 Rev 2	Boffa Miskell	03/02/2017
C16005A_201 Rev 2	Boffa Miskell	03/02/2017
C16005A_203 Rev 2	Boffa Miskell	03/02/2017
C16005A_203A Rev 2	Boffa Miskell	03/02/2017
C16005A_204 Rev 2	Boffa Miskell	03/02/2017
C16005A_217 Rev 3	Boffa Miskell	03/02/2017
C16005A_217A Rev 3	Boffa Miskell	03/02/2017
C16005A_221 Rev 4	Boffa Miskell	03/02/2017
C16005A_221A Rev 4	Boffa Miskell	03/02/2017
C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017
C16005A_244 Rev 2	Boffa Miskell	03/02/2017
RC.27 Rev A	Warren & Mahoney	12 Dec 2016
RC.28 Rev A	Warren & Mahoney	12 Dec 2016
RC.29 Rev A	Warren & Mahoney	12 Dec 2016

### Option A – Road stopped – plans titled

C16005A_203 Rev 2	Boffa Miskell	20/01/2017
C16005A_217 Rev 3	Boffa Miskell	20/01/2017
C16005A_221 Rev 1	Boffa Miskell	20/01/2017
C16005A_222 Rev 3	Boffa Miskell	20/01/2017
C16005A_241 Rev 1	Boffa Miskell	11/01/2017

### Option B – Road is not stopped – plans titled:

C16005A_203 Rev 1	Boffa Miskell	10/01/2017
C16005A_217 Rev 1	Boffa Miskell	10/01/2017
C16005A_221 Rev 1	Boffa Miskell	10/01/2017
C16005A_222 Rev 1	Boffa Miskell	10/01/2017
C16005A_241 Rev 1	Boffa Miskell	10/01/2017

**stamped as approved on 13 March 2017**

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 77 of the HASHAA and any finalised, additional charges under section 77 of the Act.
3. The Consent Holder is liable for costs associated with the monitoring of this resource consent under Section 77 of the HASHAA and shall pay to Council an initial fee of \$290.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Advice Note:*

*The current standards are available on Council's website via the following link:*

<http://www.qldc.govt/>

**Prior to commencing works on site**

***Construction and Earthworks***

5. At least 10 working days prior to any works commencing on site the Consent Holder shall prepare and submit to the Council for review and acceptance an Environmental Management Plan (EMP) to demonstrate how the Consent Holder shall control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure prepared by QLDC and the "Draft Construction Management Plan" submitted with the consent application.
6. The objective of the EMP is to protect the environment from the potential and actual effects of earthworks and construction activities on the site. Of particular importance is the control of dust from the earthworks, noting that the proximity of the site to the Airport Approach and Protection Measures Designation means that proactive measures should be employed. The terrace site is particularly exposed to the wind and given there is a high residential population plus a flight path immediately adjacent to the site, controls of dust are vitally important.
7. Measures identified in the EMP shall include but not be limited to:
  - a) Staging of the earthworks in manageable amounts/areas to ensure practical dust mitigation is possible supplemented by plans to demonstrate proposed staging and dust and silt migration mitigation
  - b) Wetting:
    - Haul roads (water cart)
    - a. Work areas (k-line)
  - c) Dust suppressant polymer on cleared areas not being traversed in work (if needed)
  - d) Identification of all potential dust emissions, noting that the proximity of the site to the Airport Approach and Protection Measures Designation means that proactive measures should be employed
  - e) The method and timeframe for rehabilitating any temporary construction and batter areas
  - f) Cover loads or do not overload
  - g) Revegetation as soon as works are complete
  - h) Stockpiles of earth no higher than 2m
  - i) Cease works under windy conditions if above methods cannot control dust from ongoing works
  - j) Low speeds on haul roads and defined haul roads.

Alternative measures can be suggested by the Consent Holder or their contractor for consideration by Council.

8. All accepted measures outlined in the EMP shall be implemented prior to the commencement of any earthworks and shall remain in place for the duration of the earthworks, until all exposed areas of earth are permanently stabilised. A Council engineer shall be contacted to inspect these works prior to commencement of earthworks on site or if any changes are proposed after the initial inspection.
9. At least 10 working days prior to the commencement of construction works on the site, the Consent Holder shall prepare and submit to the Council a Construction Management Plan (CMP) for review and acceptance. The objectives of the CMP shall be to provide guidance on the environmental management of the construction of the activities authorised by this consent so as to avoid, remedy or mitigate the adverse environmental effects associated with the construction works.
10. The CMP shall address matters not covered by the EMP (Condition (6)). The CMP must include (but is not limited to) the following:
  - a) The name, contact details, experience and qualifications of the person/s nominated by the Consent Holder to supervise the implementation of, and adherence to, the CMP.
  - b) A staging plan, identifying the construction of each phase of the project and the anticipated timeframe and scheduling for the construction works, including dates and hours of operation.
  - c) A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in the Queenstown Lakes District Operative and Proposed District Plans during earthworks and construction.
  - d) Comments received from Contact Energy (in regard to Condition 10.e.(iii) below).
  - e) The methods that will be employed to address the following specific items of concern:
    - i. Ensure that pools of standing water are unable to form during construction, thereby avoiding any potential attraction of birds to the site.
    - ii. Any temporary lighting of the site that may be required during construction, and the detail as how any potential glare effects will be actively managed to avoid impacting on aircraft operations at Queenstown Airport.
    - iii. Protection of the underground gas reticulation system operated by Rock Gas/Contact Energy.

Advice Note:

*Rock Gas / Contact Energy may require the following:*

- a. *As built plans of the gas network (to be supplied by Contact Energy;*
  - b. *Evidence to show adherence to Contact Energy's conditions for working near its underground gas pipelines (copy attached in Appendix B;*
  - c. *Details confirming how the reticulated gas supply network will be maintained throughout construction.*
11. At least 5 working days prior to commencing work within any Council road reserves, the Consent Holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council, for acceptance. The Traffic Management Plan shall be prepared by a STMS. Where relevant this shall include reference to maintaining safe walking journeys for school children travelling between Lake Hayes Estate and Shotover Primary School. 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 Manager of Resource Management Engineering at Council prior to works commencing.
12. At least 5 working days prior to commencing work onsite, the owner of the land being developed shall provide a letter to the to the Manager of Resource Management Engineering at Council advising who their representative(s) is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of Council's Land Development and Subdivision Code of Practice, in relation to this development.



13. At least 5 working days prior to commencing any work onsite, 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 earthworks and construction process. All prior to commencement of works conditions detailed in these Conditions (being conditions 6 to 16) shall be demonstrated to be met.
14. Prior to commencing any work on the site the Consent Holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Should the construction crossing not prevent earthwork material from tracking onto the public roading network the Consent Holder shall install an appropriate wheel wash facility, in lieu of the gravel construction crossing, for all construction traffic use prior to exiting the site(s).
15. Prior to the commencement of works on site the Consent Holder shall prepare and lodge with the Manager of Resource Management Engineering for acceptance the final Earthworks Plan, which includes existing and finished ground levels and cross sections. These plans are to be in general accordance with the earthworks profiles set out in the application AEE.

### ***Infrastructure***

16. Unless otherwise authorised by the Manager of Resource Management Engineering, 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 certification, 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 (4), to detail the following engineering works required:
  - a) The provision of a water supply to each habitable unit within the development in terms of Council's standards and connection policy. The costs of making these connections shall be borne by the Consent Holder. This shall include either:
    - i. Installation of an Acuflo CM2000 toby valve located at the public road reserve boundary, or an alternative solution acceptable to Council. This shall include an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015
  - OR
  - ii. A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the public road reserve boundary of each saleable lot, or an alternative solution acceptable to Council. The costs of the connection shall be borne by the Consent Holder.
  - b) The provision of necessary upgrades to the Council water supply and sewer drainage networks and facilities to allow for the increased demands generated by the development. For clarity the upgrades may be staged in agreement with Council's Chief Engineer.
  - c) The provision of a foul sewer connection from each habitable building and commercial building within the development to the reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. 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 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; and
    - ii) The individual lateral connections shall be designed to provide gravity drainage; and
    - iii) As part of the Lakes Hayes Estate open drain enhancement the Consent Holder shall prepare a wetland area concept design, to service the development areas prior to discharge to an approved outlet point with the Kawarau River, by a suitably qualified professional.

- iv) 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, and no increase in run-off onto land beyond the site from the pre-development situation.
- v) Development 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 all buildings in the development with a fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- f) The formation of Onslow Road extension in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and acceptance by Council's Manager of Resource Management Engineering with any associated costs met by the Consent Holder.
- g) The formation of all roads in accordance with Council's standards and as shown in SH160140 application drawings.
- h) The provision of road lighting to all public road areas in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy.
- i) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- j) If Option A – Road Stopped is pursued provide detailed design and methods for the relocation of the existing HV cables to be within the road reserve and outside of private property adjoining Onslow Road West.
- k) Detailed design for all cycle/pedestrian trails which shall be designed in accordance with Grade 2 of the Council's cycle trail and track design standards and specifications 2016. Details shall include submitting long sections showing trail gradients as well as detailed engineering cross sections and the details of way finding signage using the Council's branded signage templates.

### **Landscaping**

17. Prior to any works occurring in road reserves or areas proposed to be vested as reserves, the Consent Holder shall provide detailed landscape plans and design specifications of any landscaping that is taking place within road reserve (including paper roads), existing reserves or areas proposed to be vested as reserve and details pertaining to Option A (Road Closes) or Option B (Road is not stopped) (whichever is being pursued) by a suitably qualified Landscape Architect to be certified (if appropriate), by the Queenstown Lakes District Council's Parks Planning Manager, to demonstrate the following:
  - a. Detail of the landscape trees and plants that includes the species, grade, size and location
  - b. Details of any earthworks including cross sections
  - c. Detail of any street tree location in relation to infrastructure
  - d. Irrigation plan showing how trees are to be irrigated
  - e. Tree pit details showing root ball treatment and staking
  - f. Path width, material and construction details
  - g. Details and locations for any other proposed assets, such as park seats, irrigation and fencing

h. Maintenance requirements.

Advice Note:

*The Consent Holder is welcome to seek guidance from the Parks Planning Manager when preparing the landscape plan. This may facilitate certification if any matters of concern are addressed. Street Tree Planting Guidelines are available on request from the QLDC Arborist. If the road reserve*

18. Prior to any works on the site the Consent Holder shall submit to Council for approval a revised planting plan for the Onslow Road West area showing the landscape treatment of the land within the ONL as contained in Lots 3 and Lots 23 and 24 (PPP Group Plans). This is to include details of planting to maintain and enhance the landscape and visual qualities of the ONL.
19. The Consent Holder shall submit to Council a review of the landscape plans required by conditions (17) and (18) from a suitably qualified ornithologist that confirms the plant and tree species will not comprise a natural attraction to bird life and will not have an adverse effect on safe aircraft operations by creating additional bird strike hazard at Queenstown Airport. If the review finds that the species will have an adverse effect as mentioned above, the landscape plan shall be revised with alternative tree species to ensure safe aircraft operations.
20. All planting as shown on the approved landscape plans within Condition 1 (and listed below) as updated by way of Conditions (17) to (19)

C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017

shall be undertaken in the following manner:

- a) Planting required within the direct vicinity of the units (being within the area of future lots) shall be implemented within the first planting season following completion of construction of the relevant unit.
  - b) All other planting shall be implemented within the first planting season after the issue of the first building consent for this development (Onslow Road West).
21. All plants shall be maintained to ensure successful development of the planting during the construction phase. This is to include irrigation and weed and pest management. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
  22. The owners of units shall maintain the structural landscaping implemented under Condition (20) above, including for Units 12 & 13 (PPP Group Plans Lots 23 and 24) the landscaping within the ONL area, in perpetuity. Should any tree or plant die or fail to thrive it shall be replaced in the next available planting season at the owner's expense.

Contaminated Soils

23. Prior to the commencement of work on or within 15m of any contaminated piece of land identified in the 'Preliminary Site Investigation Report: Queenstown Country Club Special Housing Development', prepared by Opus and dated August 2016 including within 15m of that piece of land, a detailed site investigation (DSI) shall be submitted to the Team Leader, Resource Consents at Council for review and acceptance. The purpose of the DSI is to identify the extent of contaminated soils on the site and proposed remedial measures to mitigate any adverse effects of contamination. Any contaminated soil required to be removed offsite as part of the ground work shall be taken to a facility authorised to accept the waste.
24. Prior to the commencement of works within the area outlined in Condition (23) the Consent Holder shall submit to Council for acceptance a Contaminated Land Site Management Plan prepared by a suitably qualified person as defined in the 'National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health'. The plan/report shall detail health and safety measures to

be undertaken on site to limit exposure of persons to contaminated soils during excavation. Once certified, the Contaminated Land Site Management Plan shall be adhered to at all times during construction.

25. Prior to commencement of works within the area outlined in Condition (23), if required, a suitably qualified professional shall prepare a Remedial Action Plan to remove or manage contaminated soils such that no one is exposed to contaminated soils. This Remedial Action Plan shall be submitted to Council for review and acceptance. Once certified, the remedial action plan shall be adhered to at all times during the earthworks. Any actions must be implemented prior to any person living on the site.

***To be monitored throughout earthworks***

26. All works are to be undertaken in accordance with the approved Environmental Management Plan (Condition 5) and Construction Management Plan (Condition 10).

***Earthworks***

27. Hours of operation for earthworks and construction shall be:
  - i. Monday to Friday (inclusive): 7.30am to 6.00pm
  - ii. Saturday: 7.30am to 12.00pm
  - iii. Sundays and Public Holidays: No Activity
  - iv. No heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 7.30am
  - v. All earth-working activity on the site is to cease by 6.00pm.
28. All earthworks and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice and who is familiar with the Geosolve Limited Geotechnical report titled 'Queenstown Country Club: Geotechnical Assessment' dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use Applications and who shall supervise the excavation procedure and ensure compliance with the recommendations of these reports.
29. All earthworks shall be undertaken in accordance with the recommendations of the Geotechnical report titled 'Queenstown Country Club: Geotechnical Assessment' prepared by Geosolve Limited and dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use Applications and the earthworks plan accepted in condition (15) above.
30. 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. This shall include monitoring the effectiveness of all construction crossings. The loading and stockpiling of earth and other materials shall be confined to the subject site.
31. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the execution of the roading, service, landscaping and facility installations, or as reviewed and accepted in Condition (16) above.
32. Only cleanfill material shall be deposited at the sites. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - a) combustible, putrescible, degradable or leachable components;
  - b) hazardous substances;
  - c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - d) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;

- e) liquid waste.

Acceptable materials include: asphalt (cured), bricks, ceramics, concrete, fibre cement building products, glass, road sub-base, soils, rock, gravel and clay provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Only topsoil shall be used for final cover.

33. All exposed areas of soil shall be vegetated and/or sealed within one month of excavation works being completed.
34. Should the exposed soil surfaces be vegetated with grass, bird resistant grass seeds shall be used to avoid attracting birds to the site.
35. All existing public pedestrian walkways and cycleways shall remain open and useable to the public throughout the duration of the works.

#### **Accidental Discovery Protocol**

36. If the Consent Holder:

- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (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 koiwi tangata 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, the Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- 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.

#### ***On completion of earthworks and prior to construction***

37. Prior to construction of any building, the Consent Holder shall complete the following:
- a) The submission of a Geotechnical Completion Report and Schedule 2A certificate for each stage as earthworks are completed to the Manager of Resource Management Engineering for Council on completion of earthworks with the Schedule 2A certification including a statement under Clause 3(e)

covering Section 106 of the Resource Management Act 1991. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the Consent Holder prior to construction of any building.

- b) The Consent Holder shall include any specific foundation requirements within the dwelling/building designs, if any identified within the Geotechnical Completion Report.
- c) The completion and implementation of the earthworks approved in Conditions (15) and (25) above. The Consent Holder shall prepare and lodge with Council for written certification plans and cross sections showing the finished ground levels are consistent with those accepted in Condition (15) above.

### ***Prior to occupation of dwellings***

38. Prior to occupation of any building or dwelling, 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 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 completion and implementation of all works detailed in Condition (16) above, and the completion and implementation of all landscaping required by Conditions (17) to (20).
- c. A post construction safety audit of all public roads and access ways/right of ways, to confirm construction in accordance with plans reviewed and accepted by Council and that minor unforeseen issues identified are remedied. Recommendations from this post construction safety audit will not include amendment to roading alignments 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.
- d. The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (12) for all engineering works completed in relation to or in association with this 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- e. The Consent Holder shall enter into a developer's agreement between the developer and Council in relation to a maintenance period for the stormwater system, if the system is to be vested in Council.
- f. The submission of Completion Certificates from both the Contractor and Approved Certifier for the Wastewater and Water Pump Stations. The certificates shall be in the format of IPENZ Producer Statements.
- g. The submission of Operation and Maintenance manuals for wastewater and water pump stations.
- 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 road safety signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public roads.
- j. Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- k. The construction and sealing of all vehicle crossings, manoeuvring and car parking areas to Council's standards. Each dwelling shall provide 2 car parking spaces. Provision shall be made for stormwater disposal.
- l. Any power supply connection to the dwellings shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.

- m. Any wired telecommunications connection to the dwellings shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
- n. All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- o. The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- p. The Consent Holder shall provide a copy of the developer's agreement reached between the Consent Holder and the Council's Parks and Reserves Department that details the maintenance of trees, irrigation, turf and gardens in the Council owned road reserve areas for a period of 3 years following practical completion of these areas. This agreement shall include details of replacement planting if any plant shall die within this period. Replacement planting shall take place within the next available planting season. The Council will not continue irrigation following this period. If the resource Consent Holder wishes to continue a higher level of service to these reserve areas following the 3 years the Consent Holder may elect to continue maintenance by extending the agreement with the Council's Parks Manager. For clarification, the maintenance of cycle trails/walking tracks will be the responsibility of the Consent Holder which shall be maintained to Council standards in perpetuity.

### **Design Controls**

- 39. Units 1 – 10 (on Lots 13 to 22 of PPP Group Plans) shall be constructed in accordance with the Warren and Mahoney drawings listed in Condition (1) above.
- 40. There shall be no buildings and structures on Lots 23 and 24 (PPP Group Plans) within the Outstanding Natural Landscape Line illustrated and marked out on the plan titled '*SH160140 – ONL Landscape Line 9 March 2017*'. Revised plans for buildings (units 12 & 13) on Lots 23 and 24 (PPP Group Plans) shall be prepared and submitted to the Council for approval prior to their construction, meeting the standards set out in Condition (41) below:
- 41. All buildings shall comply with the following design controls specified in the Table below:

<b>i. Maximum Building Height</b>	8m (Units 1-10 on PPP Group Plans Lots 13-22) 6m (single storey) for Units 12 & 14 on PPP Group Plans Lots 23 and 24)
<b>ii. Recession Planes</b>	None
<b>iii. Building Coverage</b>	45% for Units 1-10 on PPP Group Lots 13-22 30% for Units 12 & 14 on PPP Group Plans Lots 23 and 24.
<b>iv. Road boundary setbacks</b>	No building shall take place within the existing road reserve as indicated in green on the plan titled Q6231-12 Rev F1 prepared by Paterson Pitts and dated 20/01/2017.
<b>vi. Landscape</b>	Lots 23 and 24 (PPP Group Plans): Permeable surfaces only within the ONL
<b>vii. Boundary Fencing</b>	Up to 1.5m maximum height, except that any fencing within the ONL is to be permeable and constructed of natural materials and is not to exceed 1.2m in height. Fencing on the southern boundary of Lots 23 and 24 (PPP Group Plans) shall be rural in character, such as post and wire.
<b>ix. Materials / Colours</b>	<ul style="list-style-type: none"> <li>a. All building claddings shall be of stacked schist stone, painted or unpainted wooden weatherboards, packed earth or solid plaster.</li> <li>b. Colours are to be of dark recessive tones only and have a LRV less than 35%.</li> <li>c. All building roofing shall be of slate, timber shingles, or a light weight metal</li> </ul>

	<p>cladding (including corrugated roofing) or equivalent imitation materials. Colours shall be of dark, recessive tones with a LRV of less than 35%.</p> <p>d. All windows shall be of low reflective glass.</p> <p>e. All exterior lighting shall be fixed and no higher than 1 metre above finished ground level, filtered and pointed downwards and screened so as to reduce lux spill.</p>
--	--

### ***Lapse***

42. Under section 51 of the Housing Accords and Special Housing Areas Act 2013, this consent lapses if not given effect to 1 year after the date of commencement of the consent.

### **Advice Notes:**

- *The Consent Holder is advised to reconfigure the Stage 6 residential development to exclude all public land areas should the road stopping application prove unsuccessful. For clarity this only potentially affects the Onslow Road west development site.*
- *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.*



## Subdivision Consent

Resource Consent is granted in part to the subdivision of Lot 500 DP 470412, Lot 2 DP 20797, Lot 3 DP 464454, Section 109-110 Block III Shotover Survey District, Section 66 Block III Shotover Survey District, Section 129 Block III Shotover Survey District and Lot 403 DP 379403 as shown on the Paterson Pitts Group plans stamped as approved, and as described in the AEE prepared by John Edmonds + Associates dated September 2016.

Resource Consent is refused in relation to the creation of Lot 12 and Lot 25 (Stage 6) in the Onslow Road West area as per plans:

Q6231-12-6 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 (Alt) Rev F2	Paterson Pitts Group	07/02/2017

## General

1. The development shall be undertaken/carried out in accordance with the following drawings and the application as submitted, including amendments presented before and at the hearing, with the exception of the amendments required by the following conditions of consent.

Reference	Drawn by	Dated
C16005A_200 Rev 2	Boffa Miskell	03/02/2017
C16005A_201 Rev 2	Boffa Miskell	03/02/2017
C16005A_202	Boffa Miskell	03/02/2017
C16005A_203 Rev 2	Boffa Miskell	03/02/2017
C16005A 203A Rev 2	Boffa Miskell	03/02/2017
C16005A_204 Rev 2	Boffa Miskell	03/02/2017
C16005A_210	Boffa Miskell	03/02/2017
C16005A_211	Boffa Miskell	03/02/2017
C16005A_212	Boffa Miskell	03/02/2017
C16005A_213	Boffa Miskell	03/02/2017
C16005A_214	Boffa Miskell	03/02/2017
C16005A_215	Boffa Miskell	03/02/2017
C16005A_216 Rev 1	Boffa Miskell	03/02/2017
C16005A_217 Rev 3	Boffa Miskell	03/02/2017
C16005A 217A Rev 3	Boffa Miskell	03/02/2017
C16005A_220	Boffa Miskell	03/02/2017
C16005A_221 Rev 4	Boffa Miskell	03/02/2017
C16005A 221A Rev 4	Boffa Miskell	03/02/2017
C16005A_222 Rev 3	Boffa Miskell	03/02/2017
C16005A 222A Rev 3	Boffa Miskell	03/02/2017
C16005A_223	Boffa Miskell	03/02/2017
C16005A_230	Boffa Miskell	03/02/2017
C16005A_231	Boffa Miskell	03/02/2017
C16005A_232 Rev 1	Boffa Miskell	03/02/2017
C16005A_233	Boffa Miskell	03/02/2017
C16005A_234	Boffa Miskell	03/02/2017
C16005A_240	Boffa Miskell	03/02/2017
C16005A_241 Rev 1	Boffa Miskell	03/02/2017
C16005A_242 Rev 1	Boffa Miskell	03/02/2017
C16005A_243 Rev 1	Boffa Miskell	03/02/2017
C16005A_244 Rev 2	Boffa Miskell	03/02/2017
Q6231-12-1 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-2 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-3 Rev F1	Paterson Pitts Group	20/01/2017

Q6231-12-4 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-5 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-6 (Alt) Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-7 Rev F2	Paterson Pitts Group	07/02/2017
Q6231-12-8 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-9 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-10 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-11 Rev F1	Paterson Pitts Group	20/01/2017
Q6231-12-12 Rev F1	Paterson Pitts Group	20/01/2017

Option A – Road stopped – plans titled

C16005A_203 Rev 2	Boffa Miskell	20/01/2017
C16005A_217 Rev 3	Boffa Miskell	20/01/2017
C16005A_221 Rev 1	Boffa Miskell	20/01/2017
C16005A_222 Rev 3	Boffa Miskell	20/01/2017
C16005A_241 Rev 1	Boffa Miskell	11/01/2017

Option B – Road is not stopped – plans titled:

C16005A_203 Rev 1	Boffa Miskell	10/01/2017
C16005A_217 Rev 1	Boffa Miskell	10/01/2017
C16005A_221 Rev 1	Boffa Miskell	10/01/2017
C16005A_222 Rev 1	Boffa Miskell	10/01/2017
C16005A_241 Rev 1	Boffa Miskell	10/01/2017

**stamped as approved on 13 March 2017**

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 77 of the HASHAA and any finalised, additional charges under section 77 of the Act.
3. The Consent Holder is liable for costs associated with the monitoring of this resource consent under Section 77 of the HASHAA and shall pay to Council an initial fee of \$290.
4. All earthworks and engineering works shall be carried out in accordance with the plans approved and the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Notes

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

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

5. At least 10 working days prior to any works commencing on site the Consent Holder shall prepare and submit to the Council for review and acceptance an Environmental Management Plan (EMP) to demonstrate how the Consent Holder shall control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure prepared by QLDC and the "Draft Construction Management Plan" submitted with the consent application.
6. The objective of the EMP is to protect the environment from the potential and actual effects of earthworks and construction activities on the site. Of particular importance is the control of dust from the earthworks,

noting that the proximity of the site to the Airport Approach and Protection Measures Designation means that proactive measures should be employed. The terrace site is particularly exposed to the wind and given there is a high residential population plus a flight path immediately adjacent to the site, controls of dust are vitally important.

7. Measures identified in the EMP shall include but not be limited to:
  - a) Staging of the earthworks in manageable amounts/areas to ensure practical dust mitigation is possible supplemented by plans to demonstrate proposed staging and dust and silt migration mitigation
  - b) Wetting:
    - Haul roads (water cart)
    - a. Work areas (k-line)
  - c) Dust suppressant polymer on cleared areas not being traversed in work (if needed)
  - d) Identification of all potential dust emissions, noting that the proximity of the site to the Airport Approach and Protection Measures Designation means that proactive measures should be employed
  - e) The method and timeframe for rehabilitating any temporary construction and batter areas
  - f) Cover loads or do not overload
  - g) Revegetation as soon as works are complete
  - h) Stockpiles of earth no higher than 2m
  - i) Cease works under windy conditions if above methods cannot control dust from ongoing works
  - j) Low speeds on haul roads and defined haul roads.

Alternative measures can be suggested by the Consent Holder or their contractor for consideration by Council.

8. All accepted measures outlined in the EMP shall be implemented prior to the commencement of any earthworks and shall remain in place for the duration of the earthworks, until all exposed areas of earth are permanently stabilised. A Council engineer shall be contacted to inspect these works prior to commencement of earthworks on site or if any changes are proposed after the initial inspection.
9. At least 10 working days prior to the commencement of construction works on the site, the Consent Holder shall prepare and submit to the Council a Construction Management Plan (CMP) for review and acceptance. The objectives of the CMP shall be to provide guidance on the environmental management of the construction of the activities authorised by this consent so as to avoid, remedy or mitigate the adverse environmental effects associated with the construction works.
10. The CMP shall address matters not covered by the EMP (Condition (5)). The CMP must include (but is not limited to) the following:
  - a) The name, contact details, experience and qualifications of the person/s nominated by the Consent Holder to supervise the implementation of, and adherence to, the CMP.
  - b) A staging plan, identifying the construction of each phase of the project and the anticipated timeframe and scheduling for the construction works, including dates and hours of operation.
  - c) A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in the Queenstown Lakes District Operative and Proposed District Plans during earthworks and construction.
  - d) Comments received from Transpower (relevant for works on the Southern site only in regard to Condition 10.e.(iii) below); and Contact Energy (in regard to Condition 10.e.(iv) below).
  - e) The methods that will be employed to address the following specific items of concern:
    - i. Ensure that pools of standing water are unable to form during construction, thereby avoiding any potential attraction of birds to the site.

- ii. Any temporary lighting of the site that may be required during construction, and the detail as how any potential glare effects will be actively managed to avoid impacting on aircraft operations at Queenstown Airport.
- iii. The National grid. The protection of the CML-FKN-A transmission line, including tower 116 for the development of the Southern site only.

Advice Note:

*Transpower may require the following:*

- d. *Details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with any damage to the CML-FKN-A line or towers, directly or indirectly caused by works undertaken to give effect to this consent.*
  - e. *Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2011 (NZECP 34:2001) or any subsequent revision of the code, including but not limited to those relating to:*
    - 1. *Excavation and construction near towers (Section 2);*
    - 2. *Building/Structure to conductor clearances (Section 3);*
    - 3. *Ground to conductor clearances (Section 4);*
    - 4. *Mobile plant to conductor clearances (Section 5); and*
    - 5. *People to conductor clearances (Section 9).*
  - f. *Details of any areas that are "out of bounds" during construction and within which additional management measures are required, such as fencing off, entry and exit hurdles and the minimum height for any hurdles. Where a safety observer is required, it shall be at the Consent Holder's cost.*
  - g. *Details of contractor training for those working near the CML-FKN-A transmission lines.*
- iv. Protection of the underground gas reticulation system operated by Rock Gas/Contact Energy.

Advice Note:

*Rock Gas / Contact Energy may require the following:*

- h. *As built plans of the gas network (to be supplied by Contact Energy);*
  - i. *Evidence to show adherence to Contact Energy's conditions for working near its underground gas pipelines (copy attached in Appendix B);*
  - j. *Details confirming how the reticulated gas supply network will be maintained throughout construction.*
11. At least 7 working days prior to commencing any works within the State Highway road reserve, the Consent Holder shall submit a Traffic Management Plan to undertake works to the New Zealand Transport Agency or its Network Management Consultants, for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). 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 Manager of Resource Management Engineering prior to works commencing.
12. At least 5 working days prior to commencing work within any Council road reserves, the Consent Holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council, for acceptance. The Traffic Management Plan shall be prepared by a STMS. Where relevant this shall include reference to maintaining safe walking journeys for school children travelling between Lake Hayes Estate and Shotover Primary School. 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 Manager of Resource Management Engineering at Council prior to works commencing.

13. At least 5 working days prior to commencing work onsite, the owner of the land being developed shall provide a letter to the to the Manager of Resource Management Engineering at Council advising who their representative(s) is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of Council's Land Development and Subdivision Code of Practice, in relation to this development.
14. At least 5 working days prior to commencing any work onsite, 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 earthworks and construction process. All prior to commencement of works conditions detailed in these Conditions (being conditions (5) to (17)) shall be demonstrated to be met.
15. Prior to commencing any work on the site the Consent Holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Should the construction crossing not prevent earthwork material from tracking onto the public roading network the Consent Holder shall install an appropriate wheel wash facility, in lieu of the gravel construction crossing, for all construction traffic use prior to exiting the site(s).
16. Prior to the commencement of works on site the Consent Holder shall prepare and lodge with the Manager of Resource Management Engineering for acceptance the final Earthworks Plan, which includes original and finished ground levels and cross sections. These plans are be in general accordance with the earthworks profiles set out in the application AEE.

### ***Infrastructure***

17. 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 certification, 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 (4), to detail the following engineering works required:
  - a. The provision of a water supply to each habitable unit, and commercial building within the development in terms of Council's standards and connection policy. The costs of making these connections shall be borne by the Consent Holder. This shall include either:
    - i. Installation of an Acuflo CM2000 toby valve located at the public road reserve boundary, or an alternative solution acceptable to Council. This shall include an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015;  
OR
    - ii. A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the public road reserve boundary of each saleable lot, or an alternative solution acceptable to Council. The costs of the connection shall be borne by the Consent Holder.

The provision of necessary upgrades to the Queenstown Lakes District Council water supply and sewer drainage networks and facilities to allow for the increased demands generated by the development. For clarity the upgrades may be staged in agreement with Council's Chief Engineer.

- b. The provision of a foul sewer connection from each habitable building and commercial building within the development to the reticulated sewerage system in accordance with Council's standards and

connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the Consent Holder.

- c. The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within each lot, 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. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot; and
  - ii) The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot; and
  - iii) As part of the Lakes Hayes Estate open drain enhancement the Consent Holder shall prepare a wetland area concept design, to service the development areas prior to discharge to an approved outlet point with the Kawarau River, by a suitably qualified professional.
  - iv) The Consent Holder shall install and maintain the wetland servicing the development areas for a 5 year term following the construction of the wetland. Should the wetland filtration device not be performing effectively and as designed the maintenance term shall be extended for a further 2 years and all necessary remedial works completed by the Consent Holder to rectify the wetland to ensure performance as designed. For clarity the Consent Holder shall not be liable for the cost of maintenance and/or installation of areas not serviced by the subject development.
  - v) 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, and no increase in run-off onto land beyond the site from the pre-development situation.
  - vi) All lots shall be designed to ensure there is no standing water / surface ponding following (up to and including) a 5% AEP rain event.
  - vii) An Operation and Maintenance (O&M) manual for the stormwater soakage/filtering device (wetland) that services Northern and Southern areas and which outlines adequate maintenance instructions and frequencies.
- d. The provision of fire hydrants with adequate pressure and flow to service all buildings and lots in the development with a fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- e. The provision of intersection and road improvements with State Highway 6 and Howards Drive to meet the New Zealand Transport Agency (NZTA) and Queenstown Lake District Council requirements and standards. A copy of the NZTA reviewed and approved plans shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing. These shall include:
  - i. Extending the State Highway 6 queuing length and associated road widening for the right-turn-in lane onto Howards Drive from State Highway 6.
  - ii. The provision of separate left and right turn out lanes from Howards Drive onto State Highway 6.
- f. The formation of intersections with Howards Drive, Jones Avenue and Onslow Road extension in accordance with the latest Austroads intersection design guides. These designs shall be subject to expert review and acceptance by Council with any associated costs met by the Consent Holder and specifically include the following:

- i. The Southern village entrance with Jones Avenue intersection shall be provided with a minimum 70m Extended Design Domain (EDD) Safe Intersection Sight Distance (SISD) in each direction.
  - ii. The widening of the carriageway of Jones Avenue to accommodate a pedestrian refuge island and a right turn bay for vehicles turning right into the Queenstown Country Club Northern site.
  - iii. The Howards Drive intersection with the Northern retirement village entrance shall include a right-turn-in lane from Howards Drive and associated road widening in accordance with latest Austroads design guides.
  - iv. Low speed intersection designs to support safe walking journeys to school between Lake Hayes Estate and Shotover Primary School.
- g. The provision of a bus stop and shelter on each side of Howards Drive as shown on the plans titled C16005A 211, prepared by Boffa Miskell and dated 03/02/2017, and the provision of a safe pedestrian crossing to facilitate the movement of pedestrians across Howards Drive, in accordance with Council standards. The detailed design of the associated road widening, bus stop infrastructure, signage and markings, and pedestrian crossing, are to be expert reviewed and accepted by Council prior to construction of the bus stops and associated infrastructure being undertaken and shall include drop kerbs as necessary to provide for wheelchair access.
- h. The formation of all roads in accordance with Council's standards and as shown in SH160140 application drawings unless otherwise agreed with Council's Manager of Resource Management Engineering, including the following provisions:
- i. The ability for 8m service vehicles to access all road areas during full occupation of on-street parking spaces.
  - ii. All Stage 6 and 7 residential lots and right of ways accessed directly from legal public roads shall be provided with formed vehicle crossings at the time of subdivision.
  - iii. The two right of ways servicing Stage 6 lots shall be formed with a minimum sealed width of 3.5m.
  - iv. Onslow Road extension servicing Stages 6 & 7 shall be formed in accordance with the Code of Practice Design Reference, Figure E12 including the provision of a footpath and indented parking along one side.
  - v. The Onslow Road (east) site under Stage 7 shall be formed in accordance with the Code of Practice Design Reference, Figure E11 except with a 9m legal road reserve.. All indented parking shall be located outside of crossing point locations.
  - vi. A maximum posted speed environment of 30km/hr shall be provided to both the Northern and Southern retirement village roading areas.
  - vii. Avoidance of 90 degree kerb and channel within the area between 75m and 120m of the State Highway and in the boat shed cafe (knoll) area.
  - viii. The formation of footpaths in accordance with Council standards and designed to facilitate access by wheelchairs and mobility scooters.
  - ix. All road drainage sumps shall include the provision of traps and siphons, or alternative solution accepted by the Council.

Advice Note:

*For private roads, Council acknowledge that there may be some departures from the code of practice. These will be subject to the acceptance of the Manager of Resource Management Engineering.*

- i. The provision of road lighting to all public road areas in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Road lighting installed on private roads/rights of way/access lots shall be designed to a Lighting Subcategory of P5 and be privately maintained with all operating costs the responsibility of the lots serviced. Private roads/rights of

way/access lots shall be isolated from the Council's lighting network circuits and be designed to ensure zero upward light spill.

**Advice Note:**

*For clarity the private street/path lighting does not require specific engineering review and acceptance but shall meet the above measures for monitoring purposes only.*

- j. The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- k. Detailed design for all cycle/pedestrian trails which shall be designed in accordance with Grade 2 of the Council's cycle trail and track design standards and specifications 2016. Details shall include submitting long sections showing trail gradients as well as detailed engineering cross sections and the details of way finding signage using the Council's branded signage templates.
- l. If Option A – Road Stopped is pursued provide detailed design and methods for the relocation of the existing HV cables to be within the road reserve and outside of private property adjoining Onslow Road West.
- m. Detailed design drawings of the following areas for Council Team Leader Resource Consents acceptance:
  - 1. Green Spaces
    - Knoll
  - 2. Street Legibility
    - Boulevard and main street access
    - Commercial streets
  - 3. Commercial / Retail
    - Commercial centre
    - Plaza
    - Village Green.

**Advice Note:**

*The purpose of this condition is to achieve the design objectives outlined in Section 4 of the Queenstown Country Club in the Design Statement, dated September 2016 and attached as Appendix 8 to the AEE. Attention is to be given to materials (hard and softscape), furniture, planting, universal access footpaths and cycleways, lighting (including addressing CPTED and Southern Lights Strategy).*

- n. Detailed design of the Clubhouse car parking spaces providing at least four disabled car parking spaces in the Clubhouse parking area to Council's standards.

**Landscaping**

- 18. At least 10 working days prior to the commencement of any works on the land being developed, the Consent Holder shall provide detailed landscape plans and design specifications of any landscaping that is taking place within road reserve (including paper roads), existing reserves or areas proposed to be vested as reserve by a suitably qualified Landscape Architect to be certified (if appropriate), by the Queenstown Lakes District Council's Parks Planning Manager, to demonstrate the following:
  - a. Detail of the landscape trees and plants that includes the species, grade, size and location
  - b. Details of any earthworks including cross sections



- c. Detail of any street tree location in relation to infrastructure
- d. Irrigation plan showing how trees are to be irrigated
- e. Tree pit details showing root ball treatment and staking
- f. Path width, material and construction details.
- g. Details and locations for any other proposed assets, such as park seats, irrigation and fencing
- h. Maintenance requirements.

Advice Note:

*The Consent Holder is welcome to seek guidance from the Parks Planning Manager when preparing the landscape plan. This may facilitate certification if any matters of concern are addressed. Street Tree Planting Guidelines are available on request from the QLDC Arborist.*

19. At least 10 working days prior to the commencement of any works on the land being developed, the Consent Holder shall provide to the Council's Team Leader Resource Consents for certification a detailed landscape plan for Lot 1 Stage 2 that provides details of the densities, heights and grades of trees / vegetation including any mounding and the staging of the planting for all perimeter planting around the outside edge of the Northern site only. All perimeter (around outside edge of the Northern site) specimen trees, landscaping and mounding, shall be planted and constructed within the first planting season from grant of this resource consent. All perimeter trees shall be a minimum of 2.5m tall at the time of planting.

Advice Note:

*The purpose of this requirement is to ensure planting is undertaken and starts to become an effective screen to mitigate visual effects of buildings proposed to be constructed. This should occur prior to the buildings being erected to minimise adverse effects from public places.*

*The landscape plan shall be a more detailed version of the titled: 'Planting Plan – Northern Area drawing No. C16005A\_240' prepared by Boffa Miskell and dated 03/02/2017 and the plans titled 'Section B C16005A\_232', 'Planting Plan – Plant List C16005A\_242 Rev 1' and 'Planting Plan – Plant List C16005A\_243 Rev 1' prepared by Boffa Miskell dated 03/02/2017.*

20. At least 10 working days prior to the commencement of any works on the land being developed, the Consent Holder shall provide to the Council's Team Leader Resource Consents for certification a detailed landscape plan for Lot 3 (Stage 4), Lots 23 and 24 (Stage 6) and Lots 12 to 17 (stage 7) that provides details of the densities, heights and grades of plants / vegetation within the Outstanding Natural Landscape area. All planting and landscaping shall be planted and constructed within the first planting season from grant of this resource consent.

Advice Note:

*The purpose of this requirement is to ensure planting is undertaken in the Outstanding Natural Landscape and starts to become an effective screen to mitigate visual effects of buildings proposed to be constructed. This should occur prior to the buildings being erected to minimise adverse effects from public places.*

*The landscape plan shall be a more detailed and updated version of the titled: 'Planting Plan –Southern Area drawing No. C16005A\_241' Rev 1 prepared by Boffa Miskell and dated 03/02/2017 and the plans titled 'Section B C16005A\_232', 'Planting Plan – Plant List C16005A\_242 Rev 1' and 'Planting Plan – Plant List C16005A\_243 Rev 1' prepared by Boffa Miskell dated 03/02/2017.*

21. Prior to implementation of landscape plans, the Consent Holder shall submit to Council a review of the landscape plans required by Conditions (18), (19) and (20) from a suitably qualified ornithologist that

confirms the plant and tree species will not comprise a natural attraction to bird life and will not have an adverse effect on safe aircraft operations by creating additional bird strike hazard at Queenstown Airport. If the review finds that the species will have an adverse effect as mentioned above, the landscape plan shall be revised with alternative species to ensure safe aircraft operations.

22. No vegetation shall be removed from within 20m of the northern boundary (to State Highway 6) within 30 months of the granting of consent, unless the new planting required by Condition (19) has reached a height and density that provides the same visual benefits as the existing planting, in which case the existing vegetation may be removed in whole or in stages, as agreed in writing by the Team Leader, Resource Consents.-

**Advice Note:**

*The objective of this condition is to provide sufficient planting seasons for the new planting to establish to an acceptable level. This increases the opportunity for the planting to grow and lessens the unforeseen circumstances such as a particularly poor growth season.*

**Contaminated Soils**

23. Prior to the commencement of work on or within 15m of any contaminated piece of land identified in the 'Preliminary Site Investigation Report: Queenstown Country Club Special Housing Development', prepared by Opus and dated August 2016 including within 15m of that piece of land, a detailed site investigation (DSI) shall be submitted to the Team Leader, Resource Consents at Council for review and acceptance. The purpose of the DSI is to identify the extent of contaminated soils on the site and proposed remedial measures to mitigate any adverse effects of contamination. Any contaminated soil required to be removed offsite as part of the ground work shall be taken to a facility authorised to accept the waste.
24. Prior to the commencement of works within the area outline in Condition (23) the Consent Holder shall submit to Council for acceptance a Contaminated Land Site Management Plan prepared by a suitably qualified person as defined in the 'National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health'. The plan/report shall detail health and safety measures to be undertaken on site to limit exposure of persons to contaminated soils during excavation. Once certified, the Contaminated Land Site Management Plan shall be adhered to at all times during construction.
25. Prior to commencement of works within the area outlined in Condition (23), if required, a suitably qualified professional shall prepare a Remedial Action Plan to remove or manage contaminated soils such that no one is exposed to contaminated soils. This Remedial Action Plan shall be submitted to Council for review and acceptance. Once certified, the remedial action plan shall be adhered to at all times during the earthworks. Any actions must be implemented prior to any person living on the site.

**To be monitored throughout earthworks**

26. All works are to be undertaken in accordance with the approved Environmental Management Plan (Condition 5) and Construction Management Plan (Condition 9).

**Earthworks**

27. Hours of operation for earthworks and construction shall be:
  - i. Monday to Friday (inclusive): 7.30am to 6.00pm
  - ii. Saturday: 7.30am to 12.00pm
  - iii. Sundays and Public Holidays: No Activity
  - iv. No heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 7.30am
  - v. All earth-working activity on the site is to cease by 6.00pm.

28. All earthworks and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice and who is familiar with the Geosolve Limited Geotechnical reports titled 'Queenstown Country Club: Geotechnical Assessment' dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use applications, and who shall supervise the excavation procedure and ensure compliance with the recommendations of these reports. This shall include the issue of a Completion Report and Schedule 2A certificate to the Principal Engineer for Council on completion of each relevant stage. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the Consent Holder prior to section 46 certification of the HASHAA being issued, as per s224(c) of the RMA.
29. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the execution of the roading, service, landscaping and facility installations as reviewed and accepted in Conditions (17) above.
30. The Consent Holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure prepared by the Queenstown Lakes District Council and the EMP and CMP approved as part of Conditions (5) and (9) above. 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. A Council engineer shall be contacted to inspect these works prior to commencement of earthworks on site.
31. The earthworks shall be undertaken in accordance with the recommendations of the Geotechnical reports by Geosolve Limited titled 'Queenstown Country Club: Geotechnical Assessment' dated September 2016 as submitted with the Queenstown Country Club Subdivision and Land use Applications.
32. 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. This shall include monitoring the effectiveness of all construction crossings as noted in Condition (15) above. The loading and stockpiling of earth and other materials shall be confined to the subject site.
33. Only cleanfill material shall be deposited at the sites. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - a) combustible, putrescible, degradable or leachable components;
  - b) hazardous substances;
  - c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - d) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
  - e) liquid waste;

Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.
34. All exposed areas of soil shall be vegetated and/or sealed within one month of excavation works being completed.
35. Should the exposed soil surfaces be vegetated with grass, bird resistant grass seeds shall be used to avoid attracting birds to the site.

36. All existing public pedestrian walkways and cycleways shall remain open and useable to the public throughout the duration of the works.

### **Accidental Discovery Protocol**

37. If the Consent Holder:

- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (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 koiwi tangata 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, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- 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.

### **Staging**

38. This subdivision may be staged in any order. For the purposes of issuing approvals under Sections 45 and 46 of the HASHAA, being section 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed, these being:

*Stage 1: Lots 1 and 2. Lot 1 shall be amalgamated with Lot 1 DP27866.*

*Stage 2: Lots 1 and 2. Stage 1 completion shall precede Stage 2.*

*Stage 3: Legalisation of road stopping and land exchange processes to remove public land through development areas.*

*Stage 4: Lots 1 – 4. Stage 3 completion shall precede Stage 4. Lots 3 & 4 shall be amalgamated together. Lot 1 shall be amalgamated with Lot 2 DP475594 and Section 10.*

*Stage 5: Not part of this application*

*Stage 6      Lot 3 and Lots 10-11 and 13-24. Stage 4 completion shall precede Stage 6. Lot 3 shall be amalgamated with Lot 4 of Stage 4.*

*Stage 7      Lots 1 – 24 with Lot 23 being road to vest and Lot 22 to vest as local purpose reserve.*

*Stage 8      Lots 1 and 2. Stage 4 completion shall precede Stage 8.*

*For amalgamations see Condition (40). The stages set out above may be progressed in any order and combined in any order except as noted above, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 45 and 46(c) of the HASHAA, being 223 and 224(c) of the Resource Management Act 1991.*

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

39. Prior to the Council signing the Survey Plan pursuant to Section 45 of the HASHAA (as per s223 of the RMA), 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. This shall include the easements identified by the Paterson Pitts Group 'Proposed Easement Schedule' submitted with the application Scheme Plans, and shall include easements for trails as shown on the approved Patterson Pitts Group plans for each Stage.
- b) Easements in gross shall be established over all Council vested services over private land and shall be a minimum of 3m legal width.
- c) All existing easements to be cancelled as indicated on the approved plan titled: 'Proposed Easement Schedules on sheet Q6231 – 12 Rev F1', prepared by Paterson Pitts Group and dated 20/01/2017.
- d) Lot 22 (Stage 7) shall be vested as Local Purpose Reserve with the Queenstown Lakes District Council and in accordance with the plan titled 'Proposed Easement Schedules on sheet Q6231 – 12, Sheet 7 Rev F2', prepared by Patterson Pitts Group and dated 07/02/2017.

***Advice Note:***

*The delegation to accept land to be vested as reserve sits with Council, and that would need to be approved via Council prior to land titles being requested.*

- e) Lot 23 (Stage 7) shall be vested as legal road with the Queenstown Lakes District Council.
- f) 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 should be submitted to Council prior to the application for the section 223 certificate]*

***Amalgamation Condition (s43 HASHAA – as per s220(1)(b) of the RMA)***

40. The following shall be registered with Land Information New Zealand as they relate to each stage titles pursuant to section 43 of the HASHAA:

- a) Stage 1 - "That Lot 1 hereon be held in the same Computer Freehold Register as Lot 1 DP 27866".
- b) Stage 4 - "That Lot 1 hereon be held in the same Computer Freehold Register as Section 10 hereon and Lot 2 DP 475594".
- c) Stage 4 - "That Lots 3 & Lot 4 hereon be held in the same Computer Freehold Register"
- d) Stage 6 - "That Lot 3 hereon & Lot 4 of stage 4 be held in the same Computer Freehold Register". For clarity the Lot 3 of Stage 4 is further subdivided within Stage 6 to create a new Lot 3. The consent holder shall request a new CSN number from Land Information New Zealand for this amalgamation.

***To be completed before issue of the section 46 certificate of the HASHAA (as per s224(c) of the RMA)***

41. Prior to issue of the section 46 certificate of the HASHAA, as per s224(c) of the RMA, 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 the subdivision at the Consent Holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads to be vested with QLDC or right of ways and access lots, Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Conditions (17), (18), (19) and (20) above.

In particular (and without limiting any requirements to complete all works as required under Condition (41(b)) above):

- i) relevant specifically (in addition to all other requirements under Conditions (17) to (20)) for Stage 2:
  - A) Condition (17) (f)-(h) – intersection & roading improvements
  - B) Condition (17) (l) – formation of trails within Lots 1 & 2 of Stage 2
  - C) Condition (19) – boundary planting to the satisfaction of Council's landscape architect
- ii) relevant specifically (in addition to all other requirements under Conditions (17) to (20)) for Stage 4:
  - A) Condition 17(l) – formation of trails within Lots 2,3 & 4 of Stage 4
  - B) Condition (20) – landscaping as it relates to Lot 3 of Stage 4.
- c) The completion and implementation of the earthworks approved in Conditions (27 to 35) above. The Consent Holder shall prepare and lodge with Council for written certification plans and cross sections showing the finished ground levels are consistent with those accepted in Condition (16) above.
- d) The submission of a Geotechnical Completion Report and Schedule 2A certificate to the Principal Engineer for Council on completion of each relevant stage of development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the Consent Holder prior to section 46 certification of the HASHAA being issued, as per s224(c) of the RMA.
- e) A post construction safety audit of all new roads and access ways/right of ways, to confirm construction in accordance with plans reviewed and accepted by Council and that minor unforeseen issues identified are remedied. Recommendations from this post construction safety audit will not include amendment to roading alignments 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.
- f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply, including the undergrounding of the existing power lines adjacent to SH6 on the Northern site, has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- g) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- h) The submission of Producer Statements and Completion Certificates from the Contractor and the Engineer advised in Condition (13) 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

- i) The Consent Holder shall enter into a developer's agreement between the developer and Council in relation to ongoing maintenance of the stormwater system, if the system is to be vested in Council. This agreement shall bind the developer to its requirements and confirm the following:
  - (i) The applicant takes responsibility for Operation & Maintenance of the stormwater areas for a 5 year period from issue of 224c certification for the final stage of development.
  - (ii) The applicant shall meet the Key Performance Indicators (KPIs) for successful operation and management of the system that are established and agreed with Council through detailed design process prior to Engineering Acceptance by Council.
  - (iii) The Consent Holder shall provide Council annually (31st March) with copies of all ongoing performance monitoring data and reporting a showing compliance with the agreed KPIs and O&M manual.
  - (iv) If the system is not shown to be working effectively during the maintenance period, any remedial works required to ensure the effective and efficient operation of the stormwater disposal system in compliance with the O&M manual and associated KPIs shall be completed by the Consent Holder.
  - (v) In the event of the system not performing effectively during the maintenance period, the maintenance period may be extended by a further 2 years to allow the applicant to demonstrate the effective and efficient operation of the stormwater disposal system prior to handover to Council.
- j) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Wastewater and Water Pump Stations. The certificates shall be in the format of IPENZ Producer Statements.
- k) The submission of Operation and Maintenance manuals for wastewater and water pump stations being vested in Council, if any.
- l) All newly constructed foul sewer and stormwater mains to be vested in QLDC 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.
- m) 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.
- n) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- o) All earthworked/exposed; areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- p) The Consent Holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- q) The completion of all landscaping including mounding in accordance with the plans approved in Conditions (18) to (22) and, in respect of Stage 7, the planting and mounding for Onslow Road East (Stage 7) shown on approved plans for this stage as part of Condition (1) above, to the satisfaction of Council's landscape architect. This shall include all street tree planting approved in Condition (18).
- r) The Consent Holder shall obtain the agreement of the Council's Parks and Reserves Department to vest Lot 22 (Stage 7) as Local Purpose Reserve.
- s) The Consent Holder shall provide a copy of the developer's agreement reached between the Consent Holder and the Council's Parks and Reserves Department that details the maintenance of trees, irrigation, turf and gardens in the Council owned road reserve areas and cycle and walking trails for a period of 3 years following practical completion of these areas. This agreement shall include details of replacement planting if any plant shall die within this period. Replacement planting shall take place within the next available planting season. The council will not continue irrigation following this period. If the resource Consent Holder wishes to continue a higher level of service to these reserve areas following the 3 years the Consent Holder may elect to continue maintenance by extending the agreement with the Council's Parks Manager.

- t) In respect of Lots 13-24 (Stage 6), the erection of a dwelling within each of the lots shall be completed prior to issue of any individual title.
- u) Submit confirmation to Council that all necessary remediation works required under Conditions (23)-(25) in respect to contaminated land have been completed.

***Ongoing Conditions/Consent Notices pursuant to section 44 of the HASHAA, as per s221 of the RMA***

42. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to section 44 of the HASHAA:

- a) A Consent Notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for the relevant lots 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 (17(c)(v)) above. 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.
- b) In respect to Stage 7 and Lots 10-11 of Stage 6: At the time a dwelling is constructed the owner for the time being shall construct a sealed vehicle crossing to all sites to Council's standards, if none existing. The design of the vehicle crossing shall be subject to approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and construction of the crossing approved by a Council Inspector prior to occupation of the dwelling.
- c) Open fires, excluding gas fires, are prohibited in all residential accommodation.
- d) The following Consent Notice conditions specific to Lot 1 (Stage 2) shall be registered against the title for Lot 1 (Stage 2):
  - 1) *No buildings or structures shall be constructed within 75m of State Highway 6 as shown the plan titled: 'Queenstown; Country Club, Northern Site, Building Setback Plan, C16005A\_205 Rev 1 dated 03/02/2017. The area within 75m of the State Highway shall be maintained as open pasture, except for an avenue of trees beside the State Highway.*
  - 2) *If and when NZTA proceeds with an upgrade of the Howards Drive/State Highway 6 intersection (in its current location) to a roundabout intersection, the landowner shall at the written request of NZTA (and at NZTA's election) transfer the land reasonably required for a roundabout to NZTA without any compensation payable to the landowner.*

**Advice Note**

*Condition 42 (d) (2) has been offered by the applicant and is imposed on an Augier basis. This means that the Consent Holder cannot later assert that the condition was unlawfully imposed, but will not preclude the applicant from making an application to change or cancel the conditions for other reasons such as a roundabout being ultimately constructed in a different location.*

- 3) *No vegetation shall be removed from within 20m of the north boundary (to SH6) within 30 months of the date of the commencement of SH160140, unless agreed to in writing by Council. Once vegetation is removed the Consent Holder shall complete the undergrounding of power lines in this location along the boundary of the site.*

**Advice Note**

*The objective of this condition is to provide additional planting seasons for the establishment of the new avenue planting established on the site, increasing the opportunity for growth and lessening the impact of unforeseen circumstances such as a particularly poor growth season.*



- e) The following Consent Notice conditions specific to Lots 1 and 2 (Stage 2) and Lots 2 and 3 (Stage 4)/Lot 3 (Stage 6) shall be registered against the title:

- 1) *All planting and mounding, including perimeter planting and that within the ONL, as approved in accordance with the plans required by Conditions 19 & 20 of SH160140 and drawings C16005A\_240, C16005A 241, C16005A 242 and C16005A 243, prepared by Boffa Miskell dated 03/02/2017 respectively shall be maintained in perpetuity. Any plant which dies shall be replaced within the next available planting season, so that the objective as shown on drawings C16005A\_240, C16005A 241, C16005A 242 and C16005A 243, prepared by Boffa Miskell dated 03/02/2017 is achieved.*
- 2) *There shall be no further development or subdivision (excepting Boundary Adjustments) of Lot 3 (Stage 4)/ Lot 3 (Stage 6). This lot shall be maintained as open space.*

- f) The following Consent Notice condition specific to Lots 23 and 24 (Stage 6) shall be registered against the titles:

*No buildings/structures shall be located south of the Outstanding Natural Landscape Line illustrated and marked out on the plan titled 'SHA160140 – ONL Landscape Line 9 March 2017'.*

- g) The following Consent Notice condition specific to Lots 3, 23 and 24 (Stage 6) and Lots 11 to 17 (Stage 7) shall be registered against the titles.

*The landscaping and mounding approved under Condition (20) of SH160140 (being based upon that illustrated on the plan titled 'Planting Plan-Southern Area drawing no. C16005A\_241 Rev 1' prepared by Boffa Miskell dated 03/02/2017) shall be maintained in perpetuity. Any plant which dies shall be replaced within the next available planting season, so that the objective of achieving mitigation and screening as shown on the approved landscaping plan is achieved.*

- h) The following Consent Notice condition specific to Lots 10-11 and 13-24 (Stage 6) and 1-21 (Stage 7) shall be registered against the titles:

- 1) *Visitor accommodation use on the lot is prohibited*
- 2) *No more than one residential unit is permitted on each lot.*

- i) The following Consent Notice condition specific to Lots 9-17 (Stage 7) shall be registered against the titles:

- 1) *The maximum height of any building on the site shall be 6m.*

- j) The following Consent Notice condition specific to Lots 13-24 (Stage 6) and 1-21 (Stage 7) shall be registered against the title:

- 1) *The establishment of a residential flat on the site is prohibited.*

- k) The following Consent Notice condition specific to Lots 11 to 17 (Stage 7) shall be registered against the titles:

- 1) *No buildings/structures or fencing shall be located south of the Building Setback Line illustrated and marked out on the plan titled Q6231-12-7 Rev F2 prepared by Paterson Pitts dated 07/02/2017.*

- l) In the event that the Schedule 2A certificate issued under Condition (3) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read;

*"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in*

*accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*

### ***Lapse***

43. Under section 51 of the Housing Accords and Special Housing Areas Act 2013, consent for Stages 1 to 6 and 8 lapses if not given effect to 5 years after the date of commencement of the consent. Consent for Stage 7 (Onslow Road East) lapses if not given effect to 2 years after the commencement of the consent.

### **Advice Notes:**

1. *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.*
2. *The Consent Holder is advised to reconfigure the Stage 6 residential development to exclude all public land areas should the road stopping application prove unsuccessful. For clarity this only affects the Onslow Road west development site.*
3. *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.*
4. *The Consent Holder is advised to obtain all necessary consents from the Otago Regional Council.*
5. *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.*
6. *Prior approval from Council's Principal 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.*
7. *The Consent Holder is advised to contact the Gas Network operators should gas reticulation ;be considered for installation through development areas.*
8. *The Consent Holder is advised to obtain Council formal approval (License to Occupy or similar) for any private services proposed within the public roading reserve prior to installation, if any.*

## **CONSENT NOTICE CANCELLATIONS**

The application by Sanderson Group Limited to cancel Consent Notices 7067811.9 and 7636760.3 as they relate to Lot 403 DP 379403 is granted pursuant to Section 44 of the HASHAA and Section 221 of the Resource Management Act 1991, such that:

1. Consent Notice 7067811.9, as it relates to Lot 403 Deposited Plan 379403 is cancelled.
2. Consent Notice 7636760.3, as it relates to Lot 403 Deposited Plan 379403 is cancelled.
3. These cancellations shall not be enacted until the section 224(c) for Onslow Road East (Stage 7) has been issued.
4. At the time consent is given effect to, the Consent Holder and Council shall cancel the consent notice and shall execute all documentation. All costs shall be borne by the Consent Holder.



